H.E.A. Committee
1981-82

The Bendix Corporation
Executive Offices
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P O Box 5060
Southfield, Michigan 48037

Tel (313) 827-5000
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Friction Materials
Standards Institute
Attn: E. W. Drislane
East 210 Route 4
Paramus, NJ 07652

May 4, 1982

Dear Mr. Drislane:

I have reviewed the contribution request from "The Product Liability Alliance" and have the following comment.

The "alliance" is made up of some 29 companies and trade associations, many of which are larger and in better financial position than the F.M.S.I. While the request for contribution is small, I'd suggest that in the current economic shape, the F.M.S.I. hold back on a contribution at this time.

Sincerely,

J. W. Armstrong
Corporate Director
Safety & Protection Services

JWA/gvp

FMSI 02727

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(19)

FRICTION MATERIALS STANDARDS INSTITUTE, INC., EAST 210 ROUTE 4, PARAMUS, NJ 07652

April 30, 1982

To: Health and Environmental Affairs Committee

Subject: Memorandum from the Product Liability Alliance asking support for Uniform Product Liability Law

At the Committee Meeting on April 28, 1982, I adivsed that the Institute had received a memorandum from an association advocating support of a Federal Uniform Product Liability Law. I did not have the papers at the Meeting. As a result, I was asked to distribute the papers received to the Committee for comment.

Enclosed is a copy of the memorandum from The Product Liability Alliance asking for our support. The first question is whether the Institute should make a contribution of $100 to this association. I advised that there is precedence if this is considered a worthy association--we contribute to the Automotive Information Council on an annual basis. At the Committee Meeting it was decided that I would circulate this to the Committee Members and then would make a decision based on these comments after review by Mr. Armstrong, Chairman of the Committee, and our Legal Counsel.

If you wish to comment, please have them here by May 10.

E. W. Drislane
Executive Director

EWD/e

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THE PRODUCT LIABILITY ALLIANCE

1725 K Street, N.W Suite 710
Washington, D.C. 20006
(202) 872-0885

April 5, 1982

MEMORANDUM

To: Trade Association Executives

From: David P. Sloane, Director-Congressional Relations
National Association of Wholesaler-Distributors

Subject: Federal Product Liability Reform

This month's successful Senate Consumer Subcommittee hearings highlighted the growing consensus in favor of Federal product liability legislation.

Critical to enactment of such legislation is cooperation and coordination among its proponents.

The Product Liability Alliance has been formed to achieve this goal. Already, over 150 major trade associations and companies have joined the Alliance, and a Steering Committee (see attached) has been at work for four months.

TPLA is an ad hoc organization. It advocates no policy positions on the content of specific bills. Instead, it supports, generally, the advancement of balanced and effective product liability legislation.

We invite you to join in this critical effort.

No financial commitment is required. But we would appreciate a $100 contribution to cover TPLA printing and postage costs. The National Association of Wholesaler-Distributors is serving as Executive Secretariat of The Product Liability Alliance. Make your check payable to NAW Product Liability Fund (TPLA Account).

Please indicate your interest by completing the attached form.

Give me a call (202/872-0885) if you have any questions.

****

Also enclosed for your review is a copy of the testimony given by noted tort law authority Victor Schwartz on behalf of TPLA at the Senate hearings, and a press release associated with same.

To: The Product Liability Alliance
1725 K Street, N.W.
Washington, D.C. 20006

/___/ YES ... we wish to participate in The Product Liability Alliance. Please add us to your mailing list, and keep us posted on your efforts.

-PLEASE PRINT-

NAME_____

ASSOCIATION_____

ADDRESS_____

CITY_____STATE_____ZIP_____

TELEPHONE_____(____)_____

/___/ YES ... we are enclosing $100 to help fund TPLA's printing and postage costs. Make your checks payable to NAW Product Liability Fund (TPLA Account).

PLEASE IDENTIFY YOUR WASHINGTON REPRESENTATIVE, IF YOU WISH HIM OR HER TO RECEIVE OUR MAILINGS ALSO:

NAME_____

ASSOCIATION_____

ADDRESS_____

CITY_____STATE_____ZIP_____

TELEPHONE____(____)_____

THE PRODUCT LIABILITY ALLIANCE

1725 K Street, N.W Suite 710
Washington, D.C. 20006
(202) 872-0885

STEERING COMMITTEE ORGANIZATIONS

Alliance of American Insurers

American Business Conference

American Insurance Association

American Mining Congress

American Petroleum Institute

Associated Equipment Distributors

Business Roundtable

Colt Industries, Inc.

Crowell & Moring

Crum & Forster Insurance Companies

E I Dupont De Nemours Company

FMC Corporation

General Electric

Gulf & Western Industries, Inc.

Halfpenny, Hahn & Roche

Hartford Insurance Group

Insurance Company of North America

Motor Vehicle Manufacturers Association

National Association of Furniture Manufacturers

National Association of Manufacturers

National Association of Wholesaler-Distributors

National Machine Tool Builders Association

National Product Liability Council

Southern Furniture Manufacturers Association

Special Committee for Workplace Product Liability Reform

Sporting Goods Manufacturers Association

Textron, Inc.

U. S. Chamber of Commerce

3M Company

THE PRODUCT LIABILITY ALLIANCE
1725 K Street, N.W Suite 710
Washington, D.C. 20006
(202) 872-0885

PRESS RELEASE FOR IMMEDIATE RELEASE

CONTACT: DAVID SLOANE

THE PRODUCT LIABILITY ALLIANCE URGES ENACTMENT OF FEDERAL PRODUCT LIABILITY LAW

TPLA's Victor Schwartz: Varying State Statutes Are Impeding Interstate Commerce

Washington, D.C. (March 9, 1982) . . . Asserting that "product liability law has spawned decisions that are simply unfair to all parties", a representative of The Product Liability Alliance (TPLA) today urged a Senate Subcommittee to approve legislation which would standardize product liability tort law at the federal level.

According to Dr. Victor Schwartz, representing TPLA, "Today no one can accurately predict what product liability law will be in the future. Federal legislation . . . setting forth uniform nationwide rules of liability would bring greater predictability and stability to the litigation process and to product liability insurance rates." Dr. Schwartz's comments came during testimony before the Consumer Subcommittee of the Senate Committee on Commerce, Science and Transportation.

The Product Liability Alliance, a newly-formed group of more than 150 businesses and trade associations, is a cross-section of the entire product liability process. TPLA includes

(over)

small, medium and large businesses; manufacturers, wholesaler-distributors and retailers; insurers and insurance brokers. All members of TPLA support enactment of balanced and effective federal product liability law.

Victor Schwartz, TPLA representative at the Senate hearing, is a partner in the Washington, D. C. law firm of Crowell and Moring. In addition, he is the former Chairman of the Federal Interagency Task Force on Product Liability and co-author of one of the most widely-used torts casebooks in the United States.

Product liability law is the set of rules governing a product seller's responsibility for harms caused by his products. These rules are established almost exclusively by judges in state courts in cases arising after an accident has occurred. As a result, these rules not only vary widely from state to state, but also are usually applied retroactively, making law even in a single state, unpredictable.

"CRAZY QUILT DESIGN"

Thus, according to Schwartz, a single federal product liability law will better serve all parties involved than does the current "crazy quilt" design of varying state laws.

A uniform product liability law "will enable manufacturers, retailers and wholesaler-distributors to understand what their obligations are in the design, manufacture and sale of products. It will bring increased accuracy to the setting of insurance rates. And it will allow consumers to know what their rights are", stated Schwartz.

In his testimony, Schwartz cited two examples of what he termed "unfair" state product liability court decisions:

- In a recent Maryland case, a manufacturer of a commercial laundry dryer which had worked well for 18 years was found liable for a substantial amount of damages when someone attempted to dry a huge hot air balloon in the machine. The dryer simply was not made for that purpose, and disintegrated, injuring the plaintiff.
- A car manufacturer was held liable for harm that was caused when a tire came apart on a vehicle being driven at more than 100 miles per hour.

PRODUCTS SOLD NATIONWIDE

The TPLA representative stressed that the states should not be blamed for failing to address the product liability problem effectively. Because of the interstate nature of product manufacturing and distribution, it is almost impossible for states, either through case law or statute, to address the product liability problem in a meaningful way. Even if an individual state develops a comprehensive approach to liability issues, the fact remains that products manufactured within that state are sold and used on a nationwide basis. This fact is reflected in the way product liability insurance rates differ from medical malpractice, auto and almost all other liability insurance rates which are set on a state-by-state basis.

Stated Schwartz: "Because some products are mobile and can give rise to liability in the state of manufacture, the state of sale, or the state of use, product liability rates must be set on a countrywide basis."

(over)

Schwartz concluded his testimony by alluding to two legislative initiatives advanced by the Senate Subcommittee - - "Staff Working Drafts 1 and 2" - - which would establish a federal product liability tort reform law. "In light of the fact that federal action is necessary", he states, "the approach of the Staff Draft represents a limited form of federal action; nevertheless, it can be effective. The draft does not require the expenditure of federal funds. The Staff Draft sets forth standards of liability which will be implemented by state courts. It would put to rest the jumble of product liability law that now impedes interstate commerce.

"Product liability tort law is intended to focus responsibility on the party or parties who, if they had acted reasonably, could have done something to prevent a harm."

* * * *

THE PRODUCT LIABILITY ALLIANCE
1725 K Street, N.W Suite 710
Washington, D.C. 20006
(202) 872-0885

TESTIMONY
OF
VICTOR E. SCHWARTZ
ON BEHALF OF THE PRODUCT
LIABILITY ALLIANCE
BEFORE
THE CONSUMER SUBCOMMITTEE
OF
THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION
UNITED STATES SENATE

MARCH 9, 1982

Mr. Chairman and members of the Subcommittee: Thank you for your very kind invitation to discuss the product liability problem, and whether federal action in the area of tort law is necessary to resolve that problem.

I am here today on behalf of The Product Liability Alliance, a newly-formed group of more than 150 business and trade associations that is a cross-section of the entire product liability process. It includes small, medium and large businesses; manufacturers, wholesalers-distributors, and retailers; insurers and insurance brokers. All members of the Product Liability Alliance support the enactment of balanced and effective federal product liability law.

I have observed the product liability problem from many viewpoints -- as a law professor in the field of torts, as a government official when I chaired the Interagency Task Force on Product Liability, and as a practicing lawyer. It is a problem whose history dates back to the early 1960's, but which became serious in

1975 and will be much more serious in the future unless federal action is taken now.

Let me share with you, briefly, some background facts about the product liability problem.

Product liability law, simply put, is the set of rules governing a product seller's responsibility for harms caused by his products. These rules are established almost exclusively by judges in state courts in cases arising after an accident has occurred. As a result, these rules not only vary widely from state to state, but also are usually applied retroactively, making law even in a single state unpredictable.

