

Asbestos expert Dr. Selikoff

'No known safe level for inhaling'

Q. What are your concerns about the level of exposure students or school employees face in areas where asbestos is found in ceilings or as an insulating material?

SELIKOFF: Our health problems with asbestos are derived in part from the fact that there is no known safe level for the inhalation of asbestos, particularly since the fibers tend to accumulate in tissues. Thus, asbestos-associated cancer and lung scarring have been found among wives and children of asbestos workers, indicating that the levels found in households of asbestos workers can cause disease. There have been no adequate studies made that would provide information specifically on the risk of individuals exposed in schools or in public buildings in which asbestos exposure may have occurred. Such evaluations will be guided by the knowledge that there is, in scientific terms, a dose-disease response relationship between exposure and risk of subsequent disease (many years later). Thus, school and public building exposure will generally have been much less intense than occupational exposures and we can predict that the risk of asbestos-associated disease will also be significantly less. Troubling, from a public health point of view, is the very large number of people involved and the fact that, in school circumstances, many of those exposed are young.

Q. As a leading researcher in the area of health effects of asbestos exposure, how do you feel about federal regulations requiring school districts to survey for the presence of asbestos in their buildings?

SELIKOFF: Before anything can be considered concerning avoidance of asbestos exposure, information is needed as to whether it is present or absent and, if present, its condition. Therefore, regulations requiring school districts to survey their buildings make good sense.

Q. The regulations don't require removal — just the posting of a warning sign, although most districts are choosing to remove asbestos they locate. Should there have been stronger provisions to require removal?

SELIKOFF: Circumstances vary greatly and the way the asbestos present is handled can vary accordingly. Regulations that permit such flexibility are appropriate.

Press Conference

DR. IRVING J. SELIKOFF, asbestos researcher at Mt. Sinai Medical Center, is today's Press Conference subject.

Each week a different celebrity or person in the news is featured, and readers are invited to participate by submitting questions.

Next Sunday's subject will be W. Hunt DuMont, U.S. Attorney for New Jersey and on Sept. 18, R. Leslie Deak, president of Deak-Perera US Inc., a leading foreign currency trader.

Questions should be mailed to Press Conference, Asbury Park Sunday Press, Press Plaza, Asbury Park, N.J. 07712.

Q. Could you explain what research has shown are the health effects caused by exposure to asbestos in the workplace, and can you describe industries where asbestos is most commonly used or processed?

SELIKOFF: Occupational exposure to asbestos has been found to be associated with a variety of cancers (lung cancer) pleural mesothelioma, peritoneal mesothelioma, cancer of the esophagus, stomach, colon-rectum, oropharynx, larynx, kidney), as well as lung and pleural scarring. Industries in which this has been primarily identified include construction, ship building and ship repairing, the utilities and power production, chemical facilities, petroleum refineries, brake repair and brake maintenance, asbestos production, production of materials containing asbestos, steam locomotive repair, maintenance and repair in a variety of industries and structures, etc. However, asbestos is very versatile material and has been used in a large number of circumstances and products.

Q. There was recently concern about the presence of asbestos in a certain type of clay used in school art classes. Are there less obvious areas than school structures where students may come in contact with asbestos?



D 002202

SELIKOFF: As noted in the foregoing, asbestos has been used in a large variety of circumstances and school surveys take this into account in their search for the material. Too, the condition of the material is examined, since if it is damaged or friable, there would be greater concern.

Q. Can you characterize in any general way how safe — or unsafe — students are in their schools, pertaining to asbestos exposure? Are there case studies that show particularly dangerous types of exposure as a result of how asbestos was used in school buildings?

SELIKOFF: Asbestos that is "locked in" presents no hazard, since it must become airborne before it can be inhaled. This general concept stands us in good stead as we consider what should be done and priorities that might be established.

Q. What is the status of what we know about asbestos? What research is being done now and what is left to find out?

SELIKOFF: A great deal remains to be done concerning asbestos. First, measures that would prevent further asbestos exposure take pride of place, so that we not add to our legacy of the past. Second, for those already exposed, we should seek means of preventing the diseases that are anticipated. Unfortunately, very few people previously exposed to asbestos have the advantage of regular, long-term, periodic medical surveillance, few are told about the special importance of their avoiding cigarette smoking (the combination of asbestos and cigarettes is particularly hazardous), and there is very little research concerning more effective treatment of mesothelioma, or earlier diagnosis of other asbestos-associated cancers. Equally, recent research suggests that it may be possible to increase the resistance of people exposed to asbestos in the past against asbestos-associated diseases, in the future. This should be vigorously studied, else many of these people face considerable difficulties.

