

**Diana, Sherri A. (CDC/NIOSH/EID) (CTR)**

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**From:** John Schweitzer (ACMA) <jschwitzr@gmail.com>  
**Sent:** Tuesday, January 03, 2012 2:16 PM  
**To:** NIOSH Docket Office (CDC)  
**Cc:** Hearl, Frank J. (CDC/NIOSH/OD)  
**Subject:** Comments on REL and Cancer Policy  
**Attachments:** ACMA comments on NIOSH REL and Cancer Policy Jan 2012.pdf

Please see attached our comments in response to the Aug. 23 Federal Register notice.

thank you.

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January 3, 2012

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**RE: Docket Number NIOSH-240, Request for Information: Announcement of Carcinogen and Recommended Exposure Limit (REL) Policy Assessment**

Dear Sir/Madam:

The American Composites Manufacturers Association ("ACMA") is pleased to provide these comments in response to the referenced Request for Information (RFI) issued by the National Institute for Occupational Safety and Health ("NIOSH") on August 23, 2011. 76FR52664.

ACMA is the national trade group for the composites industry. Our members include small and medium-sized companies that use combinations of thermoset plastic resin, glass fiber and other materials to make underground gasoline storage tanks and pollution control equipment, wind turbine blades, modular tub/shower units and bathroom vanities, ballistic panels and armor for military vehicles, fiberglass boats, automotive, truck and motor home components, window lineal and ladder rail, bridge decks and concrete reinforcing bars, playground equipment, components for commercial and military aircraft, signs and building fascia, and thousands of other composite products, as well as the suppliers of raw material to this industry. The composites industry employs 300,000 Americans and contributes \$45 billion annually to the U.S. economy. Over 90 percent of composite manufacturers are small businesses. The majority are microbusinesses.

ACMA fully supports and encourages NIOSH review of and response to comments on this matter submitted December 28, 2011 by the Styrene Information and Research Center. In addition, we would like to make the following arguments regarding a productive role for NIOSH in protecting worker health.

ACMA represents small companies using chemicals. Many are family businesses in small communities – the owner, her family members, and her neighbors often work in the plant – and health and safety are a top concern. However, precautionary, progressive, forward-looking, or technology-forcing NIOSH guidance, without meaningful consideration of practicality and affordability of control, is of no benefit to our industry. Worse, this kind of guidance will increase business uncertainty, increase the risk of unwarranted tort claims, and drive up costs for liability and workers compensation insurance.

Our industry does not have the resources to work the same issue at multiple agencies. If OSHA updates its regulatory Permissible Exposure Limits, there seems to be little utility for NIOSH to update its Recommended Exposure Limits. Such redundancy would only create more work for the association and its members without advancing worker health in our industry.

In our view, NIOSH can profitably contribute to worker protection by:

- Reducing rulemaking burdens faced by OSHA.
- Managing helpful and productive programs that may not fit in OSHA's traditional rulemaking process.

Specifically, NIOSH could facilitate and manage the operation of *stakeholder groups* working to prepare *pre-rulemaking documents*.

- The pre-rulemaking document would provide OSHA a head start in promulgating a standard by:
  - Summarizing stakeholder-provided data on hazards and exposures, compliance options, and technical and economic feasibility.
  - Summarizing relevant NIOSH-sponsored research or analysis, conducted to fill in data gaps on hazards and exposures, identify and characterize compliance options, and/or evaluate technical and economic feasibility.
  - Identifying points of agreement among stakeholders.
  - Identify points of disagreement that will need to be resolved by OSHA during formal rulemaking.
- Pre-rulemaking documents could serve as a resource for employers during the time it takes OSHA to promulgate final rules.

Further, we encourage any NIOSH effort to directly address matters of *economic feasibility*.

- Assessing economic feasibility is often the most difficult and most contentious part of setting occupational health and safety standards.
  - The technical feasibility of achieving a standard almost always becomes a matter of affordability, especially for smaller companies.
  - Affordability is both difficult to determine with precision and a matter of the highest importance as the viability of businesses and the jobs they provide are at stake.
  - Affordability is not only a matter of "cost of control" but includes management and training needed, for example, to use respirators.
- NIOSH should not hand-off projects to OSHA without addressing economic feasibility, or at least without providing information that will help OSHA to do so. We encourage NIOSH to consider allocating more of its research budget to consideration of economic feasibility.

Thank you for your attention to our suggestions and comments on this matter.

Sincerely,



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