

RECEIVED Feb 07 1986



February 6, 1986

Mr. Paul Huang, Purchasing Manager
J-M A/C Pipe Corporation
1051 Sperry Road
Stockton, CA 95206

Dear Paul,

Enclosed are two communications from AIA.

The EPA announcement is only a proposal and it seems that everyone except EPA doesn't think there is a chance it will become law.

Thank you for your order for 1986 at Stockton. Hopefully, we will be able to serve you at Denison.

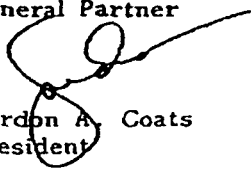
The special rail rate we requested to Denison has been approved and should become effective on or about February 14, 1986. I believe that this will be about \$50/ton.

This letter also confirms our agreement of yesterday to a 5R price of \$325/ton, F.O.B. Mill, Copperopolis, California.

Best wishes.

Yours,

CALAVERAS NATURAL RESOURCES, INC.
General Partner


Gordon A. Coats
President

GAC:tc

JMM 00000079

P.O. Box 127 · Copperopolis, California 95228 · Telephone (209) 785-2201 · Telex 359458 CALACOP

SC-JMM-3110



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

January 27, 1986

✓ Copy to: W. Wang

This is the information that Calaveras sent to me.

Memorandum For:

AIA/NA MEMBERS

for your reference.

Paul 7/86

Subject:

Supplementary Comments and Information on
EPA's Proposed Rule to Ban and Phase Out
Uses of Asbestos

AIA/NA memorandum of January 24 forwarded to you initial information pertaining to the U.S. Environmental Protection Agency's (EPA) proposed rule to ban the use of five asbestos-containing products and phase out all remaining uses of asbestos in the United States over the next 10 years. The purpose of this memorandum is to provide you with additional information on the specifics of the proposal and to assist you in responding to various inquiries and in providing information to customers as may be deemed appropriate. The proposal is scheduled to be published in the Federal Register on January 29, 1986.

First, as emphasized in the January 24 memorandum, while the issuance of EPA's proposed rule is a disappointment to the industry, it is nevertheless a proposal. It is a long way from becoming a final regulation. As you know, the EPA proposal has been under consideration for over six years. The Association is on public record opposing such draconian action as unjustified--based on the absence in today's use of asbestos of any "unreasonable risk." Such finding of an "unreasonable risk" is required by the Toxic Substances Control Act prior to promulgation of any final rule. In addition, EPA's proposed action is clearly out-of-step with the consensus of a number of international bodies that have thoroughly studied the asbestos issue (EEC, ILO & WHO). These organizations and other world nations favor the control of asbestos rather than the ban approach.

As to the actual proposal (see excerpt from prepublication copy enclosed), the rulemaking procedure calls for submission of comments 90 days after publication in the Federal Register (April 29, 1986) with public hearings to later follow. After this, EPA will assess the record and then will likely prepare and submit to the U.S. Office of Management and Budget (OMB) a final rule for review. It is safe to assume that EPA's preparation and submission to OMB of any final rule will not, at the earliest, occur before sometime in 1987. This would mean an effective date of January 1, 1988 or, if a final rule is published within the last four months of next year, the effective date would be January 1, 1989.

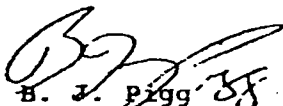
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The fact that OMB cleared issuance of a proposed rule to ban products and phase-out the use of asbestos does not imply that OMB

support will be forthcoming for the same drastic approach in any final rule. There are many complex issues to be addressed and reconciled in the rulemaking process. Suffice it to say that the issuance of an EPA proposed rule to bring about the demise of the U.S. asbestos industry does not in any way assure that such an event will occur.

We do not believe that EPA will be able, as required in order to issue the proposed rule, to support with substantial evidence its preliminary finding of unreasonable risk. AIA/NA plans to submit evidence to the agency to demonstrate that risk from use of today's products are not unreasonable. On one hand, EPA overestimates exposures to asbestos in use of today's products and the adverse health effects that might be caused by such low exposures. On the other hand, the agency underestimates the value to society of these asbestos-containing products and the potential risks that would exist with uncontrolled use of substitute non-asbestos products.

It is appropriate to comment briefly on the other three regulatory options discussed in EPA's proposed rule. These alternatives to the actual, proposed rule are attached and invited to your attention. The alternatives give credence to the fact that EPA's proposal is a worst-case scenario and is not one cast in concrete.


B. J. Pigg
President

Enclosures

cc: Joseph A. Artabane, SB&H
Joseph C. Jackson, AACPP
Paul LaFleur, Canadian Embassy
Gary Nash, AI
Sir Neville Stack, AIA
Edward W. Warren, K&E
Robert V. Witeck, Gray & Co.

Therefore, it is proposed that 40 CFR Part 763 be amended as follows:

1. The authority citation for Part 763 is revised to read as follows:

AUTHORITY: 15 U.S.C. 2605 and 2607(c).

2. By adding new Subpart H to read as follows:

SUBPART H--ASBESTOS MINING AND IMPORT RESTRICTIONS

Sec.

763.140 Scope.

763.143 Definitions.

763.145 Mining and import restrictions.

763.147 Permits to mine or import asbestos.

763.148 Issuance of permits.

763.149 Appeals concerning permits.

763.150 Transfer of permits.

763.151 Banking of permits.

763.153 Recordkeeping.

763.154 Reporting.

763.156 Enforcement.

763.157 Inspections.

763.159 Confidentiality and public access to information.

SUBPART H--ASBESTOS MINING AND IMPORT RESTRICTIONS

763.140 Scope.

This Subpart prohibits the mining or importation of asbestos, including asbestos in certain asbestos products, unless authorized by a permit issued by EPA.

§ 763.143 Definitions.

(a) The definitions in section 3 of TSCA, 15 U.S.C. 2602, apply to this Subpart. In addition, the following definitions apply:

(b) The terms "act," "article," "byproduct," "customs territory of the United States," "EPA," "importer," "manufacturer," "persons," and "United States" have the same meanings as in § 720.3 of this chapter.

