PLAINTIFF'S EXHIBIT

UC-2377

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

MACHINISTS BUILDING, 1300 CONNECTICUT AVENUE, WASHINGTON, D. C. 20036
Area Code 202—857-5200

GL15 - Asbestos

May 31, 1983

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Mr. Raymond J. Donovan
Secretary of Labor
U. S. Department of Labor
Washington, DC 20210

OFFICIAL CORRESPONDENCE
PLEASE RETURN TO ROOM S-2519

Dear Secretary Donovan:

On behalf of our 900,000 members, the International Association of Machinists and Aerospace Workers requests an Emergency Temporary Standard to reduce the permissible exposure level for asbestos to 100,000 fibers per cubic meter air. This unusual response of an Emergency Temporary Standard is necessary to meet the exceptional circumstances presented by continued worker exposure to asbestos.

Assistant Secretary Thorne Auchter has been sitting on a Risk Assessment for Asbestos and the recommendations of a joint OSHA/NIOSH committee since he took office. The time for action is long overdue.

It is our understanding that Assistant Secretary Auchter is planning to propose a reduction in the permissible exposure limit to 500,000 fibers per cubic meter, as an eight hour time-weighted average. We know that Doctor Irving Selikoff has told him that this level of asbestos exposure is dangerously high--indefensibly high. The only exposure level that can be honestly supported is the lowest detectable level.

We request the 100,000 fiber level on an emergency basis not because it is "safe"... no asbestos exposure is safe... but because it represents the lowest reliably detectable level using current measurement techniques. In the rulemaking hearings which will follow the issuance of the Emergency Temporary Standard pursuant to Section 6(c) of the Act, OSHA should give very careful consideration to requiring measurement technology which permits reliable detection of asbestos concentrations below 100,000 fibers per cubic meter.

From our experience, we believe that for the majority of work settings an exposure limit of 100,000 fibers per cubic meter can be met using a combination of engineering and work practice control measures.

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Because it is well understood that the permissible exposure limit alone will not fully protect workers from the risk of asbestos cancer, we request that in your emergency rulemaking you make the work practice provisions of 1910.1001(c)(2) mandatory for all operations exposing workers to asbestos, regardless of level. The specific minor wording changes we request to accomplish this are shown in the Attachment to this letter.

The IAM is sponsoring a series of medical screening programs for asbestos-exposed workers and their spouses. The results have been devastating. 50% of our members who participated in the screening were found to have abnormal chest x-rays. We have also seen evidence of asbestos disease among spouses participating in this program. A national review of deaths among IAM railroad members conducted by Dr. Thomas Mancuso, IAM medical consultant, identified 42 cases of mesothelioma (see Mancuso Study attachment). These findings and the host of similar findings by the scientists at Mt. Sinai, document beyond questions the horrible risk of asbestos cancer faced by workers and their families. Unfortunately, these serious qualitative health risks were unappreciated at the time of the 1972 revision of the asbestos standard. However, the scientific evidence is now clear. There is a documented risk to workers and their families, demonstrating a significant risk of grave danger for all exposed workers.

It is therefore of the utmost importance that OSHA take steps to require full protective clothing, showers and separate change areas to protect all asbestos-exposed workers and their families as soon as possible, regardless of exposure level. We request that these measures be included in the Emergency Temporary Standard, by means of minor wording changes in 1910.1001 (d)(3). The specific minor wording changes necessary to accomplish this are shown in the Attachment.

As you are no doubt aware, the danger of cancer from workplace exposure has been well documented in the scientific literature in recent years. These references have been enumerated by the Department of Labor at 40 F.R. 47653 (October 9, 1975), by NOISH in Revised Recommended Asbestos Standard, DHEW (NIOSH) Publication No. 77-169 (December, 1976,) and by the NIOSH-OSHA Asbestos Work Group in Workplace Exposure to Asbestos, DHHS (NIOSH) Publication No. 81-103 (April, 1980).

The scientific evidence requires that immediate regulatory action be taken. The Reagan Administration has consistently attacked the basic fiber and web of the Occupational Safety and

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Health Act by developing no new standards, weakening existing standards, and destroying enforcement. This neglect of Congressional intent of the law dealing with worker health and safety must stop. The IAM demands that the Occupational Safety and Health Administration move in this direction by issuing an Emergency Temporary Standard for asbestos.

Sincerely,

William W. Winpisinger
INTERNATIONAL PRESIDENT

W/sm
cc: Dr. Thomas F. Mancuso
Dr. Irving Selikoff
AFL-CIO IUD
Thorne Auchter

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Attachment

(c) (2) Work practices--(1) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with paragraph (d)(2)(iii) of this section and with special clothing in accordance with paragraph (d)(3) of this section.

(d) (3) Special clothing. The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers.

(4) Change rooms: (i) At any place of employment exposed to airborne concentrations of asbestos fibers the employer shall provide change rooms for employees.

(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.

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