The slow evolution of tort law in the United States accelerated dramatically in the 1965-1975 decade, spawning new and diverse theories of liability. In 1975-1977, insurance rates rose for many businesses, especially smaller ones. The Interagency Task Force found an average increase of over 300% in the diverse product areas it studied.

The Task Force conducted an intensive 18-month study of the problem and found three causes that could be addressed by federal legislation.

One cause of the problem was overly subjective insurance ratemaking practices. Insurers simply did not have enough data to set rates accurately. Sometimes rates were too high, sometimes too low. To address this problem, the Department of Commerce

developed the Risk Retention Act which, after refinements and improvements by this Committee, became law last year. By providing product sellers with competitive alternatives to commercial insurance, it put to rest, now and for the future, the insurance ratemaking aspects of the product liability problem. If product liability insurance rates, which have stabilized over the past three years, ever again become in any way unfair or unreasonable, product sellers will have convenient self-insurance and group insurance alternatives.

The other principal causes of the product liability problem identified by the Task Force were unsafe manufacturing practices and uncertainties in the tort system. To address these, the Task Force developed in 1979 the Uniform Product Liability Act (UPLA), which was to serve as a model for the states to use in codifying the obligations of product sellers and the rights of persons injured by defective products. Unfortunately, this approach simply has not worked. While some states have adopted portions of UPLA, the legislative picture at the state level is, if anything, more confusing now than before UPLA. Indeed, it is a crazy quilt of conflicting laws. Let me mention just a few examples.

First, with respect to incentives for safer manufacturing practices, states differ as to whether a product seller's efforts to improve his product and make it safer after an accident can be used against him in product liability cases. Forty-eight states believe that the law should encourage product safety and prohibit

the use of such evidence. However, two major states, New York and California, admit the evidence. As a result, product sellers, whose products may cause injury in any state of the Union, including New York and California, may hesitate to develop new safety devices on their products. Indeed, fear that evidence of such innovation could be used to prove liability for products made many years before the improvements were even conceived of operates to retard product improvement.

Second, the overwhelming majority of states follow traditional tort law and require that the plaintiff show who made the product that injured him. But at least one state, California, has ruled that a seller may be liable for products made by someone else. An insurance entity, whether it is a self-insurance vehicle or a commercial insurer, must now try to estimate the potential risks not only of its own insureds but of unknown others.

Third, product liability law has spawned decisions that are simply unfair to all parties. In a recent Maryland case, for example, a manufacturer of a commercial laundry dryer, which had worked well for 18 years, was found liable for a substantial amount of damages when someone attempted to dry a huge hot air balloon in the machine.[1/] The dryer simply was not made for that purpose and it disintegrated, injuring plaintiff. In another

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1/ American Laundry Machinery Industries v. Horan, 45 Md. App. 97, 412 A.2d 407 (1980).

case, a car manufacturer was held liable for harm that was caused when a tire came apart on a vehicle being driven at more than 100 miles per hour.[2/]

Finally, the law has become so complex that it is a trap for the unwary, and plaintiffs with legitimate claims may go uncompensated.

The Case for a Uniform Product Liability Law. A fair and effective stabilization of product liability law is in the interest of all groups concerned about this problem. It will enable manufacturers, retailers, wholesalers and distributors to understand what their obligations are in the design, manufacture and sale of products. It will bring increased accuracy to the setting of insurance rates. And, it will allow consumers to know what their rights are.

Today, even the greatest experts cannot predict what product liability law will be in the future. The result is that injured consumers who want to know their rights are totally dependent on lawyers. Consumers are entitled to have at least a basic idea of what their rights are. Such knowledge will, among other things, enable them to assess the reasonableness of charges for legal services they receive in product liability actions. Consumers have also been affected in this crisis atmosphere by some state stat-

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2/ Le Bouef v. Goodyear Tire & Rubber Co., 623 F.2d 985 (5th Cir. 1980).

utes. As will be indicated later, these statutes often have little effect on the product liability problem. Finally, a uniform law will reduce the enormous transaction costs of the product liability system, costs which are usually passed on to the consumers in the form of higher prices for products.

The Case for Federal Action. In 1979, Office of Management and Budget officials decided UPLA was more appropriate for adoption by the states than for enactment by Congress. Their reasons were threefold. First, tort law has traditionally been left to the states. Second, it was thought that states should be given the opportunity to adopt uniform product liability laws on their own. Finally, it was thought that the issue of insurance ratemaking should be addressed first.

The underlying bases for these assumptions are no longer valid. First, the insurance ratemaking aspect of the problem has been addressed through the enactment of the Risk Retention Act, so that any savings or stabilization wrought by the enactment of uniform tort law will be passed on by insurers or self-insurers to persons who buy products. Second, the states have not acted uniformly in the enactment of product liability law. Thirty-one states have passed some form of product liability statute, and none is the same. Practically none of these are comprehensive laws, and only touch a few product liability issues.

The states should not be blamed for failing to address the product liability problem effectively. Because of the interstate

nature of product manufacturing and distribution, it is almost impossible for states, either through case law or statute, to address the product liability problem in a meaningful way. Even if an individual state develops a comprehensive approach to liability issues, such as is reflected in Staff Draft No. 1 and No. 2, the fact remains that products manufactured in that state are sold and used on a nationwide basis. This fact is reflected in the way product liabiilty insurance rates differ from medical malpractice, auto, and almost all other liability insurance rates which are set on a state by state basis. Because some products are mobile and can give rise to liability in the state of manufacture, the state of sale, or the state of use, product liability rates must be set on a countrywide basis.

Governor John Carlin of Kansas made this very point in vetoing a product liability law in his state. He said, "Current economic data indicate that approximately 90% of the products manufactured in Kansas are purchased out-of-state, and a similar percentage of goods used by Kansans are manufactured in other areas. Consequently, unless a law is passed on the federal level, or Kansas law corresponds to legislation in other states, only a small number of Kansas businesses could benefit."3/

While the actual percentage of goods sold out-of-state might vary a bit, the same general statement would be true in respect to each of the states.

3/ Veto message by Governor Carlin, April 24, 1980.

Thus, the only reason left to bypass federal action is tradition. But that tradition has now become a major impediment to both interstate and foreign commerce, and old customs must bend to the facts of a modern society.

Federal legislation preempting state law and setting forth uniform, nationwide rules of liability would bring greater predictability and stability to the litigation process and to product liability insurance rates. It would reduce the horrendous litigation costs that we have today. Insurance data show that for every 66 cents a consumer receives in judgments, 77 cents is spent for lawyers.

Those opposed to federal action have argued first that no such action is necessary, on the theory that the problem is not the fluctuating legal rules applied in the courts, but overly subjective insurance ratemaking practices and faulty manufacturing practices. But, this Committee has already addressed the problem of insurance ratemaking practices, and the insurance industry's business customers agree that the insurance problem is over and done with. Moreover, the Staff has produced a draft law which squarely addresses manufacturing practices by imposing liability upon a manufacturer who has been at fault in making an unsafe product.

Second, it is argued that a federal law would not produce certainty or stability in the system because courts and juries in

the various states would still be called upon to resolve important questions and, depending how they are resolved, determine the outcome of individual cases. Although the state courts and juries would be required under a federal law to apply a uniform standard of liability, they may come to different conclusions after applying that standard. This is true of any statute. For example, the Federal Rules of Evidence enacted by Congress in 1975 have been subject to a great deal of judicial interpretation. However, no one could honestly desire to revive the old system of inconsistent and unpredictable common law evidence rules in the Federal Courts. A uniform standard drafted with the precision and care evident in Staff Draft No. 2, will go far toward improving the present climate of almost total uncertainty caused by the application of retroactive, non-uniform rules in the various states. It is absurd to suggest that because complete certainty cannot be legislated, the most effective step toward that certainty should not be taken.

Third, it is argued that federal legislation in the area of product liability tort law will not mesh with other areas of tort law at the state level. Again, careful drafting can avoid this problem. Both Staff Draft No. 1 and Staff Draft No. 2 focus exclusively on product liability actions. They do not reach into other areas of law. There are no arbitration procedures or new procedural devices that are not part of traditional state law.

Fourth, it is argued that federal legislation will have a bias that may be pro-consumer or pro-product seller. In that connection, the very open process which is being used by this Subcommittee is the best way to achieve legislation that is balanced and fair. The Staff Draft has built upon the work of the past and set in motion a totally democratic means of developing legislation. There is proof of this in the Staff's consideration of both consumer and product seller comments in the evolution from Staff Draft No. 1 to Staff Draft No. 2. These hearings, of course, will provide further guidance.

Fifth, it is argued that somehow product liability legislation will open the door for federal legislation in other areas of tort law. But the "camel's nose" argument is simply fallacious in this case. There is no federal interest in entering into ordinary tort cases such as slip and fall or medical malpractice, which are merely of local concern.

Finally, if there is a need to observe "tradition," there is ample precedent for federal action where national, uniform standards have been necessary to promote or facilitate interstate commerce. I would be pleased to supply the Committee with background material on this subject.

In light of the fact that federal action is necessary, the approach of the Staff Draft represents a <u>limited</u> form of federal action; nevertheless, it can be effective. The draft does not require

the expenditure of federal funds. The Staff Draft sets forth standards of liability which will be implemented by state courts. It would put to rest the jumble of product liability law that now impedes interstate commerce.

While different constituent groups will speak to the detailed content of the draft, I would observe that it recognizes a fundamental principle about product liability law. Product liability tort law should not be a compensation system. If it were, a product seller would always be liable for harms caused by his product; that is the system that is used in workers' compensation. Product liability tort law is intended to focus responsibility on the party or parties who, if they had acted reasonably, could have done something to prevent a harm.

Staff Draft No. 2 is generally in accord with this principle and with the guidelines set forth by the Federal Interagency Task Force on Product Liability.

In summary, the business community seeks a balanced law at the federal level, one that will improve the current liability climate and put to rest a problem that is a virulent impediment to interstate commerce.

Thank you.

September 18, 1981

Mr. Richard J. Guimond
Special Regulations Branch
Office of Pesticides and Toxic Substances
Environmental Protection Agency
Washington, DC 20460

Subject: Questionnaire on non-asbestos drum brake linings (Informational needs for friction products containing asbestos)

Dear Mr. Guimond:

On July 22, 1981 Mr. Bob Pigg of the Asbestos Information Association forwarded to our attention a series of eleven questions prepared by your office concerning non-asbestos drum brake linings. This was done as the Friction Materials Standards Institute is in a better position to respond to your request for information.

You may recall that the Friction Materials Standards Institute participated in an earlier request from your office in regards to disc brake linings. That request was sent to our full membership of 21 companies. Our response to your office was based upon replies from only three companies as several of the others felt you were requesting sensitive information.

