

PLAINTIFF'S EXHIBIT

CAP-1809

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Asbestos Federal Register

Part III

Environmental Protection Agency

Asbestos; Reporting and Recordkeeping
Requirements

CAPCO JEN 0004726

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[TSH-FRC 1708; OPTS 84004]

Asbestos; Reporting and Recordkeeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This rule, proposed under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), would require reporting to EPA by asbestos manufacturers, importers, and processors.

This proposal would require the reporting of quantities of asbestos used in various processes, employee exposure and monitoring data, and waste disposal and pollution control information. Reported information will be considered by EPA in deciding whether and how to regulate asbestos under TSCA. Any company that mines asbestos, imports or processes asbestos fiber or any asbestos-containing product should consider submitting comments.

DATES: Written comments on this proposal should be submitted on or before March 27, 1981. Following the written comment period, there will be a 20 day period during which EPA personnel will be available to meet in Washington, D.C. with interested persons.

ADDRESS: Written comments should bear the document control number OPTS 84004 and should be submitted to: Ms. Joni Repasch, Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Room E-447, 401 M Street, SW., Washington, D.C. 20460.

All written comments filed pursuant to this notice will be available for public inspection at the OPTS reading room from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Environmental Protection Agency, Room E-429, 401 M Street, SW., Washington, DC 20460, Toll free: (800-424-9065), in Washington, D.C.: (554-1404).

SUPPLEMENTARY INFORMATION: Section 8(a) of TSCA authorizes EPA to promulgate rules under which manufacturers and processors of chemical substances must submit such reports as the Agency may reasonably require information must be submitted if known to or reasonably ascertainable by the person reporting. To the extent

feasible, the Administrator must not require unnecessary or duplicative reporting.

Under TSCA, manufacturers of asbestos are persons who mine, mill, or import asbestos in bulk form or as part of a product containing asbestos. Processors of asbestos are persons who make products for distribution in commerce which contain asbestos or any asbestos containing component.

EPA emphasizes that the terms "manufacturers" and "processors" as used in TSCA, to some extent, have different meanings from common usage. Section 3 of TSCA defines "manufacturer" to include manufacturers, producers, and importers. Thus, miners and millers of asbestos are "manufacturers" under TSCA, as are importers. Importers include those persons who import asbestos in bulk form, or as part of any product. Thus, persons who import automobiles that contain asbestos brake linings are "manufacturers" of asbestos for purposes of TSCA.

"Processors" of asbestos are persons who prepare asbestos, after manufacture, for distribution in commerce in the same or different form as they received it or as part of a product that contains asbestos. Thus, persons who incorporate asbestos or asbestos-containing components into products are processors under TSCA, even if they consider themselves "users" of a product that contains asbestos.

This proposal divides the asbestos industry into two groups for reporting purposes. EPA will require immediate detailed information on EPA Form 7710-36, "Reporting Commercial and Industrial Uses of Asbestos", from the first group—persons who mine, mill, or import bulk asbestos, or process it to form an asbestos mixture or product, such as asbestos paper. The latter persons are called "primary processors of asbestos".

EPA will require reporting in two phases for the second group—secondary processors of asbestos (secondary processors of asbestos make products from asbestos mixtures as opposed to bulk asbestos), and persons who import asbestos mixtures or other products that contain asbestos. In the first phase, companies would identify themselves and the asbestos mixtures they process or import. EPA would then select a sample of respondents from this identification phase to complete the detailed EPA Form 7710-36 in the second phase of reporting for this group.

The primary reporting form for this rule, EPA Form 7710-36, is a composite form designed for use by several dissimilar types of respondents, each of

whom will fill out only designated portions. Thus, as summarized on page 4 of the form (see § 763.76(a) of the proposed rule), the different types of respondents are to complete the following pages:

Type of respondent and page numbers

Miners and Millers—8, 10, 28, 29, 30, 32, 34.
Importers of Bulk Asbestos—8, 11, 28, 29, 30.
Primary Processors—8, 12, 16, 28, 29, 30, 32, 34.

In the second phase of reporting, those secondary processors and importers of asbestos-containing products selected for detailed reporting are to complete the following pages:

Type of respondent and page numbers

Secondary Processors—8, 20, 26, 29, 30, 32, 34.
Importers of Asbestos Mixtures—8, 22, 28, 29, 30.
Importers of Articles Containing Asbestos Mixtures—8, 24, 28, 29, 30.

Information that is submitted for this rule will assist the Agency to address the following questions related to evaluating exposures to asbestos and the potential impacts of various TSCA regulatory options:

1. What are the types, quantities, and values of products made today which contain asbestos?

2. Where are asbestos-containing products made and how much asbestos fiber is emitted from those manufacturing sites and disposed of as waste?

3. What is the number of workers involved with making the different asbestos-containing products and what are the current workplace exposure levels?

4. What are the types and quantities of products now imported which contain asbestos?

I. Background

EPA published an Advance Notice of Proposed Rulemaking (ANPR) in the Federal Register of October 17, 1979 (44 FR 60061) for an asbestos regulatory investigation. The ANPR comment period was extended to February 17, 1980 in the Federal Register of December 17, 1979 (44 FR 73127). In the ANPR, EPA expressed concern that many sources of human exposure to asbestos may present an unreasonable health risk. Several options for controlling the risks from asbestos were discussed, including a labelling requirement; prohibition of specified products; restriction on the amount of asbestos consumption; or a total ban on the uses of asbestos that would involve granting exemptions in some cases. The ANPR also announced

a joint effort by EPA and the Consumer Product Safety Commission (CPSC) to investigate risks associated with asbestos and to coordinate information gathering among agencies.

Asbestos is consumed by thousands of companies to make a wide variety of products. Some fibers are inevitably released as a result of fiber processing, distribution in commerce, product use, and disposal. Under TSCA, EPA is currently investigating and quantifying the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products.

II. Purposes of This Rule

The purpose of this rule is to obtain current information about major aspects of asbestos manufacture and processing to support the Agency's asbestos regulatory investigation. Information obtained by this rule will be used to improve existing estimates of exposure and of the economics of asbestos use, and to describe asbestos use as thoroughly as practicable. For example, while there are over 3,000 existing patents for applications of asbestos, there is no information on which ones have been used commercially.

This informational rule is being developed in parallel with regulatory analyses under section 6 of TSCA, and analyses by the Consumer Product Safety Commission and the Occupational Safety and Health Administration. By using this rule along with existing information to complete a comprehensive picture of asbestos use in this country, the Agency expects to aid the ongoing Federal efforts to assess and deal with the risks presented by asbestos.

Federal proceedings to control asbestos exposure may be begun without the information this rule would require. This Agency may determine that action under section 6 of TSCA is appropriate before data from this section 8 rule are analyzed. However, consideration of all available information, including information reported under this rule and by way of public comment, would continue until a final section 6 rule is promulgated. The information obtained by this rule will enhance the data base on which decisions are made. In addition, this section 8(a) rule will provide discrete data for use in other Federal regulatory investigations and compliance activities and, potentially, for exemption proceedings that could be necessary following imposition of controls on asbestos exposure.

Information is presently available from a number of sources; however, it is generally already in an aggregated form

where the individual discrete components cannot be checked to verify the aggregate. Much of the existing information also consists of estimates which may not reflect the current situation because the data were gathered many years ago. In addition, existing data are sparse about certain industrial segments. The Agency intends to use reported data to verify where possible the aggregate data it already has and to complete a fully representative picture of the present situation. In addition, individual reports which identify firms, production sites, and asbestos products will provide a detailed inventory of asbestos use that has not been available for regulatory investigations.

The final section 8 rule may be reduced in scope in comparison with this proposal. As the regulatory analysis under section 6 continues, the Agency may be satisfied that it possesses sufficient information about certain activities; EPA will narrow the final section 8 rule requirements wherever possible in such instances. The requirements could be narrowed in several ways, such as requiring data from fewer years, eliminating categories of information, classifying products more broadly, reporting data company-wide instead of by plant site, or reducing the scope of the secondary processor and importer sample survey.

III. Comments to the Advance Notice of Proposed Rulemaking

Comments to the ANPR have provided helpful feedback on the Agency's approach to regulation, but have contained few of the data needed for the investigation. One exception is the specific data submitted by producers of substitutes for asbestos.

Commentors supported the purpose of a section 8(a) rule so EPA could develop a better profile of asbestos usage in the U.S. Primarily, persons commenting on section 8(a) discussed the following: legal guidelines to which they believe the Agency must adhere when promulgating a section 8(a) rule; the role of section 8(a) data in any TSCA action to regulate chemicals; and the kinds of information they believe EPA may require under the authority of section 8(a). Many persons submitting comments were extremely concerned that reported information be treated confidentially, and that the Agency ensure the protection of confidential information that would be shared with other agencies.

IV. Other Sources of Information

EPA is currently conducting a comprehensive search for all sources of

information relevant to the regulatory investigation. This search involves: reviewing the extensive literature concerning asbestos; obtaining information from other Federal agencies; and developing new data through EPA contractors.

The search for information and the preliminary results of the search are described in an internal EPA document entitled, "Technical Information Summary", which is part of the public record of this rulemaking and is available upon request. This document is a descriptive summary of available information and of the uses of the information the Agency may obtain under TSCA section 8(a). The document discusses the steps taken to examine and make maximum use of all available information prior to requiring the submission of new data under this rule.

