PLAINTIFF'S EXHIBIT
UC-3601

INTERNAL CORRESPONDENCE

JUL 18 1983

UNION CARBIDE CORPORATION SOUTH CHARLESTON PLANT
Silicones and Urethane Intermediates P.O. BOX 8004, SOUTH CHARLESTON, WV 25303

To (Name) Maintenance Area Superintendents

Date July 14, 1983

Originating Dept.

Area

Copy to Assistant Plant Managers
J. S. Cornell
C. E. Fry
R. W. Holland, Jr., M.D.
R. A. Ream
B. G. Stump
T. G. Swanson

Subject OSHA Plans Asbestos Exposure Limit Reduction

The attached report appearing in OSHR should be of general interest since proposed changes may have an impact on your operations/activities.

Bill Young

WCY:bl

Attachment

UCC 008269

Published by AsbestosClaims.Law
asbestosclaims.law/library/18331/1

OCCUPATIONAL SAFETY & HEALTH REPORTER

A weekly review of occupational safety and health developments

Volume 13, Number 6 THE BUREAU OF NATIONAL AFFAIRS, INC. July 7, 1983

HIGHLIGHTS OF CURRENT REPORT

A FINAL ASBESTOS STANDARD lowering the permissible exposure limit to asbestos will be issued by OSHA "later this year," agency head Thorne G. Auchter tells a congressional subcommittee. According to Auchter, "it has become apparent" that the agency's current standard is "insufficient to prevent cancer, at least in some instances" (p. 124).

Asbestos

AUCHTER PLEDGES ACTION ON STANDARD BY END OF YEAR, HEARINGS THIS SUMMER

Operating under an accelerated timetable, the Occupational Safety and Health Administration will issue a final rule lowering the permissible exposure limit to asbestos "later this year," according to Assistant Labor Secretary Thorne G. Auchter.

Auchter told the House Government Operations Subcommittee on Manpower and Housing June 28 that "in the past several years, it has become apparent" that the agency's 1972 standard establishing a two fibers per cubic centimeter exposure limit was "insufficient to prevent cancer, at least in some instances." While a proposal was made back in 1975 to lower the PEL to 0.5 fibers per cubic centimeter, this never was developed into a final rule, probably because "previous OSHA administrations, in exercising their regulatory discretion, established other standards-setting priorities."

When he took office in 1981, the assistant secretary said that he found "scattered agency efforts relating to asbestos" but there was "no cohesive OSHA policy on development of a new standard." Since the application of his regulatory management system, he reported that a special regulatory development team recommended this past February that the PEL be reduced and that the entire standard be revised with June 1984 set as the projected date for the proposed rulemaking notice followed by a final rule by September 1985.

"Because of the extremely serious nature of the hazards posed by asbestos," Auchter told Subcommittee Chairman Barney Frank (D-Mass) that he has stepped up this schedule and that in the "next few months OSHA will publish a notice for a public hearing based on the 1975 notice of proposed rulemaking" and that a final rule "should be completed later this year."

After that, he said OSHA would "begin to revise other aspects of the standard in light of the scientific, technical, and legal changes that have occurred since 1972."

Concern over Enforcement

Margaret Seminario of the AFL-CIO's Department of Occupational Safety and Health told the subcommittee that the federation "is encouraged" by the agency's recent efforts on the standard, "and from all indications the agency is now serious about revising the standard."

Of "greatest concern to the AFL-CIO," she continued, "is the absence of serious enforcement of asbestos regulations, indeed all regulations by the current Administration." While the agency has had data for more than two years of the "grave risk" at the current exposure level, "there has been no effort by the agency to step up enforcement of the current standard."

The federation's analysis of OSHA enforcement data shows that, from fiscal 1980 to 1982, there has been a 60 percent decline in citations for violations of the asbestos standard. For a further breakdown, she reported that serious citations for asbestos violations have dropped 68 percent, willful citations are down 98 percent, and repeats are down by 73 percent, with an 85 percent decrease in penalties.

Seminario told the subcommittee that the AFL-CIO would like the asbestos enforcement program to include:

- An increased number of inspections of asbestos hazards, particularly in high risk demolition and removal jobs.
- A policy mandating serious citations for violations of the standard regardless of exposure levels.
- Greater use of willful citations where the employer has knowledge of the risks.
- Maximum penalties for violations of the standard.

Refusal to Enforce

John A. McKinney, chairman of the board and chief executive officer, Manville Corporation, asserted that the high number of current asbestos victims is the result of the Navy's failure "to observe and enforce recommendations and regulations for the safe handling of asbestos-containing materials in America's shipyards."

According to McKinney, nearly half the 20,000 lawsuits totaling $45 billion filed against Manville, the nation's largest asbestos manufacturer, were brought by workers who were exposed in government-operated shipyards.

He said that his company, which has filed for bankruptcy because of the suits, would "voluntarily shoulder their fair share of the burden for compensating workers injured by the use of asbestos products." However, he insisted that the federal government, which bears a "substantial responsibility" for the current and future asbestos cases, "must now come forward and accept its fair share as well."

UCC 008270