PLAINTIFF'S EXHIBIT

UC-3505

STATE OF NEW YORK
DEPARTMENT OF LABOR

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BOARD OF STANDARDS AND APPEALS

11 NORTH PEARL STREET
ALBANY, N. Y. 12207

March 5, 1974

Mr. R. H. Mereness
Executive Director
Asbestos Information Association
1660 L Street, NW
Washington, D.C. 20036

Re: Proposed Amendment to Industrial Code Rule No. 12, Control of Dangerous Air Contaminants

Dear Mr. Mereness:

This will acknowledge receipt of your letter dated February 22, 1974 in which you state the position of the Asbestos Association on the asbestos threshold limit delineated in the Board's recent proposed code rule amendment.

New York State's approach to determining threshold limit values is not specifically delineated in the standard. As you can observe by study of Code Rule 12, we have not included all of the standard explanatory language found in the ACGIH publication. However, Section 12-3.1 indicates that an opinion by a physician representing the Industrial Commissioner is necessary when dealing with concentrations of air contaminants other than those listed in the standard. Subsequently, after discussions with physicans in the Department of Labor's Division of Industrial Hygiene, it appears that a determination concerning a situation involving possible asbestos level violations would not be made on the basis of a single sample.

It is my understanding that sampling will be conducted over a shorter period, for instance, two hours, and probably twice during a working shift as opposed to a straight eight hour test. According to my information, this method is an accepted one in the field of industrial hygiene when dealing with certain measurement methods. It would appear, therefore, that the approach to asbestos measurements by the Labor Department is in line with the recommendations made by your Association.

If you have any further questions concerning the details of the testing procedure, I would recommend that you contact Dr. Jacqueline Messite, Administrator, Occupational Health Analysis, Department of Labor, 80 Centre Street, New York, New York 10013.

Very truly yours,

Harry R. Mason

HARRY R. MASON
Chairman

HRM:bas
cc: Dr. Messite

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