

FRICTION MATERIALS STANDARDS INSTITUTE, INC.

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Document Control Officer (TS-793)
Office of Toxic Substances
Environmental Protection Agency
Room E-209
401 M Street, S.W.
Washington, DC 20460

Subject: Asbestos Rulemaking Proposals (Docket Control No. OPTS-62036)

Gentlemen:

The Friction Materials Standards Institute (FMSI) is a trade association of manufacturers of friction materials - brake linings and clutch facings. We wish to comment on the EPA proposals to prohibit and phase out the manufacture of certain asbestos products as detailed in the FEDERAL REGISTER Notice of January 29, 1986. Our comments are limited to the use of asbestos in friction products. In either the basic proposals or in the options suggested, asbestos friction products would be prohibited over ten years or over five years from the effective date of the rulemaking.

We have responded in the past to proposals put forth both by the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) concerning asbestos in friction products. We do not wish to add to the paper work we have sent earlier, but feel those comments bear repeating at this time. We are therefore enclosing copies of certain earlier comments which we wish to have considered in this rulemaking.

EARLIER COMMENTS TO OSHA ON OCCUPATIONAL EXPOSURE TO ASBESTOS

Enclosed are copies of our comments to OSHA of May 22, 1984. In those comments we described the uniqueness of the friction materials products as compared to other asbestos products, and the extensive work that had been done on non-asbestos friction products. We also noted the fact that the friction products industry (with one exception in the past) uses only chrysotile asbestos in its products. The facts contained under "Friction Materials Product" in our May 22, 1984 comments are still appropriate.

The remaining comments in that letter address certain areas of control. It is our belief that OSHA's proposed rules, if consideration is given to responsible comments, would provide the necessary control in the workplace to prevent any alleged unreasonable risk presented by exposure to asbestos

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in friction products. Since it is only in the workplace that significant exposure may occur and only when proper control devices are not in place, we do not believe that EPA's proposed phase out of asbestos in friction products is warranted. Please see our later comments in this letter on "Asbestos Exposure in the Brake Repair Shop."

These earlier comments illustrate the dilemma for manufacturers of friction materials. OSHA, on the one hand, is proposing to reduce exposure levels in the workplace where there are substantial capital and on-going costs, while EPA is proposing a ban. We are persuaded that if proper controls are implemented in the workplace that friction materials workers will be adequately protected from the risks of asbestos exposure.

EARLIER COMMENTS TO EPA ON PETITION TO BAN ASBESTOS BRAKE LININGS

On November 13, 1984, we sent comments to EPA on the Natural Resources Defense Council (NRDC) Petition to prohibit the use of asbestos in on-highway brakes. We are enclosing copies of that letter as it is still relevant to the issues raised in the recent proposals for a ban. We questioned whether or not the occupational asbestos standards and/or the national emissions standards were insufficient to protect against unreasonable risk posed by asbestos in brakes. In addition to our comments on OSHA versus EPA responsibility, we commented on the use of substitutes and questioned the possible health effects where substitute fibers had physical dimensions similar to asbestos. We also noted that, while there had been substantial progress with semi-metallic disc pads, certain claimed advantages for semi-metallic materials and other non-asbestos substitutes could not be extended to all friction product lines.

While the industry is working on asbestos substitutes, and we realize that "free market" forces cannot rule where substantial health questions are involved, the regulators should understand that these forces have been responsible for the removal of asbestos from aircraft brakes several decades ago. These forces were responsible for the development of non-asbestos clutch facings in the heavy duty area and later in the passenger car area. These forces were also responsible for the success of semi-metallic (non-asbestos) disc brake pads as original equipment on the front brakes of a majority of passenger cars and light trucks today. The replacement of earlier asbestos-containing original equipment disc brake pads with later non-asbestos products requires the consideration of safety implications. The industry is working on substitutes for light, medium, and heavy truck drum segments, and on truck/trailer blocks. Progress has been made, but regulation with arbitrary cut-offs or phase downs is not the best way to introduce safe and durable materials for a product so safety related as brake linings.

PROPOSED PERMIT SYSTEM

In the FEDERAL REGISTER Notice, the EPA proposed establishing a permit system for a phase out of asbestos products other than the specific products

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to be banned. This would affect asbestos friction products. We will not address the problems that would affect the importers of asbestos-containing friction products in establishing the base year allocations. Our comments address problems of the United States manufacturer.

All United States manufacturers are importers of asbestos, with the main asbestos sources in Canada. All would be affected by permit requirements. While it is obvious that a new layer of bureaucracy would be piled on the American manufacturer, this system would tempt that manufacturer to lay in excess inventory where possible to avoid later permit delays or other snarls in the operation of a permit system. Factory operations must rely on dependable sources of supply. The lead times involved with non-asbestos substitutes may run to several years considering new equipment requirements to effect the process changes. Where technically feasible, bans on product lines or on sub-classifications of a product line would be preferable to a permit system, and considerably more workable.