Briefly, the "Technical Information Summary" contains the following conclusions. First, the basic data source of asbestos consumption patterns is from the Bureau of Mines. Many of the documents concerning industrial and commercial uses of asbestos cite the Bureau of Mines data. However, the data used by the Bureau of Mines to determine asbestos consumption are from an annual voluntary survey of only a portion of asbestos users and, for instance, do not count 40 percent of the bulk asbestos we know is imported. The Bureau of Mines estimates that the asbestos consumption figures are accurate only to ± 50 percent. EPA expects to attain a higher degree of accuracy because virtually all of the production of bulk asbestos will be reported under this rule and this production will be reported according to more usefully defined categories of companies and products. In addition, EPA will be able to extrapolate with greater confidence from data obtained in the representative survey to all of industry.

Our search for information from other Federal agencies has obtained useful information from the EPA Office of Enforcement "National Emission Standards for Hazardous Air Pollutant (NESHAP) Asbestos" file, inspection data from both the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA), and import data from the U.S. Customs Service. However, a great deal of desired data is already reported to several agencies who cannot make the data available to EPA because the individual data are confidential. For example, the Bureau of the Census is precluded under Title 13, U.S. Code, from disclosing individual

reports it receives. In addition, the Bureau of Mines promises total confidentiality of reported data in order to encourage voluntary responses to its annual survey.

Contractors working for various OPTS offices have had difficulty in obtaining new data. Often, information is withheld by industry because it is considered proprietary. Many requests to industry for information have gone unanswered or resulted in the submittal of information of little value. Sometimes entry to manufacturing and processing facilities to perform independent monitoring has been either denied or delayed. While the contractor efforts are yielding detailed analyses of available information and useful results for the regulatory investigation, the reports are also identifying several gaps in available information.

V. Uses of Collected Information

The section 8(a) data will be used for analyses related to the TSCA regulatory investigation and economic assessment, non-TSCA regulatory activities by other EPA offices, and investigations or analysis by other Federal agencies. Joint use of information under this section 8(a) rule will avoid duplicate industry reporting and duplicate agency efforts.

A. The TSCA Regulatory Investigation

Data obtained under this rule will support both development of risk assessments and decision-making among potential TSCA control options.

At present, no comprehensive picture exists of the consumption of all of the asbestos produced domestically or imported. Of the presently available information, that of the Bureau of Mines is considered to be the best about the usage of bulk asbestos. However, the Bureau of Mines information does not fully represent asbestos usage. The goal of the present rule is to develop a more comprehensive picture of the asbestos fiber life cycle through mining, milling, product manufacturing, use, and disposal. With this picture, the Agency can qualitatively and quantitatively verify exposure estimates, and at the same time analyze the economic and societal impacts of control options.

To complete the picture, the Agency proposes to obtain data from a variety of respondents. Under this proposal, miners (including millers) and importers will report quantities of bulk asbestos produced or imported by type of fiber; importers of merchandise known to contain asbestos will report the quantities and values of those products. Miners and importers will also report about employee exposures, amounts of waste generated, and the effectiveness

of their pollution control equipment. Primary processors and some secondary processors of asbestos will report the amount of asbestos fiber or asbestos mixtures they consume, the quantity of goods they produce, the amount of asbestos they dispose of as waste, the amounts of asbestos collected and emitted (not captured) from their pollution control equipment, and summaries of workplace exposures to asbestos.

The Agency will use the reported data to estimate the total numbers of persons exposed to asbestos by working with asbestos, by using asbestos-containing products, or by living near a mine or processing site. With data obtained by this rule, EPA can develop a more detailed picture of asbestos use to determine and quantify points of environmental release. The reported data about uses and exposures will assist the Agency in describing who is exposed during the life cycle, and whether those persons are miners, transporters, workers, consumers, or the general population. The data will also support the estimation of the levels of exposure, the duration of exposures, and the kinds and sizes of fibers to which persons are exposed. This information will then be considered in the context of the known health effects of asbestos. For example, the amount of asbestos emitted from a factory can be matched to the general population at risk. From reported data, total exposure of construction workers and consumers can be estimated by tying production quantity information to estimated exposure levels that result from the fabrication or use of the products.

The Agency will also use reported data to predict trends about asbestos usage and to determine the efficacy and economic impacts of various regulatory options. To accomplish this, the Agency will consider information about the total amount of asbestos and asbestos mixtures proceeding through the life cycle of asbestos, the numbers of persons employed in making them, and the amounts made for each category of use for a period of years. Reported values of the products made will allow EPA to more accurately project, through econometric modeling, the economic effects of asbestos regulation. Learning the numbers of employees will permit the Agency to evaluate the potential effects on employment of any asbestos regulation.

The Agency will consider whether substitutes are feasible and available for different applications. In assessing the availability of substitutes, reported information on fiber type and size, and

the functions of the asbestos in a product will be considered. This information will be used to judge the comparability of performance and cost of asbestos and its potential substitutes.

B. Other EPA Program Offices

Other EPA program offices will also use the data obtained through this rule. The Office of Air Quality Planning and Standards (OAQPS) hopes to learn more about quantities of emissions, efficiency of pollution control equipment, and quantities and methods of waste disposal at industrial facilities. OAQPS is reviewing the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 CFR 61.20) and expects this rule to obtain more current data than are now available. There have been changes in the composition of the asbestos industry, its waste disposal methods, and its use of pollution control equipment since the NESHAP reports were submitted.

The Effluent Guidelines Division, Office of Water Planning and Standards, has been pursuing an investigation of asbestos fiber levels in industrial effluents, and expects to use reported information to identify industries and firms whose effluents could be investigated.

C. Other Agencies

The Consumer Product Safety Commission (CPSC) is especially interested in the inventory of products which will result from reports under section 8(a). The reports will contain descriptions of many companies who make consumer products, the quantities made, the amount of asbestos contained, and any existing data about testing or measurements of fiber release during use of the products. On December 22, 1980, CPSC published a General Order which requires reports about the use of asbestos in certain consumer products (45 FR 84384). This information will be reported before the final section 8(a) rule is published. Consideration of the section 8(a) data may help to focus CPSC's continuing investigation on certain additional consumer products. This information would provide much of the data needed in the CPSC investigation and may relieve CPSC from requiring additional reports from industry. Both agencies intend to share all reported data to the extent possible.

It is likely that some persons will be subject to both the CPSC order and the EPA section 8(a) rule. This proposal stipulates that respondents do not have to report information to EPA that has been previously reported to CPSC, other than their name and product identity, unless the respondent specifically

requested CPSC not to release the data to EPA. In such cases, respondents will be required to complete all portions of the applicable EPA forms. The CPSC General Order requires reporting of three years of data, while EPA's proposal would require five years of data on asbestos mixtures and 10 years of data on bulk asbestos. Companies who must report to both agencies would be required to report data from the additional years to EPA. This requirement is necessary because the two agencies intend to use the data in different ways. CPSC hopes to better estimate how much of the product may still be in commerce or in the consumer's hands. EPA on the other hand, hopes to more completely determine the amounts and forms of asbestos in the environment from past production and better estimate the total impact of asbestos on public health. Historical data will permit time-series regression analysis to better project impacts of a control action on the national economy.

The Occupational Safety and Health Administration (OSHA) has expressed interest in data relating to exposures in the working environment. The Mine Safety and Health Administration (MSHA) is also interested in employment and workplace exposure data. Both OSHA and MSHA are currently reviewing their asbestos workplace standards and expect the data obtained from this rule to be useful for a number of regulatory efforts.

D. Limitations of This Information

This rule will not obtain some information which may be pertinent to Agency considerations. Many questions about contamination of ambient air may remain because there are no Federal requirements that industries measure emissions from mines and milling sites or asbestos product manufacturing sites; or to measure asbestos released during use of products by consumers or workers in the construction industry, including releases during the installation, lifetime wear, or removal of asbestos products. However, respondents would have to submit such data if they possess them.

This rule also will not require the submission of data about the availability of substitutes. At this time, the Agency believes that there is sufficient existing information to make a general finding that substitutes are available for most asbestos applications. However, further detailed information about substitutes for certain products or applications may be needed for the ongoing regulatory investigations. CPSC will require the

submission of information on substitutes for asbestos in certain consumer products under the General Order, described above in section V.C. Should EPA need to require information at a later date, a separate section 8(a) rule would be developed. If further information is needed on the health effects of certain substitutes, unpublished health and safety studies may be obtained under TSCA section 8(d).

Only limited information will be generated about the massive amount of in-place asbestos. Although asbestos has had widespread use for over thirty years, historical data on bulk asbestos will only be reported for ten years and U.S. production of asbestos products for five years. Further, the ultimate fate of only a fraction of the fiber used in the last ten years will be accounted for under this rule.

It must be noted that it is not necessary that the Agency possess every item of information in order to regulate a chemical substance or mixture. It will often be sufficient to extrapolate from known information to obtain the necessary data.

VI. What To Report

EPA has developed two forms which are to be completed by respondents. The composite form, EPA Form 7710-36, "Reporting Commercial and Industrial Use of Asbestos," (hereafter referred to as the "Primary Form"), has individual sections for reporting data about products, production, asbestos consumption, employees, workplace exposures, waste and disposal, pollution control equipment, and estimated quantities of asbestos emissions. Respondents will fill out the sections that apply to them. Each respondent is to complete the relevant sections of the form depending on the activities of the reported plant site. The instructions to the form clearly list the sections that are to be completed by miners and millers, importers of bulk asbestos, and primary processors respectively. Those persons will complete all applicable sections of the Primary Form, and will report all asbestos importation and processing activities in the first reporting phase. In addition, the Primary Form contains separate sections to be completed in a second reporting phase by a sample of persons who are only secondary processors and importers of asbestos-containing products. Persons from those segments who are selected to complete the Primary Form during the sample survey will complete the applicable sections (see discussion below in "Reporting Procedures").