(c) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite, (cummingtonite-grunerite); tremolite; anthophyllite, and actinolite that are mined or milled.

(d) "Asbestos product" means any mixture or article containing asbestos.

(e) "Consumer" means a natural person who uses a product for personal rather than business purposes.

(f) "Import" means to bring into customs territory of the United States for any purpose except (1) for shipment through the customs territory of the United States for export without any domestic use or processing; or (2) entering the customs territory of the United States as part of a product during normal personal or business activities involving use of the product.

(g) "Milled" means the separation of asbestos fibers from asbestos ore, the grading and sorting of asbestos fibers, or the fiberizing of asbestos ore.

(h) "Mine" means to produce asbestos other than as an unintended contaminant or impurity by extracting asbestos-containing ore so that the ore may be (1) distributed in commerce or (2) milled for distribution in commerce.

(i) "Miner" means a person who mines asbestos.

§ 763.145 Mining and import restrictions.

(a) Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 4 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person other than a person authorized by a permit issued by EPA as provided in this part may:

(1) Mine asbestos in the United States or

(2) Import asbestos, including asbestos in an asbestos product listed in this section, except in small quantities solely for personal consumer use, into the customs territory of the United States.

(b) The following asbestos products may not be imported into the customs territory of the United States except in small quantities by a consumer solely for his or

her. personal use unless authorized by a permit issued by EPA as provided in this Subpart:

- (1) Appliances.
- (2) Pipeline wrap.
- (3) Thread, yarn, lap, roving, cord, rope, or wick.
- (4) Sheet gasketing, rubber encapsulated compressed.
- (5) Disc brake pads (light-medium vehicles).
- (6) Cloth, other than asbestos clothing
- (7) Brake blocks.
- (8) Millboard.
- (9) Packing.
- (10) Mixed or repackaged asbestos fiber.
- (11) Thermoplugs.
- (12) Tape.
- (13) Roof coatings.
- (14) Clutch facings.
- (15) Automotive gasket kit.
- (16) Drum brake linings.
- (17) Yarn.
- (18) Automobiles and other motor vehicles.

§ 763.147 Permits to mine or import asbestos.

(a) Persons may mine in the United States or import into the customs territory of the United States only the quantity of asbestos for which they hold permits issued under this Subpart.

(b) The amount of asbestos contained in imported product listed in § 763.145 will count toward the total amount of asbestos a person may mine or import during a year.

(c) Persons must estimate typical asbestos content of imported asbestos products covered by this rule. Persons may use EPA's estimate of typical asbestos content if they are not certain of the typical asbestos content of a product.

§ 763.148 Issuance of permits.

(a)(1) EPA will issue permits for the mining or import of asbestos, including asbestos contained in the asbestos products listed in § 763.145.

(2) Applications for permits must be sent to the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460.

(b)(1) Persons must apply to EPA for permits by 30 days after the effective date of this rule.

(2) Persons must list in their application for permits the amount of asbestos, including asbestos contained in the asbestos products listed in § 763.145, that they imported or mined during 1981, 1982, and 1983.

(c) If an application is mailed to EPA, the application must be postmarked by 30 days after the effective date of this rule.

(d) EPA will allocate to persons who apply for permits a uniform percentage of the amount of asbestos those persons reported mining or importing during 1981, 1982, and 1983.

(e) Each permit will allow a person to mine or import the following percentages of the average amount of asbestos he or she mined or imported yearly during 1981, 1982, and 1983.

Year 1--30 percent

Year 2--27 percent

Year 3--24 percent

Year 4--21 percent

Year 5--18 percent

Year 6--15 percent

Year 7--12 percent

Year 8--9 percent

Year 9--6 percent

Year 10--3 percent

§ 763.149 Appeals concerning permits.

(a) A person may appeal EPA's initial disposition of his or her application for a permit.

(b) The person must appeal in writing to the Director of the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460, within 20 days after receipt of EPA's announcement of the disposition of his or her

application. If the appeal is mailed, the letter must be postmarked within 20 days after receipt of EPA's announcement of disposition.

(c) A person must indicate in an appeal why he or she should receive a permit or be allowed to mine or import additional asbestos under the permit.

(d) The Director of the EPA Office of Toxic Substances will either grant or deny the appeal within 60 days after its receipt. The disposition of the appeal will be announced by letter to the person making the appeal.

§ 763.150 Transfer of permits.

(a) A person issued a permit by EPA to mine or import a quantity of asbestos may transfer that permit in whole or in part to another person.

(b) A person who transfers a permit to mine or import a quantity of asbestos and a person who receives such a transferred permit must report that transfer to the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460, within 10 days of the transfer.

(c) The parties involved in a transfer may report either jointly or separately.

(d) If a report is mailed to EPA, the report must be postmarked within 10 days of the transfer.

§ 763.151 Banking of permits.

(a) Persons issued permits by EPA to mine or import a quantity of asbestos during one particular year may reserve or "bank" all or part of the permitted amount and use it to mine or import asbestos during a later year during the 10-year phase-down period.

(b) The amount of asbestos that a person is permitted to mine or import will decline from year to year when it is reserved or "banked" at a rate of 10 percent per year.

(c) A person who "banks" a permit in whole or in part must report that "banking" to the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460, within 60 days of the end of the year for which the permit was issued.

(d) If a report is mailed to EPA, the report must be postmarked within 60 days of the end of the year for which the "banked" permit was issued.

§ 763.153 Recordkeeping.

(a) Any person who mines or imports asbestos or any asbestos product listed in § 763.145 must retain in one location documentation of information showing:

(1) The name of any person to whom he or she transferred permission to mine or import asbestos.

(2) The name of any person from whom he or she received permission to mine or import asbestos.

(3) The amount of asbestos mined or imported each year, including asbestos imported in any asbestos product listed in § 763.145.

(4) The typical asbestos content of any asbestos product listed in § 763.145.

(5) The number of individual asbestos products listed in § 763.145 imported each year.

(b) This information must be retained for 5 years from the end of the last year of the 10-year phase-down period covered by this rule.

§ 763.154 Reporting.

(a) Any person who imports asbestos, including asbestos in an asbestos product listed in § 763.145, must report to the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460, within 2 days of the day of import indicating:

(1) The person's name.

