

## Standard Interpretations / OSHA's position on the risk associated with asbestos exposure at the current PEL.

- **Standard Number:** 1910.1000(c) ; 1926.1101(c)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

May 13, 1999

Douglas S. Ellmann, Esq.  
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Dear Mr. Ellmann:

This letter is in response to your correspondence dated April 1, regarding the Occupational Safety and Health Administration's (OSHA's) previous explanations of permissible exposure levels and the risks associated with asbestos exposure. In your letter you questioned a previous interpretation letter, dated October 6, 1995, which stated that the permissible exposure limit (PEL) is "the level of exposure established as the highest level of exposure an employee may be exposed to without incurring the risk of adverse health effects." Your letter later cites several statements found in the asbestos preambles which contradict this interpretation and which assert that a significant risk still remains at the PEL of 0.1 f/cc for asbestos. Your letter also asks for clarification of which statement more accurately represents OSHA's position on the risk associated with a permissible exposure limit particularly in the case of exposure to asbestos.

The statement from the interpretation letter mentioned above is imprecise. It definitely does not accurately capture OSHA's position on those permissible exposure limits which have been established for most carcinogens, including the PEL for asbestos. With these substances, a significant risk of harm frequently persists at even very low levels of exposure.

When the Final Rule for the Asbestos Standard was published in the Federal Register on August 10, 1994, the OSHA risk assessment showed that reducing the PEL to the 0.1 f/cc level would reduce, but not eliminate, the significant risk of adverse health effects. Exposures at this level were still estimated to pose a lifetime risk of death from asbestos related cancer of 3.4 per 1,000 workers and a 20 year exposure risk of 2.3 per 1,000 workers (59 FR No. 153 at pg. 40966-7). These figures demonstrate that a significant risk continues to exist even at the present PEL.

The statements in the preamble to the asbestos standard mentioned above still represent OSHA's opinion on the remaining risk associated with exposure to asbestos at the present permissible exposure limit. The above interpretation letter obviously can be misinterpreted to contradict this opinion and will need to be revised in the

near future to eliminate this confusion. Thank you for bringing this matter to our attention. If you have any further questions, please feel free to contact our Office of Health Compliance Assistance at (202) 693-2190.

Sincerely,

Richard E. Fairfax  
Director, Directorate of Compliance Programs

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## UNITED STATES DEPARTMENT OF LABOR

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