Over the past several months we have had a number of inquiries that asked the question, "Is asbestos a carcinogen?" Further probing brought out the fact that the question concerned a recent OSHA regulation (copy attached) where carcinogen is defined as any of fourteen specific substances included in a given list or any mixture containing one percent or more of these substances by weight. The fourteen substances are organic compounds and do not include asbestos.

Obviously, asbestos is not a carcinogen under this definition or under this regulation. You may state this to any customer who inquires. In some cases, a written confirmation is requested. A form sheet to provide such a confirmation is attached. You may use this as appropriate. Do not change any wording without prior approval of our Law Department.

As you know, the answer to the same question in the broad sense is not as clear-cut. Medical opinion varies across the broad range from:

1. Asbestos is a very dangerous carcinogen to

2. Under certain exposure conditions certain types of asbestos may be carcinogenic.

You have an obligation not to mislead or misrepresent the true situation to the customer. Use your best judgment as to how detailed an answer should be provided.
Dear Mr. ________:

This is in reply to your letter of ____________________.

Our asbestos does not contain any of the materials listed on page 20074 of Federal Register, Vol. 38, No. 144 - Friday, July 27, 1973 nor any derivatives of those materials nor any potential for degrading to form one of the listed materials or their derivatives.

Please contact __________ if you have any questions.

Very truly yours,
§ 1910.92c Carcinogens.

(a) Scope and application. This section applies to any workplace in which a carcinogen is manufactured, processed, used, repackaged, released, handled, or stored, but not exposed to any workplace involving semiconductor fabrication.

(b) Definitions. (1) "Carcinogen" means any of the substances listed below, or any mixture containing one or more of such substances, by weight.

<table>
<thead>
<tr>
<th>Chemical Symbol</th>
<th>Chemical Name</th>
<th>RTEK No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Aflatoxin B1</td>
<td>30-06</td>
</tr>
<tr>
<td>13</td>
<td>Aflatoxin B2</td>
<td>30-07</td>
</tr>
<tr>
<td>14</td>
<td>Aflatoxin G1</td>
<td>30-08</td>
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<tr>
<td>15</td>
<td>Aflatoxin G2</td>
<td>30-09</td>
</tr>
<tr>
<td>16</td>
<td>Benzene</td>
<td>30-10</td>
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<tr>
<td>17</td>
<td>Cadmium</td>
<td>30-11</td>
</tr>
<tr>
<td>18</td>
<td>Chromium</td>
<td>30-12</td>
</tr>
<tr>
<td>19</td>
<td>Cobalt</td>
<td>30-13</td>
</tr>
<tr>
<td>20</td>
<td>Cigarette smoke</td>
<td>30-14</td>
</tr>
<tr>
<td>21</td>
<td>Copper</td>
<td>30-15</td>
</tr>
<tr>
<td>22</td>
<td>Dibutyl phthalate</td>
<td>30-16</td>
</tr>
<tr>
<td>23</td>
<td>Dimethyl phthalate</td>
<td>30-17</td>
</tr>
</tbody>
</table>

(2) "Controlled area" means an area to which access or egress by employees is not required by or controlled by the employer under this section.

(3) "Decontamination" means the removal or inactivation of a carcinogen.

(4) "Isolated environment" means a fully enclosed structure, which is impervious to the passage of a carcinogen, which is not the vessel of containment of the carcinogen, and which prevents the dispersion of a carcinogen into areas or atmospheres where employees could be exposed to contact with that carcinogen, even if leakage or spillage from the vessel of containment occurs.

(5) "Closed system" means an operation or equipment involving a carcinogen where the containment produces, under normal conditions, the exposure by any route of employees to a carcinogen by any route.

(6) "Laboratory type hood" means a device enclosed on three sides, and the top and bottom, ventilated to withdraw air inward and away from the open side, designed and constructed in such a way that an operation involving a carcinogen within the hood does not require the inhalation of any portion of any employee's body other than his hands and arms.