(2) The amount of asbestos imported.

(3) The number of individual asbestos products listed in § 763.145 imported.

(4) A certification that the person was either issued a permit by EPA to import at least that amount of asbestos that year or obtained that permission from another person as provided in § 763.148.

(b) Within 60 days of the end of each year covered by this Subpart, each person who mines or imports asbestos including asbestos in an asbestos product listed in § 763.145 must report to the Office of Toxic Substances (TS-792), EPA, 401 M St., SW., Washington, D.C. 20460:

(1) The total amount of bulk asbestos that person mined or imported that year.

(2) The total amount of asbestos that person imported in asbestos products listed in § 763.145 that year.

(3) The number of individual asbestos products listed in § 763.145 that person imported that year.

(4) The amount of asbestos that person had permission to mine or import that year.

(c) If a report is mailed to EPA, the report must be postmarked within 60 days of the end of each year covered by this Subpart.

§ 763.156 Enforcement.

(a) Failure to comply with any provision of this Subpart is a violation of section 15 of the Act (15 U.S.C. 2614).

(b) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 the Act (15 U.S.C. 2614).

(d) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.

(e) EPA may seek to enjoin the mining or import of asbestos or asbestos products in violation of this Subpart, or act to seize any asbestos or asbestos products in violation of this Subpart, or take other actions under the authority of sections 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

§ 763.157 Inspections.

EPA will conduct inspections under section 11 of the Act (15 U.S.C. 2610) to ensure compliance with this Subpart and to verify that information submitted to EPA under this Subpart is correct.

§ 763.159 Confidentiality and public access to information.

(a) A person may assert a claim of confidentiality for any information he or she submits to EPA under this Subpart.

(b) Any claim of confidentiality must accompany the information when it is submitted to EPA.

(c) EPA will disclose information subject to a claim of confidentiality asserted under this section only to the extent permitted by TSCA and Part 2 of this title.

(d) If a person does not assert a claim of confidentiality for information at the time it is submitted to EPA, EPA may make the information public without further notice to that person.

3. By adding new Subpart I to read as follows:

SUBPART I -- PROHIBITION OF THE MANUFACTURE,
PROCESSING, AND DISTRIBUTION IN COMMERCE OF
CERTAIN ASBESTOS-CONTAINING PRODUCTS

Sec.

763.160 Scope and compliance.

763.163 Definitions.

763.165 Manufacture--prohibitions.

763.167 Processing--prohibitions.

763.169 Enforcement.

SUBPART I--PROHIBITION OF THE MANUFACTURE, PROCESSING,
AND DISTRIBUTION IN COMMERCE OF CERTAIN
ASBESTOS-CONTAINING PRODUCTS

§ 763.160 Scope.

This Subpart prohibits the manufacture, importation and processing, of the following categories of asbestos-containing products: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), vinyl-asbestos floor tile and asbestos-cement pipe and fittings and asbestos clothing.

§ 763.163 Definitions.

The definitions in section 3 of the Toxic Substances Control Act and the following definitions apply to this subpart.

(a) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); tremolite; anthophyllite, and actinolite.

(b) "Asbestos-cement pipe and fittings" means an asbestos-containing product that contains cement and is intended to transmit water or sewage; for use as conduit pipe for the protection of electrical or telephone cable; or for use as air ducts.

(c) "Asbestos clothing" means an asbestos-containing product made of cloth and designed to be worn by individuals.

(d) "Asbestos-containing product" means any material which contains more than 1.0 percent asbestos by weight.

(e) "Flooring felt" means an asbestos-containing product made of paper felt and intended as an underlayment for floor coverings, or to be bonded to the underside of vinyl sheet flooring.

(f) "Roofing felt" means an asbestos-containing product made of paper felt and intended for use on building roofs as a covering or underlayment for other roof coverings.

(g) "Vinyl-asbestos floor tile" means an asbestos-containing product composed of vinyl resins, containing fillers, stabilizers and pigments and used as floor tile.

§ 763.165 Manufacture--prohibitions.

Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 4 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person shall manufacture or import the following asbestos-containing products either for use in the United States or for export: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), sheet flooring backed with flooring felt), vinyl-asbestos floor tile, asbestos-cement pipe and fittings, and asbestos clothing.

§ 763.167 Processing--prohibitions.

Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 4 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person shall process the following products, either for use in the United States or for export: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), vinyl-asbestos floor tile, asbestos-cement pipe and fittings, and asbestos clothing.

§ 763.169 Enforcement.

(a) Failure to comply with any provision of this Subpart is a violation of section 15 of the Act (15 U.S.C. 2614).

(b) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 the Act (15 U.S.C. 2614).

(d) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.

(e) EPA may seek to enjoin the manufacture or import of asbestos products in violation of this Subpart, or act to seize any asbestos products in violation of this Subpart, or take other actions under the authority of sections 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

EPA PROPOSED RULE

EXCERPT FROM PREPUBLICATION COPY
OF FEDERAL REGISTER NOTICE

IV. OTHER OPTIONS CONSIDERED

Section 6 of TSCA requires that EPA apply the least burdensome requirements to reduce an unreasonable risk. EPA is considering a number of options for implementing the regulatory policy of phasing out the manufacture and

importation of asbestos products. These options involve staged bans of categories of asbestos products. This approach would ban the manufacture, importation, and processing of all asbestos products within a certain category at the same time. EPA is considering a category approach for groups of asbestos products with similar exposure patterns, similar exposure control issues, and similar substitutes. Examples of categories under consideration are construction products and friction products. EPA believes it may be good public policy to ban categories of products at the same time. This approach would address similar exposure patterns in the same way and treat all parts of an industry sector similarly. In addition, both the construction products category and the friction products category contain products that could substitute for other products in the category if all are not banned. Thus, a ban of the entire category may be necessary to reduce risk most effectively.

