DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION

PUBLIC MEETING: )
)
MEASURING AND CONTROLLING )
ASBESTOS EXPOSURE )

Meeting Room
Hampton Inn & Suites
800 Mason Street
Vacaville, CA 95687

Thursday,
May 16, 2002

The parties met, pursuant to the notice, at

9:02 a.m.

BEFORE: REBECCA J. SMITH
Associate Director, MSHA

APPEARANCES:

On behalf of Mine Safety & Health Administration:

JAMES LYNCH
Office of Standards, Regulation and Variances
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WENDY HOCH
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CAROL J. JONES
1100 Wilson Blvd., Suite 2200
Arlington, VA 22203
MS. SMITH: Good morning. I am Rebecca J. Smith. I’m the associate director of the Mine Safety and Health Administration's Office of Standards. I will be the moderator this morning for this public meeting.

On behalf of Dave Lauriski, the Assistant Secretary for Mine Safety and Health, I want to welcome all of you here today.

Also here today are other individuals from the Mine Safety and Health Administration. On my left, Dr. Carol Jones who is the health manager for our metal/nonmetal program; Al Ducharme is from our solicitor's office. On my right, Wendy Hoch is from our technical support organization. James Lynch is with our standards office.

This is the second of seven public meetings. The first meeting was held on May 2 in Pittsburgh, Pennsylvania. The remaining meetings will be held as follows: May 29th in Canton, New York; June 5th in Phoenix, Arizona; June 12th in Virginia, Minnesota; and June 20th in Charlottesville, Virginia.

The initial announcement of these public meetings was contained in an advanced notice of proposed rulemaking published on March 29, 2002, in the Federal Register. A subsequent Federal Register notice, published on April the
18th, announced that the date of the Charlottesville,
Virginia meeting was changed to June 20th, and a public
meeting would be held in Phoenix, Arizona on June the 5th.
These two Federal Register documents are available to you in
the back of the room.

The purpose of these meetings is to obtain
information from the public that will help us evaluate the
following five issues: (1) whether to lower or asbestos
permissible exposure limit; (2) whether we should replace
our existing fiber analysis method referred to as Phase
Contrast Microscopy with a more sensitive method, which is
Transmission Electron Microscopy; (3) whether we should
implement safeguards to limit take-home exposure; (4)
whether our field sampling methods are adequate and how our
sampling methods are being used; and (5) what is the likely
benefit and cost impact of any rulemaking action we would
take on these five issues.

These five issues were discussed in the March 29th
Federal Register document, and the scope of the issues we
are addressing with this advanced notice of proposed
rulemaking is very limited. Therefore, this public meeting
will be limited to hearing public input on these five issues
I just mentioned.

In the ANPRM, we asked several questions relating
to each of these five issues, and we are particularly

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interested in responses and information relating to these questions.

Now I would like to give you some background which has led us to be here today. MSHA's current asbestos standard for coal mining and for metal and nonmetal mining is two fibers per cubic centimeter of air, and these standards date from the mid-1970s.

In 1980, we requested that the National Institute for Occupational Safety and Health, or NIOSH, investigate health problems at vermiculite operations across the country because our sampling data at that time showed higher than average asbestos exposure among the miners.

The results of the NIOSH study were published in 1986, and verified our sampling results that indicated high occupational exposures prior to 1974 at a vermiculite operation in Libby, Montana. The highest exposures were in the mill at that mine.

The NIOSH report showed that in 1974, the mine began to use a wet process to concentrate vermiculite in the mill and occupational exposures dropped markedly.

The asbestos-exposed miners employed at the vermiculite mine in Libby however inadvertently carried the asbestos fibers home on their clothes and in their personal vehicles, thereby continuing to expose themselves and family members.

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At that time we had encouraged the operator to 
change from dry to wet processing of material, and also to 
reduce take-home contamination by installing showers and 
requiring the miners to change clothing before leaving the 
site.

