



ASBESTOS INFORMATION ASSOCIATION

NORTH AMERICA

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NEWS & NOTES

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INTEREST HIGH IN AIA/NA INDUSTRY-GOVERNMENT CONFERENCE

As previously announced (N&N July), the Association will hold an Industry-Government Conference on Sept. 19-20 in conjunction with its ninth annual meeting. Location of the Conference will be Stouffer's National Center Hotel, Arlington, VA (five minutes from Washington National Airport on Jefferson Davis Highway).

Over 100 attendees have already registered for this 2-day event which will include a wide variety of sessions and speakers with subjects of interest to the asbestos industry. Conference begins with lunch on Wednesday, Sept. 19. Afternoon program includes: construction work practices seminar conducted by E. M. Fenner, J-M Corp., and Chairman of AIA/NA's Technical Committee, John Welch, Association of Asbestos Cement Pipe Producers, and Robert Maurer, Resilient Floor Covering Institute; regulatory review panel comprised of Grover Wrenn (OSHA), Richard Guimond (EPA), Dr. Peter Preuss (CPSC), D. F. Billings (DOT), Dr. Aurel Goodwin (MSHA), and Dr. Armand Casola (FDA); and presentations by Dr. Marvin A. Schneiderman, National Cancer Institute, and Dr. John Froines, NIOSH. Dinner speaker will be Dr. Richard Gaze, Chairman, Executive Committee, Asbestos International Association.

Program for Sept. 20 begins with breakfast and will conclude following remarks of luncheon speaker. Participants include: Steven D. Jellinek, Assistant Administrator for Toxic Substances, EPA; John P. Power, representing Quebec Asbestos Mining Association; and The Honorable Mendel J. Davis, House of Representatives, U.S. Congress. In addition, a panel consisting of Drs. Hilton C. Lewinsohn, Corporate Medical Director, Raybestos-Manhattan, Inc., William Weiss, Professor of Medicine, The Hahnemann Medical College and Hospital of Philadelphia, and Philip E. Enterline, Chairman of Dept. of Biostatistics, Univ. of Pittsburgh will review current developments in asbestos-health relationship.

Guy G. Gabrielson, Jr., Chairman of the Board, Nicolet, Inc., and member of AIA/NA Executive Committee, will serve as conference chairman. Inquiries to AIA/NA's Executive Director welcomed.

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MAJOR REGULATORY INITIATIVES ARE UNDERWAY WITHIN EPA AND CPSC

Both the Environmental Protection Agency and Consumer Product Safety Commission staffs are developing advance notices of proposed rulemaking (ANPRM) which will have major impact on the asbestos industry. A draft copy of the ANPRM prepared by CPSC has been obtained.

EPA (Office of Toxic Substances) has been conducting an investigation of asbestos for past several months as reported in prior newsletter articles. June issue N&N reviewed presentation given by EPA's Deputy Assistant Administrator for Chemical Control, John P. DeKany, to AIA/NA directors at second quarter board meeting. Using authority of Toxic Substances Control Act (TSCA) EPA plans to evaluate exposure problems associated with all types of asbestos activities from mining, milling, and primary manufacturing to end product use and disposal, i.e. a life cycle or "cradle to grave" approach according to DeKany.

Among actions that could be taken under TSCA, DeKany identified "bans on primary and secondary manufacturing of products containing asbestos; bans on uses of asbestos-containing products; requirements for disposal of asbestos-containing products; and labeling requirements for asbestos containing products." It should be noted that concept of permissible levels of exposure is not included among alternatives under consideration by EPA.

In July, EPA contracted with GCA Corporation and Research Triangle Institute to prepare technical and economic analyses of asbestos respectively. These studies are essentials to a regulatory analysis for any future rulemaking proceedings. Details of studies are described below:

Technical Study (GCA) - Information obtained will be used as input for performing a risk assessment on asbestos exposures; in addition to examining substitutes for asbestos, will provide estimates of asbestos emissions associated with mining, milling, manufacturing, processing, use, and disposal of asbestos and asbestos-containing products; Phase I includes evaluation of human exposure associated with asbestos paper products and brake linings (estimates will concentrate on release during installation and maintenance rather than highway use) - draft report due in 4½ months and final report due in 6½ months; Phase II includes remaining asbestos-containing products with schedule for reports yet to be determined.

Economic Study (RTI) - Purpose is to investigate the probable economic effects which would result from implementation of controls on certain use and exposure categories of asbestos products; Phase I includes asbestos paper products and labelling of friction products - draft report due in 4½ months and final report due in 6½ months; Phase II includes remaining asbestos-containing products with draft report due in 14 months and final report in 16 months.

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In conjunction with foregoing actions, EPA has advised that agency also plans to develop a voluntary guidance document for friction materials which is principally expected to address brake repair.

As to CPSC, news media report of alleged health hazard from asbestos in hair dryers which occurred Mar. 28, combined with related follow-on considerations and EPA's investigation of asbestos, has resulted in reopening of possible regulation of consumer products containing asbestos by this body. Prior to hair dryer incident, CPSC staff was prepared to recommend "no further regulation at this time." Of interest is preliminary report that results of hair dryer tests performed by NIOSH at request of CPSC indicates that highest level of asbestos emitted by 30 appliances used is 0.04 f/cc. Final report from NIOSH is expected to be issued early Sept.