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SEP 4 1983

NJ-D1 ASBURY PARK EVENING PRESS
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PLAINTIFF'S EXHIBIT

JMMC-11

PENGAD-Bayonne,N.J.

Zeolite—potent mimic of asbestos

Five years ago, Y. Izzettin Baris and Mustafa Artvinli were looked at askance for proposing that mesothelioma—the unequivocal asbestos disease—need not be caused by asbestos (SN: 7/15/78, p. 41). The Turkish researchers from Hacettepe University in Ankara noted that 11 deaths from the rare cancer (affecting membranes lining the chest and abdominal cavity) had occurred in an asbestos-free Turkish village. Baris and Artvinli suspected erionite, a form of zeolite, was the culprit. Since then, several other research teams have shown that any fiber with physical dimensions resembling those of asbestos microscopic needles can cause the cancer, provided the fibers do not dissolve in tissue. Baris and Artvinli, meanwhile, have probed the zeolite-mesothelioma connection further.

Returning to the village studied in 1978, and two other agricultural villages where mesothelioma incidence was high, they found erionite in air samples, in rock samples taken from the homes of sick residents, even in lung samples of villagers. More important, their studies "failed to show any asbestos," they report in ARCHIVUM IMMUNOLOGICAE ET THERAPIAE EXPERIMENTALIS (Vol. 30, No. 3-4 for 1982), which was just released. (The volume contains proceedings of a conference on epidemiological, immunological and genetic aspects of asbestosis, held in Wroclaw, Poland.) Moreover, the Turks report, in tests where animals had fibers inserted into their lung tissue, the zeolite proved "more potent than asbestos in producing mesothelioma."

41E-35 SCIENCE NEWS
WEEKLY 160,000

SEP 3 1983

Asbestos Victims Unshielded by the Court

To the Editor:

"Manville Thriving in Bankruptcy, Shielded from Asbestos Lawsuits," says the headline of an Aug. 25 news article. The bankruptcy judge has given the Manville Corporation six extensions and is now considering another. As a scientist, I am unable to comment on the legal issues involved, except to say that I hope they will be resolved. However, I would urge that the court consider how it might meanwhile meet the urgent needs of asbestos claimants.

Death and disease are not held in abeyance by legal writ. The victims are barred from applying for the financial help needed to ease their difficulties. Men are dying of mesothelioma or lung cancer, unable to seek medical care to ease their last days, and others are not able to afford the medical surveillance that could save their lives. Still others, short of breath, with asbestos lung scarring and no longer able to make a living, can't keep their families together.

It is hard to appreciate the terror of a woman whose husband has been sent home from a hospital with a tracheostomy tube in his throat, unable to afford a nurse, resuscitating him at each emergency, until the final episode. Or widows—of shipyard workers, steam-locomotive repairmen, construction workers, power and utility plant personnel and other craftsmen—having used slowly accumulated retirement dollars for the

illness brought on by asbestos.

Some have written me that they come close to begging in the streets. Others get along by visiting the children in rotation. Often, when I write a widow for scientific information, the reply comes from a trailer park: the house was sold. After a lifetime of hard work, to die and to have his widow live in penury is a bitter final reward for a worker.

The inexorable progress of asbestos disease continues, while the lawyerly discussions proceed. The court cannot provide a legal extension of the lives being endangered or lost.

I. J. SELIKOFF, M.D.

New York, Aug. 29, 1983

The writer is director of the Mount Sinai Medical Center's Division of Environmental Medicine.

NY-D40 THE NEW YORK TIMES
(M)914,900 (S)1,477,500

SEP 10 1983

SEP 10 1983

THE WALL STREET JOURNAL
Friday, September 30, 1983

D 002203

Asbestos—the mutagen enhancer?

