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U.S DEPARTMENT OF LABOR

Washington

PLAINTIFF'S EXHIBIT 14 Frill 10-13-78

RECORDS AUTHENTICATION CERTIFICATE

I HEREBY ATTEST, That the annexed copy, or each of the specified number of copies, of each document listed below is a true copy of a document in the official custody of the Department of Labor.

1 copy each of:

Transcripts from March 14,15,16, and 17

Comments and hearing exhibits of:

W.J. Nicholson, American Petroleum Institute, D.A. Holaday, Brand Insulations Inc., L.J. Bibri, B.J. Phillips(Certain-teed), M.W. Borow, J.D. Moran(Flintkote), F.L. Pundsack(J-M), J.W. Rawlings, W.M. Hancock(Dow), W.K. Hesse(J-M), E.M. Fenner(J-M), E.J. Killian(Nat. Gypsum), Cement Asbestos Products Co., M.M. Key, G.E. Best(MCA)

SIGNATURE AND OFFICIAL TITLE	DIVISION AND BUREAU	DATE
Daniel J. Marsick Technical Information Specialist	Docket Office/Technical Data Center/Occup. Sfty & Hlth Adm/ U.S. Dept. of Labor	7 Sep 78

I HEREBY CERTIFY, That Daniel J. Marsick who signed the foregoing attestation, is now and was at the time of signing (title) Technical Information Specialist and has legal custody of the official records of the United States Department of Labor therein attested and that full faith and credit should be given to his act as such.

IN WITNESS WHEREOF, I

J. J. Lafranchise

duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this 7th day of September 19 78

J. J. Lafranchise

Authentication Officer
Department of Labor

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UNITED STATES DEPARTMENT OF LABOR

WASHINGTON, D.C.

In the Matter of:	
STANDARD FOR EXPOSURE TO ASBESTOS DUST, PROPOSED RULE MAKING	PUBLIC HEARING

Conference Room B
Interdepartmental Auditorium
12th & Constitution Ave., N.W.
Washington, D.C.
Thursday, March 16, 1972

The above-entitled matter came on for further hearing, pursuant to recess, at 9:00 o'clock, a.m., Thursday, March 16, 1972.

BEFORE:

ARTHUR M. GOLDBERG, Hearing Examiner

APPEARNCES:

(As heretofore noted.)

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HEARING OFFICER GOLDBERG: Mr. Weaver.

MR. WEAVER: My name is Isaac H. Weaver. I am Corporate Director of Environmental Control for Raybestos-Manhattan, Incorporated. I have been engaged in this capacity for the past two years, prior to which I was employed in various engineering and technical management capacities for approximately 25 years, all but two of which were in the employ of Raybestos-Manhattan.

Prior to my initial employment with Raybestos-Manhattan in 1946, the occupational hazard of asbestos dust exposure had been recognized and extensive engineering controls had been implemented to reduce worker exposure and to cope with the problem to the extent that was feasible with then existing technology. Scientists at Raybestos-Manhattan adopted a progressive, positive attitude toward optimum degree of control with the goal of achieving maximum feasible reduction of airborne dust concentrations.

Much original engineering design and dust control development was accomplished at our Manheim, Pennsylvania, and Charleston, South Carolina, asbestos textile plants during the late '30's and early '40's. Some of this was in conjunction with various Government agencies, as well as the foremost industrial hygiene consultants of the time.

While much has been done to reduce exposure of our employees to airborne asbestos fiber in our plants and in

the plants of many other asbestos product manufacturers, much remains to be done to further improve the situation. However, our experiences in our investigation of the experiences of others who have been wrestling with the problems of achieving ever more airborne fiber concentration levels in asbestos processing operations during the past several years has led to grave doubt in my mind regarding the feasibility of consistently attaining levels of less than 5 or 6 fibers per cubic centimeter in many critical operations.

To place this problem in proper perspective requires that one accept the precept that an engineering control approach to environmental improvement in the workplace normally is undertaken with the goal of zero exposure or zero dust emissions. We never have designed an engineering control system with the idea of achieving a 5 million particle per cubic foot level, a 2 million particle per cubic foot level, or a 5-fiber per cubic centimeter level. Our goal always has been to achieve zero exposure and that always will remain the goal.

