

OSHA**Occupational Safety & Health Administration
U.S. Department of Labor**

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OSHA REMOVES REGULATION OF ASPHALT ROOF COATINGS AND SEALANTS FROM ASBESTOS STANDARDS FOR CONSTRUCTION AND SHIPYARD WORK

Following a federal court of appeals decision, the Occupational Safety and Health Administration (OSHA) today issued a final rule removing regulation of asbestos-containing roofing cements, mastics and coatings from the OSHA standards for occupational exposure to asbestos in construction and shipyard work.

The Asbestos Information Association/ North America petitioned for court review of the requirements in the construction and maritime standards for work practices, training and hazard communication for asphalt roof coatings and sealants which contain asbestos. In a decision on July 24, 1997, the Fifth U.S. Circuit Court of Appeals vacated the standards' regulation of those materials. The court held that there was a lack of substantial evidence that asphalt roof coatings and sealants containing asbestos posed a risk of asbestos exposure.

OSHA is amending the standards to conform the regulations to the court's decision. A statement is added to both standards that they do not apply to those materials and in sections of the standards covering alternative work practices, OSHA is deleting references to those materials. Because OSHA has no discretion in the matter, notice and opportunity for public comment are not necessary, the agency said.

The action is published in the Monday, June 29, 1998, Federal Register.

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