Though asbestos' ability to cause cancer is well-known, whether it directly alters DNA remains a question. Immunologists from the Institute of Immunology at Experimental Therapy at the Polish Academy of Sciences Wroclaw now report that though the fibers do not appear mutagenic by themselves, they enhance the mutagenicity of benzo(a)pyrene (BP), a suspected carcinogen found in coal cigarette smoke and combustion byproducts.

Initially, K. Szyba and A. Lange had found "asbestos fibers lacked any intrinsic mutagenic potential." In research reported at the Wroclaw asbestosis conference, they performed Ames mutagenicity tests teaming up asbestos and BP. When two were simply added together and tested in the presence of enzymes in an Ames system (which looks for mutations to correct a specific defect in a bacteria gene), they detected mutagenicity beyond that associated with the BP alone. When the BP was absorbed onto (not merely added along with) asbestos fibers, they found a doubling or tripling of mutagenicity over what would have been expected from the BP alone. Their results showed "the amount of BP absorbed onto asbestos was related to the number of [mutations]."

Szyba and Lange suggest the asbestos fibers somehow make the BP more readily available to the rat metabolic enzymes. As they speculate, it may be that asbestos works in some similar way to account for the observed amplifying effect of cigarette smoking on the lung cancer incidence in asbestos workers.

GAF Corp. Asks Court To Dismiss Manville's Chapter 11 Petition

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—GAF Corp. asked the bankruptcy court here to dismiss Manville Corp.'s Chapter 11 petition on the grounds that financially sound Manville shouldn't be protected from "debts that don't exist."

In a motion filed yesterday, GAF argued that "future liability" isn't recognized under the Bankruptcy Code.

Manville filed for court protection last year after a multitude of asbestos-related lawsuits that the company said would have wiped out \$2.2 billion in assets. GAF, a roofing and chemical company, is a co-defendant in some of those suits.

Under Chapter 11, a company is shielded from lawsuits while it continues to operate and work on a plan for reorganizing its debt. Since Manville filed for Chapter 11 on August 26, 1982, it has obtained seven extensions to present its reorganization plan. The most recent court-imposed deadline is October 17.

Anthony J. Marchetta, a Newark, N.J., lawyer representing GAF, said that Manville "wrongfully invoked" the jurisdiction of the court, because "its assets exceed its liabilities." Moreover, he continued, Manville "is able to meet its debts as they come due in the regular course of business."

At the end of the first half, Manville had assets of \$2.24 billion and liabilities of \$1.13 billion. Manville earned \$45.7 million, or \$1.33 a share, in the first half, compared with a loss of \$19.9 million in the year-earlier period. Revenue rose slightly to \$865.5 million from \$855.9 million.

Manville, a Denver-based maker of building materials and other products, said, "We believe that the (GAF) motion has no merit and we stand by our position that Chapter 11 was an appropriate and necessary step to solve present and future claims."

LETTERS

'The asbestos-related health problems are an unfortunate legacy of the past' — Schwarz

There is a constant stream of articles in the news media highlighting the subject of asbestos in a sensational way. The issues related to the use of asbestos cannot be fairly or adequately addressed on the basis of playing on the emotional reactions of the public. The asbestos-related health problems are an unfortunate legacy of the past and have led to much fear, uncertainty and misinformation concerning the use of asbestos.

Many of the news stories today relate to sprayed-on asbestos in public

school buildings. I am unaware of any evidence demonstrating that any exposure to asbestos dust in school buildings has resulted in an adverse health effect.

In a recent article in the Burlington Free Press, Dr. John E. Craighead, an asbestos authority at the University of Vermont College of Medicine, said most of the confirmed cases of disease have been among workers who have

long on-the-job exposure. He further stated, "I am not aware of John Q. Public being in a situation where he had developed disease as a consequence of asbestos exposure." It should be noted that the spraying of asbestos in buildings has been prohibited since 1973.

Today, with an awareness of the potential health hazards involved, most asbestos-containing products are re-

stricted to the categories of locked-in and encapsulated. This means that the asbestos fibers are added during the manufacturing process and are held fast by binders such as cement, resins, asphalt, latex, rubber or some other resilient material.