EPA Form 7710-37, "Secondary Processing and Importation of Asbestos Mixtures," (hereafter referred to as the "Secondary Form"), is a short survey form which requires identification of asbestos mixtures or components, the amounts consumed or imported in 1980, and the products into which these mixtures and components are incorporated. The Secondary Form, to be completed by secondary processors and importers of asbestos-containing products, will serve several purposes for the Agency. The procedural purpose of the Secondary Form is to permit EPA to identify the companies in these groups in the least burdensome manner so that only a representative sample of the groups will be required to complete the Primary Form. The information from the Secondary Form, because it identifies firms and products and production amounts, will in itself provide EPA with valuable information. Data from the Secondary Forms will show the breadth of the secondary processor population and the variety of asbestos-containing products that are presently manufactured or imported. Finally, the reports of the quantities of asbestos mixtures that were consumed or imported in 1980 will permit EPA to gauge the present levels of processing and importation of asbestos products. These data will be used in estimating potential worker and consumer exposure and in judging the economic consequences of alternative control options. In addition, knowing the products of secondary processing will support determinations of the availability of substitutes.

VII. Who Reports

This proposal defines who must report and what to report according to the industrial activity of the respondent during 1980. The Primary Form must be completed by all persons who mine, mill, import, or process bulk asbestos. The Secondary Form will be completed by secondary processors or persons who import asbestos mixtures or articles containing asbestos components. Some of these persons will be selected subsequently to also complete the Primary Form. This section will clarify the meaning of some of these terms that are specific to this rule.

Under this rule, a manufacturer is a person who mines or mills (produces) bulk asbestos or a person who imports asbestos either as bulk asbestos or as part of a product. Persons who, in addition to manufacturing, also process their products will report as both manufacturers and primary processors, as described below. This rule does not require reports by manufacturers or

processors of products which contain asbestos as a contaminant or an impurity. While the Agency is concerned about the health risk posed by fibrous minerals in many ores or other products, this subject is not within the scope of the present EPA investigation.

TSCA defines a processor in part as a person who prepares a chemical substance or mixture, after its manufacture, for distribution in commerce. This rule classifies processors into two groups according to their starting material. "Primary" processors of asbestos are those whose starting material is bulk asbestos (a chemical substance). "Secondary" processors of asbestos are those whose starting materials are asbestos mixtures.

A primary processor starts with bulk asbestos and makes a mixture that contains asbestos fiber. (A primary processor may simply mix or repackage different types or sizes of fiber and then sell that product. Such a mix of fibers is still considered "bulk asbestos" for the purpose of this rule.) Asbestos mixtures are products to which asbestos fiber has been intentionally added and which can be used or processed further and incorporated into other products. For example, asbestos cement, asbestos paper, and asbestos-reinforced plastics are asbestos mixtures. In some cases, a primary processor further processes the asbestos mixtures. If so, the person is also a secondary processor. For instance, asbestos paper can be further processed to incorporate it into an article or asbestos-reinforced plastics can be further processed to make vinyl-asbestos floor tile. Under this regulation, persons who are involved in both primary and secondary processing activities at the reported plant site must report both types of activities on the Primary Form. Only persons who are solely secondary processors at the reported plant site report as secondary processors.

"Secondary processors" are those who start with asbestos mixtures and incorporate them into their own products. For example, persons who fabricate asbestos cement sheet by cutting the sheet to make an electrical switch board, or persons who make garments by cutting an asbestos textile, are secondary processors. An automobile manufacturer is a secondary processor if he incorporates asbestos felt into an automobile as a hood insulation blanket or makes heating vent ducts from asbestos paper. A paint formulator is a secondary processor if he purchases a paint that contains asbestos and reformulates the paint by adding some agent to give the paint

special properties for specific applications. A more complete list of examples of asbestos starting materials and products may be found in the instructions to EPA Form 7710-36 and 7710-37.

Certain secondary processors are excluded from this rule. They are persons who repair articles, repackage asbestos mixtures without modification, or who engage in construction work. Other secondary processors are exempted if they apply, assemble, install, erect, or consume asbestos products without modifying or fabricating the asbestos products. While we believe there may be a substantial risk from asbestos exposures in these categories, we expect to complete necessary analyses with estimates and extrapolations of data reported by the persons who make the asbestos-containing products that are processed by the excluded industries. Therefore, reports from these excluded industries are not essential. The Agency proposes to exempt these persons from reporting primarily because so many persons are in these categories, the workforce is constantly changing, and they are generally composed of many small businesses, such as brake repair shops and construction companies.

Persons who solely distribute in commerce, and do not manufacture, import, or process asbestos products, are excluded from reporting under this rule.

Reporting is not required by persons who use bulk asbestos or asbestos products but do not distribute them in commerce as part of a product. The most common example of this is in the manufacture of chlorine, where some persons use asbestos as a diaphragm to separate the chlorine and the caustic soda. While much bulk asbestos is consumed annually by this industry and much waste generated, asbestos fiber is not present in the resultant products which are distributed in commerce and these activities are therefore not "processing" within the meaning of TSCA.

This rule requires reporting by manufacturers and processors of asbestos mixtures. Section 8(a) states that reporting by manufacturers or processors of mixtures should be required only when the Administrator determines that it is "necessary for the effective enforcement" of TSCA. Those who manufacture or process asbestos mixtures are also necessarily processors of asbestos, the chemical substance. The processing of the chemical substance asbestos is an activity that is likely to involve potential risk to health and the environment. This information gathering

rule is supporting the Agency's investigation of the magnitude of exposures to a chemical substance. Therefore, manufacturers or processors of mixtures containing that substance will be considered processors of the chemical substance for purposes of this section 8(a) rule. Section 8(a) does not require that EPA determine whether information from such persons will be "necessary for the effective enforcement" of TSCA. In this case, EPA has nevertheless made the determination. In this rule, we propose that information about mixtures be reported or kept as a means of tracing asbestos through the lifecycle. For this purpose, the information is essential to completing the picture of the source, utilization, and ultimate fate of asbestos. Therefore, to the extent that this rule would require information about asbestos to be reported or kept by persons who manufacture or process asbestos mixtures, the Administrator finds that it is necessary for the effectiveness of this rule and, therefore, for effective enforcement of TSCA.

Those who import an asbestos mixture or an article containing an asbestos component(s) are required to identify themselves and the asbestos component(s) of the imported product. By this requirement, EPA is attempting to determine all of the asbestos-containing products being distributed to consumers and to industry. This will enable the Agency to estimate the total health risk posed by asbestos, including the risk from imported products. Clearly, asbestos may present risks of exposure when it is contained in imported products—whether fiber release occurs during processing, use, or disposal. The Agency recognizes that there is a large universe of asbestos-containing products that are imported, and that some importers may not know that discrete components of imported merchandise contain asbestos. In those cases, EPA will not learn of all imports that contain asbestos. However, we expect that many importers do know that their imports contain asbestos components, because either "asbestos" is part of the product name or the product specifications identify asbestos. Importers should note that under this rule, they are not required to conduct extensive research or to contact the foreign manufacturer to learn this information. Thus, under § 763.77 of the rule, importers who submit the Secondary Form are required to report to the extent that this information is in their possession.

VIII. Reporting Procedures

Companies with multiple plant sites must report the activities of each plant site on an individual form with one exception. That exception is that respondents have the option to report the total imports or exports of the company altogether on a single form. The form instructions explain further how this is to be done.

Miners, millers, primary processors, and importers of bulk asbestos would submit all appropriate portions of the Primary Form within 60 days after the effective date of the final rule. If the respondent's activities include "secondary processing" or importing of asbestos mixtures or articles containing asbestos components, all such activities would be reported at the same time the person reports as a miner, primary processor, or importer of bulk asbestos. All such persons will be subject upon request by EPA to further reporting of customer lists and quantities sent to those customers, and, except for importers, specified monitoring data up to four years after the effective date of the rule.

EPA will require reporting in a different way for secondary processors and importers of asbestos mixtures. Apparently there are many thousands of persons who are secondary processors or importers of asbestos-containing mixtures. EPA has devised a scheme to reduce the reporting burden for these companies. Persons who are solely secondary processors or importers of asbestos mixtures or articles containing asbestos components would be required to report to EPA in phases. First, they would submit the Secondary Form within thirty days after the effective date of the rule. The Secondary Form reports will be used by EPA to improve the Agency's knowledge of the products being made with asbestos, the number of companies making the products that contain asbestos and the amounts of asbestos mixtures they use, and the kinds and amounts of mixtures and products being imported.

