

DOL—OSHA**Standard for Occupational Exposure to Asbestos (29 CFR 1910.1001*)****Legal Authority**

Occupational Safety and Health Act of 1970, 29 U.S.C. § 655.

Reason for Including This Entry

The Occupational Safety and Health Administration (OSHA) thinks this regulation is necessary to protect workers from the carcinogenic risks and other adverse health effects associated with exposure to asbestos.

Statement of Problem

A preliminary report indicated that 2.3 to 2.5 million employees have some degree of occupational exposure to asbestos. Of this total, 180,000 to 400,000 are in the construction industry and the remaining 2.1 million are in general industry. A significant number of these employees are exposed to airborne asbestos levels at or near OSHA's existing permissible exposure limit (2,000,000 fibers per cubic meter). This limit was established in 1972 for the limited purpose of reducing the incidence of asbestosis, rather than cancer.

The National Institute for Occupational Safety and Health (NIOSH) and other sources have provided data to OSHA which indicate that the present OSHA exposure limit may be inadequate to protect workers

from asbestos-related disease. Exposure to asbestos can cause asbestosis (a diffuse, nonmalignant, scarring of the lungs), lung cancer, and mesothelioma (a cancer of the chest and abdominal cavity linings of exposed workers). Recent epidemiologic evidence indicates these diseases may be induced at very low levels of exposure, and experimental data in animals suggest that all forms of asbestos present a health hazard.

OSHA is developing a proposal to revise the current standard for occupational exposure to asbestos. The regulation would set a permissible exposure limit (PEL) for employee exposure to asbestos, and affected industries would have the opportunity to implement control measures to achieve the PEL for their operations in the most cost-effective manner. Failure to promulgate new regulations will prolong the occurrence of disease, disability, and mortality associated with asbestos exposures.

Alternatives Under Consideration

The Agency is currently considering two alternative PELs: (A) a 500,000 fiber per cubic meter (fiber/m³) 8-month time-weighted average (TWA) with a 5,000,000 fiber/m³ ceiling (above which no employee may be exposed) and (B) a 100,000 fiber/m³ TWA with a 500,000 fiber/m³ ceiling. For each of these alternatives, other revisions to current provisions for engineering and work practice controls, hygiene facilities, medical surveillance, respirators, training, etc., may be included in the proposed regulations.

Studies indicate that all commercially available forms of asbestos are cancer-causing agents. Some scientists argue that all asbestos materials, therefore, should be regulated equally. Others believe that different asbestos forms display varying degrees of toxicity and that OSHA should develop separate standards based on data associated with each specific asbestos mineral. OSHA will consider the merits of each of these regulatory options.

Still another approach is to establish regulations for asbestos on the basis of the feasibility of compliance for different industries. Specific requirements of the standard would differ according to the feasibility of various control measures in different industries or processes, such as construction versus general industry.

LAM 001379

DPMC-17077

We do not anticipate issuing an NPRM until late Winter 1980, and currently have no preferred alternative.

Summary of Benefits

Sectors Affected: Workers and establishments in manufacturing, retail trade, construction and service industries which produce or use asbestos-containing products; users of these products; establishments manufacturing substitutes for asbestos or asbestos-containing products; and the general public.

Affected industries include the primary manufacturers of asbestos products; secondary fabricators in the automobile aftermarket, shipbuilding and repair, and elsewhere; and the construction industry. The primary manufacturers are largely grouped in Standard Industrial Classification (SIC) Code 3292 (asbestos products), and many of these establishments also perform some secondary fabrication. Shipbuilding and repair is included in SIC Code 3731. The automobile aftermarket includes establishments which repair, resurface, and repackage such friction parts as brake shoes and clutch faces. The establishments involved are located in SIC Code 55 (automotive dealers and gasoline stations), SIC Code 3714 (motor vehicle parts and repair), and SIC Codes 7538 and 7539 (general automotive repair shops, and automotive repair shops not elsewhere classified). Other secondary fabricators are located in SIC Code 3293 (gaskets, packing, and sealing devices), and in many other SIC Codes too numerous to list here. Construction (SIC Codes 15-17) will also be affected where asbestos-containing products are used, such as roofing felt, asbestos-cement pipe, asbestos-cement siding, and some forms of floor tile.