Society continues to enjoy the benefit of the unique properties of asbestos in many beneficial products that can be used safely. I urge that reporting of the asbestos story accurately reflect the use of asbestos today. KURT SCHWARTZ
Fair Lawn

Media exaggerates asbestos dangers

Here Comes The Judgment In Asbestos Litigation

Judges nationwide are rendering decisions in suits against asbestos product manufacturers. They are handing down decisions on particular issues and making actual awards to exposure victims. Jury Verdict Research, Inc., recently published a study, Asbestos Related Injuries, Part IV, which discusses decisions made in Federal and Common Pleas Courts around the country.

In Ohio, a judge rejected a motion for a partial summary judgment by the widow of an insulation worker who died allegedly from asbestosis and lung cancer. A federal judge in the state of Washington awarded a 48-year old former pipefitter \$2,200,000 for his claim that he contracted asbestosis as a result of exposure to asbestos products. Further information on

Manville Cleared to Sell Asbestos-Mining Unit

DENVER—Manville Corp. said the sale of its asbestos mining unit, Johns-Manville Canada, was approved by the U.S. bankruptcy court in New York.

As reported, a group of Canadian investors agreed to buy the unit for \$117 million (Canadian). Completion of the sale is expected soon, a Manville spokesman said. The move takes Manville out of the asbestos business except for some minor operations. The unit accounted for 1982 sales of \$91.9 million and operating profit of \$16.4 million. Manville's 1982 total sales were \$1.8 billion and operating profit was \$163.6 million.

Manville, a forest-products and asbestos concern, filed for court protection under Chapter 11 of the Federal Bankruptcy Code last year, largely because of lawsuits stemming from asbestos-related health claims.

JOHNS-MANVILLE LOBBY EXPENSE OKAYED BY COURT

WASHINGTON, DC — The federal district court has allowed Johns-Manville Corporation, the nation's largest manufacturer of asbestos, to contract for legal services to lobby for legislation to facilitate settlement of asbestos-related liability suits. Johns-Manville filed for protection under federal bankruptcy laws last year in the wake of a flood of litigation seeking damages for asbestosis and against the firm.

SEPTEMBER 19, 1983

The News, North Jersey

43A-15 THE INSURANCE JOURNAL
SEMI-MONTHLY 4,200

43A-19 INSURANCEWEEK
WEEKLY 6,000

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SEP 5 1983

THE WALL STREET JOURNAL.
Friday, September 16, 1983

SEP 9 1983

D 002204

School asbestos risk downplayed

By COLEMAN WARNER
Clarion-Ledger Staff Writer

Health risks posed by asbestos in Jackson Public schools aren't serious enough to warrant pulling any child from school or closing school buildings, state Board of Health Director Alton B. Cobb has advised Superintendent Robert Fortenberry.

Cobb said, however, that because health effects of asbestos take many years to appear, "children are at greater risk than older people."

Fortenberry requested a detailed response from health officials on the health effects of asbestos after a survey revealed most of the district's 77 buildings contain the material.

Consultants estimated removal of the material would cost \$4.6 million.

"My opinion is that the health hazard from asbestos is less than the risk for bad health effects from cigarette smoking, frequent consumption of alcohol, smoking marijuana, or perhaps even from such everyday activities as driving an automobile," Cobb said in an Aug. 22 letter.

"Comparison of risks do not, however, lessen the need for us to implement programs for the removal of friable asbestos from buildings," he added.

Cobb defined friable asbestos as that

"which can be crumbled, pulverized, or reduced to powder in the hand."

Meanwhile, district communications specialist Linda Buford said officials may consider providing free health exams and X-rays for maintenance and custodial workers who have the greatest exposure to asbestos. But she said such a program could be costly for the financially strapped district.

Ms. Buford said the idea stems from a medical exam program set up by a Dallas school district to help protect employees from asbestos.

Also, she said officials may not follow through with plans to form a medical task force to answer parents' queries on asbestos because district staff can provide that service.

Asbestos, a once-popular construction material banned since 1978, has been linked to lung cancer and asbestosis, a scarring of lung tissues, among miners and construction workers who handled the substance.

Health officials have said no conclusive research is available on the threat asbestos poses for persons with "passive" exposure, such as employees and children in schools containing the material.

Cobb recommended that "schools, nurseries, day-care centers and other

buildings which house children be given the highest priority in the removal of asbestos. We base this priority approach on the knowledge that health effects from asbestos take many years to appear, and therefore, children are at greater risk than older people."