LABELING OF ASBESTOS FRICTION PRODUCTS

The friction materials industry has been labeling its packages and cartons with the warning label required by OSHA. This label reads as follows:

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

This label has appeared on packaging where there was any likelihood that further machining might raise dust levels. We believe this has been a workable warning label. Where friction materials are being shipped to another factory or to a rebuilding operation, the warning is ordinarily passed on to the user with inserts in the carton, in correspondence to the user, or with a stenciled warning on the container. The friction materials industry believes this warning is called for particularly where the carton is sold over the counter in an auto parts store, or by a mass merchandiser, or where the carton is delivered to a garage for installation, even though additional machining is not likely to occur. We urge that EPA continue with the labeling called for by OSHA.

ASBESTOS EXPOSURE IN THE BRAKE REPAIR SHOP

There are essentially two procedures where the brake repair mechanic could be exposed to airborne asbestos. The first is while cleaning the brakes in need of relining, and the second is while preparing new brakes prior to installation on the vehicle. During the first operation, the mechanic is working on brakes where the airborne dust consists of friction material wear debris, road dirt, and dust. At this stage, the "fibers" are essentially dust, without fiber orientation. This wear debris does not have

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fiber length and diameter dimensions which OSHA would consider an "asbestos fiber." In addition, the wear debris has been chemically altered such that if it had not been known that the dust was derived from an asbestos containing product, this material would not be considered to contain asbestos.

In years past, the only exposure to true asbestos fibers could have been while the mechanic was grinding, drilling, bevelling, or in other fashion, machining the new brake lining. Even in these instances the asbestos fibers are not "pure" asbestos since asbestos fibers have been chemically mixed with resin and other raw materials, and then subjected to a curing operation which results in an alteration of the asbestos fibers. Over the past many years, most of this machining has been removed from the brake repair facility and transferred to the rebuilder or manufacturer who attaches the brake lining to the brake shoe. In certain cases, these operations have been further transferred back to the friction materials manufacturer. In the cases of both the rebuilder and the manufacturer, they are better able to control asbestos exposures than the brake shop, and by their very nature are exposing far fewer individuals than the 550,000 who are said to be exposed to asbestos during brake service.

CHRYSOTILE ASBESTOS IN BRAKE LININGS

Most studies have shown that there is a significantly lower risk of mesothelioma with chrysotile than with crocidolite and amosite. The Institute Members use only chrysotile in brake linings. Almost all reports on limited exposure and resultant malignancy have been based on finding mesothelioma in shipbuilding and construction workers, who were exposed to the amphiboles (crocidolite and amosite). We are not aware of mesothelial tumors in those exposed to brake lining dust absent exposure to the amphiboles.

Knowledge of the carcinogenic properties of asbestos developed from studies of exposure in the shipbuilding and construction industries where amphiboles were used, and the real damage that occurred in those areas has been suggested for the friction materials industry. The United States is one of but a few countries that treats all asbestos as equally toxic. It is suggested that regulation consider these differences and adopt lower exposure levels for crocidolite and amosite than for chrysotile, rather than a blanket prohibition of all asbestos types.

* * * * *

Our industry is working on substitutes for asbestos in friction products. Several new non-asbestos type friction products have been introduced over the past several years. However, replacement of certain asbestos-containing brake linings with non-asbestos materials demands in-depth technical studies, expensive and time-consuming qualification tests, and in many cases the purchase of special equipment and tooling. These take time, particularly in the development of non-asbestos containing friction materials for the aftermarket where the performance must closely match that of the asbestos

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containing product in order to assure safe braking of the vehicles in question.

Highway safety is a paramount concern, and our industry is regulated by a Federal Agency which demands safety. We ask that EPA re-consider its proposed ban (or phase out) of asbestos friction products, and that any action taken along such lines be on a case-by-case basis. We suggest that EPA consider a reduction in asbestos exposure based on asbestos types - the chrysotile used in asbestos friction products being the least toxic type. We also suggest that EPA give consideration to the substitutes being used to replace asbestos, where the long term health effects of the substitutes are still open to question. While industry is working to develop substitutes for asbestos, which we hope will be as effective as asbestos and themselves pose no significant risks to workers, we believe it would be imprudent for EPA to rush substitution before the safety and toxicology considerations of substitutes have been fully assessed.

Respectfully submitted,

FRICITION MATERIALS STANDARDS INSTITUTE

E. W. Drislane
Executive Director

Copies:

Letter to OSHA 5-22-84
Letter to EPA 11-13-84

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