

Asbestos Information Association/North America

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June 12, 1972

TO: AIA/NA MEMBER COMPANIES
AIA/NA ENVIRONMENTAL CONTROL SUB-COMMITTEE
AIA/NA LEGAL COUNSEL

James Armstrong	- Bendix Corporation
E. C. Bratt	- H. K. Porter Company, Inc.
G. G. Gabrielson, Jr.	- Nicolet Industries, Inc.
Bernard Gross	- American Bilt Rite Rubber Company
J. C. Harkins, Jr.	- Congoleum Industries Inc.
A. R. Hooker	- The Flintkote Company
C. A. Neumann	- Kentile Floors Incorporated
G. W. Nickel	- Armstrong Cork Company
J. W. Rawlings	- Union Carbide Corporation
Clifford Seymour	- The Carborundum Company
Philip Weinstein	- Evertex Incorporated
G. W. Wright, M.D.	- St. Luke's Hospital

Gentlemen:

On June 22, 1972, a special meeting of the Asbestos Information Association/North America will be held in the Biddle Room of the Harvard Club, 27 West 44th Street, New York City. The meeting will begin at 10 A.M. and will continue through lunch.

The purpose of the meeting is to discuss future industry action with regard to the new Federal Occupational Safety and Health Administration (OSHA) standards on asbestos.

Because of the generally reasonable regulations issued by OSHA and the 1976 effective date of the two fiber standard, the asbestos industry may be lured into a false sense of security and consider the OSHA battle to be over. This would be a most serious error to make. If we are to convince OSHA that the two fiber standard and other unfavorable sections of the regulations must be changed, then we must begin now to develop the medical, technical and economic evidence necessary to prove our point. In the introduction to the regulations on page 11318 of the Federal Register, it states:

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"In view of the undisputed grave consequences from exposure to asbestos fibers, it is essential that the exposure be regulated now, on the basis of the best evidence availabel now, even though it may not be as good as scientifically desirable. An asbestos standard can be revaluated in the light of the results of ongoing studies, and future studies, but cannot wait for them. Lives of employees are at stake."

The regulations can be changed, but it is up to the industry to prove to OSHA that changes are necessary and what those changes should be. It is desirable, therefore, for the AIA/NA to monitor ongoing studies and to encourage and support additional studies as are needed to:

1. Determine as precisely as possible over the next four years a safe numerical standard for the various asbestos-related diseases. While much has been accomplished in this area in the past, additional studies are needed.

2. Determine whether one or more varieties of asbestos is more or less hazardous than any other variety.

3. Determine through on-the-job evaluation the technological feasibility of achieving both five and two fibers throughout the industry.

4. Determine the actual cost to the industry in both dollars and jobs of achieving two and five fibers.

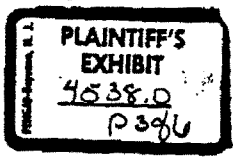
5. Determine the degree of reliability of the membrane filter method as a policing and monitoring tool in the asbestos industry. A proposal for an AIA/NA sponsored study in this area is presently under consideration.

6. Develop other evidence as required to establish the necessity of additional changes in the regulations as deemed desirable by the industry.

In addition to the above, other topics to be covered at the June 22 meeting will include:

a. The overall effect on the industry of the new standards.

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b. Programs of assistance for industry companies and customers to help them comply with the regulations.

c. The establishment of a cooperative working relationship with OSHA with regard to the implementation and interpretation of the standards.

d. The advisability of legal action by the AIA/NA against OSHA, especially in light of (1) the four year effective date of the two fiber standard, (2) the favorable decisions by OSHA on most other industry recommendations (see attached two page summary of OSHA acceptance of industry vs NIOSH and Advisory Committee recommendations), (3) the high cost ($300-500,000) of such a suit, (4) the slim possibility of success, according to AIA/NA legal counsel, and (5) the adverse effect that such a suit would have on our working relationship with OSHA.