CPSC's draft ANPRM sets forth as regulatory approach that "exposure to any asbestos fibers from consumer products presents a health risk because there has not been demonstrated to be a threshold or no-effect level below which exposure to respirable asbestos fibers would be considered safe." Further, "The Commission believes that all non-essential uses of asbestos in consumer products from which asbestos fibers are released during reasonable foreseeable conditions of use, including misuse, should be eliminated." In determining whether a use of asbestos is essential, draft ANPRM states Commission will consider a number of factors including but not limited to: the function performed by the asbestos in the product; benefit derived from the product or use of asbestos in the product; and cost and availability of substitutes for the asbestos.

Formal issuance of ANPRM's by EPA and CPSC is being closely coordinated. They are expected to be published concurrently in the Federal Register about mid-October. Both will cover wide range of issues and solicit comments for consideration prior to publication of any notices of proposed rulemaking by two agencies.

In anticipation of these regulatory initiatives, AIA/NA has:

. Arranged for and presented a technical review of asbestos-containing products and medical seminar on June 18 and Aug. 8 respectively at EPA headquarters.

. Formed an ad hoc committee for friction materials which is cooperating with EPA in development of a voluntary guidance document.

FORD MOTOR PARTICIPATION??

. Submitted comments on a report prepared by a consulting firm for EPA as part of agency's investigation of asbestos.

EPA and CPSC participants in Association's Industry-Government Conference on Sept. 19-20 are expected to provide more information on impending regulatory initiatives affecting the asbestos industry.

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OSHA SPONSORING NATIONAL CONFERENCE ON OCCUPATIONAL DISEASE IN SEPTEMBER

In news release of Aug. 14, Dr. Eula Bingham, Assistant Secretary of Labor (OSHA), announced that OSHA will sponsor a conference focusing on problem of occupational disease titled "Lost in the Workplace: Is There an Occupational Disease Epidemic?" Conference is scheduled for Sept. 13-14 at Radisson Hotel in Chicago, IL.

In addition to Dr. Bingham, agenda includes presentations by Secretary of Labor Ray Marshall; Dr. Irving Selikoff, Mt. Sinai School of Medicine; Dr. Paul Kotin, Senior Vice President, Johns-Manville Corporation; Dr. Barry Commoner, Professor of Environmental Science, Washington University; Mr. Anthony Mazzocchi, Vice President, Oil, Chemical and Atomic Workers Union; Dr. Anthony Robbins, Director, National Institute for Occupational Safety and Health; Dr. Samuel Epstein, Professor, School of Public Health, University of Illinois; and Dr. Nicholas Ashford, Associate Professor of Technology and Policy, Massachusetts Institute of Technology, among others.

"Each year as many as 100,000 Americans die from diseases that can be traced to toxic exposure in the workplace," Dr. Bingham said in announcing the conference. "Yet many workers are unaware of the dangers they face or that the technology may exist to prevent occupational illness. We want to provide a forum for the media to hear and question speakers of a variety of persuasions and expertise."

Conference will include speeches, films, worker testimony and panel discussions including a panel of reporters with experience in investigative journalism on occupational health issues. Some 8,000 invitations have been issued to journalists throughout the U.S.

Subsequent to publication of program, American Industrial Health Council (AIHC) contacted OSHA in effort to achieve more balanced perspective of issues. As result, Drs. Robert Scala, Exxon Corp., Howard Kusnetz, Shell Oil Corp., and William McCarville, Monsanto Corp., have been added as participants. OSHA has also agreed to add an AIHC spokesman as a keynote speaker.

For further information or conference registration contact Carol Parker, Office of Information and Consumer Affairs, OSHA, Washington, D.C. 20210; (202) 523-8615.

PRESIDENTIAL AUTHORITY TO OVERRIDE REGULATORY ACTIONS SOUGHT

On Aug. 14, American Bar Association called for enactment of legislation giving the President specific authority to override "critical" actions of federal regulatory agencies, both within and outside the Executive Branch.

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DOT MAKES FINAL REVISION TO ASBESTOS TRANSPORTATION REGULATION

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

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

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

EPA DOES TURNABOUT ON ASBESTOS AND SCHOOLS

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

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

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

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By granting the EDF petition, EPA took pains to add that it was only going so far as to agree to initiate a rule-making. Agency has not decided on the ultimate form regulatory program will take. However, in a draft ANPRM EPA states it is not inclined to pursue an industry funding of the regulatory action because of legal problems associated with this approach.

In addition, congressional efforts address asbestos in public schools. Senator Jacob Javits (R-NY) introduced a bill Aug. 2 (S.1658) which is similar to the present form of H.R.3282. No industry funding provision is included. As of yet no action is scheduled on S.1658.

The next step for H.R.3282, introduced by Rep. George Miller (D-CA), is action by the whole House. An effort to amend this bill on the floor of the House so as to re-instate the industry funding provision reportedly will be made by Rep. Cecil Heftel (D-HI). It is not yet known when H.R.3282 will reach the House Floor.

OSHA'S GENERIC CANCER POLICY CLOSE TO PUBLICATION DATE

Best information indicates that OSHA's much publicized generic cancer policy regulation will be issued in Sept. Initial proposal was published in Federal Register on Oct. 4, 1977, followed by lengthy public hearing during summer '78. Over 150 witnesses generated more than 7,000 pages of testimony to make this the largest record in OSHA's rulemaking history. AIA/NA commented on proposal and participated in public hearing. Association emphasized that recycling of existing health standards (including asbestos) would be inappropriate under generic proposal. Recycling is not expected to be a requirement of new regulation.

Preamble of policy is reported to be 1,000 pages in length. OSHA has continued to use consulting firm of Clement Associates for work on this project. Final policy may not differ substantially from that proposed, i.e. toxic substances would be classified into one of four categories, with specific regulatory action to follow.

Final policy is not expected to be subjected to any further regulatory review. It is likely, however, that OSHA's generic policy will be challenged in the courts.

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