(c) Requirements for areas containing carcinogens. A controlled area shall be established by the employer where a carcinogen is manufactured, processed, used, repackaged, released, handled, or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the condition involved:

1. Isolated environment operations. Where a carcinogen is contained within an isolated environment, such as a "glove box," employees working with such environments shall, upon each exit from the area, be required to wash their hands and arms at the point of exit from the area containing the isolated environment.

2. Closed system operations. Where a carcinogen is stored in sealed containers, or contained in a closed system, such as fully enclosed process or transfer equipment, such as smoke hoods, and similar units or units designed so that while a carcinogen is contained within:

(i) Access to the controlled area shall be restricted to only employees who work in that area.

(ii) Upon entering the controlled area at the first entry of the work day, employees shall be provided with and be required to put on and wear clean work clothing, such as smocks, coveralls, or long-sleeved shirt and long pants.

(iii) Such employees shall be required to remove and leave that clothing at the point of exit upon each exit from that area.

(iv) Such employees shall be required to wash hands and face upon each exit from that area, not necessarily at the point of exit, but in the establishment.

(v) Such employees shall be required to shower after last daily exit from that area, not necessarily at the point of exit, but in the establishment.

(vi) Such employees shall be required to wear personal protective equipment adequate to prevent exposure to the atmosphere:

1. Access to the controlled area shall be restricted to only employees who work in that area.

2. Continuous local exhaust ventilation shall be maintained to prevent the dispersion of the carcinogen to areas where employees could, without such ventilation, be exposed to the carcinogen.

3. Upon entering the controlled area at the first entry of the work day all employees shall be provided with and be required to put on and wear clean work clothing, such as smocks, coveralls or long-sleeved shirt and long pants.

4. Employees in the controlled area involved in carcinogen handling operations shall be provided with and be required to wear personal protective equipment adequate to prevent exposure to the atmosphere:

1. Such employees shall be required to remove and leave that clothing at the point of exit upon each exit from that area.

2. Such employees shall be required to wash hands and face upon each exit from that area, not necessarily at the point of exit, but in the establishment.

3. Such employees shall be required to shower after last daily exit from that area, not necessarily at the point of exit.
RULES AND REGULATIONS

(4) Open vessel operations. Where a carcinogen is contained in a vessel open to the work environment:

(i) Access to the controlled area shall be restricted only to employees who work in the controlled area.

(ii) Continuous local or general exhaust ventilation shall be maintained at such operation locations sufficient to prevent the dispersion of carcinogen to areas where employees could, without such ventilation, be exposed to contact with the carcinogen.

(iii) Clean work clothing shall be provided to employees whenever they enter such a controlled area and shall be required to be worn by employees working in the controlled area. Such garments shall include footwear, socks, underwear, outerwear, and head covering.

(iv) Employees working in the controlled area shall be provided with and be required to wear personal protective equipment adequate to prevent exposure to a carcinogen.

(v) Employees working in the controlled area shall be required to remove and leave all work clothing and protective equipment at the point of exit from the controlled area, and shall shower at the entrance to any other area controlled area, and shall shower at the entrance to any other area from which they enter the controlled area.

(vi) Toilet and drinking facilities may not be used in the controlled area.

(vii) Other Operations. Operations involving the decontamination of surfaces containing a carcinogen, either as a part of cleanup of leaks or spills, maintenance or repair operations on systems or equipment, or any operation involving work in an area where direct contact with a carcinogen could result without protection, each employee entering an area shall be required to be provided with known carcinogens to be performed shall:

(1) Be provided with a clean, full, impervious, pressurized, air-supplied suit.

(2) Be required to put on the suit before entering the controlled area and to continue to wear the suit in such an area and during the operation.

(3) Be decontaminated before leaving the area and before removing the suit.

(4) Be required to shower after removing such suit.