Establishments which produce substitutes for asbestos or asbestos-containing products will also be affected. Although a complete enumeration of such substitutes and their respective SIC Codes is not included here, a partial listing is as follows: Substitutes for asbestos itself, in various uses, include fibrous glass (SIC Code 322), mica (SIC Code 329), graphite-carbon fibers (SIC Code 329), nylon (SIC Code 228), polypropylene (SIC Code 282), and others. A large number of substitutes also exist for asbestos-containing products. Iron or polyvinyl chloride pipe (produced in SIC Codes 33 and 307) can be substituted for asbestos-cement pipe. Substitutes for asbestos-cement siding include vinyl, aluminum, and wood siding; substitutes for vinyl-asbestos floor tile include pure

vinyl tile, carpeting, and hardwood flooring.

The direct benefit we expect from controlling exposure to asbestos is a reduction in the incidence and prevalence of the health effects cited in "Statement of Problem." OSHA has not yet completed an analysis of the benefits expected by reducing exposures to any of the alternative levels being considered. However, because of the large numbers of workers exposed, and the accumulated evidence on the toxicity of even low levels of asbestos exposure, the numbers are expected to be large. Such reductions in mortality and morbidity will result in reduced pain and suffering for employees, and in savings in medical expenses and lost output which would otherwise occur.

Indirect benefits from controlling asbestos exposures to either of the alternative levels will include reductions in the burden placed on such public support programs as Medicare and Medicaid, Welfare, and Worker's Compensation. In addition, improved worker health and safer working conditions are likely to reduce employee turnover and raise labor productivity. Finally, further controlling asbestos exposures will stimulate a search for asbestos substitutes and for alternatives to asbestos-containing products, and it will induce employers to innovate improved control technologies. With less asbestos and fewer asbestos products used, consumers will benefit as incidental asbestos exposures will decline.

Summary of Costs

Sectors Affected: Workers and establishments in manufacturing, retail trade, construction, and service industries which produce or use asbestos-containing products; and consumers of these products.

The costs of the regulatory options being considered are largely the capital and operating expenses which the regulated firms will incur in order to comply. Because these cost increases may raise the prices of asbestos-containing products, the quantity demanded of such products may decline. Higher prices of asbestos products would result in a switch to presently unregulated substitutes. To the extent that some of the substitutes have adverse health or safety effects, these will also be costs of the regulation. The extent of this substitution is under investigation and quantitative estimates are presently unavailable.

A preliminary evaluation of the potential impact on industry of regulation of asbestos was reported in the previous *Calendar of Federal*

Regulations (45 FR 36971, May 30, 1980). This evaluation is currently being updated by OSHA.

Indirect costs attributable to additional regulation hinge on the estimated impact of the use of substitute products and their likely consequences for health, safety, and product quality. Costs associated with the most stringent alternative could result in a significant use of substitutes for asbestos fibers and asbestos-containing products. The extent of this substitution is under investigation by OSHA and quantitative estimates are presently unavailable. We are also evaluating the health and safety effects of likely substitutes but, again, no qualitative or quantitative estimates can be ventured at this time.

Related Regulations and Actions

Internal: We are planning to modify the existing OSHA standard for asbestos, found at 29 CFR 1910.1001 of the Agency's General Industry Standards, which specifies an 8-hour time-weighted average of 2,000,000 fibers/m³. Other provisions of the standard address monitoring, medical surveillance, training, respirators, recordkeeping, protective clothing, and methods of compliance.

On October 7, 1975, OSHA published a notice proposing to revise the current asbestos standard and to reduce the PEL to 500,000 fibers/m³ (40 FR 3392). We are performing analyses of the economic and technological impact of that and alternative exposure levels.

External: Regulatory measures are under consideration by the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC). EPA/CPSC published an ANPRM for asbestos use in October 1979. EPA currently has a national emission standard for asbestos (38 FR 8820) and CPSC regulates uses of asbestos in certain consumer products.

Active Government Collaboration

An OSHA/Environmental Protection Agency/Consumer Product Safety Commission task group will coordinate development of an appropriate regulatory response to possible health hazards associated with asbestos. Information-sharing activities with other governmental agencies, such as the National Institute for Occupational Safety and Health, Food and Drug Administration, and Department of Agriculture, are underway.