The questions now being prepared on non-asbestos drum brake linings are even more sensitive to our Membership. Development work on asbestos-free drum brakes is several years behind the work on disc brake linings. As a result, much of the currently available information is proprietary. Because of the confidentiality of the information your office is seeking, the Institute must respectfully decline the offer to participate. We would suggest that you solicit replies from the friction materials manufacturers directly.

Attached is a list of what we believe to be all the friction materials manufacturers in the United States.

Sincerely,

FRICTION MATERIALS STANDARDS INSTITUTE

EWD/erc

E. W. Drislane
Executive Director

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UNITED STATES MANUFACTURERS OF FRICTION MATERIALS

Abex Corporation, Friction Products Group	Winchester, VA
Auto Specialties Manufacturing Co.	St. Joseph, MI
Bendix Corporation, Friction Materials Division	Cleveland, TN
Borg Warner Corporation, Spring/Brummer Division	Bellwood, IL
Brassbestos Manufacturing Co.	Paterson, NJ
Carlisle Corporation, Molded Materials Division	Ridgway, PA
Certified Brakes, Lear Siegler Co.	Danville, KY
Chrysler Corporation, Chemical Division	Trenton, MI
Delco-Moraine Division, General Motors	Dayton, OH
Friction Products Co.	Medina, OH
Gatke Corporation	Warsaw, IN
Guardian Corporation	Brighton, MA
Goodyear Tire & Rubber Co.	Akron, OH
H. Krasne Manufacturing Co.	Los Angeles, CA
Inland Division, General Motors	Dayton, OH
Lasco Brake Products Corporation, Ltd.	Oakland, CA
Molded Industrial Friction Corporation	Prattville, AL
National Friction Products	Logansport, IN
Nuturn Corporation	Nashville, TN
P. T. Brake Lining Company	Lawrence, MA
H. K. Porter Company, Thermoid Division	Huntington, IN
Raybestos-Manhattan, Inc.	Trumbull, CT
Reddaway Manufacturing Company	Newark, NJ
Scan-Pac Manufacturing Company	Mequon, WI
Standco Industries, Inc.	Houston, TX
Thiokol Chemical Corporation	Trenton, NJ
U. S. Automotive Manufacturing, Inc.	Tappahannock, VA
Virginia Friction Products, Inc.	Tappahannock, VA
S. K. Wellman Corporation	Bedford, OH
Wheeling Brake Block Manufacturing Co.	Bridgeport, OH

TELEPHONE (201) 845-0440

FRICTION MATERIALS STANDARDS INSTITUTE, INC.
BERGEN MALL OFFICE CENTER
E. 210 ROUTE 4
PARAMUS, N. J. 07652

August 31, 1981

Mr. B. J. Pigg
Asbestos Information Association
1745 Jefferson Davis Highway
Crystal Square 4 - Suite 509
Arlington, VA 22202

Subject: Comments on Report for EPA by GCA on "Asbestos Substitute Performance Analysis" (May 1981)

Dear Bob:

On July 10, 1981 you circulated a copy of GCA Corporation's Report "Asbestos Substitute Performance Analysis." You asked for comments by August 20, 1981, but I trust you will accept these comments despite the target date. I'm sure you understand it takes a while longer to consolidate comments when an association is the writer.

We will address those sections of the report pertaining to "Friction Materials" only. That would be Section 3, Friction Materials, Pages 67 to 102, and the comments on "Friction Materials" in Section 12. Our comments are referenced by Page Number.

It must be pointed out that throughout the report on friction materials, the author refers to disk brakes or pads. The correct word is disc, and the use of "disk" suggests an author unfamiliar with the subject on which he is reporting.

Page 68 Under binders, the word "resole" is used. We believe the author intended cresol or creosol. "cardanal" should be "Cardanol."

Page 69 Table 12 indicates no resin or low resin content, whereas on page 70 the report states: "Organic linings, which must bend, require high resin contents..." The table figures are not correct.

Page 70 Under "Uses and Applications," the following are listed, among others: Bicycles, tape recorders, typewriters, and business machines. As this report is supposed to be directed at applications for "asbestos substitutes," and the friction materials used in these applications are not the typical asbestos bearing materials with which EPA is concerned, these applications are not relevant--they don't use asbestos type friction materials.

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Page 72 Table 14 is entitled "Uses of Asbestos-Containing Friction Materials." This particular table was earlier used by another EPA contractor, the Public Media Center, in their work on educational programs. While there have been slight changes in the table, we will repeat our earlier comments:

Tha table on uses of asbestos-containing friction materials is confusing: The use of the word primary drum brake linings and secondary drum brake linings as separate products is confusing. Primary and Secondary is a long accepted classification on linings in a particular type of drum brake--the servo brake. The primary and the Secondary segment are both in the same brake. The primary essentially actuates the secondary and both linings are exposed to the same environment--that is temperature. And since they are in the same brake, they fit the same applications. And further, with the new downsized American cars, and in just about all imports, the servo brake is declining in usage. The product classification is clumsy. We suggest that the listing have one product--Drum brake linings to replace the two. The characteristics and applications would be as shown for the "Primary drum brake linings," but we question the necessity for including "minor railcar." Further down, we question the Product "Class C blocks." Common terminology is "Brake Blocks." Under characteristics, it should say minimal "fade" rather than "face."

Page 74 There are some small errors in Table 15 which might better be corrected by the individual manufacturer. For example, Auto Friction Corporation is the same company as P. T. Brake Lining Company. The table states that Thiokol manufactures "Rebuilt only." Thiokol manufactures friction materials for the original equipment market as well as for the replacement market. Missing from the list are: Guardian Corporation, H. Krasne Mfg. Co., U. S. Automotive Manufacturing and Virginia Friction Products. We were not aware that MGM Brakes and Eaton Corporation were manufacturers of asbestos bearing friction materials.

Page 91 This report again goes into aircraft brakes and cermets. As the report is ostensibly a study on "Asbestos Substitutes," and cermets replaced asbestos type friction products in aircraft brakes over a quarter of a century ago, it is difficult to understand how this relates to asbestos substitutes at this time. The use of cermets and full sintered metallics in aircraft brakes is a technological accomplishment that is complete--having started in the 1940's. While continued reference to these types helps fill up pages in a report, the cermets are unlikely candiates for replacing asbestos type friction materials in on-highway brakes or small clutch facings.

Page 93 Table 23 lists "nonasbestos brake manufacturers." We question including American Filler and Abrasives and E. I. DuPont in that table. While these two companies may offer materials which they claim will work in non-asbestos brakes, they are not either brake or brake lining manufacturers. They are materials manufacturers. It may be that with the many claims by companies such as DuPont for their aramid fibers (Kevlar) that they have over-promoted themselves to the point where the contractor now believes they are "nonasbestos brake manufacturers."

Page 94 Page 94 again gives considerable space to Kevlar, undoubtedly based on DuPont's claims and promotional efforts for this fiber. It appears that the contractor is giving more weight to the supplier's claims for this product than it deserves, and the materials quietly being used by the friction materials manufacturers--who consider materials information proprietary--are underplayed.

Page 96 The paragraph in the "Conclusion" information correctly states that the nonasbestos product for drum brake linings for passenger cars is still in the development state. As the report has indicated, this development will take additional research. It is not a project that will necessarily be accomplished by the regulatory path. We again suggest that cermets are not likely candidates in the automotive brake field. Their usage may grow in the heavy duty clutch field, but not in the passenger car and light truck field.

In summary, our comments are along these lines. We do not feel the cermets, as used on aircraft brakes, are practical candidates for replacing asbestos type friction materials for on-highway use. We believe the claims of some materials suppliers are given far too much weight in the contractor's report, whereas most development work on substitute materials is proprietary in nature. The manufacturer who is successful in developing non-asbestos substitutes is not going to freely tell his competition how it was done. While we feel the report correctly indicated the difficulties in developing nonasbestos drum brake linings, the conclusion inferred that this too would be accomplished in the not-to-distant future. This development, if indeed it is necessary or economically justified, will not be simple, particularly if consideration is given to the replacement market for this type lining.

Sincerely,

FRICTION MATERIALS STANDARDS INSTITUTE

EWD/erc

E. W. Drislane
Executive Director

2.7 - HEALTH & ENVIRONEMENTAL AFFAIRS COMMITTEE

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Molded Materials Division
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Ridgway, PA 15853
814-773-3185

Russell L. Armer
Nuturn Corporation
Airport Lane
Smithville, TN 37166
615-597-6700

George J. Bohrer
H. K. Porter Company, Inc.
Thermoid Division
1849 East Sabine Street
Huntington, IN 46750
219-356-2410

John O. Pearson
Raybestos-Manhattan, Inc.
100 Oakview Drive
Trumbull, CT 06611
203-371-0101

Richard W. Dean
Thiokol Chemical Corporation
Friction Division
N. Enterprise Avenue
Trenton, New Jersey 08604
609-396-6500

On Mailing List Only

B. J. Pigg
Asbestos Information Asso./NA - Arlington, Virginia

James F. Reis
Johns-Manville Sales Corporation - Denver, Colorado

John H. Marsh
Raybestos-Manhattan, Inc. - Trumbull, Connecticut

March 23, 1981

Mr. J. W. Armstrong
Bendix Corporation
Bendix Center
Southfield, MI 48076

Subject: Environmental Protection Agency (EPA) study on the National Emission Standards for Hazardous Air Pollutants (NESHAPS)

Dear Jim:

As I mentioned to you ~~this~~ last week, I had a phone call some weeks back from Mr. John Copeland, of the EPA in Durham, NC. It was a long disjointed phone conversation concerning NESHAPS. I was not too sure as to what Mr. Copeland wanted, but he indicated several parties at EPA whom I could meet with, if needed. As I'm not fond of meeting with regulatory people, I asked him to send me along something relevant to ~~of~~ conversation.

The attached was received from Mr. Laney of Research Triangle Institute, EPA's contractor for this work. In Mr. Laney's cover letter of February 27, 1981 he notes enclosing of (1) the Work Plan for RTI, (2) the Assignment for Batelle Columbus, and (3) Index of the Docket. The Work Plan was enclosed and is forwarded with this letter. The Assignment for Battelle was not enclosed. The Index was enclosed but is not forwarded as it was over 100 pages of what I consider meaningless references.

I have enclosed everything that I received except for the Index. I plan no action on this as I'm quite aware of certain Member's reactions when a regulatory group approaches them because of their Membership in the Institute.

I don't know whether it is better to participate before an advanced notice of proposed rulemaking or to participate after the advance notice is published. In the former case, EPA may claim that some of their recommendations are based on our statements, and in the latter case they may have firmed their positions,

In any event I pass this on to you for your suggestions.