He said that prior to removal of the material, officials can reduce the risk through "maintenance measures and education of staff and children to avoid physical contact" with friable asbestos.

Cobb said school officials are handling in the asbestos problem in a "responsible manner."

School officials said they have received little negative reaction from parents since the asbestos survey's results were made public last month.

Officials said some of the \$6.4 million that will be borrowed by the district this month — and paid off through a tax increase — may be used for asbestos removal. No specific projects have yet been planned.

The School Board approved on July 18 a 1.35 mill tax increase for city property owners to fund school renovations. The tax increase followed the failure of two school construction bond measures when they didn't obtain 60 percent voter approval.

MS-D11 JACKSON CLARION LEDGER
(M) 70,000 (S) 123,000

SEP 7 1983

Union seeks fast action by government to uphold compensation for asbestosis

By ANN LAUGHLIN
of The Gazette

The Confederation of National Trade Unions (CNTU) has called on the Quebec government to take quick action to ensure that victims of asbestosis continue to get compensation payments now threatened by a recent court decision.

"It would be completely abnormal if the Work Health and Safety Commission demands from these workers that \$20 million in pensions that have been paid to them or obliges them to return to work at the places which caused their illness," CNTU vice-president Gerald Larose told reporters.

The provincial commission's board of directors is to meet today to discuss the compensation issue

and what course of action to recommend to the government. Commission officials have refused all comment until after that meeting.

The debate centres on 1,200 former workers suffering from asbestosis, a debilitating lung disease caused by exposure to asbestos fibres.

Under an order-in-council passed in 1975, the provincial government added a regulation to the Quebec Mining Act allowing the Work Health and Safety Commission — then called the Workmen's Compensation Board — to require all asbestos mine-site workers to pass a medical examination each year.

Any worker who failed to get a clean bill of health would lose his mine work permit and automati-

cally become eligible for compensation.

Under Quebec law, asbestosis victims are entitled to 90 per cent of their former salary until age 65. The money is paid by their former employers through the commission.

However, a Superior Court ruling in April struck down the 1975 order in council, saying that since the resulting regulation came under the Quebec Mining Act, it could only apply to workers employed in the mine pits or underground and not to all employees on the mine site such as truckdrivers, mill workers and the like.

Larose of the CNTU said yesterday that only 20 per cent of the 1,200 former workers diagnosed as suffering from asbestosis and now

receiving compensation were pit workers.

Because of the court decision the other 80 per cent now could lose their benefits and be forced back to work.

He urged the safety commission to recommend that the mining legislation be changed to include all mine site workers and not just pit employees, a widening move which he said was in keeping with the original spirit of the law.

On the strength of the Superior Court decision narrowing the eligibility for payments, Johns-Manville Canada Inc., the country's largest asbestos producer, last week started legal proceedings against the safety commission to recover \$10.8 million in compensation to asbestosis victims.

A recent study of automobile asbestos emissions concludes that automobiles contribute only a small amount to ambient asbestos levels in New York City, primarily due to the low asbestos content of brake wear debris. — SAE Paper 831036.

4A-18 AUTOMOTIVE ENGINEERING
MONTHLY 48,000

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AUG 1983

PQ-D4 THE GAZETTE
(M) 222,000
(CAN)

D 002205

AUG 18 1983

CLAY ANNOUNCES INTENT TO BAN ASBESTOS PRODUCTS
AND IMPOSE PRODUCTION CAPS UNDER TSCA SEC. 6

The Environmental Protection Agency will move forward with plans to ban certain asbestos products and to place a product cap on overall asbestos operations in a move to control the hazardous fiber, according to Don Clay, acting assistant administrator for the Office of Pesticides and Toxic Substances. In testimony before a Senate toxic substances oversight subcommittee last month, Clay made the surprise announcement, which would include asbestos as part of EPA's burgeoning existing chemical control program.

Clay told chairman Sen. Dave Durenberger (R.-Minn.) that his office is preparing the ban and production cap proposals under Section 6 of the Toxic Substances Control Act.

Although the project is still in the development stages, Administrator William Ruckelshaus has approved the toxic office's basic asbestos program. Currently, the Office of Toxic Substances is planning to propose a ban on five product categories: cement piping, saturated roofing felt, unsaturated roofing felt, floor backing and floor backing with vinyl sheeting.

