

Interoffice Memorandum



TO (Name and Location)	DATE
Distribution	July 9, 1986
OM (Name and Location)	REFERENCE NO.
Bruce T. Bowyer	BTB-86-66

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PLAINTIFF'S EXHIBIT

CEL-1134

SUBJECT: Final Rule - Occupational Exposure to Asbestos

On June 20, 1986, OSHA published in the Federal Register the final rule on "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite." This rule establishes a permissible exposure limit of 0.2 fibers/cc and an action level of 0.1 fibers/cc. This is a reduction in the existing PEL by a factor of 10. The standard does not include a ceiling limit.

The final rule contains a section for General Industry (1910.1001) and a section for Construction (1926.58). Both sections are very similar in their requirements.

Gary Rowen, Associate General Counsel in New York, has said that the construction standard applies to Celanese employees if they are engaged in construction work as defined in CFR 1910.12 (see attached memo GMR:139:86). Therefore, the following provisions marked ** apply to Celanese employees when doing demolition, maintenance, etc.

A summary of the significant parts of the rules follows:

Definitions:

Asbestos - includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

Tremolite, anthophyllite, or actinolite - the non-asbestos form of these minerals, and any of these minerals that have been chemically treated and/or altered.

Fiber - a particulate form of asbestos* 5 micrometers or longer, with a length-to-diameter ratio of at least 3 to 1.

*Note: The use of the term asbestos in the rest of this summary includes asbestos, tremolite, anthophyllite, and actinolite as defined above.

DO IT RIGHT THE FIRST TIME

Definitions (continued):

****Competent person** - one who is capable of identifying existing asbestos hazards in the workplace and who has the authority to take prompt corrective measures to eliminate them. The duties include at least the following: establishing the negative-pressure enclosure, ensuring its integrity, and controlling entry to and exit from the enclosure; supervising any employee exposure monitoring required; ensuring that all employees wear the appropriate personal protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decontamination procedures; and ensuring that engineering controls in use are in proper operating condition.

Exposure Monitoring Requirements

- **(1)** Monitoring at the initiation of each asbestos job.
- (2) Objective data may be used to demonstrate that employee exposures cannot exceed the action level under those conditions having the greatest potential for release of asbestos.
- (3) Where data exists on jobs closely resembling the current job in all aspects, this data may be used to meet this requirement.
- **(4)** Daily monitoring is required within regulated areas. Daily monitoring is not required if all employees within a regulated area are equipped with supplied-air respirators operated in the positive-pressure mode.

Monitoring may be terminated if the employee exposures, as indicated by statistically reliable measurements, are below the action level.

All samples shall be personal samples collected following the procedure specified in Appendix A. This procedure requires the use of a 25 mm diameter cassette with an open-faced 50 mm extension cowl.

****Requirements for removal, demolition, and renovation operations**

A 'competent person' must be designated to perform or supervise:

- 1) Set up and integrity of enclosures
- 2) Control entry to and exit from the enclosure
- 3) Supervise exposure monitoring
- 4) Ensure protective equipment requirements are followed
- 5) Ensure that training is conducted
- 6) Ensure hygiene procedures are followed
- 7) Ensure that engineering controls are functioning properly

The 'competent person' shall be trained in all aspects of asbestos abatement, the contents of this standard, the identification of asbestos, proper removal procedures and appropriate practices for reducing the hazard of exposure to asbestos. This training shall be obtained in a comprehensive course.

Exception: For small-scale, short-duration operations, such as pipe repair, valve replacement, etc., this requirement may be omitted.

Compliance Program

Where the PEL is exceeded, a written program shall be established and implemented to reduce employee exposure to or below the PEL by means of engineering and work practice controls and by the use of respirators.

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Employee Notification

✓ Employees shall be notified of monitoring results within 15 days (** as soon as possible) after their receipt. The notification shall be in writing.

For general industry, notification shall include corrective action taken to reduce exposures if results indicate exposures exceed the PEL.

Methods of Compliance

Engineering and administrative controls are to be used where feasible.

Employee rotation shall not be used as a means of compliance with the exposure limit.

Respiratory Protection

Respirators are permitted where engineering and administrative controls are not adequate to meet the PEL and for maintenance and repair activities where engineering and administrative controls are not feasible.

Respirator selection - there is a hierarchical approach to respirator selection based on exposures. However, dust masks are not permitted for exposures exceeding the PEL. HEPA respirators are the minimum acceptable respirator at exposures up to 10 times the PEL.