One option under active consideration in addition to the ones embodied in the proposal is banning the manufacture, importation, and processing of the asbestos construction products category and asbestos clothing with the ban effective soon after promulgation of the rule; banning the manufacture, importation, and processing of the asbestos friction products category about 5 years after

promulgation of the rule; and gathering up-to-date production, exposure, and use data on the remaining asbestos products under section 8(a) of TSCA to support possible bans of other asbestos products at that time. Another option is banning the manufacture, importation, and processing of the asbestos construction products category, asbestos clothing, and the asbestos friction products category as stated above and banning the remaining asbestos products at a later time (e.g., 10 years), thus allowing time for the development of effective substitutes while strongly encouraging substitute development. A third option is banning the manufacture, importation, and processing of the asbestos construction products category and asbestos clothing as stated above and covering all other asbestos products under the phase-down. Under each of the options, EPA is also considering a requirement that products not banned soon after promulgation be labeled as containing asbestos.

EPA is actively considering these options as alternatives to this proposed rule and specifically requests comment on these alternatives. EPA may adopt a final rule based closely on one or a combination of these alternatives. These alternatives are discussed more fully below.

1. Ban the asbestos construction products category and asbestos clothing soon after promulgation of the rule, ban the asbestos friction products category about 5 years later, and gather additional information on other asbestos products. Under this alternative, EPA would ban the

manufacture, importation, and processing of the asbestos construction products category (i.e., asbestos-cement pipe and fittings, roofing felts, flooring felts and felt-backed sheet flooring, vinyl-asbestos floor tile, corrugated asbestos-cement sheet, flat asbestos-cement sheet, and asbestos-cement shingles) and asbestos clothing soon after promulgation of the rule. Effective substitutes exist for these products. The rule would also ban the manufacture, importation, and processing of the asbestos friction products category (i.e., drum brake linings, disc brake pads for light, medium, and heavy vehicles, brake blocks, clutch facings, automatic transmission friction components, and industrial and commercial friction materials) 5 years after promulgation of the rule. This alternative would reduce exposure to asbestos without the administrative burden of EPA establishing and operating a permit system as in the proposed approach. This alternative, by banning asbestos friction products 5 years after promulgation, would strongly encourage the rapid development of additional effective substitutes for asbestos friction products. The 5-year delayed ban would also allow time for expansion of production capacity for non-asbestos friction products.

EPA estimates that this alternative, assuming current exposure levels, would avoid about 2,100 cancer cases that EPA can quantify while costing about \$2.11 billion. This is a cost of about 1.01 million per cancer case avoided.

Because OSHA has proposed lowering the workplace PEL for asbestos to 0.2 f/cc, EPA also estimated the numbers of cancer cases avoided assuming strict compliance with this lower PEL. Assuming strict compliance with an OSHA PEL of 0.2 f/cc, EPA estimates that this alternative would avoid about 1,060 cancer cases that EPA can quantify, while costing about \$2.11 billion. This is a cost of about \$2.00 million per cancer case avoided.

To determine how sensitive the cost per cancer case avoided was to the banning of particular products, EPA conducted a sensitivity analysis, excluding asbestos-cement pipe from the ban.

Without a ban of asbestos-cement pipe and assuming strict compliance with an OSHA PEL of 0.2 f/cc, EPA estimates that this alternative would avoid about 840 cancer cases that EPA can quantify, while costing about \$1.87 billion. This is a cost of about \$2.22 million per cancer case avoided.

EPA believes that effective substitutes are increasingly becoming available for asbestos friction products and will be readily available by the date the delayed ban would become effective. However, EPA is considering an exemption process for essential uses without substitutes. One area EPA is studying in particular is the aftermarket for asbestos brakes. Some persons have stated

that asbestos brakes now in use cannot safely be replaced by asbestos-free brakes when they wear out, while others have disagreed with this assertion. EPA is aware of the potential risk to the public from poorly performing brakes. EPA specifically requests comment on this issue.

EPA considered various approaches for addressing the risk presented by asbestos products not banned either soon after promulgation or 5 years after promulgation under this alternative. One approach would be to propose and promulgate a rule under section 8(a) of TSCA to gather contemporaneous data concerning the production and use of and exposure to these products at the time the first products ban rule becomes effective or at a date a few years later. EPA would analyze that data and then decide whether to ban additional asbestos products. EPA would also determine the date of these bans, which may be at staged intervals. After deciding these issues, EPA would propose and promulgate the bans of these asbestos products. Another approach for addressing the risk presented by these remaining asbestos products is discussed as alternative 2 below.

2. Ban the asbestos construction products category and asbestos clothing soon after promulgation of the rule, ban the asbestos friction products category about 5 years later, and ban remaining asbestos products about 10 years later.



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

January 24, 1986

Memorandum For: AIA/NA MEMBERS

Subject: Forwarding of Information Pertaining to
EPA's Proposed Rule to Ban and Phase Out
Uses of Asbestos

As you no doubt have learned already from the news media, the U.S. Environmental Protection Agency has obtained clearance from the U.S. Office of Management and Budget to issue a proposed rule which would ban the use of five asbestos-containing products and phase out all remaining uses of asbestos in the United States over the next 10 years. A news briefing was held at EPA's headquarters in Washington, D.C., on January 23 to describe the details of the proposal.

For your information, please find enclosed the following materials which are hastened to you:

1. Statement of EPA Administrator Lee Thomas
2. Copy of EPA News Release
3. Copy of EPA "Fact Sheet"
4. Excerpt (Summary and Introduction) from Prepublication Copy of Proposed Rule for Federal Register

It is expected that the proposed rule will be published in the Federal Register within the next 10 days; comments on the proposed rule are required within 90 days after publication with public hearings to be scheduled after submission of comments.

As a recap, the products EPA proposes to ban are:

Asbestos-cement pipe and fittings
Roofing felts
Flooring felts (and felt-backed sheet flooring)
Vinyl-asbestos floor tile
Asbestos Clothing

In addition, under the proposed rule, EPA would also allow only those persons with permits issued by EPA to mine or import asbestos for use in products that are not banned. This would be accomplished by authorizing persons to mine or import a percentage of the average amount of asbestos mined or imported yearly during 1981, 1982, and 1983 starting with 30 percent in year 1 and declining to 3 percent in year 10.

