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Environmental News

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EPA ANNOUNCES
FINAL REGULATION
TO BAN NEW
ASBESTOS
PRODUCTS

The U.S. Environmental Protection Agency today banned almost all asbestos-containing products in the United States in stages over the next seven years. The ban will apply to new product manufacture, importation and processing. It affects at least 94 percent of U.S. production and imports, based on 1985 production-volume estimates.

"This is pollution-prevention. We're eliminating a known cancer-causing substance from the marketplace. Virtually all asbestos-containing products will be replaced with safer alternatives," said EPA Administrator William K. Reilly.

The final rule, promulgated under the Toxic Substances Control Act (section 6), bans manufacturing, importing and processing of most U.S. asbestos products in three stages, beginning with certain products on Aug. 27, 1990, and with others on approximately the same date in 1993 and 1996. Corresponding bans on distribution will occur in 1992, 1994 and 1997. A primary factor in determining the stage at which a category of products should be banned was the agency's projection of the availability of a safe substitute for each asbestos product. (A list of the banned products and phaseout stages is attached).

The rule bans, among other things, the use of asbestos in automotive vehicle brakes, beginning with 1994 models. Replacement brakes must be made of non-asbestos products by 1996. The rule also bans asbestos in most automotive and other gaskets in 1993 and the production of asbestos/cement pipe and asbestos shingles in 1996. Also in 1996, the use of asbestos in roof and other coatings will be banned.

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Estimated costs are about \$459 million over 13 years.

Exposure to asbestos, a fibrous mineral, has been linked to a number of fatal diseases, including lung cancer, mesothelioma (a cancer of the chest and abdominal linings), gastro-intestinal cancer and asbestosis. It also is associated with a variety of other diseases. Controlling the risks posed by asbestos exposure has been especially troublesome because asbestos fibers are odorless, typically minute in size, easily suspended in air and extremely durable. Humans often are exposed unknowingly to asbestos fibers with little means of protection.

Asbestos has been in widespread use in many important industrial, construction and other applications in the United States since early in this century. Although the use of asbestos has declined significantly since this rulemaking was initiated in 1979, from 561,000 metric tons to less than 85,000 metric tons today, there is continued significant use in a variety of products.

Despite government actions to reduce asbestos emissions in the workplace, fibers continue to be released during the production, use and disposal of asbestos products. These ongoing additions of asbestos fibers into the environment pose a significant risk to current and future populations in the United States and are unnecessary since safer substances can be substituted for asbestos in the products in question.

Reilly recommended against unnecessary replacement of certain asbestos-containing products.

"Disturbing asbestos brakes, shingles or siding already in place, when there is no health or safety reason to do so, can cause a much greater health hazard than leaving them in place. If asbestos-containing products must be replaced, consumers should seek professional advice and assistance in identifying safe substitutes and in properly removing the asbestos product," Reilly said.

Reilly noted that the ban and phasedown rule announced today does not affect existing asbestos materials in commercial or public buildings. Building owners should continue to use trained professionals to inspect and assess the condition of asbestos-containing materials before deciding whether abatement action is appropriate.

Minimal economic impact is expected from the elimination of asbestos because of the availability of safe substitutes, such as wood-based products, e.g., cellulose fiber products, and construction products made of brick and concrete.

Reilly added that the rule's ban of asbestos/cement pipe or other products "should not be seen as a signal to other nations, especially developing countries, that use of these products should be discontinued. The actions taken in this rule are based on an evaluation of the specific uses of these products in the United States, the availability of substitute

in the U.S. market and other factors that may be unique to this country. Similar evaluation should be performed in other countries which rely heavily on the use of asbestos products before they decide whether any similar action is appropriate," Reilly said.

Publication of the final rule in the Federal Register is scheduled for July 12. The first stage ban is scheduled to take effect Aug. 27, 1990. For further information, contact the TSCA Assistance Office (TS-790) U.S. Environmental Protection Agency (Room EB-44), Washington, D.C. 20460, 202-544-1404, TDD 202-554-0551.