Timetable

NPRM—Late Winter 1980.
Regulatory Analysis—Winter 1980.
Public Hearing—Following NPRM.
Public Comment Period—

LAM 001380

DPMC-17078

Approximately 30-60 days following
NPRM.

Final Rule—Winter 1981.

Final Rule Effective—To be
determined.

Available Documents

"Occupational Exposure to Asbestos,"
NPRM (40 FR 47652 October 7, 1975),
and comments received in response to
the NPRM (OSHA Docket No. H-033).

"Criteria for a Recommended
Standard . . . Occupational Exposure to
Asbestos" (NIOSH-HEW, 1975);
updated Criteria Document (1976).

"Workplace Exposure to Asbestos:
Review and Recommendations"
(NIOSH-OSHA), April, 1980.

These documents are available by
mail and for review and copying at the
OSHA Technical Data Center, Room S-
6212, 200 Constitution Avenue, N.W.,
Washington, DC 20210. A fee is usually
charged for copies of these documents.

Agency Contact

Bailus Walker, Director
Directorate of Health Standard
Programs
U.S. Department of Labor-OSHA
Washington, DC 20210
(202) 523-7075

LAM 001381

DPMC-17079

EPA-OPTS**Title**

Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (40 CFR Part 763)

Legal Authority

Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 and 2605.

Reason for Including This Entry

The Environmental Protection Agency (EPA) has included this action because of its potential economic impact on the asbestos industry. The economic cost of the rule will probably exceed \$100 million. We may prohibit a large portion of the domestic production and importation of asbestos-containing products into the United States.

Statement of Problem

Epidemiological studies have established that exposure to asbestos fibers can contribute to increased risk of lung damage (asbestosis) and human cancer of several kinds.

EPA is concerned that in spite of past governmental regulation of asbestos, millions of Americans may be exposed to levels of asbestos that significantly increase the risk of contracting asbestos-related diseases. (Past regulations are cited below under Related Regulations and Actions.) Currently, more than two million workers are exposed to asbestos fibers (at levels higher than background) in their places of employment. In addition, the 159 million Americans who live in urban areas may be exposed to asbestos fiber levels that significantly increase the risk of contracting asbestos-related diseases. EPA is concerned that asbestos fiber emissions from the mining, milling, processing, or distribution of asbestos or from the use, misuse, or disposal of asbestos-containing products might cause significant pollution of urban air.

It is difficult to estimate the number of people who will contract asbestos-related diseases at current exposure levels. Data on mortality rates are available for workers who are exposed to asbestos fiber levels considerably higher than general population exposures. EPA will extrapolate to predict risks for the general population.

EPA is conducting this regulatory program because the Agency is not convinced that existing regulations have adequately protected the public. These regulations have focused on limited aspects of the asbestos exposure problem, such as worker exposures, air emissions from manufacturing facilities,

and some consumer products. Regulation under the Toxic Substances Control Act (TSCA) would eliminate unreasonable human health risks from all asbestos-related activities. The comprehensive mandate of TSCA enables EPA to reduce health risk from sources that are difficult to control through medium-specific or source-specific regulation authorized under other Federal authorities. Under TSCA, EPA is currently investigating the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products from mining and milling through processing, product manufacturing, use, and disposal. Our preliminary studies indicate substantial continuing exposure of millions of people to the ever growing inventory of asbestos sources. As a result of this study, the Agency expects to promulgate rules to prevent and reduce any unreasonable risks that are identified.

Alternatives Under Consideration

EPA is considering the following alternative actions: (A) prohibiting the manufacture, processing, distribution in commerce, and importation of asbestos for all nonessential asbestos uses; (B) restricting the quantity of fibers that could be mined and imported, or processed annually in the United States, thus allowing the marketplace to determine which products and uses to eliminate; (C) developing other marketplace regulatory strategies; (D) requiring labeling of asbestos containing products; (E) regulating under laws other than TSCA; and (F) taking no regulatory action.

EPA's choice of a regulatory program will depend on the seriousness of the risks and the identification of the major sources of exposure. EPA suspects that much of the asbestos to which the public is exposed comes from emissions caused by mining, milling, and processing asbestos fibers; emissions resulting from the use of asbestos-containing products may not be as significant. In that case, EPA would want to reduce risks from mining, milling, and processing as much as possible (alternative A). A disadvantage of alternative A would be that both the affected industry and EPA would be involved in extensive exemption proceedings.

