

Comments: CBDPP

Proposed Rules

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Federal Register proposed 10 CFR 850 CBDPP comments

Request for Information:

Part II, Questions for Comment

1. Should the Department of Energy continue to use the OSHA permissible exposure level (PEL) for beryllium?

Answer: The use of OSHA's PEL is outdated and does not protect the worker to levels needed for beryllium exposure. DOE is using an action level that is 10 times more restrictive than OSHA and the numbers of beryllium affected workers is still increasing. This is enough evidence to show that even with an action level 10 times as restrictive as OSHA's, it still is not sufficient to reduce beryllium sensitization or Chronic Beryllium Disease. Action levels for protecting workers to beryllium exposure need to be reduced even more than DOE's current action levels.

2. Should the Department use the 2010 ACGIH threshold limit value (TLV) of 0.05 ug/m³ (TWA) in inhalable particulate matter, per cubic meter of air, for its allowable exposure limit?

Answer: Yes, DOE should use the most restrictive and protective levels and limits possible for exposure to beryllium. The use of Time Weighted Average (TWA) for beryllium is not medically justifiable as a one time exposure is all that it takes to become sensitized to beryllium. The use of averaging beryllium exposure over an eight hour average does not protect the worker when a onetime exposure is all that is needed to cause sensitization. Time weighted average may work for other exposures, but not for beryllium.

3. Should an airborne action level that is different from the 2010 ACGIH TLV for beryllium be established?

Answer: Using the 2010 ACGIH TLV for airborne exposure is justified when not using 8 HR Time Weighted Average. Particle size does matter and what size particle is being inhaled is impossible to

measure during work activities. With the increasing number of beryllium affected workers at Hanford there should be more than enough evidence to establish more restrictive limits be established.

4. Should the Department require the use of wet wipes?

Answer: The use of wet wipes is justified when feasible to do so and conditions dictate. Dry wipes may have to be used in RAD zones.

5. Wipe Sampling:

Answer: Wipe sampling is a very reliable aid in determining the presence of beryllium. Bulk and wipe sampling should be used together when possible and will show if any beryllium contamination is present and the possibility of beryllium becoming airborne could occur.

6. What is the best method for sampling and analyzing inhalable beryllium?

Answer: The use of wipe/bulk sampling and personal/area air samplers continue to be the best options for sampling and analyzing inhalable beryllium. Characterizing the facilities using bulk and wipe samples will show that the presence of beryllium is there and any work that disturbs the beryllium contamination should be controlled. Knowing what the hazard is, is the first step in the job planning process.

7. How should fraction exposure data be compared to inhalable fraction exposure measurements?

Answer: All beryllium contamination should be considered having the potential to become airborne if disturbed.

8. Should surface area action levels be established?

Answer: Yes, action levels should be established for both surface and airborne beryllium. Any beryllium contamination found on surfaces has the possibility of becoming airborne should it be disturbed. Setting action levels that will prevent worker exposure that is the most restrictive and protective should be the main concern.

9. Should warning labels be required for the transfer, to either another DOE entity or to an entity to whom this rule does not apply?

Answer: Yes, warning labels should be required for items with surface contamination or internal contamination that are not accessible. Transferring possible beryllium contaminated equipment to

entities whom the rule does not apply should be discontinued unless there is full disclosure about the possibility of beryllium are discussed in full detail. Warning labels mean nothing to outside entities who do not know the hazards of beryllium exposures.

10. Should the Department establish both surface and aggressive air sampling criteria for releasing areas in a facility, or should the Department consider establishing only aggressive air sampling criteria?

Answer: The US DOE should establish very aggressive air and surface sampling criteria for the release of a facility that has been contaminated with beryllium. If beryllium contamination is found by surface sampling then the possibility of the beryllium contamination going airborne is probable. It would be real nice if the current criteria found in 10 CFR 850 for sampling be used. Unfortunately, different interpretations of the Rule have made sampling criteria very subjective.

11. Should the Department continue to require the worker's consent for medical removal?

Answer: DOE should continue to require the worker's consent for medical removal. It is the Department's responsibility to protect its workforce and an extreme effort should be made to avoid any beryllium exposure to any employee. The Site SOMD needs to be in contact with the affected employee's personal physician before any determinations can be made. As much information that can be presented to the affected employee by the SOMD would help in the decision that needs to be made.

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