PLAINTIFF'S EXHIBIT
UC-859

UNION CARBIDE

INTERNAL CORRESPONDENCE

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MEDICAL DEPARTMENT

CHEMICALS AND PLASTICS

P. O. BOX 471, TEXAS CITY, TEXAS 77590

TO (NAME) Mr. R. J. Taylor

DATE 19 January 1972

COMPANY

LOCATION TECHNICAL CENTER

COPY TO Messrs. H. L. Robinson
J. J. Welsh, M.D.
C. U. Dernehl, M.D.
K. S. Lane, M.D.

SUBJECT Proposed OSHA Standard for Exposure to Asbestos Dust

Dear Mr. Taylor:

The Occupational Safety and Health Administration has recently published a notice of proposed rules to cover exposures to asbestos dust (Federal Register Vol. 37, No. 7, Wednesday January 12, 1972). These proposals would supplant the emergency standard issued by the Secretary of Labor in December, 1971.

I have reviewed the proposals and from my point of view they are, for the most part, realistic and desirable. The major objection I have to the proposal is in section (e), Warning Signs (page 468). This section states, "Warning signs should be provided and displayed at each location where asbestos dust hazards are present." The section then goes on to define warning signs, specifications, etc. My objection centers upon the possible interpretation of the phrase "where asbestos dust hazards are present." Will this be interpreted to mean at any location where asbestos dust is known to exist in any degree, or only in locations where asbestos dust is known to be hazardous, i.e., in amounts in excess of the new TLV? It is perfectly reasonable to me that signs should be required in areas where the TLV is exceeded. However, if personal and environmental monitoring has shown that given operations do not produce dust in excess of the TLV, signs do not appear to be justified, since a "dust hazard" is not present. In such an event, signs for asbestos are no more justified than they are for benzene, carbon monoxide, and a host of other physical and chemical agents. The signs specified in the proposals are alarmist in nature and wholly without merit where asbestos operations can be shown to be safe.

Arguments concerning the proposed rule will be received by Hearing Examiner Arthur Goldberg at a hearing beginning at 10:00 a.m. on March 14, 1972 in Conference Room B, Departmental Auditorium, 14th Street and Constitution Avenue, NW, Washington, D.C. Notice of intent to appear must be filed prior to March 3, 1972.

Looking at this problem from the plant level, it seems advantageous to me that we should strive for a clarification of the requirement for warning signs and if such clarification cannot be obtained, should oppose the entire section relating to warning signs.

Please contact me if you would care to discuss these comments in greater depth.

Very truly yours,

03088

REJ/eb

R. E. Joyner, M.D.