Alternative B is a possible substitute for alternative A. The allocation of quotas could be a very difficult process and could result in some inequities within the industry. Further, at this time it is not clear that the economic impact of such an approach would be any less than alternative A. The major advantage

of alternative B over alternative A is that the marketplace would decide which uses of asbestos should continue.

Alternative C involves developing other marketplace strategies. A disadvantage of both alternatives B and C is that since they have never been attempted before, the implementation problems are unknown. Also, there would be no guarantee of eliminating products that present a particularly high health risk. For example, if a product with fibers that are easily released commands a relatively high price, it might remain in the marketplace much longer than if it were regulated specifically. However, if necessary, a market strategy could be modified to eliminate this problem.

EPA is considering imposing a labeling requirement (alternative D) either in addition to or in lieu of other requirements. A labeling rule would have considerably less economic impact than alternatives A, B, or C, and it would also provide less direct protection to public health. Alternative D, if implemented alone, would increase awareness of the hazards of asbestos and would increase recognition of products that can cause these health risks. However, it would not force any reduction in exposure to asbestos fibers.

EPA is considering either regulating under other Federal laws administered by EPA or not regulating in deference to other Federal agencies (alternative E). Several comments on the ANPRM (44 FR 60058, October 17, 1979) indicated that industry does not consider TSCA to be appropriate authority for regulating asbestos and that further Federal regulation, if needed, should be implemented under other laws, particularly the Occupational Safety and Health Act (OSH Act). Although the Occupational Safety and Health Administration (OSHA) has announced its intention to lower its workplace standard to 0.1 fiber per cubic centimeter, OSHA lacks the legislative mandate to address the problem of asbestos exposure outside of the workplace. EPA action to restrict production and importation of products containing asbestos may be necessary to complement the OSHA workplace standard for airborne asbestos.

Any action by the Consumer Product Safety Commission (CPSC) would not affect production of industrial asbestos-containing products, and these production processes may cause significant fiber emissions.

A combination of EPA actions under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and other laws might significantly reduce

asbestos-related risks. However, the EPA Administrator might find that it is in the public's interest to regulate under TSCA because the limited mandate of these other laws results in continued risk from asbestos.

Alternative F, taking no regulatory action, would benefit the asbestos industry since it would incur no costs. However, there would also be no reduction in the exposure to asbestos in the United States.

Summary of Benefits

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturing); the general public; and establishments that manufacture asbestos substitutes.

At this early stage of development of EPA's rule, it is difficult to estimate benefits in quantitative terms. Regulation will decrease the incidence of asbestosis and lung cancer in the United States, thereby decreasing the number of worker-days lost due to worker sickness, increasing space available in hospitals, and decreasing costs due to illness and premature death.

EPA regulation of asbestos should increase demand for substitutes such as fiberglass, ceramic fibers, polyvinylchloride, and ductile iron pipe. Therefore, manufacturers and distributors of substitutes should benefit from regulation.

Summary of Costs

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturers); and their suppliers; importers of asbestos and asbestos products; and users of asbestos products.

Because EPA has not completed its analysis of economic effects, cost estimates are not available. Asbestos mines and asbestos processors will be forced to reduce production, and many processors will be forced out of the asbestos business. EPA plans to regulate in a manner that will allow asbestos processors time to convert to substitutes. Small businesses may seek aid from the Small Business Administration to obtain capital to convert. It is too early to predict the effect of regulation on employment. EPA hopes that jobs lost from the asbestos industry will be offset by jobs gained in the substitutes industries. Substitute products generally cost more than asbestos-containing products, and these costs will be passed on to consumers.

Related Regulations and Actions

Internal: EPA has established National Emission Standards for Hazardous Air Pollutants for several asbestos sources under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* EPA is developing effluent guidelines regulating wastewater discharges of asbestos under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, as amended in 1972 and 1977. It is also considering additional regulation of asbestos in drinking water under the Safe Drinking Water Act, 42 U.S.C. § 3006 *et seq.*

The Agency is developing a rule to require surveys to determine whether asbestos hazards are present in public schools because of deteriorating insulation. EPA is also considering requiring appropriate corrective measures where it finds hazards (see 44 FR 54676, September 20, 1979). Other existing asbestos sources that the Agency may control in the future include public buildings where asbestos was used as an insulation or decorative material and merchant ships where asbestos is widely used as insulation.