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Asbestos Ban

July 6, 1989

STATUS OF ASBESTOS PRODUCTS UNDER RULE

First Stage Ban--One year after promulgation (1990)

Second Stage Ban--Four years after promulgation (1993)

Third Stage Ban--Seven years after promulgation (1996)

OEM motor vehicle brakes--effective with the next model year after the second stage ban

First Stage Ban

Felt Products

- Roofing felt
- Roofing felt
- Flooring felt

A/C Products

- A/C sheet, corrugated
- A/C sheet, flat

Products out of use

- V/A floor tile
- Asbestos clothing

Second Stage Ban

Friction Products

- Drum brake linings (OEM)
- Disc brake pads, LMV (OEM)
- Disc brake pads, HV (OEM)
- Clutch facings
- Automatic transmission components
- Industrial and commercial friction products

Gaskets

- Beater-add gaskets (except some industrial uses)
- Sheet gaskets (except some industrial uses)

Third Stage Ban

Coatings

- Roof coatings
- Non-roof coatings

Paper Products

- Commercial paper
- Rollboard
- Millboard
- Corrugated paper
- Specialty paper

Friction Products

- Brake blocks (OEM)
- Brake blocks (AM)
- Drum brake linings (AM)
- Disc brake pads, LMV (AM)
- Disc brake pads, HV (AM)

A/C Products

- A/C pipe
- A/C shingle

Not Banned

Missile liner

- Asbestos diaphragms
- Battery separators

Arc chutes

- Acetylene cylinders
- Asbestos thread
- Asbestos reinforced plastic

Sealant tape

Electrical paper

Asbestos packings

- Some industrial uses of sheet gaskets
- Some industrial uses of beater-add gaskets
- Mining and milling

CTD002021

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October 10, 1983

TO: All A/C Pipe Plant Employees

As you may be aware, the U.S. Environmental Protection Agency (EPA) has announced that it is considering a ban on certain asbestos-containing products, not necessarily because they pose a health hazard, but as an initial step in an effort to limit use of asbestos fibers in the U.S. Categories under consideration for a product ban are roofing and flooring felts, asbestos felt-backed vinyl flooring, vinyl-asbestos floor tile and A/C pipe and fittings.

These products were selected, not because they present greater risk than other products (as a matter of fact EPA freely admits that the reverse is probably true), but rather for three basic reasons as follows:

- o These products are large volume users of asbestos fibers and discontinuation of their use and production would significantly reduce the amount of fiber to be mined.
- o Use of these products is finite. That is, banning them would not affect other products such as automobiles, pumps, stoves, etc.
- o In EPA's opinion, there are readily available substitutes for them.

In our opinion, EPA's thinking is totally unjustified and we are strongly opposing this effort. Following is additional information that may be helpful to you in understanding the situation.

This action, if taken by EPA, would be taken under the authority of the Toxic Substances Control Act (TSCA). In order to impose any regulatory requirements under TSCA, EPA must show that the manufacture and use of a product presents an "unreasonable risk of injury to health or the environment." Substantial evidence must be presented after consideration of a wide range of risk and benefit factors. And, EPA must use the least burdensome requirements to regulate "unreasonable risks." Finally, such regulatory action requires public hearings. If EPA proceeds with proposing a ban on A/C pipe, CertainTeed and the industry would vigorously participate in the hearings in order to protect our interests and we are confident we can justify our position.

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over.....

Based upon current practices, we believe it is safe to manufacture and use A/C pipe. In fact, many agencies, including the government, for many years have been studying the health effects associated with the use of A/C pipe and there is no evidence to conclude that this product poses a hazard to public health.

For over a decade, CertainTeed and the A/C pipe industry have shared EPA's interests that commercial and industrial use of asbestos and A/C pipe be as safe as scientifically and economically feasible. The industry has acted responsibly. CertainTeed and other A/C pipe manufacturers not only have complied with various federal and state laws regulating the use of asbestos, but have bettered them.

Today, as you know, the manufacture of A/C pipe is virtually a closed system: asbestos fiber handling and pipe machining are automated; process water and solid waste are recycled; state-of-the-art filtration systems eliminate 99.9% in air discharges to the environment.

Also, detailed work practices have been made available to contractors and installers of A/C pipe. These present proven methods of cutting, beveling and tapping pipe to insure a safe work environment.

EPA's current thinking clearly is not based on sound scientific judgment. You can be assured that we are working diligently to fight this attempt to ban A/C pipe and avoid the unnecessary loss of jobs to CertainTeed employees whose dedication and loyalty is valued by the Company.



John P. McGinley
Vice President
A/C Manufacturing

STATE LEGISLATION

A. MASSACHUSETTS

1. H 2811 - Skull and Crossbones Label -
Defeated in House.

B. CONNECTICUT

1. H 5782 - Ban of A/C Pipe
Defeated - Did not pass committee.
2. H 5783 - Task Force to Study Health Effects of Asbestos
Adopted - Report due by January, 1981.
3. H 5784 - Develop Outdoor Asbestos Emission Standards
Died in Appropriations Committee.
4. H 5807 - Labeling of Asbestos Containing Construction
Products - Amended to also Prohibit Installation of A/C
pipe on or after October 1, 1980 until the Commission
of Health Services determines that the use of such pipe
in water supply systems does not create a public health
hazard.