The Agency anticipates that further reporting of the information on the Primary Form by some respondents will be necessary to develop more complete profiles and projections for regulatory analyses. The Secondary Form will not ask all respondents (estimated to comprise 9,000 plant sites) for the detailed information the EPA would like to consider in the risk and economic analyses. Instead, the Agency plans to have a representative sample of Secondary Form respondents report more detailed information. The Agency wants to account for 100 percent of

asbestos usage, but for purposes of this analysis, and to reduce the reporting burden, we will be satisfied to make extrapolations from less than 100 percent. EPA believes that a sampling technique can provide information that would adequately describe secondary asbestos processing and products. Sampling to decrease the number of processors required to submit additional detailed information will reduce the overall burden of additional reporting substantially. In section XII, "Reporting Burden", we estimate that Phase 2 reporting will be required from approximately 20 percent of the Phase 1 respondents. Our objective is to sample only the number necessary to meet the goal of attaining a reliable sample.

EPA plans to use a stratified random sampling method as the basis for the sample survey.¹ That is, the respondents to the Secondary Form would be divided into non-overlapping and reasonably homogeneous strata and then sampled by stratum. The strata would be defined by all or an appropriate subset of the following variables: reported asbestos starting material, reported asbestos end product, and the volume of asbestos starting material annually consumed. The type of asbestos starting material and the asbestos end product would permit EPA to follow a representative portion of each product category application in the asbestos lifecycle. Consideration of the amount of the asbestos starting material that is consumed will better ensure representation of both larger and smaller processors of asbestos materials.

The Agency can only make the final decision on which variable(s) to use in stratifying and how large the sample will be after examining the composition of the Secondary Form respondents, since the actual numbers of respondents and the products they report in the first phase may vary significantly from present estimates. The Agency will stratify and sample respondents with the goal of minimizing the reporting burden as much as is practical. To extrapolate an estimate about a population from a sample survey requires obtaining reports from enough respondents to represent the whole population. To make an estimate about a stratum composed of a few respondents may require sampling a larger percentage than would be necessary to make an estimate of the same reliability about a stratum composed of a greater number of respondents. EPA will use one or a

¹ Kish, Leslie. *Survey Sampling*. New York: John Wiley, 1965.

combination of the variables listed in the preceding paragraph to stratify respondents for the sample survey. The Agency will select the stratifying variable(s) which will result in the fewest number of respondents while still ensuring a reliable statistical sample.

The Secondary Form respondents selected for more detailed reporting will be notified by certified letter. These persons will have 60 days to complete relevant portions of the Primary Form.

All persons selected for detailed reporting on the Primary Form would also be subject to further reporting of customer lists and quantities sent to those customers, or, except for importers, monitoring data for four years after the effective date of the rule.

Some persons subject to reporting under this rule may be exempted from reporting certain information already reported to EPA, CPSC, or OSHA. A company which has adequately reported data to EPA will not be required to report the same information again, and would write "EPA" in place of the data on the form. Persons who have already reported production or importation quantities to CPSC must still identify themselves and the names of their products to EPA according to the requirements of this rule. However data already reported may be referenced by writing "CPSC" in place of the data, unless the respondent specifically requested CPSC not to release the data to EPA.

The Agency intends to send reporting forms directly to as many potential respondents as possible. To identify persons currently subject to this rule, a master list of persons known to produce or make asbestos products has been assembled from a number of different lists supplied by industry associations, government agencies, and industry information that is publicly available. In addition, efforts will be made to widely publicize these reporting requirements, so that persons as yet unknown to EPA will comply with these reporting requirements.

The Agency solicits comments on these procedures and requirements.

IX. Records To Keep

In this proposal, persons subject to reporting the Primary Form would also be required to keep, until four years after promulgation of this rule, certain supplemental information available for submission to EPA upon request. Persons who report only the Secondary Form would not be subject to these recordkeeping requirements. In addition, the monitoring records of importers need not be kept for or made available to EPA.

All persons required to submit the Primary Form would keep a list of customers for their products in 1980, and could be required to provide to EPA the names of the customers, their addresses and the quantity of each asbestos-containing product sent to each customer. It may be necessary for EPA to examine these customer lists. Some customers may not be subject to reporting (because they are either not processors under TSCA or exempt in this rule from reporting), yet the Agency may need to know about the consumption of asbestos by those customers for assessment purposes. If the Agency finds it likely that many persons did not initially report as required, EPA may need to trace asbestos usage by obtaining lists of customers and sending those persons reporting forms to complete. Also, the Agency may need to examine the lists of customers, in order to ensure that reports are obtained from all persons subject to this rule.

The second recordkeeping requirement makes available to EPA the OSHA and MSHA monitoring data of miners, millers, primary processors, and the secondary processors completing the Primary Form. These data are now required to be kept, but are available upon request only to the Department of Labor and the Department of Health and Human Services. Should EPA need to examine the data upon which the submitted monitoring summaries are based, this requirement will permit EPA direct access to those records.

If the Agency needs to examine records for the reasons stated above, a certified letter, signed by the Deputy Assistant Administrator, Office of Toxic Substances, would inform these persons. Respondents would have 30 days to report customer lists, and 60 days to report monitoring data.

X. Confidentiality

The Agency has developed specific instructions for asserting and substantiating claims of confidentiality for any information submitted in response to this rule. These instructions are incorporated in the reporting forms and may be found in §§ 763.76 and 763.77 of the rule. Any claims of confidentiality must be made at the time of submission as provided in 40 CFR Part 2 as amended September 8, 1978 (43 FR 39997), and March 23, 1979 (44 FR 17673), and in the manner specified in the reporting forms of this proposed rule. To ensure proper handling, confidential material must be submitted to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency,

Rm. E-447, 401 M Street, SW, Washington, D.C. 20460.

This proposal employs a simple certification method to assert a claim of confidentiality. To assert a claim of confidentiality, the respondent would mark the applicable line on the form that contains confidential information. The respondent would certify that the company has taken measures to protect the confidentiality of the information, that the information is not publicly available, and that disclosure of the information would cause the company substantial competitive harm. All of these conditions must exist for any information to be claimed confidential. Final determinations on confidentiality will be made by EPA in accordance with 40 CFR Part 2.

The Agency proposes to aggregate information about production, consumption, employment, and environmental release that is reported for this rule. The Agency will primarily use aggregate data for analysis necessary to support the TSCA section 6 regulatory investigation. These data aggregates and analyses will be part of the section 6 asbestos rulemaking record that is available to the public. To protect confidential information in the aggregate data sets, in most cases no data from individual reports would be released, even if they are non-confidential. Releasing discrete data could jeopardize the aggregate data sets, because through subtraction of non-confidential data from the aggregate it would be possible to ascertain specific confidential data. Comment is invited on this aggregation procedure.

The Agency believes that, in the case of asbestos, basic identifying information (company name, plant site location, and asbestos product name) should not be considered confidential and should be available to the public upon request. The Agency has observed that companies usually make no secret of the presence of asbestos in their products and that it is generally an advertised component of the product. In any case, it is likely that a competitor could easily ascertain that asbestos is present in the product. EPA believes that companies should not anticipate making such claims. Comment is invited on the question of whether there are circumstances in which any of the above three items of information could be confidential.

As previously stated, EPA intends to share all reported data with other Federal Agencies, including confidential data in individual reports. However, EPA will require that personnel from other agencies obtain a TSCA security clearance before access to confidential

data is granted (See "TSCA Confidential Business Information Security Manual," Chapter 6—Security Requirements for Other Federal Agencies). Similarly, EPA will require that an agency adopt certain security procedures before confidential information can be stored at that agency.

XI. Small Manufacturers and Processors

In this proposal, small businesses which employ ten or fewer employees are exempted from any requirements of this rule. We estimate that over 40 percent of the potential respondents who are not otherwise excluded will be exempted as a result of this provision, while firms that account for approximately 97 percent of employees and sales will still be included. The basis for these estimates is summarized in a memorandum titled "Statistics for Companies with 10 or Fewer Employees", which is part of the public record for this rule. The Agency believes that this exemption, in conjunction with other exclusions in this rule will greatly reduce the reporting burden of this rule, yet enable EPA to obtain sufficient information to meet the needs of the TSCA asbestos regulatory investigation. (EPA has also excluded many small businesses by exempting the construction and repair industries.) This definition of small businesses is the same definition used by OSHA to exempt employers from recording and reporting work-related injuries and illnesses (29 CFR Part 104), and this has become a standard familiar to industry.

The Administrator may not be obligated to exempt small businesses from this asbestos reporting rule. Section 8(a)(3) requires that small businesses be exempt from section 8(a) rules unless the chemical substance or mixture is subject to a rule proposed or promulgated under TSCA section 4, 5(b)(4), or 6. On September 17, 1980, EPA proposed a rule on asbestos under section 6 of TSCA (45 FR 61966). However, we know that many small businesses would potentially be subject to this section 8(a) rule. Even though it is not obligated to exclude them, the Agency is proposing to exclude small businesses if the objectives of the rule can still be met.

The Agency proposes to exempt small businesses from reporting because we expect to obtain a sufficient amount of information even with a small business exemption. Our analysis indicates that relatively few primary processors (a concentrated industry composed of large companies) would be exempted under the proposed exemption, so that the Agency will still be able to develop a good profile of the primary processing

industry. Also, the Agency will develop a reasonably comprehensive inventory of asbestos-containing products and determine the potential for exposure at their manufacturing sites, since the remaining nonexempt persons account for approximately 87 percent of the employees and product sales in affected industries.