EPA regulations directed specifically to asbestos are found in 40 CFR Part 61 (air) and Parts 129 and 427 (water).

External: EPA and CPSC both published ANPRMs on October 17, 1979 in the Federal Register (44 FR 60053). These ANPRMs were prefaced by a joint Statement of Cooperation signed by the EPA Administrator and the CPSC Chairman. The statement indicated how the two agencies will cooperate and direct their regulatory efforts to minimize reporting requirements and other burdens on industry, and to improve overall public health. EPA is planning to promulgate a rule under § 8(a) of TSCA to require manufacturers and processors of asbestos fibers to submit economic and exposure information. EPA has proposed a rule under § 8(d) of TSCA requiring industry to submit unpublished health and safety studies relating to asbestos. CPSC is planning to issue a general order requiring manufacturers and private labelers of some categories of consumer products to submit information on the use of asbestos in those products. CPSC will not require the submission of information already submitted to EPA.

OSHA plans to lower its workplace standard for asbestos exposure (8-hour time-weighted average) from 2 f/cc (fibers per cubic centimeter) to 0.1 f/cc. This action is in response to a recommendation in April 1980 by the joint National Institute for Occupational Safety and Health (NIOSH)-OSHA Asbestos Work Group that "a new

occupational standard be promulgated which is designed to eliminate nonessential asbestos exposures, and which requires the substitution of less hazardous and suitable alternatives where they exist."

Asbestos regulations promulgated in the past by other agencies are as follows:

CPSC—16 CFR Parts 1145, 1304, and 1305; OSHA—29 CFR Part 1910; FDA—21 CFR Parts 121, 128, 133, and 191; DOT—49 CFR Parts 170-189; MSHA—30 CFR Parts 55, 57, and 71.

Active Government Collaboration

To maximize the effectiveness of this proposed rule, EPA is coordinating either directly or through the Interagency Regulatory Liaison Group (IRLG) with the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Mine Safety and Health Administration (MSHA), and the Department of Transportation (DOT).

In July, 1980, EPA and the Consumer Product Safety Commission (CPSC) cooperated in sponsoring and organizing a 3-day workshop on substitutes for various uses of asbestos in commercial and industrial products. About 500 persons attended the workshop, which was designed to increase industry's awareness of substitutes for asbestos and to expand EPA's and CPSC's data base. EPA was the lead agency in coordinating the workshop.

Timetable

NPRM—August 1981.

Regulatory Analysis—Draft Regulatory Analysis, August 1981; final version, August 1982.

Public Hearing—December 1981, Washington, DC.

Public Comment Period—August 1981–December 1981.

Final Rule—August 1982.

Final Rule Effective—September 1982.

Available Documents

ANPRM for Asbestos-Containing Materials in School Buildings, 44 FR 54676, September 20, 1979.

ANPRM for Commercial and Industrial Use of Asbestos Fibers, 44 FR 60056, October 17, 1979.

Comment period extended, 44 FR 73127, December 17, 1979.

Agency Contact

Peter P. Principe, Chief Minerals Group (TS-778)
Office of Pesticides and Toxic Substances
U.S. Environmental Protection Agency

401 M Street, S.W.
Washington, DC 20460
(202) 755-8023

LAM 001384

DPMC-17082

LAM 001385

CPSC

**Consumer Products Containing
Asbestos (16 CFR Parts 1304* and
1305*)**

Legal Authority

Consumer Product Safety Act, 15 U.S.C.
§ 2051 *et seq.*; Federal Hazardous
Substance Act, 15 U.S.C. § 1261 *et seq.*

Reason for Including This Entry

Asbestos is a known human
carcinogen used in a variety of products.
The Consumer Product Safety
Commission (CPSC) believes this to be
an issue of great interest to the public
because of serious potential health
hazards that may be involved when
consumers are exposed to inhalable
asbestos fibers.

DPMC-17083

Statement of Problem

The Consumer Product Safety Commission (CPSC) is concerned that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers. On the basis of present information, it appears that consumer products containing asbestos fibers can pose a health hazard if the products release asbestos fibers into the air which consumers can inhale.