Second part of the regulation would be the production cap on asbestos production which would revive the agency's old theory that such a cap would create market forces that would eventually eliminate "non essential" uses of asbestos as the demand for limited amounts of the fiber forces prices to rise.

Meanwhile, Nick Hluchyj of the Asbestos Information Association told TMN that his group would most likely oppose "something with the potential of destroying half the asbestos market" such as a ban on asbestos pipes and floors.

DOW AGREES TO END MCB/PCB COURT FIGHT AND PAY
\$120,000 PENALTY, IF EPA EASES RULES ON MCBS

Dow Chemical Co. and Environmental Protection Agency have agreed to call off their court battles over the definition of whether monochlorinated biphenyls are considered polychlorinated biphenyls until after the agency issues its final rule for the incidental generation of PCBs this fall.

Under the July 29 agreement, Dow said that if EPA adopts the suggested PCB language -- which would regulate MCBS much less stringently than PCBs, as offered in the joint environmentalist and Chemical Manufacturers Association's consensus proposal for incidental PCB manufacture -- it will drop its federal appeals court action over the PCB definition and will pay a \$120,000 enforcement penalty for 1978-79 PCB labeling violations involving PCB replacement fluids.

The action merely calls a truce between the two until EPA determines language of the final rule. EPA officials have already indicated that they will adopt the heart of the PCB consensus proposal and if they do, both EPA and Dow would give a little to end the dispute. Dow would accept EPA's position that MCBS are PCBs but, EPA would then regulate the different isomers according to their environmental and human health risk.

However, if for some reason EPA unexpectedly changes its mind, Dow spokesman Tom Betts said that Dow would then continue its court challenge to the PCB definition on scientific issues. He said Dow would be satisfied if EPA admits that different homologues of PCBs can be regulated differently, although the company still maintains that a monochlorinated biphenyl is not a PCB.

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D 002206

Asbestos

BAN PLANNED ON FIVE USE CATEGORIES; PRODUCTION CAP WOULD FOLLOW UNDER TSCA

Five categories of asbestos use would be banned and a production cap placed on all other asbestos uses under a proposal being drawn up by the Environmental Protection Agency's Office of Toxic Substances, and tentatively approved by EPA Administrator William D. Ruckelshaus.

Targeted under the proposed ban would be asbestos used in cement pipe, saturated roofing felt, unsaturated roofing felt, floor backing, and floor backing attached to vinyl sheeting, according to Edward A. Klein, director of OTS' chemical control division. Klein said asbestos substitutes exist in each of the five categories, which account for about half of the asbestos used in the United States.

The ban and production cap would be proposed under Section 6 of the Toxic Substances Control Act, under which EPA can control hazardous substances. TSCA is the best law for controlling all asbestos uses, Klein said, because it covers all chemical production, use, and disposal, while other laws only deal with one aspect of exposure.

While the products account for little or no consumer exposure, Klein said worker exposure continues during asbestos mining, product manufacture and installation, and disposal.

Caps would be applied for other categories of asbestos use, such as electrical products, plastics, paints, and textiles. The caps would limit the volume of asbestos used in each category, and would be lowered over time. Details of the production caps have not been worked out, according to Klein, and that proposal is expected to follow the ban proposal.

Agency officials said that while the concept of banning some asbestos uses and limiting others was approved by Ruckelshaus, the proposals would not be completed until sometime in 1984.

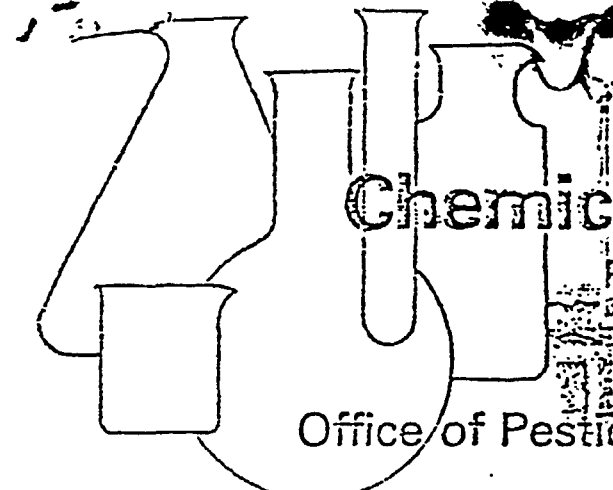
EPA's intent to pursue the ban and production caps was announced July 27 by Don R. Clay, EPA's acting assistant administrator for pesticides and toxic substances during hearings before the Senate Environment and Public Works Subcommittee on Toxic Substances and Environmental Oversight.