XII. Reporting Burden

In order to assess the clarity of the form and to ensure that data are reported in the most effective manner, the Agency conducted a pre-test of the form through the Institute for Survey Research, Temple University. The respondents were members of the Asbestos Information Association. This pre-test was quite valuable to EPA in improving the clarity and coherence of the form. In addition, the respondents estimated the cost of completing each section of the form. The final report by the Institute for Survey Research, "Design and Testing of Asbestos Use Reporting Form", is part of the public record for this rule. The pre-test was not a statistically-based sample and only eight companies were asked to participate. Therefore, the resultant cost estimates could not be used directly to compute the reporting impacts of this rule. However, the pre-test results helped EPA arrive at an impact estimate. A detailed description of the reporting burden estimates can be found in a report by Arthur Young & Company, "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos", which is part of the public record for this rule. The results of the pre-test and the reporting burden calculations are summarized in the "Reports Impact Analysis", an internal EPA report that is available in the OPTS Reading Room. The documents cited above may be acquired by writing or calling the Industry Assistance Office at the address and telephone number given at the beginning of this notice.

In section XI of this preamble—"Small Manufacturers and Processors"—we calculate that 40 percent of the secondary processors will be small businesses and will be exempt from this rule. Therefore, in this section costs are calculated for 5385 secondary processors, while we estimate there may be a total of 8,974 secondary processors if small businesses are counted. (These estimates are derived from a formula used in 1976 by the Asbestos Information Association, which is described in the "Reports Impact Analysis".) In addition, our calculations exclude primary processors who are known to be small businesses. However,

we do not calculate the cost reduction from excluding small importers because the composition of that segment is not well-defined. Yet, we do expect that this group will contain some small businesses. Therefore the actual reporting costs may be less than our present calculations.

As already discussed, two reporting forms will be used for this rule. The Primary Form will be completed by miners, millers, primary processors of asbestos, and importers of bulk asbestos in a first reporting phase. We estimate that for this group of respondents, a total of 487 reports would be received by the Agency. Completion of these reports would require a total of 11,000 hours, and cost approximately \$320,000.

Secondary processors and importers of asbestos mixtures or articles containing asbestos components will be required to initially complete the Secondary Form. We estimate that it will take four hours to complete each form, at a cost of \$120 per form. The Agency anticipates receiving 5750 such reports. Therefore, the Secondary Form reporting would require a total of 23,000 hours, and would cost approximately \$690,000.

We expect that approximately 20 percent of those persons who initially complete the Secondary Form will be selected, in a sample survey, to complete the Primary Form. From this survey, EPA expects to receive 1150 reports, which would require a total of 37,000 hours, and would cost \$1,100,000.

Based on these cost estimates, and assuming a small business exclusion, we estimate the total cost of reporting for this rule would be \$2,100,000, requiring 71,000 reporting hours. If a small business exclusion were not included, we estimate this rule would require a total of 110,000 hours, with a total cost of \$3,200,000.

Using available data, an economic impact analysis of the proposed rule was performed for primary processors. Using the measure of the one-time cost as a percent of annual gross profits, the estimated impact was found to be minimal (around 0.1%) for even the smallest primary processors (the ones most likely to be impacted).

Such an economic impact analysis was not possible for the other industry segments affected by this rule due to unavailability of data. EPA did compare the average value of shipments for four-digit SIC codes for primary processors and other SIC codes likely to contain asbestos secondary processors. This comparison suggested no significant difference between primary processors and other industry segments in the size ranges of 10-19 and 20-49 employees.

These size categories are the smallest establishments likely to be impacted by this proposed rule and the ones most likely to experience adverse effects. On this basis, EPA feels that the potential impacts on secondary processors and others in the asbestos industry will be of a similar small magnitude as the impacts estimated for the primary processors. Refer to two documents in the public record: (1) "TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos: Economic Impact on Secondary Processors", memorandum from Regulatory Impacts Branch, December, 1980, and (2) "Economic Impact Analysis for the TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos," Arthur Young & Company, Washington, DC, October, 1980.

Comment is requested on these cost and economic impact estimates. Further, EPA recognizes that these cost projections are estimates based on only a few participants in the ISR pretest. The Agency requests any relevant data and estimates of the costs to complete the form as well as any other specific data on company size, number and types of employees, number and types of asbestos products, gross margins, and other company data relevant to developing the reporting impact analysis for the final rule. The Agency will consider any data submitted in determining the economic impact of the final rule.

This rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, it is not subject to the requirements of the Regulatory Flexibility Act, Pub. L. 96-354. As required by the statute, EPA is consulting the Office of Advocacy, Small Business Administration. As described above in section XI, the Agency is proposing to exempt small businesses from the requirements of this rule. The proposed definition of small businesses would exempt approximately 40 percent of the entities which would otherwise be subject to the rule. The Agency is requesting public comment on whether this exemption is appropriate for this information gathering activity. Should the Agency adopt this small business exemption of an alternative exemption after consideration of comments, then this rule will have no impact on small entities. Moreover, the Agency believes that the cost of reporting under this rule is not likely to have a substantial impact on any entity potentially subject to the rule.

XIII. Enforcement of This Rule

The Agency intends to vigorously enforce the reporting requirements of this rule. TSCA section 15(3) makes it unlawful for any person to "fail or refuse to (A) establish or maintain records, (B) submit reports, notices, or other information, or (C) permit access to or copying of records, as required by this Act or a rule thereunder." Section 16 states that violating section 15 makes a person liable to the United States for a civil penalty and possible criminal prosecution. Under TSCA section 17, the district courts of the United States have jurisdiction to restrain any violation of section 15.

EPA is identifying as many persons as possible who are subject to this rule; responses from those persons will be carefully monitored for compliance. In addition, should the Agency believe that many secondary processors have not identified themselves, EPA may require the submission of customer lists from identified processors. Persons thus identified who have not reported to EPA will be required to report and may also be subject to sanction.

XIV. Sunset Provision

The general requirements of this rule will expire five years after the effective date of the rule. Certain other requirements will expire prior to the end of the five-year period. The selection and notification of sample survey participants for Phase 2 reporting (see section VIII of this preamble and § 763.71(c) of the rule) will take place within three years after the effective date of the rule. Additionally, the customer list and monitoring data retention requirements (see section IX of this preamble and § 763.70(c)(3)) will expire four years after the effective date of the rule. If EPA determines that any requirements of this rule should be continued, a notice to that effect will be published for comment.

XV. Public Meetings

There will be a 20-day period following the written comment period during which EPA personnel responsible for developing this proposal will be available to meet in Washington, D.C., with interested persons from companies, organized labor, trade associations, and citizen organizations to discuss this proposal. EPA will provide facilities and make other necessary arrangements for such meetings. The Agency will make transcripts or summaries of the meetings for inclusion in the official public record.

All meetings will be open to the public. EPA generally intends to limit active participation in the Washington

meetings to those requesting the session and EPA personnel designated for the session.

Interested persons should call EPA's Industry Assistance Office, toll-free, at 800 424-8065, or 554-1404 in the Washington, D.C. area to request time for such a meeting.

XVI. Public Record

EPA has established a public record for this rulemaking as defined in section 19(a)(3) of TSCA (docket number OPTS-84004). The public record, along with a complete index, is available for inspection in the OPTS reading room from 8:00 a.m. to 4:00 p.m. on working days (401 M Street, SW, Washington, DC 20460). This record contains the basic information that the Agency considered in developing this rule. The Agency will supplement the record with additional information as it is received. This record includes the following:

1. This proposed rule.
 2. "Commercial and Industrial Use of Asbestos Fibers; Advance Notice of Proposed Rulemaking," published on October 17, 1979 (44 FR 60061).
 3. "Commercial and Industrial Use of Asbestos Fibers. Extension of Comment Period and Announcement of Additional Control Option," published on December 17, 1979 (45 FR 18374).
 4. Comments received in response to the Advance Notice of Proposed Rulemaking.
 5. Reports Impact Analysis of this proposed rulemaking.
 6. "Statistics for Companies with 10 or Fewer Employees", memorandum, from Chemical Information Reporting Branch, October 30, 1980.
 7. "Design and Testing of Asbestos Use Reporting Form", Institute for Survey Research, Temple University, Philadelphia, PA, June 30, 1980.
 8. "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos", Arthur Young & Company, Washington, D.C., October, 1980.
 9. The Technical Information Summary for this proposed rulemaking.
- EPA anticipates adding the following types of information to the rulemaking record.
1. All comments on this proposed rule.
 2. All relevant support documents and studies.
 3. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

4. Minutes, summaries, or transcripts of any public meetings held to develop this rule.

EPA will identify the complete rulemaking record on or before the date of promulgation of the regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and such designation. The final rule will also permit persons to point out any errors or omissions in the record.

Dated: January 13, 1981.

Douglas M. Costle,
Administrator.

It is proposed that proposed new 40 CFR Part 763 be further amended by proposing to add a new Subpart D to read as follows:

PART 763—ASBESTOS

Subpart D—Records and Reports Reporting Commercial and Industrial Uses of Asbestos

Sec.	
763.60	Scope and compliance.
763.63	Definitions.
763.65	Who must report.
763.70	Records to keep.
763.71	Schedule for reporting.
763.74	Confidential business information.
763.76	Reporting commercial and industrial use of asbestos.
763.77	Reporting secondary processing and importation of asbestos mixtures.
763.78	Sunset provision.

Authority: Sec. 8(a) Toxic Substances Control Act (TSCA), Pub. L. 94-469, 90 Stat. 2029, (15 U.S.C. 2607(c)).

Subpart D—Records and Reports

§ 763.60 Scope and compliance.

