

PLAINTIFF'S EXHIBIT

CEL-1180

August 25, 1989

TWS-89-53

Distribution

Tom Scott

Distribution

Charlotte 264

40 CFR Part 763 - Prohibition of the Manufacture,
Importation, Processing and Distribution in Commerce of
Certain Asbestos Containing Products

Distribution: Doug Morris - Shelby
Dave Smith - Salisbury
Bob Williams - Celriver
Tom Johnson - Celco
Gary Ille - Cape Industries
Ricky Smith - Charlotte 466
Bob Narvaez - Greer

Please find the attached EPA final rule banning the manufacture, processing, importation and distribution in commerce of certain asbestos-containing products. The ban is to be implemented in three stages.

Stage 1 Manufacture, importation and processing of the following asbestos containing products must cease by August 27, 1990:

flooring felt
roofing felt
pipeline wrap
asbestos/cement flat sheet
asbestos/cement corrugated sheet
vinyl/asbestos floor tile
asbestos clothing

After August 25, 1992, the above listed Stage 1 products cannot be distributed in commerce.

Stage 2 Manufacture, importation and processing of the following asbestos containing products must cease by August 25, 1993:

beater-add gaskets
sheet gaskets
clutch facings
automatic transmission components
commercial and industrial friction products
drum brake linings (as original equipment)
disc brake pads for light and medium weight
vehicles (as original equipment)

Hoechst 

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After August 25, 1994, the above listed Stage 2 products cannot be distributed in commerce.

Stage 3 Manufacture, importation and processing of the following asbestos containing products must cease by August 26, 1996:

- asbestos/concrete pipe
- commercial paper
- corrugated paper
- rollboard
- millboard
- asbestos/concrete shingle
- specialty paper
- roof coatings
- non-roof coatings
- brake blocks
- drum brake linings (replacement)
- disc brake pads for light and medium weight vehicles (replacement)
- disc brake pads for heavy weight vehicles (replacement)

After August 25, 1997, the above listed Stage 3 products cannot be distributed in commerce.

Discussion

Even with OSHA's recent promulgation of 1926.58 and 1910.1001, EPA contends that individual risk remains higher than 1 in 1,000 of developing cancer for tens of thousands of people who work with asbestos products. Ambient exposures to non-occupational exposures are estimated at 40 million, and 19 million of those exposed to ambient asbestos incur lifetime risks of 1 in 10,000 or greater of developing cancers.

The potential longevity of the risk posed by environmental loading was a major factor in EPA's decision to eliminate that risk at its source by banning most asbestos products. It is estimated that these banned products account for approximately 94 percent of the U.S. asbestos consumption.

EPA has more concern about the continued use and exposure to asbestos than it has for the future replacement of asbestos in the products subject to this rule with other fibrous substances.

Timing of these bans is based largely on the availability of suitable available or authorized non-asbestos substitutes for the banned products. Evidence received by EPA supports the conclusion that substitutes already exist or will soon

exist for each of the products that are subject to the rule's ban.

Impact of Ban on Operations

As an end-user of some of the products included in the ban, our operations will be affected by the regulation, at least to some degree. For example, asbestos-containing gasket material is probably used at most, if not all, of our facilities, and there is probably good reason. In light of the ban, these gasket materials will be unavailable after August 25, 1994. Specialty gaskets are excluded from the ban, but the criteria for exclusion are temperatures of 750°F or greater, or corrosive environments (pH<2 of highly oxidizing mineral acids at temperatures above ambient).

In the analysis performed to ascertain the economic consequences of the rule, EPA contends that the continued development of price- and performance-comparable substitutes for asbestos indicates that the rule will not lead to either dramatic increases to consumer prices or decreases in the availability of products affected by this rule. Based on our process specifications for gasket materials and Jim Stowe's preliminary assessment of cost differences for some gasket products used at his plant, I would question EPA's conclusion on prices and the economic impact on our maintenance operations.

Although we have three years before any of the asbestos products are prohibited from distribution in commerce, it may be advisable to alert appropriate facility operations of the ban sometime in the near future to allow them time to assess the potential impact.

If you have any questions regarding the asbestos ban, please call me at 2890.



Tom Scott

Attachment

cc (w/o attachments):

C. A. Branney - Charlotte 264
B. T. Bowyer - Charlotte 264
M. B. Caldwell - Charlotte 264
Jack Kelley - Shelby
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