Passed into Law and became Public Act. Through efforts of AACPP a petition has been filed to force the Commission of Health Services to make a declaration concerning the health hazards of using A/C pipe in water supply systems. Dependent on the nature of such a declaration when made, further action will be considered.

5. S-8 - Information and Notice Requirements For Employers
Using Carcinogens - Passed into Law and became Public
Act 80-257. Takes effect October 1, 1980. This Act is
not limited to asbestos.
6. S-254 - Civil and Criminal Penalties for Violations
of S-8. Did not survive adjournment of the Senate
Judiciary Committee.

STATE LEGISLATION (continued)

C. CALIFORNIA

1. A - 946 - Would Create the Asbestos Workers Fund in the state treasury. Would facilitate worker's compensation for asbestos workers. Passed Assembly January 29, 1980 by vote of 79 - 0. Amended in Senate Industrial Relations Committee. Rereferred to same Committee after second reading on March 24, 1980. Amended in Committee on July 11, 1980.

D. NEW YORK

1. A11129 - Labeling of Asbestos Containing Products to Be Sold in the State. Passed Assembly but did not survive legislative adjournment.

Member of committee staff indicated that ultimate objective is to hold hearings this year with passage of Bill in 1981.

2. A7103 - Requires Notice to Employees by Their Employers of the Dangers of Exposure to Toxic Substances in the Workplace. Provides Civil and Criminal Penalties.

Enacted into law on June 27, 1980. Becomes effective December 23, 1980. It is not limited to asbestos.

CertainTeed	Date July 1, 1980	To PLEASE SEE BELOW	Location and mail code PLEASE SEE BELOW
Subject REGULATORY AND LEGISLATIVE STATUS - ASBESTOS	From T. A. Dougherty/c	Location and mail code VF P&PG #2	

TO: Mr. F. R. Winnert - VF CORP #1
 Mr. M. P. Simmons - VF CORP #1
 Mr. J. H. Ashenfelter - VF CORP #1
 Mr. R. Goutte - VF IG #3
 Mr. F. Timpe - VF P&PG #2
 Dr. L. J. Mellon - VF CORP #4
 Mr. C. M. Pontz - VF CORP #1
 Mr. W. R. Werner - VF CORP #4
 Ms. D. C. Wackerman - VF CORP #4
 Mr. L. C. Ambler - VF P&PG #2
 Mr. W. W. Pitkin - VF IG #3

As discussed in our meeting last week, attached is a brief summary of the present regulatory and legislative initiatives concerning asbestos.

As new developments occur, we shall keep this status report updated.

ASBESTOS AND HEALTH

REGULATORY AND LEGISLATIVE STATUS

AS OF JUNE 25, 1980

FEDERAL REGULATORY

OSHA

1. Present Standard - Allowable level 2 Fibers/cc TWA. Covers all work places.
2. Proposed Standard issued October, 1975 to cover manufacturing only (construction activities were specifically excluded - to be covered by a separate regulation)- 0.5 Fiber/cc TWA.
3. Subsequently in 1976 NIOSH issued a recommendation to OSHA that the level be reduced to 0.1 Fiber/cc TWA.
4. OSHA contracted with Consad Corporation to perform an economic and technological feasibility study on the proposed manufacturing standard.
5. OSHA contracted with Research Triangle Institute (RTI) to perform an economic and technological feasibility study on a construction standard if the level were set at 1.0 Fiber/cc, at 0.5 Fiber/cc, or at 0.1 Fiber/cc.
6. OSHA contracted with RTI to consolidate the Consad and RTI studies.
7. AIA/NA and AACPP jointly presented to OSHA a recommendation for a new standard for construction and other non-fixed places of employment. This recommended new standard would be based on work practices rather than allowable exposure levels. No reaction has been received to the recommendation.
8. No further action has as yet been taken by OSHA with regard to the 1975 proposal.
9. It was strongly rumored that OSHA was preparing to issue an Emergency Temporary Standard lowering the allowable exposure level, but nothing has happened in this regard as yet. Present indications are that, while it is still possible an ETS will be issued, it is not thought likely.

