

DOT MAKES FINAL REVISION TO ASBESTOS TRANSPORTATION REGULATION

The Department of Transportation (DOT), by publication in Federal Register of Aug. 16, has issued second modification to its final rule for transportation of commercial asbestos (N&N Dec. & Mar.).

This notice, published four days prior to the Aug. 20 effective date of final rule, allows use of dust and sift proof bags without pallets when transported by private carrier by highway. Secondly, if a load of dust and sift proof bags is too small for a single pallet, it may be shipped in strong outside fiberboard or wooden boxes.

Finally, DOT has imposed a "grandfather clause" on shipments of commercial asbestos made before the effective date of this regulation. If the initial shipment was made before Aug. 20, 1979, the asbestos may continue to be shipped in a non-conforming manner until Dec. 31, 1979.

EPA DOES TURNABOUT ON ASBESTOS AND SCHOOLS

EPA has reversed its prior position and granted petitions to initiate rulemaking to regulate asbestos containing materials in schools. Agency had previously denied petitions from Environmental Defense Fund (EDF) and State of New Jersey because it then believed the regulatory approach to be too time consuming and voluntary program was imminent. EDF responded by filing suit in the District Court for the D.C. to compel EPA to begin rulemaking.

By notice in Federal Register of July 13, EPA announced its turnabout decision that regulatory program should be initiated and run parallel to the voluntary technical assistance program announced in March. (N&N Mar.). In developing the rulemaking EPA will work closely with State and local officials to ensure that such will be supportive of actions taken in response to EPA's guidance program. In event that voluntary approach proves unsuccessful, EPA stated, the regulatory program will already be in place.

EPA announced it will initiate rulemaking with publication in the Federal Register of an advance notice of proposed rulemaking (ANPRM). The ANPRM, expected in early Sept., will solicit comment on complex, unresolved issues concerning agency's use of the Toxic Substances Control Act in regard to control of friable asbestos-containing materials in schools.

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