With regard to point c. above, the AIA/NA is presently in the process of arranging a meeting with representatives from the standards development and enforcement sections of OSHA to resolve some questions with regard to the interpretation of certain sections of the regulations. If your company has any questions of this nature, please let me know as soon as possible so that they may be included on the agenda for our meeting with OSHA. It is the AIA/NA's intention to establish a continuing program of uniform standards interpretation with OSHA, so that industry questions and problems may be resolved at the highest levels in Washington, rather than through OSHA regional offices, which may differ in their standards interpretation and enforcement practices from one region to another.

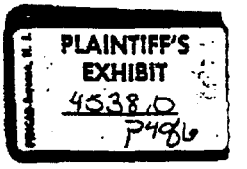
Because of the relatively short time remaining before the June 22 meeting, we would appreciate hearing from you as soon as possible whether you or a representative will be able to attend this most important AIA/NA planning meeting.

Sincerely,

M. M. Swetonic

M. M. Swetonic
Executive Secretary

Enclosure



AIA/NA MEMBER COMPANIES

George Barge
H. R. Brown
J. D. Christian
A. H. Fay
W. E. Gatewood
J. H. Marsh
C. G. Morgan
J. L. Rainey
Kurt Schwarz
F. J. Solon, Jr.
E. W. Swain
S. D. Weaver
Paul Weiner

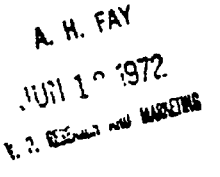
AIA/NA ENVIRONMENTAL CONTROL SUB-COMMITTEE

E. M. Fenner
Ike Weaver
Frank Zimmerman

vc: E.J. Killian

AIA/NA LEGAL COUNSEL

Bradley Walls



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OSHA REGULATION OF ASBESTOS

Subject	Industry Position	NIOSH/Advisory Committee Recommendation	Final OSHA Standard
1. Numerical Standard	Five fibers with no automatic reduction to two fibers.	Five fibers with an automatic reduction to two fibers in two years.	Five fibers with an auto- reduction to two fibers i four years.
2. Labeling	No label on locked-in asbestos containing products. The words "cancer" or "danger" should not be used on labels.	All asbestos-containing products should be labeled. Label should carry words "cancer" and "danger."	No label on locked-in asb containing products. Word "cancer" and "danger" wil not be used.
3. Monitoring Frequency	Monitoring should be conducted at a frequency necessary to assure compliance with the environmental standards. Management should decide frequency.	NIOSH: Annual monitoring at stations below TWA. Quarterly monitoring at stations above TWA. ADVISORY COMMITTEE: Twice-yearly monitoring at stations below TWA. Monthly monitoring at stations above TWA.	Monitoring every six mont at stations above TWA. Monitoring at other stati at a frequency to assure compliance with environ- standards. Management to decide frequency.
4. Protective Clothing	No protective clothing required below 5-10 times TWA.	NIOSH: Protective clothing required in all areas above limit. ADVISORY COMMITTEE: No protective clothing below 10 times TWA.	Protective clothing requi only where peak exposures above limit (10 fibers) occur.
5. Waste Disposal	Only wastes that generate dust in excess of limits should be bagged.	All waste should be bagged.	Only wastes that generate dust in excess of limits must be bagged.



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Subject	Industry Position	NIOSH/Advisory Committee Recommendation	Final OSHA Standard
6. Frequency of Medical Examinations	Exams every two years for workers with less than 10 years exposure. Exams every year for workers with more than 10 years exposure, or with symptoms of disease.	NIOSH: Same as industry position. Advisory Committee: Same as industry position.	Annual exams required of all employees exposed to asbestos dust, regardless of length of employment.
7. Medical Surveillance	Employer should "provide or make available" medical exams as required.	NIOSH: No specific recommendation. Advisory Committee: Employee should select physician to perform exam. Employer to pay cost of exam.	Same as industry position.
8. Medical Records	Employer shall maintain records and have access to them as required to comply with regulations.	NIOSH: No specific recommendation. Advisory Committee: Employer shall not maintain records nor have access to them.	Same as industry position.
9. Wearing of Respirators	No specific recommendations.	NIOSH: No specific recommendation. Advisory Committee: No employee shall be required to wear a respirator if he has any of a long list of symptoms of disease.	Physician selected by employer to conduct medical surveillance program shall decide if employee can or cannot wear respirator.

PLAINTIFF'S EXHIBIT 4538.D

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