CPSC, therefore, issued an ANPRM on asbestos in October 1979. The primary purpose of CPSC issuing the ANPRM was to begin a formal investigation of the use of asbestos in consumer products by identifying consumer products containing asbestos, and to discuss ways CPSC could act to protect the public from exposure to asbestos fibers in consumer products. CPSC could issue a standard or ban, concerning asbestos-containing products, require labeling of consumer products containing asbestos, encourage some form of voluntary action by industry, or take other action.

The CPSC staff has recently completed a review of the health effects of asbestos which causes the staff to believe that, under certain conditions, the presence of asbestos in consumer products may present a risk of cancer and respiratory disease. The health hazard occurs when asbestos fibers are released into the air and people inhale them. Inhaled asbestos fibers may become embedded in lung tissue and once embedded, they may remain there indefinitely. Asbestos fibers that are released from consumer products can remain in household air for long periods of time and may subject household members to a continuous risk of fiber inhalation.

Consumer products are one source of exposure to asbestos fibers; there are also a number of environmental sources. Therefore, consumer products must be viewed as part of a cumulative burden of asbestos exposure.

Asbestos released from consumer products poses several problems in the household. First, young children and infants are exposed. Second, asbestos fibers that consumer products release into the living space can remain there over long periods of time and may be subject to repeated cycles of settling and resuspension. The presence of asbestos fibers can thus pose an ongoing inhalation risk in the household. Third, unlike the workplace, where engineering control systems and protective clothing are available to minimize worker's exposure to asbestos, the home provides household members with little or no

protection from exposure to asbestos fibers released from consumer products.

We do not know exactly how many asbestos-containing products are available to the consumer; however, we estimate that hundreds of different types of consumer products contain asbestos in some form. Asbestos paper has been used in many consumer products, such as household appliances, as a thermal or electrical insulating barrier. Asbestos is also commonly used in household building products, such as roofing shingles and tile, to provide strength and stability.

In a *Calendar of Federal Regulations* entry published in May, 1980, the Commission stated its concern about consumer exposure to asbestos fibers. This *Calendar* statement on asbestos described an ANPRM issued in October, 1979 (44 FR 60057). The purpose of the ANPRM was to inform the public of the Commission's concern and to announce the initiation of a Commission investigation of asbestos in consumer products. The Commission is considering comments and information received in response to the ANPRM in determining regulatory options we might pursue.

One example of CPSC action on products containing asbestos is hairdryers. As a result of information indicating that certain hairdryers released asbestos fibers during use, CPSC asked the National Institute for Occupational Safety and Health (NIOSH) of the Department of Health and Human Services to conduct tests. The results showed that some hairdryers released asbestos fibers into the air stream and directly on the user's head during ordinary use; thus, any fibers the hairdryers emitted could potentially be inhaled.

As a result of negotiation between the Commission's staff and firms which share approximately 90 percent of the consumer hairdryer market, the firms agreed to cease production and distribution of hairdryers containing asbestos and to offer consumers some form of repair, replacement, or refund for hairdryers they currently own.

CPSC has approved a General Order to manufacturers (including importers) and private labelers of certain categories of consumer products to submit information on the use of asbestos in their products. The general order is currently undergoing review by the General Accounting Office for compliance with the Federal Reports Act. CPSC staff will examine the information in response to the order to help identify specific products containing asbestos, to determine how the asbestos is used in the products, and

to analyze the use of possible substitute materials in a variety of applications. The CPSC staff review of this information will also aid in evaluating the impact of possible regulation on the cost, availability, and utility of the products.

The staff is concentrating its evaluation on certain types of products. We will focus initial action on products which show definite fiber release. We may make subsequent efforts to investigate other products which contain asbestos.

As we acquire testing and product information from the General Order and other sources identify other asbestos-containing products which may be of concern, we may institute other in-depth reporting requirements.

Alternatives Under Consideration

(A) On the basis of health research and economic studies, the Commission stated in its ANPRM that it may consider the elimination of non-essential uses of asbestos in those products from which fibers are released during reasonably foreseeable conditions of use or misuse.