The above refers to the actual, proposed rule. As an alternative, however, EPA is considering prohibiting the manufacture,

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importation, and processing of asbestos construction products and asbestos clothing soon after the rule's promulgation with the category of asbestos friction products banned about 5 years later, and other asbestos products banned at a later time. Finally, under both this alternative and the proposed approach, EPA is considering requiring labeling for all asbestos products that are not banned. Construction product category would include:

Roofing felts	A/C pipe
Flooring felt	Corrugated A/C Sheet
VAT	Flat A/C sheet
Felt-backed vinyl flooring	A/C sheet shingles

This regulatory initiative by EPA will be the principal item of business for consideration at the Association's Executive Committee meeting on February 4 and the Board of Directors meeting on March 12. Details on the March meeting will be provided to members shortly. In the meantime, a detailed assessment of the EPA proposed rule is underway and further information will be provided in due course. Please contact the undersigned if you have questions.

We would emphasize that, while EPA's proposed rule is disappointing, it is in fact a proposal and much activity will transpire before a final rule (probably 1-2 years hence) may be expected. Challenge of any final rule through litigation is always an option.


B. J. Pigg
President

Enclosures

cc: Joseph A. Artabane, SB&H
Joseph C. Jackson, AACPP
Gary Nash, AI
Sir Neville Stack, AIA
Edward W. Warren, K&E

STATEMENT

BY

**LEE M. THOMAS, ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY**

JANUARY 23, 1986

Today, EPA is announcing its proposed rule to ban the use of five major asbestos products and to phase-out all remaining uses of asbestos in this country over the next 10 years.

Today's action is a major new step toward eliminating public exposure to asbestos. It is the latest in a long series of actions by EPA to reduce the risks from asbestos.

We are taking this action because of the significant and well-documented threat to health that asbestos represents. It is a known human carcinogen that causes lung cancer and mesothelioma. Asbestos is released into the air through its life cycle, from mining to processing to use and final disposal. As a result, it is present in the ambient air and presents a serious health risk to the American people. No level of exposure is without risk. Our action today begins the process of eliminating that risk. As a result of what we are proposing, we estimate that about 1900 cancer deaths from asbestos will be avoided.

The proposal would immediately prohibit the importation, manufacture and processing of five asbestos products for which substitutes are now readily available. These asbestos products accounted for about half of current asbestos consumption in 1981. They are: saturated and unsaturated roofing felt;

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flooring felt and asbestos felt-backed sheet flooring;
vinyl-asbestos floor tile; asbestos-cement pipe and fittings;
and asbestos clothing.

In addition, we are proposing to phase out the remaining
uses of asbestos not covered by the ban over the next 10 years.
The phase-down would reduce the importation and production of
asbestos products by 10 percent each year. That period of
time is necessary to allow the development of alternative
products.

In the proposal, we are asking comment on a number of
alternative ways of achieving the same goal, the ultimate
elimination of widespread asbestos use in this country. These
alternatives involve grouping asbestos products by use category,
such as construction, friction and clothing, and banning them
in stages.

Finally, we are proposing that all products not immediately
banned be labeled as containing asbestos.

Labeling would ensure that persons working with or otherwise
handling the products would know that the product contained
asbestos, and it would enable them to take steps to reduce the
likelihood of exposure.

As a proposal, we are seeking public comment on our
actions. We expect this rule to be widely and actively debated...
and we welcome that discussion. Ultimately, I believe there
can be no debate about the health risks of asbestos. This
proposal starts us down the path that will eventually rid
asbestos from our environment.

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Environmental News

FOR RELEASE: THURSDAY, JANUARY 23, 1986

Dave Ryan (202) 382-2981

EPA PROPOSES TO PHASE OUT ASBESTOS USE

The U.S. Environmental Protection Agency today proposed to ban the manufacture, importing, and processing of asbestos in certain consumer products, and to phase out its use in other products; any product that is not banned would be labeled as containing asbestos.

"Today's action is a major new step toward eliminating any public exposure to asbestos," said EPA Administrator Lee Thomas. "It is another in a long series of actions by EPA to reduce the risks from this well-documented cause of cancer in our society."

The human health risks of asbestos are serious and well-documented. Asbestos is a known human carcinogen that causes lung cancer and mesothelioma (a cancer of the chest and abdominal lining), and is also linked to other cancers.

EPA analyses show that the elimination of asbestos will have minimal economic impact, due to the widespread availability of substitutes for those asbestos products being banned. About 240,000 metric tons of asbestos were used domestically in 1984.

Acting under authority of the Toxic Substances Control Act (TSCA), EPA plans to immediately prohibit asbestos in five of the products in which it is used most: roofing felts, flooring felts (and felt-backed sheet flooring), vinyl-asbestos floor tile, asbestos cement pipe and fittings, and clothing. In addition, all remaining domestic mining and importation of asbestos would be phased out over a ten-year period. The ten-year phaseout affecting other products would be

accomplished via a permit system, under which EPA would allocate permission to mine or import a specific volume of asbestos per year.

In addition to an immediate ban of certain products and a phaseout of others, EPA is considering other approaches to address the risks associated with asbestos products. One approach includes banning "categories" of similar asbestos products at staged intervals.

Under the proposal, all products that are not immediately banned would be labeled as containing asbestos. Labeling would ensure that persons working with the products would know they contained asbestos, and it would enable these people to reduce the likelihood of exposure.

On the subject of substitutes for asbestos products, Thomas said: "The issue of asbestos substitutes is important because TSCA requires EPA to take not only health but economic considerations into effect when developing regulations. The manufacturers of any product subject to an immediate ban have access to good asbestos substitutes, so no adverse economic effects should occur. Vehicle brake manufacturers, however, use asbestos extensively in linings, but do not have substitutes available yet for all applications. For this reason, EPA is not banning asbestos in brake linings at this time.

"In encouraging the development of substitutes, EPA will be promoting significant reduction in risk. Currently, products that are replacing asbestos appear to present lower risk. However, EPA will monitor the development of substitutes, and will use TSCA to require testing of substitutes if necessary to ensure their safety," said Thomas.