Sincerely,

FRICTION MATERIALS STANDARDS INSTITUTE

EWD/erc
Enc:

E. W. Drislane
Executive Director

I-5
(26)

RESEARCH TRIANGLE INSTITUTE
POST OFFICE BOX 12194
RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709

OPERATIONS ANALYSIS DIVISION

February 27, 1981

Mr. E. W. Drislane
Executive Director
Friction Materials Standards Institute
Bergen Mall Office Center
E. 210 Route 4
Paramus, NJ 07652

Dear Mr. Drislane:

As requested by Mr. John Copeland, U.S. Environmental Protection Agency, I have enclosed for your information the following:

1. Work Plan prepared by the Research Triangle Institute (RTI) for Phase I, Review of Asbestos Standard,

2. Work Assignment for Battelle Columbus Laboratory

3. Index of the Docket for RTI's Review of Asbestos Standard.

Please feel free to call me with any questions that you may have regarding the above materials.

Sincerely,

Mike Laney

Mike Laney
Project Leader

ML/teh

Enclosures

FMSI 02754

(919) 541-6000 FROM RALEIGH, DURHAM AND CHAPEL HILL

ENVIRONMENTAL PROTECTION AGENCY Research Triangle Park, N.C. 27711	CONTRACTOR Battelle, Columbus ASSIGNMENT NO. ASSIGNMENT CHANGE NO
TITLE PREPARATION OF REPORT ON FEASIBILITY OF SOURCE SAMPLING METHODS FOR ASBESTOS EMISSIONS IN INDUSTRIES USING, PROCESSING, OR CONTAINING ASBESTOS	DATE December 17, 1980

DESCRIPTION

Requester

Kenneth T. Knapp.
Environmental Sciences Research Laboratory
Research Triangle Park, N.C. 27711
Telephone: (919) 541-3085

Background

No sampling method exists for measuring asbestos in the emissions of industries using, processing, or containing asbestos. Such a method is needed so that standards in these industries can be set. An analytical method developed to determine the amount of asbestos on membrane filters has been developed and is being collaboratively tested. This can be used with a source sampling method. However, the samples collected with the source sampling method must be in such a form that they are compatible with the analytical method now being tested.

Scope of Work

The contractor shall make a feasibility study of source sampling methods for the collection of asbestos containing emissions from all major sources that use, process, or contain asbestos. The sources that must be included are the ore processing plants, the asbestos-cement, asbestos felt and paper, and asbestos containing friction meterials plants. The samples collected by proposed methods must be compatible with the provisional methods for airborne asbestos as described in EPA Report EPA-600/2-77-178. The contractor must perform sufficient laboratory and field tests to provide needed data

ESTIMATE OF	GOVERNMENT ESTIMATE	CONTRACTOR ESTIMATE
LABOR HOURS	2651	
DURATION OF WORK	6 months	
COMPLETION DATE	June 30, 1981	

REQUESTER'S SIGNATURE	ORG CODE	TELEPHONE	DATE

APPROVALS (as applicable)	SIGNATURE	DATE
BRANCH CHIEF		
DIVISION CHIEF		
PROJECT MANAGER		
CONTRACTING OFFICER		

CONTRACTOR'S REPRESENTATIVE ACKNOWLEDGMENT

SIGNATURE	TITLE	DATE

FMSI 02755

so that adequate estimations of time and efforts needed to develop the methods can be provided. The contractor shall provide by May 31, 1981 a draft of a report on the feasibility of the needed methods.

Reporting Requirements

The contractor shall:

1. Prepare a work plan and submit it to the Project Officer within fifteen calendar days after the date of the award.

2. Submit a monthly technical progress narrative covering work accomplished during each calendar month.

3. Submit by May 31, 1981 six (6) copies of a draft of the feasibility report.

4. Submit an error free master within thirty (30) days following approval of the draft by the Task Officer.

WORK PLAN

RTI PROJECT 44U-1736-13

EPA PROJECT 80/41

PHASE I

REVIEW OF ASBESTOS STANDARD

Prepared for

U.S. Environmental Protection Agency

Contract No. 68-02-3056

Mr. John Copeland

Lead Engineer

November 10, 1980

Deane F. Tolman, Manager
Applied Ecology Department
Operations Analysis Division

REVIEW OF ASBESTOS STANDARD
PHASE I WORK PLAN

I. INTRODUCTION

This document presents a Work Plan prepared by Research Triangle Institute (RTI) for Phase I, Review of Asbestos Standard* as required by the U.S. Environmental Protection Agency (EPA) Contract Number 68-02-3056, "New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants."† The result of this review will be a recommendation to revise or not to revise the current standard. If the decision is made to revise the existing standard, a separate work plan will be developed. Thus, the work to be performed under this contract is as follows:

Phase I: Review of Asbestos Standard

Phase II: Revision of the Asbestos Standard (contingent upon Phase I results).

In the event that a revision of the current standard is found to be necessary, information collected in Phase I will provide much of the basis for Phase II. A Background Information Document (BID) will be prepared during Phase II and will provide background information to support the revision of the asbestos standard.

Because there are no published procedures for the review (and revision) of existing National Emission Standards for Hazardous Air Pollutants (NESHAP), this Work Plan was developed based on discussions with the EPA Lead Engineer and adaptation of the procedures outlined in the Contractor Procedures Manual for Development of National Emission Standards.

*The current asbestos standard was promulgated in 40 CFR 61, Subpart B.

†As a review of a National Emission Standard for Hazardous Air Pollutants, the proposed work and schedule for Phase I of this study differs from that normally performed during the Phase I work for New Source Performance Standards.

II. OBJECTIVES AND SCOPE OF WORK

The sources regulated by the current asbestos standard include asbestos mills, roadways, manufacturing, demolition and renovation, spraying, fabricating, insulating, and waste disposal. The purpose of Phase I is to review the standard regulating asbestos emissions from these sources, determine its adequacy, and gather information that will assist in revising the standard if a revision is recommended. A recommendation to revise or not to revise the standard will be based upon the following:

- Control Technology: Standards for air cleaning equipment and work practices now specified will be reviewed. Information will be collected on improvements in control equipment and work practices that have occurred since promulgation of the current standard, as well as the feasibility of substitutes and control technologies under development. Data collected on control technology during Phase I will serve as the basis for determining Best Available Control Technology (BACT) during the Phase II study if a revision of the standard is recommended.

- Emission Sampling and Analysis: Routine, standardized techniques for sampling and analyzing asbestos emissions were not available during promulgation of the current standard. Thus, numerical emission limitations are not included in the existing standard. Recent information on sampling and analysis will be collected and assessed for its applicability for monitoring asbestos emissions from sources identified in the existing standard. Advantages and disadvantages of the various measurement methods will be discussed from the viewpoint of establishing numerical emission standards.

- Health Risks: Recent data on health risks (including asbestosis, bronchogenic cancer, and mesothelioma) associated with exposure to airborne asbestos will be reviewed. Information relating asbestos-linked disease and asbestos concentrations commonly encountered in ambient air will be important in determining the need for numerical emission limits and the value at which limits should be set. EPA will supply RTI with any dose-response data or other quantitative data that may be required for the establishment of numerical emission limits.

- Enforcement of the Standard: Enforcement experience with the existing asbestos standard will be evaluated in order to identify problem areas. Lack of compliance or inability to enforce certain provisions may result in a recommendation to revise the standard.

- Emission Sources: Emission sources regulated by the current standard will be reviewed, and an attempt will be made to determine if there are additional important sources of asbestos emissions that should be included in the standard.

III. PLAN FOR PERFORMANCE

The approach that RTI will take in the Phase I review of the existing asbestos standard is presented here. Nine tasks (shown in Figure 1) are envisioned as necessary for an adequate review of the standard and are discussed below. Project participants and total hours of participation are shown in Figure 2, Project Organization Chart. Resumes of major project participants are in Appendix 1 of this work plan. The schedule and milestone are presented in Figure 1, while Table I shows dollar and manhour expenditures for the Phase I study.

It is expected that Phase I, Review of Asbestos Standard, will require 10.5 months to complete. The date of completion is set at August 28, 1981.

A. Task 1: Review Background Information for Existing Standard

In evaluating the need to revise the existing standard, RTI will assemble and establish a docket of the background information that provided the basis for the standard. This information will be reviewed to aid RTI in evaluating events occurring since promulgation of the standard. Furthermore, such an exercise will identify potential sources of information. Finally, a review of the background information will identify any areas of inadequacies in the current standard which may or may not be amenable to revision.

RTI will review published EPA documents, including the following:

- Background Information - Proposed National Emission Standards for Hazardous Air Pollutants: Asbestos, Beryllium, Mercury (APTD-0753), December 1971.

- Background Information Development of National Emission Standards for Hazardous Air Pollutants: Asbestos, Beryllium, and Mercury (APTD-1503), March 1973.
- Background Information on National Emission Standards for Hazardous Air Pollutants - Proposed Amendments to Standards for Asbestos and Mercury (EPA-450/2-74-009a), October 1974.
- Preambles to national emission standards and amendments for asbestos.

Key EPA personnel that participated in the development of the current standard will be identified and interviewed. RTI will ask to examine their files on asbestos in order to assemble pertinent data.

During the examination of EPA's earlier background material, information sources outside of EPA may be identified. These might include other government agencies, industry associations and unions, individual companies within the asbestos industry, and control equipment vendors. These sources will be contacted as it is deemed necessary.

B. Task 2. On-site Investigations

In order for RTI staff to evaluate processes, facilities, emission problems, and control techniques involved in asbestos-related industries, RTI plans to make several on-site investigations or plant trips. Information gathered during site visits will also assist in determining which sites are suitable for emission testing it if is determined later that emission testing is required. Because of the variety of sources, RTI plans to limit to a maximum of two, the number of visits made to each type of source. In the case of the asbestos manufacturing industry, the diversity of processes requires that at least twelve plant visits be made. The sites listed below, with anticipated dates of visits, will be contacted to schedule visits following

approval of this work plan.* If these visits cannot be scheduled, alternates will be selected in consultation with the Lead Engineer.

Week of Visit	Site of Visit	Source Category
Jan. 5, 1981	Asbestos Fabricators, Inc., Charlotte, NC	Fabricating
Jan. 5, 1981	Raybestos-Manhattan, Marshville, NC	Manufacturing - Textiles
Jan. 5, 1981	H.A. Haynie Co., Greenville, NC	Manufacturing - Fire-proofing and insulating materials
Jan 12, 1981	Bendix, Cleveland, TN	Manufacturing - Friction materials
Jan. 12, 1981	Sea Gulf Environmental Co., Louisville, KY†	Demolition and Renovation
Jan. 19, 1981	Asarco, Inc., Ragland, AL	Manufacturing - Asbestos/ Cement pipe
Jan. 19, 1981	Jaquays Asbestos Corp., Globe, AZ	Milling
Jan 26, 1981	Washington Asphalt Co., Seattle, WA	Manufacturing - Asphalt concrete
Feb. 2, 1981	(Left open for rescheduling of site visits as a result of cancellations)	
Feb. 9. 1981	Remington Arms Co., Bridgeport, CT	Manufacturing - Shotgun shells
Feb. 9, 1981	Raybestos-Manhattan, Stratford, CT	Manufacturing - Friction materials, packing and gaskets
Feb. 16, 1981	Rogers Corp., Manchester, CT	Manufacturing - Plastics

* The list of sites is subject to change based on the results of telephone contacts with these and other companies for information on products and pollution control methods. In addition, site visits will be coordinated with other research activities at EPA in order to avoid duplication of efforts and to avoid placing unreasonable demands on individual companies; this may necessitate modifying the list of proposed site visits.