During recent proceedings concerning the setting of standards for occupational exposure to asbestos fiber, I was very much disturbed by apparent misinterpretations of British asbestos control standards and enforcement practices and by what appears to be disregard or lack of knowledge regarding technical feasibility for attaining such standards

Isaac H. Weaver of Raybestos-Manhattan, Testimony at the Labor Department Asbestos Hearing (1972)
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British medical, governmental and industrial authorities have established an admirable goal of maintaining all asbestos operations below an airborne concentration of two fibers per cubic centimeter. However, it is my impression and belief, as confirmed by Dr. Holmes this morning, that they have many critical operations where this level is not being maintained, in spite of expensive and sophisticated environmental controls and strict work practices that they have maintained and improved upon as rapidly as advances in technical feasibility have permitted.

I recommend that the American asbestos industry take full advantage of available British technology wherever possible to improve our occupational environmental control of asbestos hazards, but I think it is equally important to give full consideration to British experience and knowledge concerning what they have found to be feasible regarding standards and their enforcement. We do not believe it is technically feasible to achieve a level of two fibers per cubic centimeter in all of our operations, either now or within the foreseeable future.

With respect to the measurement of airborne asbestos fiber concentrations, I seriously question the reliability of the membrane filter method, particularly at levels below 5 fibers per cc.

At the present time, there are very few technicians

Isaac H. Weaver of Raybestos-Manhattan, Testimony at the Labor Department Asbestos Hearing (1972)
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in this country who are trained or who have the experience and ability to perform the tedious and time-consuming microscopic analysis that is an inherent requirement of the membrane filter method. Furthermore, Raybestos-Manhattan's experience with this procedure, even when using trained and experienced microscopists, have not bolstered our confidence in the potential reliability of the basic method.

While we and others often have deplored the many shortcomings of the membrane filter monitoring method, we always seem to come back to the conclusion that, while it is a poor tool for anyone to work with, still it is the best we have at the present time. In any event, I remain extremely dubious regarding the feasibility of effective monitoring by industry or by Government enforcement personnel by means of the membrane filter method at its present stage of development

Regarding the question of the medical and health aspects of the problem, we have reviewed hundreds of medical, scientific and industrial hygiene studies relating to asbestos health hazards and their control, and have reached the firm conclusion that no conclusive evidence exists on which to establish need for a threshold limit value lower than 5 fibers per cc greater than 5 microns in length on a time-weighted average basis. This appears to be especially the case in regard to chrysotile asbestos, which accounts for the great majority of both industrial and environmental exposures.

Isaac H. Weaver of Raybestos-Manhattan, Testimony at the Labor Department Asbestos Hearing (1972)
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The difficulty or impossibility of maintaining reliable controls at levels lower than 5 fibers per cubic centimeter, coupled with the lack of scientific fact to justify the need for a lower standard, leaves me to recommend the adoption of the presently proposed permanent standard of 5 fibers per cubic centimeter, as determined by the membrane filter method or by whatever improved monitoring method may be forthcoming.

I believe this recommendation coincides with that of the American Congress of Governmental Industrial Hygienists and a number of eminently qualified medical and scientific authorities who have devoted a great amount of effort to study and evaluation of this subject.

I appreciate this opportunity to testify regarding the proposed asbestos standards, and I endorse enthusiastically the concept of uniformly applied and enforced occupational safety and health standards based on sound factual data obtained through all available sources of pertinent input. Unfortunately, I am convinced that the timeframe within which the presently proposed standards, criteria, and recommendations were prepared was grossly inadequate to permit full and proper analysis and consideration of all available data by the parties who participated in the decision-making.

I feel sure that if more time had been allowed for study and review of available medical and scientific informatic

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by NIOSH and the Department of Labor standard-setting personne and for more extensive deliberation by the Advisory Committee on Asbestos Dust, far more extensive and appropriate criteria and recommendations would now be available as a basis for setting a safe, fair and enforceable standard.

That is the end of my remarks.

MR. MARSH: Raybestos-Manhattan employs 6500 people. Approximately 80% of these are engaged in the manufacture and distribution of asbestos-containing products, including friction materials, asbestos textiles, packings and asbestos reinforced plastic.

I wish first to comment on the emergency standard of 5 fibers per cubic centimeter established on December 7, 1971, and the proposed standard for exposure to asbestos dust published in the Federal Register on January 12, 1972. As Mr. Weaver has indicated, we believe it is technically feasible to achieve the 5-fiber level in most of our operatio It cannot, however, be accomplished immediately. Up to two years time and the expenditure of millions of dollars will be required.

Since the imposition of the emergency standards on December 7, we have been studying all operations to determine where immediate compliance is possible and where engineering studies, additional dust control equipment, or changes in manufacturing procedures are necessary to achieve the standar

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