The human health risks of asbestos are well known. EPA estimates that asbestos causes from 3,300 to 12,000 cancer cases a year in the U.S., almost all of which are fatal. About 65,000 persons in this country are currently suffering from asbestosis. The agency further estimates that about 2,600 persons will develop lung cancer or mesothelioma as a result of exposure to asbestos from products made over the next 15 years.

Cigarette smoking and asbestos are thought to have a strong synergistic interaction in the development of lung cancer, with the latter multiplying the risk. Consequently, when exposed to asbestos, the risk of lung cancer for smokers (for whom the risk of lung cancer is already high) is much higher than for nonsmokers exposed to asbestos. Most persons who develop lung cancer die within five years.

Basing its conclusion on available evidence, EPA believes there is no safe level of exposure to asbestos. This conclusion is consistent with the present theory of cancer causation and is further supported by documented cases where low or short-term exposure has been shown to cause asbestos-related disease.

EPA has broken the economic costs of this proposed rule down into two categories: (1) costs to consumers, and (2) cost to producers. The costs represent the total value of losses incurred over the 15-year period from 1985 to 2000.

Consumer losses would result from increases in costs incurred for asbestos products. Total consumer losses are estimated at \$1.8 billion; however, spread across the population this would average less than ten dollars per consumer over 15 years. This proposal would not cause dramatic increases in typical consumer products.

Total producer costs of about \$210 million would result when they can no longer use some of the equipment used to produce asbestos products. Much of this equipment, however, can be readily converted to the production of other products.

The total cost then of meeting this rule will be about \$2 billion, but when spread over the total population over the next 15 years the impact on most persons will be small.

"EPA has weighed the health risks from continued use of asbestos against the cost of the proposed rule, and concluded that the avoidance of about 1,900 cancer cases and many other incidents of asbestos-related disease substantially outweigh the economic effects," said Thomas.

In the 1970s, EPA banned the use of sprayed-on asbestos and asbestos-containing pipe lagging (a type of wrapping) under the Clean Air Act, and since then has taken steps to reduce risks from asbestos already in place in buildings. It has issued an air standard to reduce emissions from asbestos removal and renovation projects in buildings; required inspection of schools for asbestos-containing friable materials and notification of parents if any is found; and established an extensive technical assistance program, which provides guidance to public and private building owners on the identification and safe removal of asbestos. EPA has also proposed an immediately effective regulation to protect states and local public employees who take part in asbestos abatement activities.

For further information, contact Edward A. Klein, Director, Office of TSCA Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E543, 401 M Street, S.W., Washington, D.C. 20460. Phone toll free: (800-424-9065), in Washington, D.C.: (544-1404), outside the USA: (Operator 202-544-1404).

**FACT SHEET
FOR PROPOSED RULE TO BAN CERTAIN ASBESTOS
PRODUCTS AND PHASE OUT USE OF ASBESTOS**

BACKGROUND

Asbestos is a demonstrated human carcinogen that causes lung cancer and mesothelioma (a cancer of the chest and abdominal linings). It is associated with other cancers and also causes a serious lung disorder known as asbestosis. Asbestos is used in hundreds of products and about 240,000 metric tons were used domestically in 1984. The largest use of asbestos products is in the construction industry (e.g., asbestos-cement pipe and sheet), friction products (e.g., brakes), textiles, coatings and sealants, and packings and gaskets. Asbestos is released into the air during many stages of the lifecycle of the substance, when asbestos is mined, milled, processed, and fabricated into industrial and consumer products, and when those products are used and disposed of.

As a result of these releases, asbestos is present in ambient air. Even brief exposure at low levels may present risks. No level of exposure to asbestos is considered without risk since cases of mesothelioma have been documented as arising from short-term or low-level exposure.

REGULATORY STRATEGY FOR ASBESTOS

This proposed rule is part of a coordinated and integrated EPA strategy to control releases of asbestos from products already in place and to eliminate risks from future uses. This strategy is based on health risks and the availability of substitutes for many asbestos products.

DISCUSSION OF PROPOSED RULE

This rule under section 6 of the Toxic Substances Control Act, would ban the following asbestos products which have effective substitutes: roofing felts, flooring felts (and felt-back sheet flooring), vinyl-asbestos floor tile, asbestos clothing, and asbestos-cement pipe and fittings. The rule also would reduce or "phase down" the total amount of asbestos which may be imported or mined, in staged decrements over ten years.

(more)

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EPA is also actively considering alternatives to this proposed ban and phase-down. These alternatives involve staged bans of categories of asbestos products. One approach would ban the category of asbestos construction products, including asbestos-cement sheet and shingle as well as felts, floor tile, and A/C pipe, and asbestos clothing immediately and ban the category of asbestos friction products in five years. In addition, EPA would gather current production and exposure information on the remaining products. EPA would then propose bans on some or all of the remaining products.

A second alternative would ban all asbestos construction products and asbestos clothing immediately, ban asbestos friction products in five years, and ban the remaining asbestos in ten years.

Alternative three would ban asbestos construction products and asbestos clothing immediately. The remaining products would be phased out over ten years.

Under any alternative that EPA pursues, the Agency is considering that all products that are not immediately banned be labeled as containing asbestos. Labeling would ensure that persons working with or otherwise handling these products would know that the product contained asbestos, and it would enable them to take steps to reduce likelihood of exposure.

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ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES AND TOXIC SUBSTANCES

40 CFR PART 763

[OPTS - 62036 FRL; 2947-3
1]

ASBESTOS; PROPOSED MINING AND IMPORT RESTRICTIONS AND
PROPOSED MANUFACTURING, IMPORTATION,
AND PROCESSING PROHIBITIONS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: EPA is proposing a rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture, importation, and processing of asbestos in certain products and to phase out the use of asbestos in all other products. The products EPA proposes to ban are asbestos-cement pipe and fittings, roofing felts, flooring felts (and felt-backed sheet flooring), vinyl-asbestos floor tile, and asbestos clothing. Under this rule, EPA would also allow only those persons with permits issued by EPA to mine or import asbestos for use in products that are not banned. Eventually, all mining or importation of asbestos would be prohibited, except for that mining or importation allowed under an exemption process. EPA is proposing this rule to reduce the serious unreasonable risk to human health

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presented by exposure to asbestos. As an alternative, EPA is considering prohibiting the manufacture, importation and processing of categories of asbestos products at staged intervals. EPA is considering banning the manufacture, importation, and processing of asbestos construction products and asbestos clothing soon after the rule's promulgation with the category of asbestos friction products banned about 5 years later, and other asbestos products banned at a later time. EPA believes that this alternative approach would also be an effective way of reducing the serious unreasonable risk presented by exposure to asbestos and specifically requests comment on a staged ban of asbestos product categories. Finally, under both this alternative and the proposed approach, EPA is considering requiring labeling for all asbestos products that are not banned, including products manufactured pursuant to permits issued by EPA during the phase-down period, or pursuant to an exemption process. The Agency requests comments on the feasibility and effectiveness of such a requirement.