† The location is that of the company office. Due to the temporary nature of the work, specific locations for site visits will be determined at a time closer to the dates given.

Week of Visit	Site of Visit	Source Category
Feb. 16, 1981	Allied Chemical Corp., Solvay, NY	Manufacturing - Chlorine
Feb. 23, 1981	H. B. Fuller Co., Philadelphia, PA*	Spraying
Feb. 23, 1981	GAF, Whitehall, PA	Manufacturing - Paper, plastics
March 2, 1981	Johns-Manville, Manville, NJ	Manufacturing - Asbestos/ Cement pipe, textiles, paper, coatings, packing and gaskets
March 2, 1981	Flintkote, Chicago Heights, IL	Manufacturing - Vinyl/ Asbestos, floor tile, coatings
March 9, 1981	Vermont Asbestos Group, Lowell, VT	Milling
	(To be visited during trips to manufacturing facilities)	Waste Disposal
March 16, 1981	(Left open for rescheduling of site visits as a result of cancellations)	

RTI also proposes that advantage be taken of site visits in order to visit several of the EPA Regional Officers. Information on enforcement of the current standard will be obtained during meetings with regional EPA personnel.

C. Task 3. Data Collection

In Task 3, data collection and analysis will begin. Data will be elicited from numerous areas. Initially, a literature search will be performed through the library facilities of EPA in the Research Triangle Park, North Carolina. Additionally, interviews and telephone contacts will be made

* The location is that of the company office. Due to the temporary nature of the work, specific locations for site visits will be determined at a time closer to the dates given.

with trade and worker associations, vendors of control equipment, companies within the asbestos industries, and government agencies.

The following is a list of sources of potentially useful information that RTI plans to investigate during this part of the study. Additional sources will be added to the list as they are identified.

Literature Sources

1. Asbestos: A Bibliography, EPA-600/3-78-066
2. Asbestos: An Information Resource, (NIH) 78-1681
3. U.S. EPA, Electron Microscopy Measurement of Airborne Asbestos Concentration: A Provisional Method Manual, EPA-600/2-77-178
4. U.S. EPA, Control Techniques for Asbestos Air Pollutants, AP-117
5. U.S. EPA, Chemical Market Input/Output Analysis of Selected Chemical Substances to Assess Sources of Environmental Contamination Task III. Asbestos, EPA-560/6-78-005
6. U.S. EPA, Evaluation of a Commercial Vacuum System for the Removal of Asbestos, EPA-600/2-80-88
7. U.S. EPA, Sprayed Asbestos-Containing Materials in Buildings: A Guidance Document, EPA-450/2-78-014
8. U.S. EPA, Field Testing of Emission Controls for Asbestos Maufacturing Waste Piles, EPA-600/2-77-098
9. U.S. EPA, Hazardous Wastes: A Risk-Benefit Framework Applied to Cadmium and Asbestos, EPA-600/5-77-002
10. Asbestos magazine
11. Asbestos Information Association, News and Notes newsletter
12. EPA files

Government Sources (other than EPA)

1. Pearl Harbor Naval Shipyard, U.S. Navy
2. U.S. Navy Environmental Health Center
3. OSHA

4. NIOSH

5. Consumer Product Safety Commission (CPSC)

6. Bureau of Mines

7. Mine Safety and Health Administration (MSHA)

8. State and Regional Agencies of EPA

9. Bureau of Land Management

10. U.S. Geological Survey

Trade and Worker Associations

1. Asbestos Information Association (AIA)

2. Oil, Chemical and Atomic Workers (OCAW)

3. International Association of Heat and Frost Insulators and Asbestos Workers

4. The International Brotherhood of Boilermakers Union

Vendors of Control Equipment

1. Nilfisk of American, Inc.

2. Hoffman Air Systems, Division of Clarkson Industries, Inc.

3. American Cleaning Equipment Corporation

4. Diversified Vacuum Systems, Inc.

5. American Air Filter

6. Wheelabrator-Frye

7. MikroPul, Inc.

8. Western Precipitation, Division of Joy

Major Mining and Manufacturing Companies in the Industry

1. Johns-Manville Canada Inc.

2. Asbestos Corp., Ltd.

3. Johns-Manville

4. Raybestos-Manhattan

5. GAF

As information is received, its contents will be reviewed specifically for current information on new control technology, feasibility of sampling and analysis, health risks, enforcement experience, and new emission sources. Relevant information will then be compiled and subject to analysis as discussed in Task 4.

D. Task 4. Data Analysis

Collected data will be analyzed by RTI in order to help assess the need to revise the current standard. The analysis will attempt to determine the following:

Control Technology

Available technology
Technology currently in use
Effectiveness of existing controls
Current asbestos emissions
Availability and feasibility of alternate control, including technology transfer
Feasibility of substitutes
Emission sources not amenable to controls
Control technology in the foreseeable future
Costs associated with control technology

Sampling and Analysis

Available methodology
Advantages and disadvantages of various methods
Availablity of routine, standardized method for compliance purposes
Costs of sampling and analysis

Health Risks

Human dose-response data (to be supplied by EPA)

Enforcement of the Standard

Federal experience with enforcement
Extent and approach of State enforcement

Emissions Sources

Sources not covered by the existing standard
Significance of emissions
Use of controls
Need for regulatory control

Industry Growth

Historical growth pattern
Expected growth pattern

E. Task 5. EPA Review

The results of the above analysis will be reviewed by EPA. RTI will meet with EPA to discuss its review and determine where there are additional data needs. The need to revise the standard will be discussed in light of the existing data.

If at this stage RTI and EPA agree that it is likely that a revision of the standard is necessary, RTI will initiate appropriate actions to revise the standard, including identification of emission sources, selection of sites to be visited, contact with selected companies, and preparation of Section 114 letters to be sent to selected companies. Initiation of these steps prior to completion of the Phase I review is important in view of the time usually required to arrange plant visits and obtain information from companies. The appropriate EPA Regional enforcement offices will be informed of the tentative plans to visit plants in their Region. All of these actions will be coordinated closely with the Lead Engineer.

F. Task 6. Final Data Analysis and Recommendation Regarding Standard

An attempt will be made to rectify any omissions of data identified during Task 5. A report will be prepared, which will include a discussion of the findings on control technology, sampling and analysis, health risks, enforcement experience, and emission sources. The report will include a

recommendation to support or forgo revision of the current standard. If a revision is recommended, the parts of the standard requiring modification will be identified, and the extent of the required revision will be determined.

G. Task 7. Incorporate EPA Comments

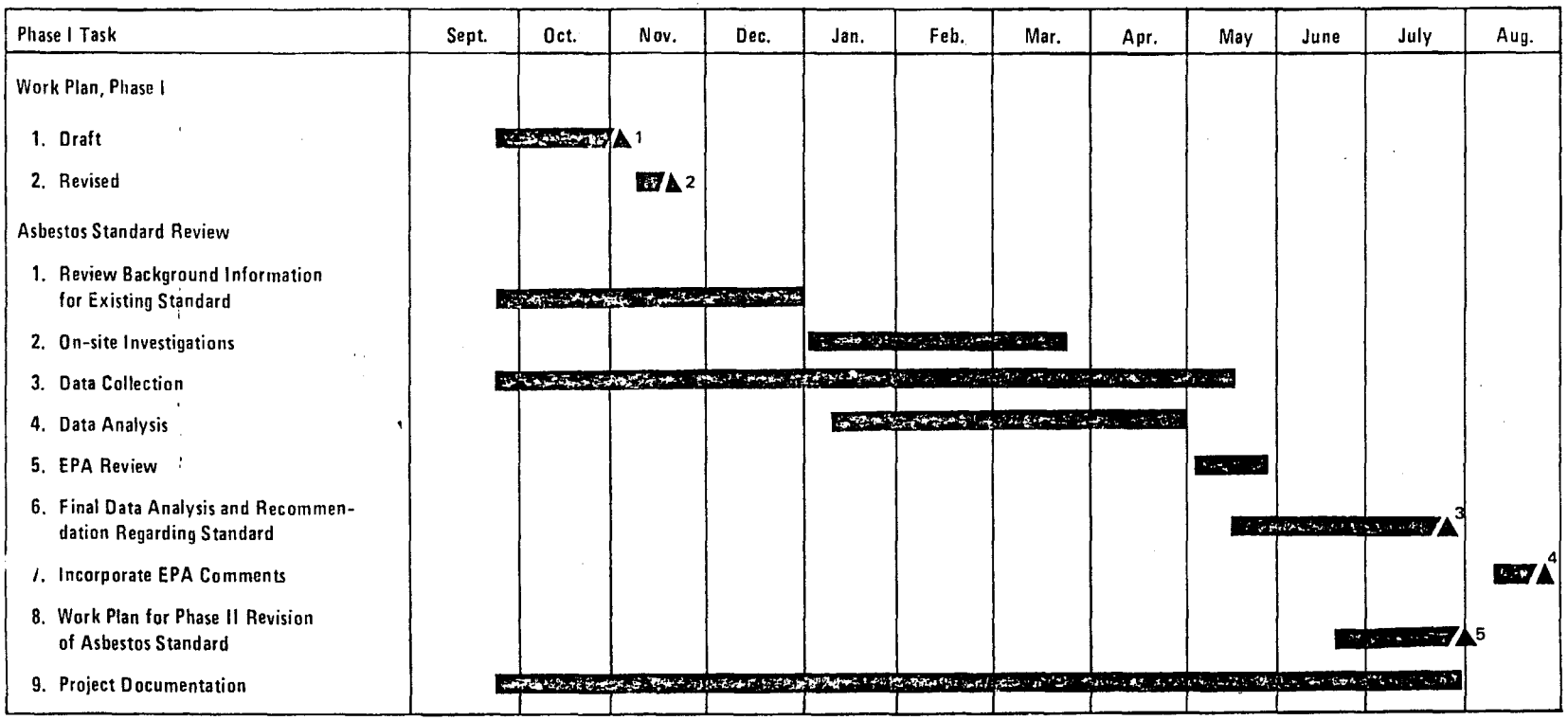
The Phase I report will be submitted to EPA for review and comments. RTI will incorporate these comments into the report.

