Asbestos Information Association / North America

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July 5, 1972

T. A. DENT

PLAINTIFF'S EXHIBIT
AIA-51

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. Hall	- GAF Corporation
H. M. Jackson	- Johns-Manville Corporation
W. N. Johnson	- Union Carbide Corporation
A. R. Hooker	- The Flintkote Company
C. A. Neumann	- Kentile Floors Incorporated
G. W. Nickel	- Armstrong Cork Company
Clifford Seymour	- The Carborundum Company
J. R. Stetson	- Congoleum Industries, Inc.
Philip Weinstein	- Evertex Incorporated
G. W. Wright, M.D.	- St. Luke's Hospital

Gentlemen:

A meeting was held in Washington last Thursday between the AIA/NA and representatives of the OSHA standards development and compliance sections. Attending on behalf of the AIA were John Marsh, Raybestos-Manhattan; Paul Weiner, GAF; Hugh Jackson, Johns-Manville; Frank Zimmerman, National Gypsum; Bradley Walls, AIA/NA Legal Counsel, and M. M. Swetonic, AIA/NA Executive Secretary. OSHA was represented by John O'Neill and Harry Gilbert of Standards Development; and Ray McClure of Compliance.

The purpose of the meeting, as was discussed at the Association meeting on June 22, was to clarify a number of points with regard to the interpretation and enforcement of the asbestos standards. Because the standards are to go into effect this week, we considered it imperative to provide you with the basic points of interpretation and compliance established at the meeting. A more complete report on the meeting will be forthcoming in the near future.

JGH. What is being done about labelling in your group? Who else in GAF has received copies? Fassuliotes, Drueseus, Bien etc

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The following are the main areas discussed and the decisions reached:

1. **LABELING:** The AIA/NA is applying for a temporary industry-wide variance on the exact wording of the labeling requirements of the standards, in order that existing supplies of boxes, cartons, bags, etc. containing a label with wording somewhat different than that called for in the standards will be permitted until they are used up. As long as the label currently being used contains basically the same information as the required one, it will be acceptable to OSHA until stocks are used up.

   Products to be labeled should follow the listing submitted by Dr. Fred Pundsack of Johns-Manville to OSHA following the March hearings. A copy of Dr. Pundsack's list, with minor alterations, is attached for your information.

   No product which requires labeling will be permitted to be used without any label until existing stocks of non-labeled bags, etc. are used up. A stick-on label of some type would be satisfactory.

   The size, color, placement, etc. of the label is left to the discretion of the employer, as long as the label is "readily visible and legible." A good rule to follow would be: if you are trying to hide the label, OSHA will probably not accept it.

2. **CLOTHES LOCKERS:** Separate clothes lockers are required only for employees working at levels in excess of the five fiber TWA.

3. It was the intention of OSHA to require Type "C" supplied-air respirators and protective clothing only for insulation and fireproofing spray applications. AIA/NA will apply for a modification of the law to exclude other types of asbestos-spray applications from these requirements.

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4. RESPIRATORS: There is a mistake in the standards in paragraph (d)(2)(ii) "Powered Air Purifying Respirators." The first sentence of that paragraph now reads:

> "A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator etc."

The sentence should read:

> "A full facepiece powered air purifying respirator, or a respirator etc."

The phrase "or a powered air purifying respirator" should be deleted.

5. MONITORING AND PHYSICAL EXAMINATIONS: Company monitoring and physical examinations should be conducted on all employees who regularly work with asbestos and are exposed to airborne fiber, as well as on maintenance men, company industrial hygienists and other employees that the company feels require monitoring and physical examination because of the nature of their work or because of their close proximity to dusty asbestos operations. This would exclude office personnel, most people working in non-asbestos using sections of an asbestos manufacturing operation, etc.

6. CITATIONS: A company's own monitoring or other records will not be used as evidence to issure citations, nor will they be used to give a plant a clean bill of health.

7. OSHA INSPECTIONS: OSHA industrial hygienists will take dust samples, if at all possible, for a full eight hours, perhaps divided into two four hour samples. In addition, samples will be taken on more than one day, so that a more accurate count can be produced. Ceiling sampling periods will be at the discretion of the OSHA hygienist. Ceiling samples as short as five minutes may be taken if deemed appropriate. Under some circumstances

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ACL Doc 20959 · Page 3 of 5 asbestosclaims.law/library/20959/3

(an obviously very heavy dust concentration) only ceiling samples may be taken, but this would not be normal practice. Employers will be given specific dust counts only if they are in excess of the standard. Counts taken by NIOSH hygienists will be reported to OSHA, but will not be used by OSHA for purposes of issuing citations.

8. EMPLOYEE NOTIFICATION: On the question of notifying employees if they are found to be working in dust concentrations above the limit, neither O'Neill or McClure would make a decision whether the notification clause in the standard would be satisfied by the posting on a plant bulletin board of stations above TWA, or whether a more individualized approach, such as sending the employee a registered letter, would be required. To answer this question, we were asked to write to the solicitors office in OSHA for a ruling. Unfortunately, a prior informal conversation between Paul Weiner of GAP and a member of the legal staff of OSHA indicated that the answer to such a question would be in favor of the registered letter approach. As a result, we have decided not to submit this question for a ruling, but will leave it up to each company in the industry to decide in what manner it wishes to abide by this requirement, and wait to see if bulletin board notification will be challenged by OSHA regional inspectors.

In general, the concensus of the AIA group that attended the Washington meeting was that the industry could expect reasonable treatment from OSHA as long as the industry did not try to circumvent the intent of the regulations. For example, the various requirements in the standard for protective clothing, change rooms, separate lockers, etc. have as their purpose the preventing of excessive amounts of asbestos dust being carried home on an employee's clothes from work. As long as this purpose is achieved, the industry will be given wide latitude as to the types of protective clothing, footwear and headgear required; the location and size of change rooms;

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ACL Doc 20959 · Page 4 of 5
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the distance between separate lockers, etc. In short, the industry is free to interpret many sections of the regulations as it sees fit, as long as the spirit and intent of the law is observed.

Sincerely,

Matthew M. Swetonic
Executive Secretary

NOTE: The following is the new address and telephone number of the AIA/NA effective immediately.

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