B DATES: Public hearings will be held beginning approximately (insert date 105 days after date of publication in the FEDERAL REGISTER). The exact times and locations of the hearings will be available by calling EPA's TSCA Assistance Office. Comments on this proposed rule and requests to participate in the informal hearings must be submitted by (insert date 90 days after date of publication in the FEDERAL REGISTER). Reply comments made in response to

issues raised at each hearing must be submitted no later than 1 week after the close of that hearing.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to:

Document Control Officer (TS-793),
Office of Toxic Substances,
Environmental Protection Agency,
Rm. E-209,
401 M St., SW.,
Washington, D.C. 20460.

Comments should include the docket control number OPTS - 62036. Nonconfidential comments and nonconfidential versions of confidential comments received on this proposal will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, at the address given above.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein,
Director, Office of TSCA Assistance (TS-799),
Office of Toxic Substances,
Environmental Protection Agency,
Rm. E-543,
401 M St., SW.,
Washington, D.C. 20460,

Toll free: (800-424-9065),

In Washington, D.C.: (554-1404),

Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

Asbestos, since the advent of its large scale use, has resulted in thousands of painful, premature deaths from lung cancer and other diseases. Because of the widespread use of asbestos and its particular nature, piecemeal control of the risks it presents is not satisfactory; only elimination of asbestos to the extent feasible will produce acceptable reduction of risks. Prevention of further deaths, therefore, requires forceful, integrated action against asbestos risks. To achieve this end, EPA has established a coordinated asbestos program, aimed at controlling exposure to asbestos from products already in use and eliminating risks from future uses. The rule EPA is proposing today, which would ban certain uses of asbestos and phase out all other uses, forms a central element of this program. Regulatory alternatives, which are discussed in this notice and which involve staged bans of various asbestos product categories, could also form a central element of the program.

The risks EPA is addressing in this proposal and in its overall asbestos program are serious and well documented.

Asbestos is a known human carcinogen that causes lung cancer, mesothelioma (a cancer of the chest and abdominal lining) and is also linked to other cancers. It has been estimated that 3,300 to 12,000 cancer cases a year occur in the United States as a result of past exposure to asbestos; almost all of these cancer cases are fatal. In addition, asbestos causes asbestosis (a serious lung disorder). About 65,000 persons in the United States are estimated to be suffering from asbestosis today. Assuming current exposure levels, EPA estimates that about 2,560 persons will develop lung cancer or mesothelioma as a result of exposure to asbestos from products made over the next 15 years, unless asbestos exposures are reduced through regulatory action. As discussed later, even with a relatively low workplace PEL of 0.2 f/cc, EPA estimates that almost 1,325 cancers will result from asbestos products made over the next 15 years. The underlying data upon which the risk assessments for asbestos are based come from a number of high quality epidemiologic studies. Unlike most potential carcinogens, asbestos has been studied often and thoroughly for its effects on humans.

*What
Studies*

Asbestos presents a particularly insidious threat because of the unique quality of its fibers. These fibers are small, colorless, odorless, often invisible except through a microscope, and indestructible in most uses. They

can be transported on clothes and other materials, and they have aerodynamic features that allow them to be easily suspended and resuspended in the air and to travel long distances. Once released, asbestos fibers are difficult to detect and contain, and they readily enter the ambient air. Thus persons are exposed not only at the time and place of release, but long after the release has occurred and far from its source. There is constant renewal of risk as asbestos fibers reenter the atmosphere repeatedly over time.

Despite the known risks of asbestos, substantial amounts of the material are still mined, imported, and used in commercial products. About 240,000 metric tons, for example, were used domestically in 1984. Hundreds of products are still made with asbestos, including paper and textiles, cement pipe and sheets, tiles and felts, and automobile brakes. Asbestos fibers are released to the air at many stages of the commercial life of these products. Typical activities that lead to the release of asbestos include the mining of asbestos, fiber processing into products, installation of products (e.g., the sawing, drilling, and sanding associated with asbestos-cement products), product use (e.g., release of fibers during use of asbestos cloth), product maintenance (e.g., buffing and scraping of vinyl-asbestos floor tile or repair of asbestos-

containing brakes), dismantling and removal of products (e.g., removal of asbestos roofing felts), and disposal.

Release of fibers from these activities is substantial, resulting in exposure to both workers and non-workers. EPA estimates that about 700 metric tons are released to the air during mining and milling each year, about 100 metric tons during product manufacture, and about 18 metric tons from landfills. These estimates are probably low because they do not include releases from secondary fabrication of such products as millboard and asbestos-cement sheet, much of which is done in small shops with inadequate emission controls. Observations that levels of asbestos in the air near manufacturing plants and in cities are considerably greater than rural background levels seem to confirm that these releases occur and are significant.

Release of asbestos fibers occurs not only in the manufacture and processing of asbestos products, but also in their use and maintenance. This release can occur without the knowledge of the user or maintenance personnel. For example, construction workers tap into asbestos-cement pipes already in place. The workers often do not know that the pipe contains asbestos and thus do not take steps to limit fiber release. Similarly, significant releases occur as a result of the use and repair of asbestos brakes and other friction products, which constituted about 22 percent of the

total asbestos market in 1984. Ambient levels of asbestos are elevated near freeways, presumably due to release from asbestos brakes.