Other Asbestos Action

In addition to drawing up the control act, OTS is surveying public buildings to determine the nature and extent of friable asbestos. In May 1982, the agency issued a rule requiring all primary and secondary schools to inspect for friable asbestos (Current Report, May 28, 1982, p. 317).

In July, the agency also joined an asbestos task force of officials from the Consumer Product Safety Commission and the Occupational Safety and Health Administration (July 15, p. 513).

EPA also issued a reporting rule in 1982 requiring manufacturers and processors to provide data on commercial and industrial uses of asbestos (July 30, 1982, p. 556). At that time, the agency suggested it might negotiate voluntary limits to employee and environmental exposure.



TSCA Chemicals-in-Progress Bulletin

Office of Pesticides & Toxic Substances
(OPTS)

Vol. 4, No. 4

August 1983

This news bulletin is intended to inform all persons concerned with the Toxic Substances Control Act (TSCA) about recent developments and near-term plans. For further information or to request copies of documents mentioned, write the TSCA Assistance Office (TAO), (TS-799) EPA, Washington, D.C. 20460, or call toll-free 800-424-9065 or, in Washington, D.C., or from outside the continental United States, (202) 554-1404.

REGULATORY & REQUIRED ACTIONS

TESTING OF CHEMICAL SUBSTANCES AND MIXTURES ... SECTION 4

Section 4 of TSCA gives EPA authority to require manufacturers or processors of chemicals to test the toxic effects of a designated substance. To require testing EPA must find that the chemical may present an unreasonable risk; that there are insufficient data available with which to perform a reasoned risk assessment; and that testing is necessary to generate such data. A test rule may also be based on an EPA finding of substantial production and exposure to humans or the environment, in addition to findings of insufficient data and need for testing.

Under section 4(e) an Interagency Testing Committee (ITC) was established to recommend chemicals to EPA for priority consideration. The ITC can designate up to 50 chemicals or categories of chemicals for testing and EPA must respond within one year by starting rulemaking under section 4 or giving reasons for not doing so.

Section 4(f) TSCA requires EPA within 180 days after receipt of test data or other information that indicates a chemical substance or mixture may pose a significant risk of serious or widespread harm to human beings from cancer, gene mutations or birth defects to: a) initiate appropriate action under sections 5, 6, or 7 of TSCA or b) publish a notice saying why the risk is not unreasonable. The 180-day review may be extended for up to 90 additional days for good cause.

Section 4 Rule Proposed for MO

On July 5, 1983 EPA proposed a section 4 rule to require manufacturers and processors of mesityl oxide (MO) to test the chemical for various health effects (48 FR 30699).

The tests proposed to be required involve chronic toxicity (with an emphasis on blood disorders) and mutagenicity. If positive results are obtained in the mutagenicity tests, then EPA proposes that MO also be tested for oncogenicity. In the July 5, 1983 notice, EPA responded to the June 1, 1979 ITC designation of MO for priority testing consideration including carcinogenicity, mutagenicity, teratogenicity, other chronic health effects and epidemiology studies.

The proposed rule does not include an epidemiology study because EPA believes that no end point has been sufficiently well-defined to make an epidemiology study worthwhile at this time. EPA also did not propose that MO be tested for teratogenicity because there is no evidence to suggest the chemical produces teratogenic effects.

Persons wishing to submit oral or written comments on this proposed rule should call or write the TAO for full details. EPA will hold a public meeting on the proposed rule on September 19, 1983, in Washington, D.C., if there is public interest in doing so.

4,4'-Methylenedianiline Under Accelerated Review

On July 11, 1983 (48 FR 31806) EPA said it is not initiating rulemaking at this time under section 4(a) to require health effects testing of 4,4'-methylenedianiline because it received data from a recent study that show the chemical to be a carcinogen in both rats and mice. The data EPA received are from a recently completed National Toxicology Program (NTP) 2-year carcinogenicity study. Based on the NTP data, EPA, under section 4(f)

Summary interim results from an ongoing chronic skin-painting study

CBI—Confidential business information

S at the end of Log Number means a sanitized version is available.

