

H-054A

Ex. 1B

MAR 8 1994

Dr. Sidney M. Wolfe
Director
Public Citizen's
Health Research Group
2000 P Street N.W.
Washington, D.C. 20036

Dear Dr. Wolfe:

This is in response to your July 19, 1993, petition, on behalf of Public Citizen's Health Research Group and the Oil, Chemical and Atomic Workers International Union, requesting that the Occupational Safety and Health Administration (OSHA) promulgate an emergency temporary standard (ETS) to reduce the current permissible exposure limit (PEL) to hexavalent chromium from 100 micrograms per cubic meter (ug/m^3) to an eight hour time weighted average PEL of $0.5 \text{ ug}/\text{m}^3$. You concluded that exposure to hexavalent chromium (CrVI) presents a grave danger of lung cancer and that an ETS is necessary to protect workers from this grave health risk.

Under Section 6(c) of the Occupational Safety and Health Act, the Agency shall issue an ETS, to be effective immediately upon publication in the Federal Register, without going through public rulemaking proceedings, when it finds that employees are exposed to a grave danger from exposure to a toxic substance and that issuance of an ETS is necessary to protect employees from that danger. The ETS remains in effect until superseded by a standard promulgated under the Act's regular rulemaking procedures, set forth in Section 6(b), which include notice and comment and an opportunity for public hearing. The Secretary must complete these proceedings and issue a permanent standard within six months of the issuance of the ETS.

The Agency has given your petition thorough consideration. We have opened a Hexavalent Chromium Docket (H-054a) and are placing in it your petition, this response, and relevant documents from the scientific literature and from other governmental agencies. We have initiated efforts to determine current occupational exposure levels, numbers of workers exposed, available control technologies, and the industries that would be affected by a standard for CrVI. In addition, we have initiated a review of recent literature related to the toxicity of CrVI.

OSHA agrees that there is clear evidence that exposure to CrVI at the current PEL of 100 ug/m³ can result in an excess risk of lung cancer and other CrVI-related illnesses. However, based on our analysis of your petition and the underlying data, OSHA finds that the currently available data are not sufficient to support the need for an ETS, particularly in light of the extremely stringent judicial and statutory criteria for issuing and sustaining such action. Therefore, we are denying your petition for an ETS.

OSHA, instead, is beginning a Section 6(b) rulemaking for occupational exposure to CrVI. We are preparing the necessary health and economic impact assessments to support this regulatory action. We anticipate that Notice of Proposed Rulemaking will be published in the Federal Register not later than March 1995.

As OSHA begins the development of a proposed rule for occupational exposure to CrVI, we look forward to continued cooperation with Public Citizen's Health Research Group and the Oil, Chemical and Atomic Workers International Union. Any data, comments or other assistance that you provide to us will be placed in the Hexavalent Chromium Docket and will be considered as part of this rulemaking effort. Thank you for your efforts to protect workers.

Sincerely,

Joseph A. Dear
Assistant Secretary

cc: Robert Wages

OH:CFreeman:pty:9/03/93
Room N3718 x37111
Control #P9304195 Due Date:

cc: CCU File, OH File, CFreeman, Witt, Green Copy