News
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PEL = PERMISSIBLE EXPOSURE LIMITS

DONOVAN ANNOUNCES IMMEDIATE LABOR DEPARTMENT ACTION TO INCREASE WORKER PROTECTION AGAINST ASBESTOS BY LOWERING PERMISSIBLE EXPOSURE LIMIT

Secretary of Labor Raymond J. Donovan today announced that the Labor Department will take immediate action to increase employee protections by lowering the permissible worker exposure level (PEL) to asbestos.

In a Federal Register notice to be published shortly, the Department's Occupational Safety and Health Administration will issue an emergency temporary standard (ETS) immediately lowering the (PEL) from 2 fibers of asbestos per cubic centimer of air (2 f/cc) to 0.5 f/cc.

In the ETS, OSHA will cite a recently completed risk assessment showing risk of grave danger to employees subject to even short-term asbestos exposure. The risk assessment predicts three excess cancer deaths per 1,000 workers exposed to asbestos for one year at the current exposure level. Applying that formula to the actual number of workers exposed at levels higher than 0.5 f/cc OSHA estimates that this ETS will save many lives.

The ETS applies to general industry, including manufacturing, as well as the construction and maritime industries, and covers an estimated 375,000 workers. Its provisions include training requirements for all exposed employees.

Secretary Donovan said the hazards posed by workplace exposure to asbestos mandate the issuance of an ETS under the statutory requirements for an ETS spelled out in the Occupational Safety and Health Act of 1970. Workers are "exposed to grave danger," and an ETS "is necessary to protect employees from such danger," Donovan said.

"In the past, the courts have narrowly applied those statutory requirements," Donovan added. "That is why the decision to issue an ETS was made only after very careful deliberation within the Department and detailed review of our work outside the Department by experts from the public and private sector scientific communities."

The ETS allows compliance by any combination of engineering controls, work practices and respirators. That flexibility makes compliance "clearly feasible, as required by the OSH Act," Donovan said.

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Technically, the ETS amends the existing asbestos standard. In addition to lowering the PEL and allowing "any practicable combination" of engineering controls, work practices and personal protective equipment to meet the lower limit, the ETS requires training for all employees whose exposure is "reasonably expected" to be at or above the PEL. Training must begin "as soon as possible but no later than 30 days" after the effective date. Training must cover respirator fitting and use; asbestos handling; medical information; the relationship between smoking, lung cancer and asbestosis; and a review of the asbestos standard.

On smoking, the ETS presents findings that smokers exposed to asbestos risk lung cancer mortality rates 53 times higher than non-smokers not exposed to asbestos. However, two other health risks associated with asbestos, mesothelioma and gastrointestinal cancer, have not been linked to smoking.

The ETS remains in effect for six months. The OSH Act calls for a permanent standard "no later than six months" after publication of an ETS.

OSHA will address several major subjects during the rulemaking process initiated by the ETS and a separate notice of proposed rulemaking to be published in the near future. Those subjects include: reducing the PEL; revising the provisions on respirator selection; improving the reliability of samplings and analyses; and strengthening the training requirements.

OSHA further intends to address unique problems among exposed workers in construction, including: requirements for and frequency of medical examinations; special needs for the construction industry; the use of certified work practices; and other issues.

This regulatory action follows an announcement in October that the agency would conduct two special emphasis programs to increase enforcement efforts aimed at workplace exposure to asbestos. One program directs each OSHA area office to initiate 10 additional inspections this fiscal year in industries where asbestos violations have occurred in the past. Under the other program, OSHA will inspect construction or demolition worksites where high exposures to asbestos are likely to occur.

States with their own occupational safety and health plans are expected to adopt a standard comparable to the ETS within 30 days of the effective date of the ETS. These states are: Alaska, Ariz., Calif., Conn. (covers state and local government employees), Hawaii, Ind., Iowa, Ky., Md., Mich., Minn., Nev., N.M., N.C., Ore., Puerto Rico, S.C., Tenn., Utah, Vt., Va., Virgin Islands, Wash., Wyo.

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