N.B.: All toxicity, oncogenicity, teratogenicity and mutagenicity studies involve animals unless otherwise stated. Additional tests (e.g., bacterial cell) are noted or are included in the term "battery."

SUPPORT ACTIVITY

OTS Seeks MMT Information

The Office of Toxic Substances (OTS) is seeking information from the public about methylcyclopentadienyl manganese tricarbonyl (MMT) (CAS 12108-13-3) for a Chemical Hazard Information Profile (CHIP), which it is developing.

A CHIP is a brief summary of readily available information concerning the health and environmental effects and potential exposure to a chemical. CHIP candidates are chosen on the basis of information indicating a potential for adverse health or environmental effects along with evidence of significant production or some type of exposure.

When OTS searches the literature in preparing a CHIP it generally limits the search to automated data bases and reference works. But OTS encourages individuals and firms to submit unpublished or recently published reports, and all other hard-to-obtain studies on the chemical selected for the CHIP. Relevant MMT studies from the public could include data on health effects, environmental effects, commercial production and uses, exposed populations, environmental levels, or any other material that can aid in the assessment of the chemical's impact on health or the environment. OTS is also interested in knowing of current MMT testing or assessment activities by other organizations.

Information about MMT should be immediately sent to:
TSCA Document Control Officer
TS-793
Attn: T. O'Bryan
Washington, D.C. 20460

The TAO continues to offer to notify individuals and organizations by letter every time OTS starts a new CHIP. Persons who think they can aid the CHIP gathering process will have their names added to the list if they contact the TAO. All information submitted in response to the solicitations will be placed in a public file and made available for public inspection, unless the submitter is able to assert a claim of confidentiality in accordance with the provisions of section 14 of TSCA. EPA will handle all confidentiality claims in accordance with its procedures governing the confidentiality of business information (40 CFR Part 2 Subpart B).

The TAO is now distributing copies of the following recently completed CHIPs:

Tetrabromoethane	79-27-6
Mercaptobenzothiazole disulfide	120-78-5
Acetaldehyde	75-07-0
2-Chloronitrobenzene	88-73-3
4-Chloronitrobenzene	100-00-5
2,4-Diaminoazobenzene	495-54-5; 532-82-1

OTS encourages comment on the accuracy and thoroughness of information presented in its CHIPs.

EPA Plans Asbestos Actions

Under TSCA, EPA plans in 1984 to propose a rule banning certain asbestos product categories and that would establish a staged production cap on all remaining asbestos uses.

This information was given to a U.S. Senate subcommittee, on July 27, 1983, by Don R. Clay, Acting Assistant Administrator, Office of Pesticides and Toxic Substances. A TSCA production cap on remaining asbestos uses may start either as a proposed rule or as an advance notice of proposed rulemaking, Clay said.

The members of the Toxic Substances and Environmental Oversight subcommittee were also told that the Office of Toxic Substances (OTS) will soon begin to issue risk management advisories (RMAs) on existing chemicals. These nonregulatory advisories will focus on specific problems with existing substances "and will be used to encourage meaningful precautions," Clay said. The RMAs will not be a substitute for rulemaking but sometimes will be issued in connection with rulemaking activities, the Senators were told.

"One of the major objectives in the TSCA program during the last two years was to get the existing chemicals program off the ground," Clay said. An Existing Chemicals Task Force is now in place and has reviewed 60 substances. Five of these chemicals have moved into regulatory development and about 40 are targeted for further analysis.

For new chemicals, the premanufacturing notice rule (PMN) was postponed until September 10, 1983 to respond to a petition by The Chemical Manufacturers Association and the Society of the Plastics Industry, Clay told the subcommittee. EPA will publish a clarification notice before that date.

A new chemicals Advisory Circular system will summarize actions of specific categories of new chemicals or describe specific PMN actions. "These circulars will publicly advertise situations where EPA will likely need more data in reviewing a PMN and as such will promote early submission of such data," Clay said.

Other future TSCA new chemicals action will be in biotechnology. "Biotechnology has until very recently been a laboratory-scale phenomenon; however, commercial uses potentially subject to TSCA regulations are