H. Task 8. WorK Plan for Phase II. Revision of the Asbestos Standard

If a revision of the standard is recommended, a work plan for Phase II will be developed. The Phase II Work Plan will detail the approach that RTI will take in revising the standard, including the level of effort required in developing a BID in support of the revision.

I. Task 9. Project Documentation

Throughout the review of the standard, RTI will maintain a project Docket. During development of the existing asbestos standard, a formal docket was not maintained due to the absence of regulations requiring a docket. Therefore, RTI will incorporate all of the available information that was collected during the development of the existing standard, in addition to more recent information, into the Docket for review of the standard. Information collected by RTI and data submitted by EPA will be included in the Docket in accordance with guidelines from the EPA Lead Engineer. Items to be entered into the Docket will be labeled, filed, and indexed identifying items included in the Docket. The index (to be current to within about 3 weeks) will be submitted monthly to the Lead Engineer. A copy will also be sent to Midwest Resarch Institute (MRI), Raleigh, North Carolina, which is currently performing an analysis for EPA on asbestos emissions from the surfacing of roadways. Similarly, MRI will provide RTI with a copy of its asbestos Docket index.



Milestones ▲

1. Submit Draft Phase I Work Plan.
2. Submit Revised Phase I Work Plan.
3. Submit Draft Phase I Report.
4. Submit Final Phase I Report.
5. Submit Phase II Work Plan.

Figure 1. Project Task Plan and Milestones for Phase I

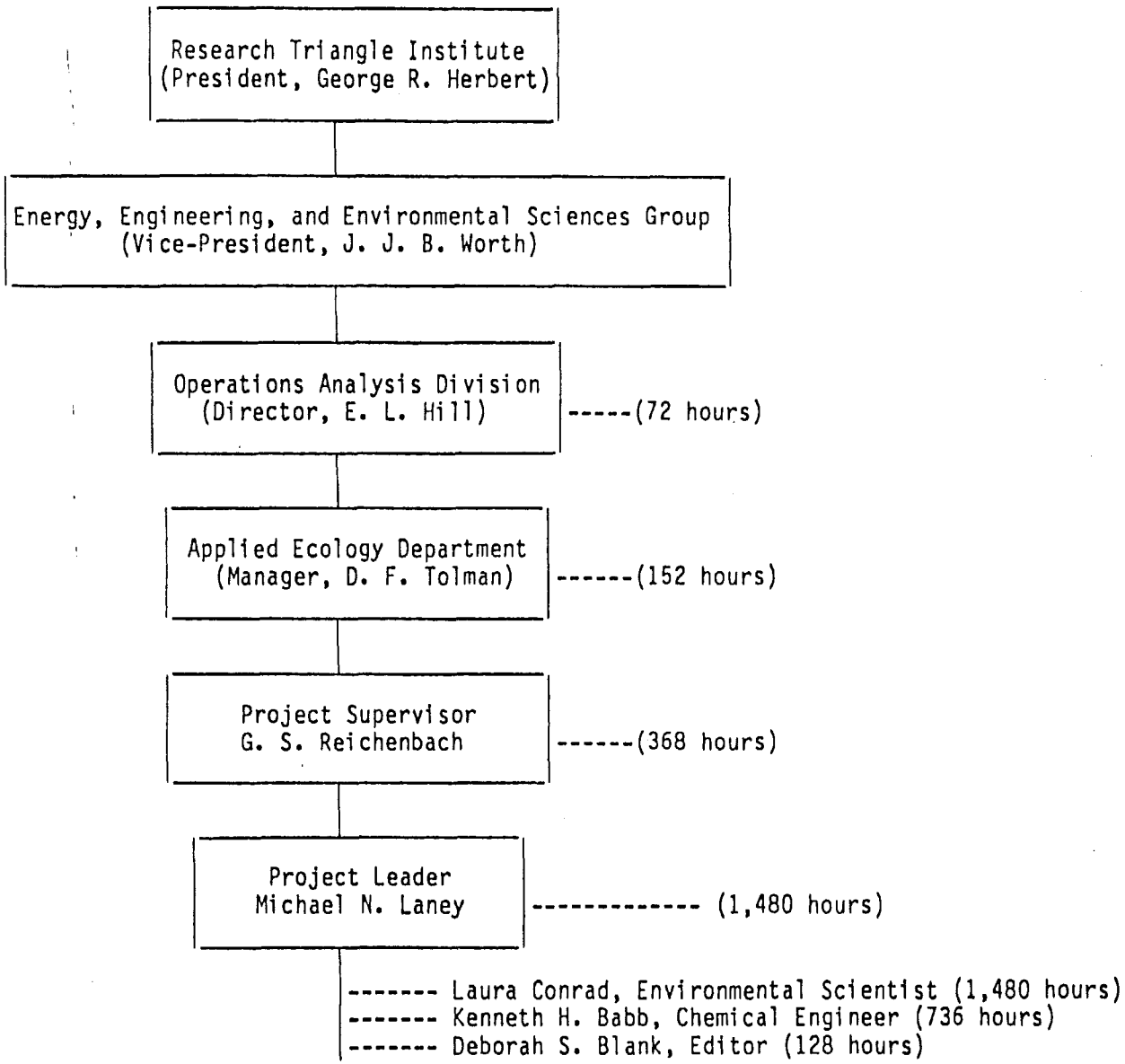


Figure 2. Project Organization Chart for Phase I

TABLE I. Cost/Schedule Baseline Information For Phase I

Contractor Research Triangle Institute

Prepared by Michael N. Laney

Project No. and Title EPA 80/41 Asbestos

Date November 1980

FMSI 02771

Phase I Tasks	Monthly Resource Allocations (dollars and hours)[a]												Total Budget/ Hours
	9/80	10/80	11/80	12/80	1/81	2/81	3/81	4/81	5/81	6/81	7/81	8/81	
Phase I Work Plan Asbestos Standard Review	$2.1 64	$3.8 115	$2.0 61										$7.9 240
1. Review Background Information for Existing Standard	$6.3 192	$1.3 40	$10.3 312	$5.5 168									$23.5 712
2. On-site Investigations					$9.2 280	$9.2 280	$9.2 280						$27.7 840
3. Data Collection	$1.3 40	$5.5 168	$6.1 184	$6.1 184	$3.4 104	$1.6 48	$1.3 40	$1.3 40	$0.8 24				$27.5 832
4. Data Analysis					$1.8 56	$3.2 96	$6.3 192	$11.1 336					$22.4 680
5. EPA Review									$1.6 48				$1.6 48
6. Final Data Analysis and Recommendation Regarding Standard									$2.6 80	$6.6 200	$4.5 136		$13.7 416
7. Incorporate EPA Comments												$2.9 88	$2.9 88
8. Work Plan for Phase II Revision of Asbestos Standard										$1.8 56	$3.2 96		$5.0 152
9. Project Documentation	$1.3 40	$4.5 136	$1.8 56	$1.1 32	$0.8 24	$0.5 16	$0.5 16	$0.5 16	$0.5 16	$0.5 16	$1.3 40		$13.5 408
TOTAL	$11.1 336	$15.1 459	$20.2 613	$12.7 384	$15.3 464	$14.5 440	$17.4 528	$12.9 392	$5.5 168	$9.0 272	$9.0 272	$2.9 88	$145.7 4,416

.ll costs are reported in thousands of dollars, exclusive of fee, and include support, travel and duplicating costs.
mission tests costs are not included; see Appendix 2.

APPENDIX 1

Resumes

KENNETH H. BABB

Education

B.S., Chemical Engineering, North Carolina State University, Raleigh, North Carolina, 1979.

Experience

1979 to date. Research Triangle Institute, Research Triangle Park, North Carolina. Chemical Engineer in the Applied Ecology Department. Member of project team developing National Emission Standards for Hazardous Air Pollutants (NESHAPS) for benzene emissions from maleic anhydride plants. Provides engineering analysis and evaluation of data relating to cost and design. Developing emissions, energy, and cost data for New Source Performance Standards (NSPS) for coating of beverage cans and large apliances. Also worked with team conducting survey on status of continuous emission monitoring and monitors for Environmental Protection Agency, Division of Stationary Source Enforcement.

Summer 1978. National Institute of Environmental Health Sciences, Research Triangle Park, N.C. Laboratory Technician. Maintained crab population for experiments, performed various chemical analyses, evaluated data gathered from analyses, and evaluated and altered experimental procedures.

Professional Memberships

American Institute of Chemical Engineers
Tau Beta Pi

June 1980

LAURA A. CONRAD

Education

B.A., Chemistry, State University College of New York, Buffalo, New York, 1973
M.S., Chemistry, State University of New York, Binghamton, New York, 1977

Experience

1980 to date. Research Triangle Institute, Research Triangle Park, North Carolina. Environmental Scientist in the Applied Ecology Department. One current project includes reviewing EPA's National Emission Standards for Hazardous Air Pollutants for Asbestos and determining whether there exists a need to revise the emission limitations of the existing standard. A second project includes the task of preparing an industry profile regarding occupational exposures to waste anesthetic gases and vapors for the Occupational Safety and Health Administration (OSHA).

1978 to 1980. Occupational Safety and Health Administration (OSHA), Washington, D.C. Industrial Hygienist. Managed a high-priority standard development project on grain handling facilities. Concentrated on the health effects associated with exposures to grain dust, pesticides, and toxic contaminants, such as aflatoxin. Prepared and published two Federal Register notices regarding rulemaking proceedings and wrote the initial draft proposal on Occupational Exposures to Hazardous Substances Found in Grain Handling Facilities. Participated both in public hearings presided by an administrative law judge and in informal public meetings presided by an OSHA panel. Conducted field trips to several U.S. grain elevators and mills and represented OSHA at several interregulatory agency and interest group meetings. Also, was a recipient of a cash award for work excellence for the Agency.

1977 to 1978. OSHA, Buffalo, New York. Industrial Hygienist. Enforced the Occupational Safety and Health Act. Conducted over 70 health inspections in various industrial establishments. Sampled for such substances as wood dust, grain dust, mercury, silica, lead, and several different solvents. Attended four formal industrial hygiene and safety courses at the OSHA Institute in Chicago. Attended a Los Alamos/NIOSH Respirator training course.

1975 to 1977. State University of New York, Binghamton. Teaching Assistant. Taught the freshman chemistry laboratory course in addition to chemistry problem-solving classes while attending graduate school.

1973 to 1974. Bishop Timon High School, Buffalo, New York. Chemistry Teacher. Taught general chemistry and music, and performed other assigned supervisory duties.

September 1980

APPENDIX 2

Asbestos Emissions Measurement Program

Appendix 2

Asbestos Emission Measurement Program

To help determine the protection afforded by the current requirement for ". . . no visible emission. . .," information is needed on asbestos emissions from the various sources. Data collected in Task 4. Data Collection will be examined for information on asbestos emissions, including atmospheric levels of asbestos. If data on asbestos emissions are considered to be inadequate, RTI proposes two alternatives for obtaining emission data.