(a) This rule requires recordkeeping and reporting by persons who manufacture, import, or process asbestos. Different reporting requirements are imposed depending on the person's activity. Manufacturers, importers and processors of commercial and industrial asbestos fiber must report quantity, use, and exposure information. Importers of mixtures and articles containing asbestos and processors of asbestos mixtures will report to EPA in two phases. They initially must report limited information about processing or importation. Some must subsequently report additional information if they are selected as respondents in a sample survey. Certain persons subject to the rule must keep records of certain information that EPA may require at a later date.

(b) Subsection 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under

this rule. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Under section 17, the district courts of the United States have jurisdiction to restrain any violation of section 15.

§ 763.63 Definitions.

The definitions in section 3 of TSCA and the following definitions apply for this rule:

(a) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

(b) "Asbestos mixture" means a mixture or other material to which bulk asbestos or another asbestos mixture has been added as an intentional component. An asbestos mixture may be either amorphous or a sheet, cloth fabric, or other structure.

(c) The term "bulk asbestos" means any quantity of asbestos fiber of any type or grade, or combination of types or grades, that is mined or milled with the purpose of obtaining asbestos. This term does not include asbestos that is produced or processed as a contaminant or an impurity.

(d) "EPA" means the United States Environmental Protection Agency.

(e) "Importer" means anyone who imports any chemical substance, in pure form or as part of a mixture or article, into the customs territory of the U.S. and includes:

(1) The person liable for the payment of any duties on the merchandise, or

(2) An authorized agent on his behalf (as defined in 19 CFR 1.11). Importer also includes, as appropriate:

(i) The consignee;

(ii) The importer of record;

(iii) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or

(iv) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the U.S. consists of the 50 states, Puerto Rico, and the District of Columbia.

(f) "Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person might be expected to possess, control, or know, or could obtain without unreasonable burden or cost.

(g) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of

obtaining an immediate or eventual commercial advantage and includes among other things, such manufacture of any amount of a chemical substance or mixture:

(1) For commercial distribution, including for test marketing, and

(2) For use by the manufacturer, including use for product research and development, or as an intermediate. "Manufacture for commercial purposes" also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts and coproducts that are separated from that other substance or mixture and impurities that remain in that substance or mixture. Byproducts and impurities may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(h) "Miner of asbestos" is a person who produces asbestos by mining or extracting asbestos-containing ore so that it may be further milled to produce bulk asbestos for distribution in commerce, and includes persons who conduct milling operations to produce bulk asbestos by processing asbestos-containing ore. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore. To mine or mill is to "manufacture" under section 3(7) of TSCA.

(i) "Person" means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body, and any department, agency, or instrumentality of the Federal Government.

(j) "Primary processor of asbestos" is a person who processes bulk asbestos.

(k) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(l) "Secondary processor of asbestos" is a person who processes an asbestos mixture.

(m) "Small manufacturer, processor, or importer" means a manufacturer or

processor who employed no more than 10 full-time employees at any one time in 1980.

§ 763.65 Who must report.

(a) Persons who were miners or primary processors of asbestos, or importers of bulk asbestos in 1980 must submit a separate EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos, in § 763.76, for each plant site and for each company activity not elsewhere reported, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, shall report.

(b) Persons who were secondary processors of asbestos in 1980 must complete and submit Parts I and II of EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, in § 763.71, for each plant site or activity, according to the schedule in § 763.71.

(c) Persons who were importers in 1980 of asbestos mixtures or articles containing asbestos components must complete and submit Parts I and III of EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, shall report.

(d) Secondary processors of asbestos and importers of asbestos mixtures or articles containing asbestos components must submit a single EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos, according to the schedule in § 763.71(c), if selected for further reporting as described in § 763.71(c).

(e) Particular information required on EPA Form 7710-36 which has been previously submitted to the Consumer Product Safety Commission (CPSC) may be referenced in the appropriate place on the form and need not be submitted unless the respondent has informed the CPSC of his objection to any sharing of the data with EPA. Information for years required by EPA, but not by CPSC, must be reported on the EPA Forms.

(f) The following persons are not subject to §§ 763.70 and 763.71.

(1) Secondary processors of asbestos, to the extent that they process an asbestos mixture to repair articles, to construct buildings or other such activities, or to apply, assemble, install, erect, consume, or repack the mixture without modification.

(2) Persons who are small manufacturers, processors, or importers, as defined in § 763.63(m).

§ 763.70 Records to keep.

(a) *Customer lists.*—(1) All miners, importers, and processors who are subject to § 763.65(a), or who are subject to § 763.65 (b) or (c) and are required to report on EPA Form 7710-36 as part of the sample survey, must maintain records of customers who in 1980 received or purchased asbestos fiber or asbestos-containing products reported on EPA Form 7710-36.

(2) These records must contain the name, address, technical contact, phone number, and the quantity sent for each customer. If the customer is a person who only distributes the substance in commerce, this should be noted.

(b) *Monitoring measurements.* All miners of asbestos and primary processors of asbestos, and those secondary processors of asbestos subject to § 763.65(d) must maintain as required, and make available to EPA upon request:

(1) Records of monitoring measurements performed as required by the Occupational Safety and Health Administration (29 CFR 1910.1001).

2. Records of monitoring measurements performed as required by the Mine Safety and Health Administration (30 CFR 55., 56., or 57.5-1(a)).

(c) If the Deputy Assistant Administrator, Office of Toxic Substances, determines that supplemental information is needed, he/she will require, by certified letter, the submission of information kept for paragraphs (a) and (b) of this section. Customer lists will be required if the Agency needs further information concerning risks that may be presented by the product involved. The Agency may require lists of customers for certain specified products. Monitoring measurements will be required only if the Agency requires further exposure information to determine if the manufacture or processing of asbestos fiber presents a risk to health or the environment.

(1) Customer lists shall be submitted within 30 days of receipt of the certified letter, and shall contain the information required under paragraph (a) of this section.

(2) Monitoring measurements information shall be submitted within 60 days of receipt of the certified letter, and shall contain the information required under paragraph (b) of this section.

(3) The requirements under this section will expire four years after the effective date of this rule.

(4) Information requested by the certified letter must be mailed to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Environmental Protection Agency, Rm. E-447, 401 M St., SW, Washington, DC 20460, Attn: Asbestos Report.

§ 763.71 Schedule for reporting.

(a) All miners, primary processors, and importers of bulk asbestos subject to reporting under § 763.65(a) shall submit required data on EPA Form 7710-36 within 60 days after the effective date of this rule.

(b) All secondary processors and importers subject to reporting under §§ 763.65(b) and 763.65(c) shall submit required data on EPA Form 7710-37 within 30 days after the effective date of this rule.

(c) All persons subject to paragraph (b) of this section who are selected for additional reporting shall submit required data on EPA Form 7710-36 within 60 days after receipt of EPA notification to do so. Selections will be made in the following manner. The respondents will be selected using a stratified random sampling technique.¹ First, qualified statisticians will review reports on EPA Form 7710-37 and determine the optimal method to stratify respondents according to the composition of the respondent population. The strata will be defined by all or an appropriate subset of the following variables: the end product; the asbestos mixture that is the starting material in the end product; the volume of the asbestos mixture annually consumed. Respondents will be stratified into as few groups as reasonably possible. The size of the sample will be determined after all respondents have been stratified. EPA intends to require further reporting from the minimum number of respondents possible while still meeting the EPA needs for statistically sound data. A standard random selection technique will be employed to select persons who will be required to complete and submit EPA Form 7710-36. If there are insufficient numbers of respondents in a group to perform a statistically sound sample survey, then all of the respondents in that group will be required to complete EPA Form 7710-36. Notification shall be sent by certified letter, signed by the Deputy Assistant Administrator, Office of Toxic Substances, and will have attached copies of this rule and EPA Form 7710-36. Letters of notification will be sent by

¹ Kish, Leslie, *Survey Sampling*. New York: John Wiley, 1965.

EPA no later than three years after the effective date of this rule.

(d) EPA Form 7710-36 and EPA Form 7710-37 can be obtained by writing or telephoning: Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Washington, DC 20460; Toll free (800-424-9065); In Washington call: (554-1404).

(f) Completed forms must be mailed to: Document Control Officer, Office of Pesticides and Toxic Substances (TS-793), Rm. E-447, 401 M St., SW, Washington, DC 20460.

§ 763.74 Confidential business information.

(a) Any person submitting a document under this rule may assert a business confidentiality claim covering all or part of the submitted material unless otherwise instructed on the reporting form. EPA will disclose information covered by a claim only as provided in procedures set forth in 40 CFR Part 2.

(b) Substantiation for a claim made on any item reported under § 763.65 must be made by signing the certification statement as specified in the forms.

(c) If no claim accompanies a document at the time it is submitted to EPA, the document may be placed in an open file available to the public without further notice to the respondent.

§ 763.76 Reporting commercial and industrial use of asbestos.

The following EPA Form 7710-36, Reporting Commercial Industrial Uses of Asbestos, will be completed and submitted to EPA as required in §§ 763.65 and 763.71. Information must be reported on this form to the extent that it is known to or reasonably ascertainable by the respondent.

(a) EPA Form 7710-36 (5-80).

