Asbestos Information Association/North America

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June 12, 1972

TO: AIA/NA MEMBER COMPANIES
AIA/NA ENVIRONMENTAL CONTROL SUB-COMMITTEE
AIA/NA LEGAL COUNSEL

James Armstrong	- Bendix Corporation
E. C. Bratt	- H. K. Porter Company, Inc.
G. G. Gabrielson, Jr.	- Nicolet Industries, Inc.
Bernard Gross	- American Bilt Rite Rubber Company
J. C. Harkins, Jr.	- Congoleum Industries Inc.
A. R. Hooker	- The Flintkote Company
C. A. Neumann	- Kentile Floors Incorporated
G. W. Nickel	- Armstrong Cork Company
J. W. Rawlings	- Union Carbide Corporation
Clifford Seymour	- The Carborundum Company
Philip Weinstein	- Evertex Incorporated
G. W. Wright, M.D.	- St. Luke's Hospital

Gentlemen:

On June 22, 1972, a special meeting of the Asbestos Information Association/North America will be held in the Biddle Room of the Harvard Club, 27 West 44th Street, New York City. The meeting will begin at 10 A.M. and will continue through lunch.

The purpose of the meeting is to discuss future industry action with regard to the new Federal Occupational Safety and Health Administration (OSHA) standards on asbestos.

Because of the generally reasonable regulations issued by OSHA and the 1976 effective date of the two fiber standard, the asbestos industry may be lured into a false sense of security and consider the OSHA battle to be over. This would be a most serious error to make. If we are to convince OSHA that the two fiber standard and other unfavorable sections of the regulations must be changed, then we must begin now to develop the medical, technical and economic evidence necessary to prove our point. In the introduction to the regulations on page 11318 of the Federal Register, it states:

Sponsored by Atlas Asbestos Co., Carey-Canada Inc., Celotex Corp., Flintkote Co., GAF Corp., Johns-Manville Corp., National Gypsum Co., Pittsburgh Corning Corp., and Raybestos-Manhattan, Inc.

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"In view of the undisputed grave consequences from exposure to asbestos fibers, it is essential that the exposure be regulated now, on the basis of the best evidence availabel now, even though it may not be as good as scientifically desirable. An asbestos standard can be revaluated in the light of the results of ongoing studies, and future studies, but cannot wait for them. Lives of employees are at stake."

The regulations can be changed, but it is up to the industry to prove to OSHA that changes are necessary and what those changes should be. It is desirable, therefore, for the AIA/NA to monitor ongoing studies and to encourage and support additional studies as are needed to:

1. Determine as precisely as possible over the next four years a safe numerical standard for the various asbestos-related diseases. While much has been accomplished in this area in the past, additional studies are needed.

2. Determine whether one or more varieties of asbestos is more or less hazardous than any other variety.

3. Determine through on-the-job evaluation the technological feasibility of achieving both five and two fibers throughout the industry.

4. Determine the actual cost to the industry in both dollars and jobs of achieving two and five fibers.

5. Determine the degree of reliability of the membrane filter method as a policing and monitoring tool in the asbestos industry. A proposal for an AIA/NA sponsored study in this area is presently under consideration.

6. Develop other evidence as required to establish the necessity of additional changes in the regulations as deemed desirable by the industry.

In addition to the above, other topics to be covered at the June 22 meeting will include:

a. The overall effect on the industry of the new standards.

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b. Programs of assistance for industry companies and customers to help them comply with the regulations.

c. The establishment of a cooperative working relationship with OSHA with regard to the implementation and interpretation of the standards.

d. The advisability of legal action by the AIA/NA against OSHA, especially in light of (1) the four year effective date of the two fiber standard, (2) the favorable decisions by OSHA on most other industry recommendations (see attached two page summary of OSHA acceptance of industry vs NIOSH and Advisory Committee recommendations), (3) the high cost ($300-500,000) of such a suit, (4) the slim possibility of success, according to AIA/NA legal counsel, and (5) the adverse effect that such a suit would have on our working relationship with OSHA.

With regard to point c. above, the AIA/NA is presently in the process of arranging a meeting with representatives from the standards development and enforcement sections of OSHA to resolve some questions with regard to the interpretation of certain sections of the regulations. If your company has any questions of this nature, please let me know as soon as possible so that they may be included on the agenda for our meeting with OSHA. It is the AIA/NA's intention to establish a continuing program of uniform standards interpretation with OSHA, so that industry questions and problems may be resolved at the highest levels in Washington, rather than through OSHA regional offices, which may differ in their standards interpretation and enforcement practices from one region to another.

Because of the relatively short time remaining before the June 22 meeting, we would appreciate hearing from you as soon as possible whether you or a representative will be able to attend this most important AIA/NA planning meeting.

Sincerely,

M. M. Swetonic

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Executive Secretary

Enclosure



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vc:

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