Alternative one consists of utilizing ongoing or proposed EPA research, which includes asbestos sampling in the scope of research work. Specifically, RTI may be able to utilize data that are generated as part of a proposed multiagency (e.g., NIOSH, EPA) - asbestos industry research project, "The Environmental Research Program Plan for Asbestos." The Industrial Environmental Research Laboratory - Cincinnati (IERL-Ci) is responsible for organizing the asbestos research program which will encompass three areas of study, including an industrial survey, fugitive emissions, and use and disposal of commercial projects. The details of the program are being prepared in a proposal by IIT Research Institute. RTI will review the proposal and will determine, in consultation with the Lead Engineer, the feasibility of utilizing the proposed research to obtain the necessary data on asbestos emissions. This will be determined at the earliest feasible time.

If emissions data are not available through the asbestos research program described above, RTI will, as the second alternative, examine the feasibility of developing its own emission measurement program using the procedure given in EPA's Contractor Procedures Manual for Development of National Emission Standards, 3.2.6, Emission Measurement Program. Briefly, this entails the

preparation of a Source Test Plan by RTI to be reviewed by the Emission Measurement Branch (EMB) for technical feasiblity, time needed for method devlopment, resources, and other relevant items. EMB then submits its comments on the adequacy of the Source Test Plan to the Lead Engineer.

Presently there are no EPA reference methods for either emission sampling or atmospheric sampling of asbestos (a method for the sampling and measurement of airborne asbestos has been proposed*). Therefore, any asbestos sampling must be preceded by the development of test methods. This will require the efforts of and cooperation between EMB and the Office of Research and Development.

A limited number of emission tests will be performed in Phase I, the purpose being support for the feasibility assessment of emission testing as well as the establishment of a numerical emission limitation. RTI, in consultation with the Lead Engineer, will select three or four sites for testing.

Because emission testing by RTI is one alternative for obtaining emission data and may not be required, the additional costs of emission testing are estimated here and are not included in the costs in Table I. The costs shown here represent the cost of developing a Source Test Plan, the cost of arranging for the source tests, the cost of pretest survey trips, and the cost of trips to test sites for observation of emission sampling. Furthermore, the inclusion of emission testing in Phase I will likely require an extension of the Phase I schedule due to the time necessary to prepare a Source Test Plan, arrange and make pretest site surveys, sample (estimated at one week minimum

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* Electron Microscope Measurement of Airborne Asbestos Concentrations: A Provisional Methodology Manual, EPA-600-2-77-178, Revised June 1978.

per site), and analyze emissions. It is probable that emission testing would not begin until after completion of the initial on-site investigations, which are tentatively scheduled to end in March.

It is estimated that for emission testing at four sites, a minimum of 8 man-weeks will be required to prepare a Source Test Plan, arrange for and participate in each pretest survey, and arrange for and observe the actual sampling. Thus, the estimated hours and minimum cost for emission testing are as follows:

Man-Weeks	Man-Hours	Estimated Cost
8	320	$10,560

The Bendix Corporation
Executive Offices
Bendix Center
Southfield, Michigan 48076

Mr. E. W. Drislane
Executive Director
Friction Materials
Standards Institute
Bergen Mall Office Center
E. 210 Route 4
Paramus, NJ 07652

February 11, 1981

Re: Notice to Membership on Hazardous Waste Disposal

Dear Mr. Drislane:

I have received Mr. Diffenderfer's recommendated bulletin and find it acceptable for distribution.

The missing information on page 1 is "Vol. 45, No. 229, Page 78538 dated 11/25/80" as the Federal Register notice removing asbestos in its raw form from the list of hazardous waste.

Sincerely,

J. W. Armstrong
Corporate Director
Safety & Protection Services

JWA/gvp

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BIOGRAPHY

FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N.J. 07652

February 19, 1981

To: Health and Environmental Affairs Committee

Subject: Brief biography on expertise of Committee Members

On January 23, 1981 I wrote the Members of the Committee asking for a brief biography of each Member's business experience background. This was requested based on a possible questionnaire to the Membership. It is noted on Page 9 of the Minutes of the January 14, 1981 meeting.

I have received the attached biographies. I would appreciate it if those who are not listed send in their "two lines". Also, those who are on the list may wish to revise or otherwise change the wording, to more closely conform to the format used by others. I do not know how certification and the like should be listed, and will defer to others on this.

I will need this before we send the questionnaire--now in its formative stage--to the Board of Directors.

EWD/erc
Enc:

E. W. Drislane
Executive Director

J. W. Armstrong, CSP, PE

Employee accident protection, OSHA appeals and compliance, workers compensation cost control, industrial health and hygiene, fire protection, air, water and solid waste control (EPA), industrial security, consumer product safety and international safety and health regulations.

R. L. Armer

Plant Engineering, Project Management-Environmentatl, Materials Development

W. E. Milligan

Safety Manager - lead, noise and asbestos control, mechanical guarding, employee training, workers compensation, medical surveillance

J.O. Pearson

Safety Engineering, local exhaust ventilation (engineering) and industrial hygiene (Certified by ABIH)

C. H. Borcherding

Industrial hygiene, air, water and solid waste. Some expertise in plant engineering (primarily processes and ventialtion design) safety engineering, Board Certified in industrial hygiene and safety.

D. E. Stone

Plant and manufacturing engineering, maintenance engineering, design and application of industrial exhaust systems and collectors, management of environmental affairs - EPA, OSHA, TSCA, RCRA, etc.

COMMITTEE MEMBERS - OCCUPATIONAL AND ENVIRONMENTAL EXPERTISE

FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE 4, PARAMUS, N. J. 07652

January 23, 1981

To: Health and Environmental Affairs Committee

Subject: Brief "bibliography" on expertise of Committee Members

At the January 14, 1981 Committee Meeting, a proposed questionnaire for the Membership was discussed. At that time it was decided that the Institute would advise the Board of Directors on the background or expertise of the Committee Members.

We're asking for a "two-line" capsule background--not educational or work experience--with such background as the following:

> industrial hygiene, plant engineering, waste disposal, safety engineer, environmental consulting, etc.

It is expected that many will have more than one "specialty." Would you please send in a "two-line" bibliography which I can assemble on Committee Member expertise.

EWD/erc

E. W. Drislane
Executive Director

TO E. DRISLANE FROM: D. STONE

J. W. Armstrong, CSP, PE

Employee accident protection, OSHA appeals and compliance, workers compensation cost control, industrial health and hygiene, fire protection, air, water and solid waste control (EPA), industrial security, consumer product safety and international safety and health regulations.

R. L. Armer

Plant Engineering, Project Management-Environmentatl, Materials Development

W. E. Milligan

Safety Manager - lead, noise and asbestos control, mechanical guarding, employee training, workers compensation, medical surveillance

J.O. Pearson

Safety Engineering, local exhaust ventilation (engineering) and industrial hygiene (Certified by ABIH)

C. H. Borcherding

Industrial hygiene, air, water and solid waste. Some expertise in plant engineering (primarily processes and ventialtion design) safety engineering, Board Certified in industrial hygiene and safety.

D, E. STONE
PLANT AND MANUFACTURING ENGINEERING, MAINTENANCE ENGINEERING, DESIGN AND APPLICATION OF INDUSTRIAL EXHAUST SYSTEMS AND COLLECTORS, MANAGEMENT OF ENVIRONMENTAL AFFAIRS - EPA, OSHA, TSCA, RCRA, ETC.

The Bendix Corporation
Executive Offices
Bendix Center
Southfield, Michigan 48076

Mr. E. W. Drislane
Executive Director
Friction Materials Standards Institute
Bergen Mall Office Center
E. 210 Route 4
Paramus, NJ 07652

February 6, 1981

Dear Mr. Drislane:

Attached is the "two line" bibliography for inclusion in the Committee summary of expertise.

Sincerely,

J. W. Armstrong
Corporate Director
Safety & Protection Services

JWA/gvp
Attach.

James W. Armstrong, C.S.P, P.E.

Employee accident protection; OSHA appeals and compliance; workers compensation cost control; industrial health and hygiene; fire protection; air, water and solid waste control (EPA); industrial security, consumer product safety and international safety and health regulations.

nuturn CORPORATION

January 29, 1981

Mr. E. W. Drislane, Executive Director
Friction Materials Standards Institute, Inc.
E-210 Route 4
Paramus, New Jersey 07652

Dear Mr. Drislane:

In response to your request of January 23rd for a "two-line" bibliography, my background is as follows:

Plant Engineering
Project Management - Environmental
Materials Development

If further information is needed please contact me.

Sincerely,

Russell L. Armer
Director of Operations

RLA:ma

Airport Lane • Smithville, Tennessee 37166 • 615/597-6700

MOLDED MATERIALS COMPANY
Division of Carlisle Corporation
P.O. Box P, Gillis Avenue
Ridgway, Pennsylvania 15853
(814) 773-3185

CARLISLE

January 28, 1981

Mr. E. W. Drislane
Friction Materials Standards Institute, Inc.
E-210, Route 4
Paramus, NJ 07652

Dear Ed:

The following is a summary of my experience or "expertise:"

Title: Safety Manager - lead, noise and asbestos control, mechanical guarding, employee training, workers' compensation, medical surveillance.

We also have an Industrial Hygienist who is proficient at the following: asbestos air sampling and counting - NIOSH certified, hazardous waste, all facets of the new lead standard, employee training, ventilation, hearing conservation.

Should you need further information, please contact me.

Sincerely,

MOLDED MATERIALS COMPANY
DIVISION OF CARLISLE CORPORATION

Wm. E. Milligan

Wm. E. Milligan
Safety Manager

WEM:gle

Raybestos RM Manhattan

CORPORATE HEADQUARTERS
100 OAKVIEW DRIVE, TRUMBULL, CONNECTICUT 06611, U.S.A. (203) 371-0101

February 2, 1981

Mr. E. W. Drislane
Executive Director
Friction Materials Standards Institute, Inc.
E-210 Route 4
Paramus, NJ 07652

Dear Mr. Drislane:

Referring to your memorandum dated January 23, 1981 asking for a brief bibliography, please be advised that my background consists of :-

safety engineering, local exhaust ventilation (engineering) and industrial hygiene (Certified by ABIH)

Sincerely,

John O. Pearson
ra

Abex

An IC Industries Company

Abex Corporation
Environmental Control
4550 West 26th Street
Chicago, Illinois 60623
(312) 521-3210

January 27, 1981

Mr. E. W. Drislane
Executive Director
Friction Materials Standards Institute, Inc.
E-210 Route 4
Paramus, NJ 07652

Dear Ed:

Your letter requesting a "capsule background" arrived today. Will there be minutes of the meeting which I missed? Please let me know. 1/29

My capsule follows:

> Industrial hygiene, air, water, and solid waste. Some expertise in plant engineering (primarily processes and ventilation design), safety engineering.