BILLING CODE 6560-31-M

PROPOSED FORM

U.S. Environmental Protection Agency

REPORTING INDUSTRIAL AND COMMERCIAL USE OF ASBESTOS

When completed, send form to:

Ms. Joni Repach
Document Control Officer
Docket No. OPTS 84004
Office of Pesticides and Toxic Substances
(TS-793)
U.S.E.P.A.
401 M Street, S.W.
Washington, D.C. 20460

GENERAL INSTRUCTIONS

This form is divided into parts with different requirements for submitters that depend on whether you mine, mill, import, or process asbestos fiber or mixtures containing asbestos. Before you complete any portions of this form, you should read the definitions and instructions in Part A to determine your reporting responsibilities and your reporting requirements. Secondary processors and some importers DO NOT complete this report unless notified by certified letter. If you cannot determine your reporting requirements, you should call toll free to the Industry Assistance Office, U.S.E.P.A., at (800) 424-9065, or a local call at (202) 554-1404.

Completion of this report is required by a regulation under the general reporting and recordkeeping authority of Section 8(a) of the Toxic Substances Control Act. All data requested in this form must be reported to the extent they are known to or reasonably ascertainable by the submitter. This means that you are expected to answer all questions to the best of your ability based on factual information available in company files. In cases where the requested data is not applicable, enter "N/A" on the page or in the appropriate space. You must enter either the data or "N/A" in all required parts, or the report will be assessed as invalid and returned to you for completion.

If you need additional space to report the required data, you should attach additional copies of the specific part of this form. Identify any continuation by part, line, and column number.

ASSERTING AND SUBSTANTIATING CLAIMS OF CONFIDENTIALITY

Read the section in Part A(3), "Certification and Instructions for Asserting and Substantiating Claims of Confidentiality," for information on how to claim and substantiate confidential business information which is reported on this form or attachments to this form. Claims of confidentiality must be made in accordance with these instructions.

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DEFINITIONS

The following terms are used to describe the subject of the report and who is to report:

Bulk Asbestos (or raw asbestos): means any quantity of asbestos fiber of any type or grade, or combination of types or grades, that is mined or milled with the express purpose to obtain asbestos. This term does not include asbestos that is produced or processed as a contaminant or an impurity. Asbestos is a group of naturally occurring, inorganic, highly fibrous, silicate minerals, which are easily separated into long, thin, flexible fibers when crushed or processed. Included in the definition are the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cumingtonite-grunerite); anthophyllite; tremolite; and actinolite.

Asbestos Mixture: means a mixture or other material to which bulk asbestos or another asbestos mixture has been intentionally added. An asbestos mixture can be utilized as a finished product or incorporated into other products. Some examples of asbestos mixtures are: A/C pipe; asbestos textiles; asbestos friction material; and asbestos paper.

Asbestos Component: means any asbestos mixture or any finished product containing an asbestos mixture which is incorporated into an article. Some examples of asbestos components are: Brake shoes in an automobile; an asbestos-reinforced plastic cabinet for a television; asbestos paper insulation in an appliance; garments made in whole or in part of asbestos textile(s).

MINE AND MILL DEFINITIONS

Mined: means a person who either mines or mills asbestos. Mined or extracted asbestos-containing ore is further milled to produce bulk asbestos for distribution in commerce. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore.

PROCESSOR DEFINITIONS

Asbestos Starting Material: means either bulk asbestos or an asbestos mixture, depending on the kind of processor making the report. A Primary Processor starts with bulk asbestos, and a Secondary Processor starts with an asbestos mixture.

Primary Processor: means a person whose asbestos starting material is bulk asbestos, which is processed to make an asbestos mixture. A Primary Processor may simply mix or repack different types of grades of fiber and then sell that product. A Primary Processor may further process the asbestos mixture like a Secondary Processor (see below). A person who is a Primary Processor will report all activities that involve asbestos on this form.

Secondary Processor: means a person whose asbestos starting material is an asbestos mixture, which is incorporated into that person's own product. For instance, asbestos millboard may be purchased by a secondary processor, who could cut that millboard and incorporate it into an appliance; A/C sheet may be purchased by a secondary processor, who could fabricate it to make the backing for an electrical switchboard.

IMPORTER DEFINITIONS

Importer of Bulk Asbestos: means a person who imports bulk asbestos into the customs territory of the U.S. An importer of bulk asbestos will report all activities that involve asbestos on this form.

Importer of Asbestos Mixtures: means a person who imports asbestos mixtures into the customs territory of the U.S. Imported mixtures include merchandise declared to the U.S. Customs Service upon entry as Tariff Schedule of the United States, Annotated, numbers (TSUSA Number) 518.2-518.5, or other TSUSA Numbers which may pertain to asbestos mixtures.

Importer of Article(s) Containing Asbestos Component(s): means a person who imports an article that contains one or more asbestos components (see definition above).

A(1). RESPONDENT ACTIVITY

Identify your activity using the preceding definitions and check the line next to category below that best describes your activity(ies). You must at least complete the portions of this report that are indicated next to the box you check, and you must complete other sections if you conduct that activity.

- ☐ Mine and Mill
Complete Parts A, B(1), G, H, I, J, K.
- ☐ Primary Processor
Complete Parts A, B(3), C, G, H, I, J, K.
- ☐ Secondary Processor
Complete Parts A, D, G, H, I, J, K.
- ☐ Importer of Bulk Asbestos
Complete Parts A, B(2), G, H, I.
- ☐ Importer of Asbestos Mixtures
Complete Parts A, E, G, H, I.
- ☐ Importer of Article(s) Containing Asbestos Component(s)
Complete Parts A, F, G, H, I.

NOTE: Reporting will be in two phases.

1. All persons who are miners, millers, primary processors or importers of bulk asbestos must report all of their activities involving asbestos on this form in the first phase.
2. All persons who are solely secondary processors, importers of asbestos mixtures, or importers of articles containing asbestos components will report in the first phase on EPA Form 7710-37, titled "Secondary Processing and Importation of Asbestos Mixtures." These persons will report in this form, EPA Form 7710-36, only upon receipt of notice to that effect from EPA. (See 40 CFR 763, Part D)

A(2). PRODUCT IDENTIFICATION

Check the appropriate category(ies) in items 2 and 3 that best describe the product(s) of the reporting site.

Check only one category for each product made.

PROCESSORS

You must classify all products you make according to the asbestos starting material you process to make your end product. If the product manufacturing process at your plant site uses bulk asbestos as the starting material for the end product, you are a Primary Processor and should check a product name listed under "Typical Terms For Products Made From Bulk Asbestos."

If the product manufacturing process at your plant site uses an asbestos mixture made elsewhere as a starting material for the end product, then check a product name listed under "Typical Terms for Products Made From Asbestos Mixtures."

Primary Processors who first make an asbestos mixture that is then processed on site to make a product should report that portion of production as Primary Production and check that product as starting with bulk asbestos (e.g., an asbestos and resin mixture which is further processed to make a molded brake lining) or an asbestos and hydraulic cement mixture which is further processed to make A/C sheet; or an asbestos felt which is further processed to make a backing for asbestos felt-backed vinyl flooring; or an asbestos and paint mixture is reformulated by adding a rust proofing chemical to make a certain kind of surface coating). Persons who are solely Secondary Processors must check a product or list the name of the product as starting with an asbestos mixture. The list of products made from asbestos mixtures is only illustrative, and you should list and specify the name of all products which incorporate an asbestos mixture if the product name is not listed.

IMPORTERS

You must classify all imported products according to the type(s) of asbestos you import. If you import Bulk Asbestos, you will not check a product below unless you are also a Primary or Secondary Processor. Persons who import bulk asbestos, but do not process the asbestos, should complete Part B(2) of this report. If you import an asbestos mixture or an article containing asbestos component(s), you should select the most appropriate product name from the lists below that most specifically describes each product. Products you import that you know contain asbestos, but are not on the list, should be specified.