(5) “Out-of-doors operations.” In an operation described in paragraphs (e) (1) through (5) of this section that is outdoors, other than being conducted in an enclosed structure, general mechanical ventilation is not required.

(6) General controlled area requirements. In addition to the controlled area requirements, the following requirements apply to all controlled areas.

(1) Each employer shall establish and maintain a list of employees entering a controlled area. This list shall be made available on request to authorized representatives of the Secretary of Labor.

(2) Each employer shall provide all work clothing, protective clothing, equipment and wash and shower supplies, including towels, required by this section.

(3) Any required shower rooms shall be provided in accordance with §1910.141. Shower supplies may be introduced to a shower room only through a noncontaminated area.

(4) No food or beverage shall be permitted within a controlled area.

(5) No smoking or smoking materials or products shall be allowed within a controlled area.

(6) Appropriate instructions and signs shall be posted to inform employees of the procedures followed in entering and leaving a controlled area.

(7) Any equipment, material, or any other items that are to be taken into or removed from a controlled area shall be taken in or removed from such area in a manner which does not contaminate any employees outside the controlled area.

(8) When only removal of outer clothing or protective equipment is required under paragraph (e) (6) of this section, an employee must be able, upon exit from the controlled area, to enter any other area, remove outer work garments and equipment and leave them in that room.

(9) When change and shower facilities are provided under paragraph (e) (6) of this section, all areas shall be arranged so that upon exit, an employee must be able to enter a separate, clean change room, change into clean clothing, and leave every item of clothing and equipment. He must then be able to shower in an adjacent room which he can enter through an entrance deemed to prevent the escape of carcinogens from the dirty change room to the shower room. Therefore, he must be able to enter a clean change room where his outer work garments are stored.

(10) Change and shower areas where work area garments or protective clothing and equipment are required under paragraph (e) (6) of this section to be worn in a controlled area, a clean change room shall be provided so that before entering the controlled area the employee can change into clean work area garments or protective clothing and equipment in an area not containing contaminated or used work clothing or equipment and without passing through such a contaminated area to enter the controlled area. The clean change room shall have individual storage facilities for storage of clean clothing and clean protective clothing and equipment.

(11) Control of general mechanical exhaust ventilation shall be provided in controlled areas, or other places where it may be necessary to provide ventilation in order to maintain the air temperature within the area shall not flow to non-controlled areas. Local exhaust ventilation shall be implemented only if the area is not shown to be a controlled area.

(12) Appropriate instructions and signs shall be posted to inform employees of the procedures followed in entering and leaving a controlled area.

(13) Signs and labels. (1) Entertainances to controlled areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT

in this area.

This agent may be hazardous to your health.

AUTHORIZED PERSONNEL ONLY

For isolated environment operations, the sign shall be posted on or near the isolated environment structure.

(2) Equipment, material, and clothing contaminated with a carcinogen shall not be removed from a controlled area unless it is either decontaminated or sealed in impervious containers bearing the legend:"
Title 42—Public Health
CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS
PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations

On February 12, 1973, a notice of proposed rulemaking was published in the Federal Register (38 FR 4263) to revise the subpart of Part 37 of Title 42, Code of Federal Regulations, entitled "Chest Roentgenographic Examinations" by setting forth the specifications for giving, reading, classifying, and submitting the second round of chest roentgenograms required to be given to underground coal miners by section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843). Specifications for pulmonary function tests were also proposed.

Interested persons were invited to participate in the rule making through the submission of comments and comments were received from the United Mine Workers of America, the Bituminous Coal Operators' Association, a number of hospitals and clinics, physicians, manufacturers of pulmonary function equipment, coal operators, the Pennsylvania Bureau of Occupational Health, and this Department's Bureau of Radiological Health in the Food and Drug Administration. Due consideration has been given to all material presented, with the result that a number of changes have been made in the regulations which were proposed.