Fit testing - required at the time of assignment and at least every six months thereafter. Qualitative fit testing is acceptable only for half mask respirators. Quantitative fit testing must be used for all other respirators. Fit testing must be done as described in Appendix C.

Hygiene Facilities

For employees required to work in regulated areas, including small scale, short duration operations, change areas and shower facilities must be provided. Except for small scale, short duration operations, the change area must be adjacent and connected to the regulated area.

The hygiene facilities must include a decontamination area, a shower area, and a clean room.

Employers must ensure that employees follow decontamination procedures.

Communications

Warning signs are required at regulated areas and at approaches to regulated areas.

Labels are required on all containers of asbestos.

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Employee Information and Training

Employee training is required for all employees exposed above the action level. The training must be repeated at least annually. Details of the content required are provided in the standard.

Recordkeeping

Records required to be kept include: (1) objective data for exempted operations, (2) exposure measurements, and (3) medical surveillance records.

Medical Surveillance

Kevin Soden and Mickey Lanier will be providing details about the medical surveillance requirements.

Effective Date

July 21, 1986 for all but the following:

Employees whose exposure exceeds 2 fibers/cc - July 21, 1986

Employees whose exposure exceeds the PEL but is less than 2 fibers/cc - November 17, 1986.

Powered air-purifying respirators provided under (g)(2)(ii) - January 16, 1987.

Hygiene and lunchroom facilities - plans by January 16, 1987 and construction completed and in use by July 20, 1987.

Employee training - October 20, 1986.

Medical surveillance - November 17, 1986.

Compliance program - no later than July 20, 1987.

Engineering and work practice controls - July 20, 1988.

A copy of the rules is attached for your information. If you have specific questions or need further interpretation, please call.



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10325

Office of
GENERAL COUNSEL



TO: See Below*

REF.
NO.

FROM: Gary M. Rowen

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NO. GMR:139:86

DATE July 3, 1986

*B.T. Bowyer - Charlotte
L.L. Henderson - Corpus Christi
D.B. Johnson - Summit
V.A. Parrillo - Chatham
M.R. Stenzel - Dallas
A.J. Worster - Louisville

Re: Revised OSHA Asbestos Standard

On June 20, 1986, OSHA published a final rule revising the General Industry Standard regulating occupational exposure to asbestos and establishing a Construction Industry Standard regulating exposure to asbestos. A copy of the new regulation and excerpts from the preamble are attached.

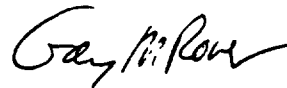
Separate Standards have been established for general industry and construction activities. Both Standards, however, establish permissible exposure limits of 0.2 fibers per cubic centimeter of air ("0.2 f/cc") as an 8-hour time-weighted average. Both Standards also establish action levels of 0.1 f/cc as an 8-hour TWA as the level above which employers must initiate certain compliance activities. The previous OSHA PEL for asbestos exposure for general industry activities is 2 f/cc.

The Standards require the establishment of regulated areas, exposure monitoring, methods of compliance, respiratory protection, protective clothing, hygiene facilities and practices, hazard communication including specific labeling requirements, housekeeping requirements, medical surveillance, and recordkeeping requirements. The effective date for both

Standards is July 20, 1986. Both Standards also provide delayed startup dates for the new provisions contained in the Standards or for increased requirements which result from the reduction of the PEL from 2 f/cc to 0.2 f/cc. In the Construction Standard, for example, the new requirements become effective January 16, 1987. Compliance with the existing Standard must be maintained until compliance of the new Standard is achieved.

Due to the minimal exposure to asbestos in most of our operations, the General Industry Standard should have only limited effect upon us. The Construction Standard, however, applies to all construction, alteration and/or repair, including painting and decorating, at our plants whether or not this work is performed by our employees or an outside construction contractor. 29 CFR 1910.12(b) incorporates all construction standards into the standards for General Industry so that the construction standards apply to the employees of a manufacturer performing construction activities. This is discussed in the preamble at 51 Fed. Reg. 22678 and 22705 (June 20, 1986).

Please distribute copies of the new Standards to your various locations as appropriate.



Gary M. Rowen

/sc

Attachment

cc: J.M. Ramey
G.A. Rodenhausen
J.F. Stelluto
G.A. Vos

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