Thus, the manufacture, processing, and use of asbestos products leave a legacy of asbestos in the ambient air. This ambient loading, while difficult to quantify, is a significant problem. The National Academy of Sciences, after analyzing studies of outdoor air, estimated typical concentrations of asbestos in outdoor ambient air in urban areas to be approximately 0.00007 f/cc (Ref. 6). Many millions of people are daily exposed to these levels of asbestos in the air. The National Academy of Sciences has also estimated that persons in urban areas face a lifetime risk of between about 1 in 100,000 to about 7 in 100,000 of developing cancer as a result of asbestos in the ambient air both indoors and outside of buildings (Ref. 6). Therefore, any comprehensive control strategy must take into account the potential for exposure during the entire lifecycle of asbestos products.

To date, EPA has focused its attention primarily on asbestos in buildings, a major source of asbestos release into the ambient environment. In the 1970s, EPA banned the use of sprayed-on asbestos and asbestos-containing pipe lagging under the Clean Air Act, and since then has taken steps to reduce risks from asbestos already in place in

buildings. It has issued an air standard to reduce emissions from asbestos removal and renovation projects in buildings; issued a rule requiring inspection of schools for friable asbestos; and established an extensive technical assistance program, which provides guidance to public and private building owners on the identification and safe removal of asbestos. EPA has also proposed an immediately effective regulation to protect State and local public employees who take part in asbestos abatement activities.

These actions are primarily remedial, addressing risks from asbestos already in place; they do not address the substantial risks that will result from the continued manufacture and use of asbestos. Several other Federal agencies have already taken steps that partially reduce these risks. The Occupational Safety and Health Administration (OSHA) has an occupational standard for asbestos with a permissible exposure limit (PEL) of 2.0 f/cc. OSHA has proposed to lower this standard to either 0.2 or 0.5 f/cc. In addition, the Consumer Product Safety Commission (CPSC) has banned use of respirable asbestos in consumer patching compounds and artificial emberizing materials. However, substantial risk to workers and the general population remains. For this reason, EPA believes that only a major regulatory initiative under TSCA leading to the eventual elimination of most asbestos product

manufacture and importation can satisfactorily reduce the overall risk to all segments of the population.

The limitations of exposure-based regulations in preventing asbestos-fiber release, and the need for more comprehensive action under TSCA, are illustrated by the use of PELs to control workplace exposure. In the first place, it appears infeasible to set a PEL for asbestos low enough to reduce risk to a satisfactory level. Even at 0.2 f/cc, the lowest PEL proposed by OSHA, OSHA, using the same lung cancer and mesothelioma models used by EPA, estimates that about 7 in 1,000 asbestos workers may die from an asbestos-related disease. Furthermore, it is unreasonable to assume complete compliance with a PEL of 0.2 f/cc, especially given the nature of the asbestos industry. Many of the workers exposed are in the service and construction industries, where worksites change frequently and the worker population is transient. Also, workers often do not know they are exposed to asbestos and therefore will not take the necessary precautions. As a result, PELs and other exposure controls are difficult to apply and enforce. Beyond these considerations, a workplace-based approach does not address risks to the general population. EPA estimates that, even if OSHA reduces the PEL to 0.2 f/cc, almost 1,325 cancers will still result from asbestos products made over the next 15 years.

Because of this residual risk, EPA is proposing under section 6 of TSCA a ban on the manufacture, importation, and processing of asbestos-cement pipe and fittings, roofing felts, flooring felts (and felt-backed sheet flooring), vinyl-asbestos floor tile, and asbestos clothing. These uses would be banned because safer, economically competitive substitutes are available, and because these asbestos uses are likely to contribute large amounts of asbestos to the ambient environment or present disproportionately high risk.

★ In addition, EPA is proposing to establish a permit system to phase out all other asbestos products. Under this system, EPA would allocate permission to mine or import a specific volume of asbestos to current miners and importers. The amount of asbestos a miner or importer would be allowed to mine or import would decline every year until after 10 years no mining or importation would be allowed, except under a specific exemption. This permit system would allow the market to allocate asbestos, based on the availability and cost of asbestos substitutes. After 10 years, EPA would put in place an exemption system for those asbestos applications for which no substitutes had been developed. EPA anticipates that there will be few such applications, because the permit system would create strong incentives for the development of substitutes. EPA is also considering a requirement that all asbestos products that

are not banned be labeled as containing asbestos. This would apply to products made pursuant to permits issued by EPA to mine or import asbestos, and to products made pursuant to an exemption process.

In encouraging the development of substitutes, EPA will be promoting a significant reduction in risk. Currently, all products that are replacing asbestos in its many uses appear to present lower risk. However, EPA will monitor the development of substitutes during the 10-year phase-down period, and will use section 4 of TSCA to require testing of substitutes if necessary to ensure their safety.

As explained more fully later, EPA is also actively considering other approaches to carry out a regulatory policy of phasing out the manufacture, importation, and processing of asbestos products. Approaches under consideration include banning categories of asbestos products at staged intervals. Two categories under consideration are asbestos construction products and asbestos friction products. Under this approach, EPA would ban the manufacture, importation, and processing of all asbestos products within the category at the same time.

EPA is considering this category approach because products within each of the categories have similar exposure patterns, raise similar exposure control issues, and have similar substitutes. EPA believes that it may be good

public policy to ban such categories of products at the same time. This approach would address similar exposure patterns in the same way and treat all parts of an industry sector similarly. In addition, both the construction products category and the friction products category contain products that could substitute for other products in the category if all are not banned. Thus, a ban of the entire category may be necessary to reduce risk most effectively.

A EPA also considered referring asbestos risks to OSHA and CPSC under section 9 of TSCA. EPA decided against this approach because OSHA and CPSC, in EPA's opinion, cannot adequately reduce the risk, given their authority and current control technologies. These agencies cannot comprehensively reduce the total volume of asbestos in commerce and cannot protect all of the many population groups at risk. Thus, action by these agencies under their separate authorities would still leave a large residual risk to workers and the general population. EPA concluded, therefore, that this approach would not adequately address the risks to society posed by the continued manufacture, processing, and use of asbestos-containing products. EPA is convinced that restrictions on the manufacture, importation, and processing of asbestos and asbestos products is the surest and most effective strategy for eliminating these risks.