The United Mine Workers of America and the Bituminous Coal Operators' Association, in addition to other commenters, objected to the proposed requirement of the conduct of a pulmonary function test. The Union's objections were predicated upon the lack of comparability between the pulmonary function examinations and any disability criteria for black lung benefits and the fear that adoption of the proposed specifications would stifle future development of more refined pulmonary function tests or their use when they become available. The Bituminous Coal Operators' Association insisted that a pulmonary function test, while a tool for measuring lung impairment, is of little value in diagnosing pneumoconiosis for transfer purposes. Both the Union and the Association supported the continuance of these tests in the Institute's National Study of Coal Workers' Pneumoconiosis. In addition, the Institute is perfectly in position to relate the test results to pneumoconiosis and miner transfer.

In view of the comments, the requirements of a pulmonary function test are not necessary in Subpart C (37.33) have been deleted. The Institute will continue the conduct of such tests.

Title 32A—National Defense, Appendix
CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR
[Oil Import Reg. 1 (Reg. 5). Ann. 31]
O.I. REG. 1—OIL IMPORT REGULATIONS
Miscellaneous Amendments

 Correction
In FR Doc. 73-15310 Filed 7-26-73; 8:45 am

Title 39—Postal Service
CHAPTER I—U.S. POSTAL SERVICE
PART 143—PRECANCELLED STAMPS
Philatelic Sales

Regulations dealing with the sale of precancelled stamps have been amended. With respect to the quantity of such stamps that may be sold to philatelists and the conditions under which they will be sold. Publication of the following amendments in the Federal Register is effective immediately.

1. Paragraphs (1) (d) (1) and 2 of § 143.2 Sale and use of precancelled stamps are amended to read as follows:

§ 143.2 Sale and use of precancelled stamps.

(1) Philatelic sales—(1) Nonpermit holders. (a) A maximum of one sheet of stamps of each of the precancelled denominations in sheet form which are available at a post office may be purchased in person or by mail nonpermit holders for collection purposes only. Complete rolls of precancelled coil stamps may not be broken for philatelic sales.

Instructions for selling plate blocks are as provided for in § 255.116 (1) of this chapter.

(3) Precancelled stamps are available at post offices which have them on hand or have a hand stamp for precancelling purposes. In the necessary the precancelling stamps for a permit holder before honoring a philatelic request involving the use of a hand stamp. Hand stamps, once acquired, should be retained by post offices to fill requests from philatelists.

(4) Each mail order must be accompanied with a stamped, self-addressed envelope for use in returning the stamps to the permit holders.

(2) Permit holders. Precancel permit holders may buy any quantity of precancelled stamps for philatelic purposes. Other precancelled stamps may be purchased only for the purpose of paying postage. Unused precancelled stamps may not be sold for philatelic purposes by permit holders.

(3)Precanceling for collectors. Postmasters will comply with requests for imprints of a precanceling device on their own stamp stock but not for imprints on blank sheets of paper or on stamps submitted by a collector or other individual.

(30 U.S.C. 401)

[FR Doc. 73-15451 Filed 7-26-73; 8:45 am]

PART 151—CONDITIONS OF DELIVERY
Checks Issued by the Federal Government

Regulations dealing with the delivery of Federal Government checks have been amended to specify the delivery schedules for such checks. Accordingly, paragraph (d) of § 151.1 Delivery to persons.

§ 151.1 Delivery to persons.

(a) •••

(d) •••

(4) Treasury checks enclosed in envelopes which do not indicate a date of delivery will be delivered on the first scheduled delivery after that date.

(5) Treasury checks enclosed in envelopes which indicate a date of delivery will be delivered on that date or the first scheduled delivery after that date. In emergency or other infrequent situations, customers receiving delivery service may request pre-delivery of their mail at the office of delivery, providing withdrawal of the mail does not interfere with the carriers' delivery schedules.

(30 U.S.C. 401)

Lorin A. Cox, General Counsel.

June 20, 1973.

[FR Doc. 73-16242 Filed 7-26-73; 8:45 am]