In November of 1998, a Seattle newspaper published 
a series of articles about the unusually high incidence of 
asbestos-related illness and fatalities among individuals 
who lived in the Libby, Montana area. Because MSHA had 
jurisdiction over the mine, the Department of Labor's Office 
of the Inspector General began an evaluation of MSHA's role 
at the Libby mine.

The findings and recommendations of the Office of 
the Inspector General were published in March of 2001. 
Three of their recommendations would require additional 
rulemaking by MSHA and those issues are the subject of this 
public meeting today.

The Office of Inspector General recommendations 
were: that MSHA lower the existing permissible exposure 
limit to a more protective level; that MSHA use a more 
sensitive method, Transmission Electron Microscopy, to 
quantify and identify fibers in our samples rather than the 
Phase Contrast Microscopy method currently used; and that 
MSHA address take-home contamination from asbestos.

Recently, MSHA adopted new asbestos sampling
techniques and we have increased the scope of sampling for airborne asbestos fibers at mines in an attempt to better determine miners' exposure levels to asbestos. Our efforts have included taking samples at all existing vermiculite, taconite, talc and other mines to determine whether asbestos is present and at what levels.

Since the spring of 2000, we have taken almost 900 samples, and at more than 40 operations, employing more than 4,000 miners. Our preliminary review and analysis of these samples show that there are very few exposure occurred during the sampling period which were at -- excuse me -- which were above the OSHA eight-hour time-weighted average of .05 fiber per cubic centimeter of air.

The sampling results are now available at our website at www.MSHA.gov. Also, the sampling results will be made part of the rulemaking record if we move forward.

The issues surrounding asbestos exposure are important to MSHA and we will use the information provided to us at these public meetings to help us decide how to proceed to address these five issues, so we were interested in hearing public views.

These meetings will give miners, mine operators, and their representatives and other interested parties an opportunity to present their views on these five issues that we are considering for potential rulemaking action.
The format of this public meeting will be as follows: Formal rules of evidence will not apply, and this meeting will be conducted in an informal manner. Those who have notified MSHA in advance of the intention to speak or have signed up today to speak will make presentations first. After all scheduled speakers have finished, others can request to speak. When the last speaker is finished, we will conclude this public meeting.

If anyone wishes to present written statements or information today, please clearly identify that material when you give it to us.

You may also submit comments following the meeting. Please submit them to MSHA by June 27th, which is the close of the comment period. Comments may be submitted to MSHA by electronic mail, fax, or regular mail. Please note that the MSHA headquarters office in Arlington, Virginia will be moving on June 10th, and therefore we will have a new address, telephone, and fax information. That new information is also available to you at the back of the room.

A verbatim transcript of this meeting will be available upon request, and if you want a personal copy of the transcript, please make arrangements with the court reporter, or you may view it on MSHA's website. It will be posted there within five days after the public meeting.
The procedures will be the same for all other public meetings.

We have not had anyone signed up yet to speak at this public meeting, so we will go off the record now, and wait and if someone does come in to speak, we will go back on the record to take their comments.

(Whereupon, a recess was taken.)

MS. SMITH: We are going to go back on the record now. We still do not have any speaker signed up to present information. We have been asked how long we will stay and keep the record open. It is now 10 o'clock. We will keep the record open -- excuse me. We will stay here until 11 o'clock, and if we have no speakers we will close the record at 11 o'clock.

(Whereupon, a recess was taken.)

MS. SMITH: It is 11 o'clock and we have had no speakers to sign up to present information to the panel, so we will close this public hearing.

Thank you.

(Whereupon, at 11:01 a.m., the hearing in the above-entitled matter was adjourned.)
REPORTER'S CERTIFICATE

DOCKET NO.: N/A

CASE TITLE: Measuring and Controlling Asbestos exposure

HEARING DATE: May 16, 2002

LOCATION: Vacaville, California

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Department of Labor, Mine Safety and Health Administration.

Date: May 16, 2002

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