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10. OSHA has entered into a new contract with RTI to do an update on its feasibility study, again evaluating the three possible levels of 1.0, 0.5, and 0.1 Fibers/cc. Completion of this study is required by August 30, 1980.
11. A special task-force made up of representatives from OSHA and NIOSH was appointed to study the overall asbestos health situation and recommend what action should be taken.
12. In April, 1980 a joint press conference was held by OSHA and NIOSH to present the report of the special task-force. The recommendations were as follows:
 - a) There is no safe exposure limit for asbestos.
 - b) All types of asbestos are equally hazardous.
 - c) Present OSHA standard is not adequate to protect the worker.
 - d) A new OSHA standard should be issued which would:
 - 1) Eliminate all non-essential uses of asbestos.
 - 2) Where its use is essential, a maximum allowable exposure limit of 0.1 fibers per cubic centimeter be adopted.
 - 3) Asbestos workers who show respiratory problems would be transferred to other jobs where there is no asbestos exposure without any reduction in pay or benefits.
 - 4) Regulations should protect all workers exposed to asbestos including manufacturing, construction, ship building, and maritime.
13. OSHA has announced its intention to issue a new regulation which will cover both manufacturing and construction according to the following timetable:
 - a) ANPRM issued July/August, 1980.
 - b) Proposed standard issued Fall, 1980.
 - c) Final standard promulgated in Summer or Fall, 1981.

14. It is our best guess that the new OSHA standard will incorporate the recommendations of the special task-force.
15. As far as A/C pipe manufacturing is concerned, we believe that we could survive even a 0.1 Fiber level standard by using personal protective equipment in some areas of our operations. This is not true for some of the other asbestos product manufacturing operations.

Our major concern is the possible impact of the new construction standard on our contractors. If OSHA turns down our recommendation for a work practice standard and insists on work place monitoring and medical surveillance and record keeping, we fear this will have the effect of discouraging the contractors from using A/C pipe. They will turn to other materials to avoid the burdens imposed by the standard.

EPA AND CPSC

1. In order to avoid repetition, since the objectives and procedures of these two agencies are so alike, I shall combine the comments for them.
2. As far as A/C pipe is concerned, CPSC does not appear to be a threat. In response to their ANPRM, the position was taken that A/C pipe should be excluded since it is not a consumer product. They have appeared to accept this inasmuch as their draft of a General Order for Submission of Information does not include the product.
3. The announced intention of EPA acting under the authority granted it by the Toxic Substances Control Act is to ban the use of asbestos and asbestos containing products under the contention that there is no safe level of exposure to the fiber and that its continued use presents an unreasonable risk to the public. They are opting for mandatory substitution for the material.
4. ANPRM has been issued and the deadline for response has passed.

5. AIA/NA is cooperating with EPA by coordinating the critique by nine of its member company of the form they are proposing to use to collect information on the industrial and commercial use of asbestos fibers. This is information which they will request under Section 8(a) of TSCA.
6. We have received information that EPA's timetable for promulgation of an asbestos regulation under TSCA is as follows:
 - a) Publication of the proposed rule for collecting information under Section 8(a) in July/August, 1980.
 - b) Final rule for above issued in October, 1980. Submission of information required by February, 1981.
 - c) Proposed asbestos rule published in December, 1980.
 - d) Final asbestos rule issued by July, 1981.
7. CPSC is expected to follow a similar timetable.
8. We can only speculate at this time as to what the final rule will contain, but our best guess is that it will call for an almost immediate ban of some asbestos products and that it will set deadlines for developing substitutes for products whose use is now essential and for which there are not now available substitutes.

FDA

This agency has not been active recently with regard to asbestos nor do we anticipate that it will become so unless some evidence should develop which would show asbestos to be carcinogenic by ingestion in which case the Delaney Clause would enter the picture. Under the Delaney Clause any material which is proven to be carcinogenic by ingestion is automatically banned from any use in which it comes into contact with food, and water is considered a food. None of the evidence collected so far gives any indication that asbestos is harmful when ingested and so we do not anticipate any problems from this area.

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DOT

The Department of Transportation, several months ago, issued new regulations covering the transportation of asbestos fiber and asbestos products. These regulations were developed in a very informed and professional manner with due consideration given industry input. They are reasonable and feasible and present no problems to us.

STATE REGULATORY

The only State regulatory agency that we know is currently considering rules which could seriously impact us is California's Department of Occupational Safety and Health. Two changes to their asbestos rules are under consideration which could have serious effects on both manufacturers and contractors.

- 1) Increasing the scope of the physical examination content and also adopting a requirement that any individual who works with asbestos or asbestos products for one year or more will be entitled to regular physical examinations, to be paid for by the employer during the possible asbestos exposure, for the rest of his or her life. In the case where there is more than one employer involved, the employee would have the choice of which one of them would pay for the examinations.
- 2) Serious consideration is being given to leading the field by reducing the allowable exposure limit to 0.1 Fiber.

AIA/NA is following the activities of this agency very closely and is providing extensive input to them to try to prevent adoption of these provisions.