I hope this is the material you desired. In industrial hygiene as well as safety, I am board certified.

C. H. Borcherding, Director
Environmental Control

CHB:EJ

JAN 14 1981

REVIEW OF PROJECTS AND ACTIVITIES OF COMMITTEE

1970

The "Occupational Safety and Health Act of 1970 became law on December 29, 1970. This was otherwise known as the Williams-Steiger Act.

1971

Mr. William Reitze of Johns-Manville Corporation was invited to address the Institute's Annual Meeting. Mr. Reitze talked on OSHA and projected its far-reaching effects on American industry, and particular the asbestos products industry. Members were sent a copy of the Act.

Mr. Greenen, President of the Institute called for creation of a committee to address the problems that could arise from OSHA.

The Asbestos Study Committee had an organization meeting on September 15, 1971. First members were: E. P. Stefl, Raybestos-Manhattan-Chairman, J.C Henning, World Bestos Co., E.H. Feierabend, Abex, W.B. Reitze, Johns-Manville, W. Spurgeon, Bendix and J.B. Graham, Carlisle.

The Illinois Pollution Control Board proposed regulations on asbestos including: "The use of asbestos in the brake lining of vehicles manufactured after January 1, 1975 and sold for use in Illinois is prohibited."

Institute coordinated several individual Member responses directly to the Illinois Pollution Control Board, including a scholarly response from the British Friction Materials Council. Subsequently, the proposed ban on asbestos containing brake linings was dropped.

The EPA released their emission standards for asbestos, beryllium and mercury.

OSHA released their emergency temporary standards for asbestos in late 1971

1972

The Institute's Committee held a demonstration session on means for monitoring asbestos fibers in the workplace. Mr. Reitze made the demonstration.

Distributed to Members the OSHA standards for exposure to asbestos dust, to be effective July 7, 1972. (5 fibers TWA eff. 7/7/72; 2 fibers TWA eff. 7/1/76)

Institute circulated a Committee drawn survey on labelling practices, and interpretation of OSHA standards on "locked-in" asbestos in friction materials.

1973

Advised Members on results of labelling practice survey.

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(4)

1973 (Continued)

Sent Membership a list of independent laboratories which conduct asbestos counts.

Distributed copies of EPA "National Emission Standards for Hazardous Air Pollutants (Asbestos). Essentially "no visible emissions."

Cooperated with EPA Contractors on technical and economic impacts on manufacturers from proposed effluent guidelines for asbestos products manufacturers.

1974

Sent recommendations to Asbestos Information Association (AIA) on their comments to OSHA on proposed revisions to the asbestos standard.

Provided input to AIA on their "Work Practices for Users and Fabricators of Asbestos Friction Materials."

Commented directly to EPA on their National Emissions Standards for Asbestos.

1975

Wrote to Representative Fenwick supporting her efforts on release of chrysotile asbestos from the stockpile to manufacturers.

Distributed to Members the NIOSH Recommended Interim Practices for Asbestos Brake and Clutch Servicing.

OSHA published its proposed revisions to the asbestos standard (This is the 0.5 Fiber TWA level).

The Institute's Committee reviewed the proposed OSHA changes and recommended comments by individual members on the OSHA standard proposals. The Members were sent 8 points to consider in their comments.

Committee organized and sponsored a seminar on asbestos attended by over 50 individuals from Member companies. Presentations by Johns-Manville, OSHA, AIA and certain vendors.

1976

Based on Committee recommendations, the Institute commented directly to OSHA objecting to several sections of OSHA's proposals for revision to the asbestos standard.

Worked with AIA and their contractors on their response to the OSHA proposals.

Updated the list of laboratories for asbestos counts and consulting, and advised the Membership.

1977

Committee drafted a one page "Recommended Procedures for Reducing Asbestos Dust During Brake Servicing." This was first published in Institute catalogs in 1977 and was released to the automotive trade press. The release appeared in several trade publications.

Dr. H.C. Lewinsohn of Raybestos-Manhattan addressed our Annual Meeting on the "Medical Aspects of Occupational Exposure to Asbestos."

Reviewed and commented on the Abt Associates "Trainer's Guide for Brake Shop Managers." This was to be a guide prepared under contract for OSHA.

1978

Met at Mount Sinai Hospital with Dr. Selikoff and Dr. Nicholson as well as industry Members concerning the NIOSH contract to investigate the health hazards in brake repair shops.

Legal Counsel reviewed the Consumer Product Safety Act and advised that brake lining would not be regulated under that act.

Updated our list of laboratories providing asbstos fiber counts and consulting services.

Committee prepared and the Institute published booklet "Friction Materials Work Practices Guide." Institute sold over 40,000 copies.

1979

Advised Members on manufacturers and laboratories with products or services for controlling asbestos--consultation, respirators, vacuum equipment.

Committee reviewed an industry sponsored "Asbestos Health Hazards Compensation Act." Objected to the industry group on the prominent place they gave friction materials manufacturers as regards worker exposures. Friction materials manufacturers were later dropped to a less objectionable class.

Contacted EPA's Office of Toxic Substances on voluntary actions in control of asbestos in brake repair--labelling and education.

Revised the Institute's write-up on "Recommended Procuedures for Reducing Asbstos Dust During Brake Servicing" for our catalogs.

The Committee responded to the EPA on their Advance Notice of Proposed Rulemaking on Asbestos Products with emphasis on the IIT Research Institute's Report--took exception to the selection of friction materials for control based on their allegations of heavy population exposure.

1980

Met with EPA's Office of Toxic Substances to rewrite their request for information on non-asbestos friction materials.

Gathered data on non-asbestos disc brake linings and answered EPA's Office of Toxic Substances request for information.

Worked with AIA on questionnaire on labelling practices and training programs relating to asbestos.

Mr. Bob Pigg of the Asbestos Information Association (AIA) addressed the Institute's June Meeting.

Sent Membership information on industrial hygiene consultants, regulations on access to employee medical records, and other OSHA actions.

6/81

HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Membership Assistance

At the last annual membership meeting, the Board asked what the Institute or the Health and Environmental Affairs Committee could do to assist members who were having problems with safety, health or environmental regulations.

Specifically, the Board asked the Committee:

1. What the manufacturer can do himself to insure compliance with regulations?

2. What outside help is available in order to assure compliance?

3. A summary listing of citations alleged against members by regulatory agencies and the steps that industry took to object or move into compliance.

The Committee has met and addressed these issues.

It is felt the Committee and the Institute's role was that of a consultant. It would:

1. Notify members when new regulations are proposed or adopted.

2. Advise on experts in the field who could help members.

3. Work with regulatory agencies in an effort to represent the interest of the members.

4. Provide advice when requested related to specific member interests.

It was concluded that each manufacturer must establish a person or persons who must develop familiarity with the regulations and take action for compliance within their own organization.

What outside help is available

In order to assist the FMSI members in finding experts and information a listing of publications and services in the occupational safety, health and environmental areas was developed and distributed to the membership on February 19, 1981.

In addition, a listing of firms and individuals to consult in industrial hygiene, asbestos sampling and laboratory analysis was compiled and distributed.

On April 30, 1981 a summary of the background and expertise of the Committee members was distributed to the membership along with a summary of the various projects completed. This information was developed in order to inform the membership of the consulting capability within the group and projects that have been done on behalf of the members.

Other actions to assist Members

During 1981, a series of informational bulletins were developed and distributed to the members. Without going into specifics, the subjects covered were: material safety data sheets, a summary of the current EPA requirements regulating hazardous waste disposal, and a guidance document indicating that asbestos had been specifically eliminated from hazardous wastes defined by EPA under RCRA.

Exchange of information - Citations and Corrective Action

Some of the Committee members expressed concern that their management representatives would not approve the release of information to FMSI in that some methods of corrective action were considered proprietary information. Further, Legal Counsel advised there could be some question as to whether members who are under citation would want other companies to know information relating to this legal activity. It was decided that a questionnaire would be developed and circulated amongst the membership to determine how much interest and willingness there was to provide the type of information requested by the Board of Directors. That questionnaire was transmitted by Bulletin #715 on April 30, 1981. While there appears to be interest in the exchange of information, it does not appear to be practical with the limitations that would be required to protect the information considered proprietary.

EPA

On January 26, 1981 the EPA's office of Toxic Substances proposed requirements for the reporting of asbestos usage in the United States. A brake lining or clutch facing manufacture would be classified as a primary processor as raw asbestos is used in the friction product. A rebuilder would be considered a secondary processor. Thus, both categories would become subject to the reporting requirements.

The Health and Environemnetal Affairs Committee generated FMSI Bulletin #708 on February 18, 1981 advising the membership of the proposed requirements and solicited comments in order to respond to the EPA on the impact to FMSI members.

On March 19, 1981 a response to the EPA was submitted to the Board of Directors for review and approval. The document was then transmitted to EPA on March 25, 1981.

Our committee would like to point out to the Board and the members the following information regarding this proposed rule.

- There has not beem any further action on this EPA proposal which would indicate it will be adopted. There is a strong need for information within EPA - specifically related to asbestos usage within the friction materials business. As a result, we suspect this proposal will be re-activated.

- Should the proposal be adopted in its present form, members of the FMSI will find an additional administrative burden imposed. A couple of examples will explain this point.

  - Each member would be requested to generate data covering a 10-year period from 1971 through 1980. Specifically, the EPA would want to know the quantity of asbestos used by each company by type and grade.

  - A recordkeeping requirement to prepare a customer list containing the name, address, technical contact, phone number and amount of asbestos sent to each customer.

  - A request for the development of a listing of all pollution control equipment along with dates of installation and first use by month and year.

  - We will continue to monitor the developments of this proposal.

New Administration (EPA)

Under the Reagan Administration, there has developed a "new spirit of cooperation" in the EPA. Through the efforts of the Asbestos Information Association, the membership of FMSI is now represented at a series of informal off-the-record meetings between industry and EPA rulemakers. The EPA Office of Toxic Substances (TOSCA) has been reviewing the need for regulation of asbestos in the friction materials section.

Currently representing industry interests in these meetings are Bob Pigg, AIA; John Marsh, Raybestos-Manhattan; Bill Krebs, General Motors and myself, representing FMSI.

Being discussed are such issues as:

- An industry questionnaire to determine the quantity of asbestos-containing drum brake usage both in current demand and projected estimates for the future.

- An industry labeling requirement.

- A general review of EPA training and information materials related to friction material products.

New Administration (OSHA)

There is a temporary hold on all OSHA regulatory activity. There is indication that the new administration wants to move from a compliance enforcement agency to that of a consulting educational role. It is still to early to determine which direction will be taken.

Respectfully submitted,

J. W. Armstrong