The Commission is considering two methods of accomplishing this: a generic approach, or a product-by-product approach. If the Commission chooses to use a generic approach, it could address in a single regulatory action the use of asbestos as a component in a number of different consumer products that share similar or related uses.

In making its determination of whether or not to take action, the CPSC will consider detailed risk and economic findings. The CPSC will also take into account the function performed by the asbestos in the product, the cost to industry and consumers of the regulations and the availability of substitutes for the asbestos and the safety of such substitutes.

In cases in which we do not know the asbestos content and whether there is any fiber release, the staff will continue to test products for any asbestos fiber emission.

Summary of Benefits

Sectors Affected: General public.

The primary benefit of asbestos regulations is to reduce consumer exposure to a known human carcinogen.

Asbestos fiber inhalation has been linked with lung cancer, asbestosis, and mesothelioma (cancer of the pleura—the membranes surrounding the lung). These diseases can inflict pain and are often fatal. They may cause large financial burdens due to medical expenses that result. The CPSC believes that by reducing the release of asbestos from

consumer products it will help alleviate some of these unfortunate consequences.

Summary of Costs

Sectors Affected: Asbestos mining industry; and all manufacturers, wholesale and retail traders, and users of products containing asbestos. The CPSC estimates that some economic impact may occur on industry in those cases where a mandatory regulation concerning asbestos-containing products occurs. Current studies are now being made to determine potential costs to industry in developing substitutes for asbestos in consumer products.

Related Regulations and Actions

Internal: In 1977, the Consumer Product Safety Commission banned consumer patching compounds containing asbestos and artificial emberizing materials for fireplaces that contained respirable asbestos (16 CFR 1304 and 1305).

External: The Environmental Protection Agency (EPA) may shortly propose for comments a life-cycle reporting and recordkeeping requirement on asbestos. In September 1980, EPA published a corrective action program for school buildings containing asbestos.

The Occupational Safety and Health Administration (OSHA), during spring 1980, published for comments a proposal for reducing occupational exposure to asbestos from 2 fibers per cubic centimeter to 100,000 fibers per cubic meter.

Active Government Collaboration

We have worked closely with the Environmental Protection Agency to ensure that our efforts to investigate and possibly regulate the use of asbestos will be coordinated, compatible, and nonduplicative. EPA simultaneously published an ANPRM in October 1979 which describes that agency's systematic effort to gather information on groups of asbestos products, and to evaluate risk from these products based on the "life cycle" concept. In the life cycle analysis, the Agency examines cumulative risk from human exposure to asbestos from primary processing through end use and disposal. The CPSC's ANPRM describes an approach to the investigation of possible health risks that may be associated with the use of asbestos in a number of consumer products.

Through close cooperation in our regulatory endeavors, EPA and CPSC hope to achieve the following three objectives: The first is to reduce

significantly, through complementary actions, unreasonable human health risk from exposure to asbestos. The second is to reduce potential reporting burdens on industry by coordinating information-gathering activities. Third, to avoid inconsistent or needlessly burdensome regulations, we will develop regulatory actions that may result from these investigations in close consultation with each other.

CPSC published, jointly with EPA, an ANPRM in the Federal Register of October 17, 1979 (44 FR 60057) on consumer products containing asbestos. Comments on that ANPRM have been received and reviewed.

Timetable

General Order to Industry—End of 1980.

Regulatory Analysis—The Commission, as an independent agency, is not required to prepare a Regulatory Analysis as defined under E.O. 12044. However, the Commission prepares essentially the same information in its own rulemaking proceedings.

Available Documents

CPSC—Consumer Products Containing Asbestos; Advance Notice of Proposed Rulemaking—44 FR 60057, October 17, 1979.

Briefing Package of Comments on Advance Notice of Proposed Rulemaking, September, 1980 and briefing package on Petition to Ban Asbestos Paper, April, 1980.

16 CFR 1304 and 1305: Ban on asbestos-containing patching compounds and emberizing materials, January, 1977.

Copies are available from the Office of the Secretary, U.S. Consumer Product Safety Commission, 1111 18th Street, N.W., Washington DC 20207.

Agency Contact

Rory Sean Fausett, Acting Program Manager
Health Sciences
U.S. Consumer Product Safety Commission
Washington, DC 20207
(301) 492-6984

LAM 001387

DPMC-17085