

TO: C. E. Tennesson, Jr.
E. A. DiSalvo
R. J. Merrill
J. T. Derrick
A. R. Morgan
L. A. Pechstein, Jr.
S. A. Sauerland
A. H. Bagenstose
J. A. Suddeth
L. J. Knippa
N. F. Prati - Philip Carey - Lockland
A. Cinaglia - Philip Carey - Linden
J. Trontell - Philip Carey - Perth Amboy
C. C. Burton - Philip Carey - Wilmington
A. J. Fox - Philip Carey - Houston
F. S. Nolte - Philip Carey - Memphis

DATE: December 30, 1971



FROM: E. W. Swain

SUBJ: ASBESTOS EMISSION REGULATIONS

The first public hearing on proposed Emission Standards for asbestos, beryllium and mercury - hazardous air pollutants under the 1970 Clean Air Amendments as proposed December 7, 1971 - is set for January 18, 1972 in New York City. (Notice of these hearings was sent you earlier.) The Asbestos Information Association/North America held a directors meeting in New York City on December 29 to discuss presentations to be made at the New York hearing and those which will follow at Kansas City and Los Angeles.

As a general posture, it was decided that opposition at the hearing will take the following form:

1. Outline what the asbestos industry has already done to control emissions and protect its workers.
2. Discuss the economics of the asbestos industry; this to include all aspects of mining and manufacturing.
3. Discuss the uses of asbestos fiber and attack on the idea, asbestos is indestructible.
4. A medical review by a doctor to place issues of health in proper perspective. (At the New York meeting this will be a review by Dr. Corbett McDonald of his study of deaths in the Quebec asbestos mines).

5. Discuss specific objections to the proposed EPA Regulations and propose alternative wordings. Also, to stress that because of lack of know-how and economic considerations the asbestos industry will have to seek, in many instances, the two-year delay provided under the proposed EPA Regulations. (A copy of these regulations was sent to you on December 17.)

Johns-Manville will present testimony along the lines above by a five-member team at the New York hearing. AIA/NA member companies may notify J-M that they are in accordance with this position and this will be reported at the hearing. This does not preclude any company from making its own presentation, but copies of this presentation must be filed with EPA by January 8. Because of this time factor I propose that we send J-M at least a qualified statement of accord with their presentation.

At the February 1 hearing in Kansas, GAF will make a presentation in agreement with J-M, and also going to special problems facing them. They will have a different doctor than J-M. The J-M doctor will be George Wright of Cleveland. It is likely the GAF doctor will be Hans Wiehl of New Orleans.

At the February 15 hearing in Los Angeles, the AIA will make a statement and may be joined by Raybestos-Manhattan, who will present their special objections. The AIA presentation will be saved for last so as to give a chance for rebuttal of things said at the first two public hearings. Dr. Walter Smithers of Cape Asbestos will probably be the AIA medical expert at Los Angeles. Dr. Smithers believes the likelihood of death from occupational exposure to asbestos has been far less than among coal-miners or those who smoke 20 or more cigarettes a day. He also believes that the amount of asbestos in the ambient air, water or even beer has no effect whatsoever on health.

In the proposed EPA Regulations sent to you, it is felt the following sections are most objectionable:

61. 21 (h) and (j)

It will be proposed that 61. 21 (h) have the words "asbestos containing" inserted after "any" and before "material".

It will be proposed that 61. 21 (j) have the words "of asbestos containing particulate matter" inserted after the word "emission" and before the word "which".

61. 22 (b) (1)

The position will be taken that this standard cannot now be complied with. (This deals with tailings dumps and does not now affect us.)

61. 22 (c) (1)

This would eliminate all after the words "shall not" and substitute "shall have no visible emissions."

61.09 (a and b)

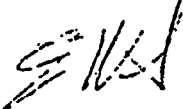
Too difficult to determine.

Should it be needed by the time of the second or third hearing, it is asked that all AIA member companies study the proposed EPA (and the existing emergency Occupational Safety and Health Standards - copy sent to you on December 7 -) and determine a cost figure for compliance which could be defended as realistic.

In this area, National Gypsum is now undertaking a study of what would be the effect of a complete loss of asbestos.

Turning to OSHA standards, it is now believed that these could become more costly than meeting the EPA standards. Only one OSHA member, Dr. Marcus Keyes, is known to be opposed to lowering the present emergency standard of "5 fibers per milliliter greater than 5 microns in length" to a standard of "2 fibers." Spokesmen for member companies who had engineering knowledge seemed to agree that while the "2 level" might be reachable, its cost would be prohibitive. It is also believed that Dr. Selikoff will attempt to urge EPA to initiate a "2 fibers" standard at the upcoming hearings. He has done this before under the mistaken belief that this is the British standard.

I apologize for the length of this memo, but I would like to urge those who have read this far to provide me with what information or suggestions you have on any points that have been raised.


EWS:gs