

FRICTION MATERIALS STANDARDS INSTITUTE, INC., EAST 210 ROUTE 4, PARAMUS, NJ 07652

November 3, 1983

To: Officers and Board of Directors

Subject: OSHA Emergency Standard for Asbestos Exposure and the Institute's
Health and Environmental Affairs Committee

Today's NEW YORK TIMES front-paged the decision of OSHA to proceed with an Emergency Temporary Standard lowering the maximum 8 hour Time Weighted Average (TWA) asbestos exposure level from 2 fibers per cc. to 0.5 fibers per cc. A copy of the article as it appeared in the TIMES is enclosed. As noted, a spokesperson stated that OSHA hoped that the emergency rule would be published in the FEDERAL REGISTER on Friday, November 4, 1983.

Before distributing this information to the full Membership, I will wait for the FEDERAL REGISTER document to spell out the details.

Any action or response to this OSHA move would ordinarily be coordinated by our Health and Environmental Affairs Committee. However, Mr. Jim Armstrong of Bendix Corporation, who has chaired our Health and Environmental Affairs Committee called me yesterday on his plans. In summary he noted that due to the Allied Corporation takeover of the Bendix Corporation, that he will not be with Bendix after January 1. Mr. Armstrong indicated that he would write me concerning his move, and noted that he would no longer be able to serve as Chairman or a Member of this Committee.

Based on this OSHA move and Mr. Armstrong's plans, I called Mr. Bob Nelson of Abex, President of the Institute, but was advised that Mr. Nelson was not in the office, being out ill.

I will await Mr. Nelson's return to the office as concerns restructuring the Committee. When the FEDERAL REGISTER publishes details on this Emergency Temporary Standard, I will advise the Membership. Any action on the Institute's part will depend on input from Mr. Nelson and the Committee.

The foregoing is for your information.

E. W. Drislane
Executive Director

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Enc.

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NEW YORK TIMES, November 3, 1983

EMERGENCY RULING SET BY JOB AGENCY ON ASBESTOS PERIL

'Grave Danger' to 375,000 Is
Cited — Permissible Level
of Exposure Is Cut 75%

By The Associated Press

WASHINGTON, Nov. 2 — The Labor Department, warning today that 375,000 workers faced "grave danger" from asbestos fibers, reduced by 75 percent the permissible level of exposure in the manufacturing, construction and maritime industries.

An agency of the department, the Occupational Safety and Health Administration, put out an Emergency Temporary Standard lowering the legal asbestos exposure level over an eight-hour day from 2 fibers a cubic centimeter of air to half a fiber.

The emergency rule, the first by the Reagan Administration, is enforceable immediately upon publication in the Federal Register. A spokesman, Douglas Clark, said the agency hoped that would occur Friday.

Agency Risk Assessments

In announcing the action, Labor Secretary Raymond J. Donovan said the job safety agency's risk assessment predicted "three excess cancer deaths per 1,000 workers exposed for one year at the current permissible exposure level."

Those studies also showed "risk of grave danger" to people who have even short-term asbestos exposure, the agency said, adding that the mortality rate was 53 times higher for smokers who are exposed to asbestos.

Such studies indicate that lowering the asbestos level to half a fiber a cubic centimeter of air will "save many lives," the agency said.

Cancer and Lung Disease Link

Asbestos, a fibrous mineral widely

used as a fire retardant in buildings and reinforcement in concrete pipes, has been shown to cause cancer and debilitating lung diseases.

Unions representing workers in construction and manufacturing industries had been pressing the Administration to take such emergency action. An asbestos health standard has been on the books since 1972, not long after the Occupational Safety and Health Administration was created, but has remained unchanged since 1976.

Under Government procedures, the job safety agency must propose a permanent asbestos standard and seek public comment on it within 60 days of publication of the emergency rule.

The agency administrator, Thorne G. Auchter, said last April that he was speeding OSHA's work on tightening the existing asbestos standard. In a letter to Sheldon Samuels, director of health and safety of the Industrial Union Department of the American Federation of Labor and Congress of Industrial Organizations, Mr. Auchter said, "Personally, I am very concerned about the asbestos problem."

He said at the time that the agency planned to issue new rules by June 1984.

Mr. Clark said the emergency standard was released today because OSHA officials had only just completed work on the document, which emerged in draft form eight weeks ago. He said that the agency was "making very minor changes" in the emergency standard as late as Tuesday morning.

He said Mr. Auchter was concerned about the fact that whenever an emergency standard was issued, OSHA was not permitted to go through the normal, time-consuming process of seeking formal comment from interested groups. So, in the last two months, Mr. Clark said, the agency circulated its risk assessment among scientists in private business to obtain their feelings on the proposal.

Asked why the emergency standard was issued when Mr. Auchter had said earlier that asbestos regulation would be handled through the normal rule-making process, Mr. Clark said, "As we got into it, and produced a risk assessment, it just seemed this was the most appropriate way to go."

Mr. Samuels said he was pleased by the agency's move against asbestos, but added: "The real test is whether they have put into place the enforcement mechanism. It's the quality, rather than the quantity, of enforcement."

Three large asbestos concerns, the Manville Corporation, UNR Industries Inc. and the Ametex Corporation, have filed for bankruptcy law protection in the face of thousands of lawsuits by former workers who claim they contracted respiratory problems as a result of their jobs.

Increasing Concern Voiced

Issuance of the emergency standard was spurred in part by increasing concern about the exposure of construction industry workers to asbestos at work sites where buildings were being demolished. The agency said in October that it was stepping up Government inspections of these sites.

The emergency standard also requires that employers train their workers in the handling of asbestos.

The standard permits wide flexibility on how companies achieve the lower exposure levels. Such methods include removing fibers from workplace sites with suction equipment, reorganizing work practices and furnishing respirators to workers.

Unions contend that strict engineering controls are the best solution to the problem.

Mr. Donovan noted, however, that the Occupational Safety and Health Act required that such health standards call for corrective measures that are "clearly feasible" to industry. Similar standards have been successfully challenged in court by industry.

Mr. Donovan said he agreed that workers were "exposed to grave danger."

Doubts Voiced by Industry

A spokesman for the asbestos industry said last night that producers were "unaware of any scientific proof to sustain any such grave danger" to workers as contended by the Labor Department.

Bob J. Pigg, executive director of the Asbestos Information Association, said in a telephone interview that the industry considered an emergency temporary standard for permissible exposure to asbestos fibers "unnecessary and unwarranted."

Mr. Pigg said that although the industry opposed the emergency standard, it would comply by using one or more of several methods, such as supplying breathing apparatus to workers, increasing dust-removal equipment and relocating work stations to places where the exposure level was below the permissible limit. He said it would be difficult to estimate the added cost pending further study.