A(2). PRODUCT IDENTIFICATION

2. TYPICAL TERMS FOR PRODUCTS MADE FROM BULK ASBESTOS	
PAPERS, FILMS, OR RELATED PRODUCTS	TEXTILES
01. Commercial paper	30. Cloth
02. Millboard	31. Thread, yarn, roving, cord, rope or wick
03. Millboard	32. Lp
04. Pipeline wrap	
05. Heat-resistant gasketing paper	OTHER PRODUCTS
06. High-grade electrical paper	34. Sheet gasketing (other than heat-resistant paper)
07. Unsaturated roofing felt	35. Paints and surface coating
08. Saturated roofing felt	36. Resins, adhesives and sealants
09. Specialty paper or felt	37. Asphaltic compounds
10. Saturated paper or felt	38. Asbestos reinforced plastics
11. Corrugated paper	39. Insulation materials not elsewhere classified (n.e.c.)
	40. Mixed or recycled asbestos fiber
	41. Other, n.e.c. (specify)
FLOOR COVERINGS	
12. Vinyl-asbestos floor tile	
13. Asbestos-felt-backed vinyl flooring	
3. TYPICAL TERMS FOR PRODUCTS MADE FROM ASBESTOS MIXTURES	
01. Aerial distress flares	67. Heat resistant mats, table pads
02. Acoustical products	68. Heat shields
03. Aluminized cloth	69. Hoods, vents
04. Ammunition wadding	70. Injection molded plastics
05. Appliances (specify appliance)	71. Insulation, other (specify)
06. Arcs	72. Ironing board pads and insulation
07. Arc deflectors	73. Iron rests
08. Rope/yarn/braiding	74. Jewelry making equipment
09. Lp	75. Kilns
10. Slick	76. Laboratory equipment
11. Ash trays	77. Lamp sockets
12. Asphaltic coatings	78. Linings for vaults, safes, handcuffs, and filling cabinets
13. Automotive/truck body coatings	79. Liners, pond and canal
14. Automotive gaskets	80. Mantles, lamp or catalytic heater
15. Bags	81. Marine bulkheads
16. Faking sheets	82. Mittens
17. Isoling	83. Molded asbestos reinforced plastics
18. Blackboards	84. Molten metal handling equipment
19. Blankets	85. Motor armature
20. Boiler and furnace baffles	86. Mufflers
21. Boots	87. Oven and stove insulation
22. Brake linings, molded (light vehicles)	88. Overalls
23. Brake linings, molded (heavy vehicles)	89. Packing
24. Brake linings, woven (light vehicles)	90. Packing components
25. Brake linings, woven (heavy vehicles)	91. Paints, textured
26. Buffing and polishing compounds	92. Photograph records
27. Cable insulation	93. Plaster and organ felts
28. Cardstock	94. Pipe wrap
29. Carpet padding	95. Plaster and stucco
30. Caulking/patching compounds	
31. Chalks, markers	
	96. Portable construction building
	97. Pottery clay
	98. Radiator top insulation
	99. Radiator sealant
	100. Pump and valve seals
	101. Roof coatings
	102. Roofing, saturated
	103. Roofing, unsaturated
	104. Roof shingles
	105. Bags
	106. Sleeves
	107. Stove lining, coal or wood
	108. Stove pipe rings
	109. Suits
	110. Switchboards and components
	111. Tape
	112. Theater curtains or draperies
	113. Thermal insulation
	114. Tile cement
	115. Transmissions and components
	116. Umbrellas
	117. Valve, flange, tank sealing components
	118. Vinyl asbestos floor tile
	119. Wallboard
	120. Wall/roofing panels
	121. Welding rod coatings
	122. Other (specify)

Introduction

These are the instructions for asserting and substantiating claims of confidentiality for any information you submit in this Commercial and Industrial Use of Asbestos Fibers Report. (EPA Form 7710-36--"Reporting Industrial and Commercial Use of Asbestos Fibers"--will be referred to as the "Form.") You may request confidential treatment for specific items of information you submit, which are entered on the form, or in attachments to the form.

To make this request, you must follow the procedures set out in these instructions.

1. To assert a claim of confidentiality, identify the information that you claim to be confidential. You must do this in accordance with these instructions, at the time you submit this form. Any information you do not claim as confidential will be included in the public record, without further notice to you.
2. For some specific information contained in the form, you will be required to substantiate your claims of confidentiality at the time you submit the form. Otherwise, EPA may determine that you have waived your claims, and may then release the information in question, in accordance with section 763.76 of this rule.

If you assert a claim of confidentiality and you substantiate that claim, EPA will disclose the information only as provided in the Agency's confidentiality regulations which appear in 40 CFR, Part 2, as amended on September 8, 1978 (43 FR 39997), and March 23, 1979 (44 FR 17673). Those regulations include provisions stating that, with specific exceptions, EPA will maintain the confidentiality of information claimed as confidential until the EPA Office of General Counsel makes a final determination that certain information is not entitled to confidential treatment. If confidentiality is denied, the submitter will receive written notice 30 days before the date that EPA will make the information available to the public.

Organization of these Instructions

Specific Instructions

To assert a claim of confidentiality for information in this form, you must place a check on the appropriate line of the form in which the confidential data fall. For information which you submit in attachments to the form, provide a copy which clearly indicates (e.g., by circling, bracketing, etc.) the information you wish to claim confidential.

In addition to asserting claims of confidentiality, you must substantiate these claims. To do this, the person who signs the form must certify the truth and accuracy of the following four statements which apply to all information claimed as confidential. (Note: The certification is only to be signed once for the entire form and attachments.)

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available elsewhere.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

10.	Signature of Authorized Official
	Date

A(4). RESPONDENT IDENTIFICATION

4.	COMPANY NAME:	_____	
	(COMPANY NAME)	_____	
	ADDRESS:	_____	
	(NUMBER AND STREET)	(CITY)	(STATE) (ZIP CODE)
5.	PRINCIPAL TECHNICAL CONTACT PERSON:	_____	
	(NAME)	(NAME OF OFFICE)	(OFFICE TELEPHONE)
6.	DUN AND BRADSTREET NUMBER - Enter the Dun & Bradstreet number that has been designated for the location reported on this form. If there is no number, report the Dun and Bradstreet number for the company responsible for the daily management of the reporting site.		
	(DUN AND BRADSTREET NUMBER)		
7.	IF APPLICABLE: Record Mine Identification number.	_____	
	(MINE ID#)		
8.	IF APPLICABLE: Record the name and Ultimate Dun and Bradstreet number of the Parent Corporation which is responsible for the fiscal management of the reporting site.	_____	
	(NAME OF PARENT CORPORATION)		
	(ULTIMATE DUN AND BRADSTREET NUMBER FOR PARENT CORPORATION)		
9.	Record the total number of years during which the manufacture and/or processing of asbestos has been conducted at the reporting site.	_____	
	(NUMBER OF YEARS)		

1971. A firm performing more than one activity will complete all appropriate forms for each plant site. Chrysotile should be reported by a Quebec Standard Test (QST) Grade.

(NOTE--THIS SECTION MUST BE COMPLETED SEPARATELY FOR EACH APPLICABLE ACTIVITY (1, 2, 3, 4). SEPARATE ACTIVITIES INCLUDE PRODUCTION, IMPORTATION, OBTAINING, AND EXPORTATION. Importation may be reported on a plant site basis or consolidated in one report for all corporate activities.)

Apply the following instructions in completing this section.

1. Persons who domestically mine or mill asbestos will complete B(1).
2. Persons who import bulk asbestos will complete B(2). Report all imports for merchandise entering the U.S. customs territory that are declared under Tariff Schedule of the United States, Annotated (TSUSA) numbers 518.1110-518.1160.
3. Persons who obtain (domestically purchase or accept transfer) bulk asbestos will complete B(3). As a reminder, all bulk asbestos imports are to be reported on B(2).
4. Persons who export bulk asbestos will complete B(4).

CONSOLIDATED REPORTS: Firms have the choice to consolidate the data on one form for all company imports and exports, or to report imports and exports for each plant site. When you complete B(2) and B(4), check the box to indicate that this is either a Consolidated Corporate Report or a Plant Site Report.

B(1). PRODUCTION

QUANTITY OF BULK ASBESTOS MINED OR MILLED

If you claim the information in any row confidential, mark (X) in the "Confidential" column. All information listed in that row will be included in the claim.

YEAR	Chrysotile (QST Grade)						Crocidolite	Amosite	Anthophyllite Asbestos	Tremolite Asbestos	Actinolite Asbestos	Confidenti.
	1 - 2	3	4 - 5	6	7	8 - 9						
1971												
1972												
1973												
1974												
1975												
1976												
1977												
1978												
1979												
1980												

Short Tons

B(2). IMPORTATIONQUANTITY OF BULK ASBESTOS IMPORTED

CHECK ONE:
 This is a Corporate Consolidated Report. _____
 This is a Plant Site Report. _____

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

YEAR	Chrysotile (QST Grade)								Crocidolite	Amosite	Anthophyllite Asbestos	Tremolite Asbestos	Actinolite Asbestos	Confidential
	1 - 2	3	4 - 5	6	7	8 - 9								
1971														
1972														
1973														
1974														
1975														
1976														
1977														
1978														
1979														
1980														

Short Tons

B(3). OBTAIN (PURCHASE OR TRANSFER)

QUANTITY OF BULK ASBESTOS OBTAINED

If you claim the information in any row confidential, mark (x) in the "Confidential" column. All information listed in that row will be included in the claim.

YEAR	Chrysotile (QST Grade)						Crocidolite	Amosite	Anthophyllite Asbestos	Tremolite Asbestos	Actinolite Asbestos	Confidential
	1 - 2	3	4 - 5	6	7	8 - 9						
1971												
1972												
1973												
1974												
1975												
1976												
1977												
1978												
1979												
1980												

Short Tons

R(4). EXPORTATION

QUANTITY OF BULK ASBESTOS EXPORTED

CHECK ONE:
 This is a Corporate Consolidated Report. _____
 This is a Plant Site Report. _____

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

YEAR	Chrysotile (QST Grade)							Gross Weight	Amosite	Anthophyllite Asbestos	Tremolite Asbestos	Actinolite Asbestos	Confidential
	1 - 2	3	4 - 5	6	7	8 - 9							
1971													
1972													
1973													
1974													
1975													
1976													
1977													
1978													
1979													
1980													

Short Tons

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C. PRIMARY PROCESSOR PRODUCTION

12. List separately the end products you make that are shipped from your plant site and that incorporate bulk asbestos as a starting material. Report products using the categories listed below or specify the name of the end product if it does not fall within the categories listed below. Report here products whose asbestos starting material is bulk asbestos, even if an asbestos mixture is first made and then that asbestos mixture is incorporated into the end product. DO NOT report the production of asbestos mixtures that are incorporated into an end product on site and are not shipped separately as end products. Instead, report the production of the end product. If you make a product which incorporates an asbestos mixture made elsewhere, then you must report that product in Part D as Secondary Processor Production.

As an example, a primary processor making asbestos-felt-backed sheet vinyl flooring may first process bulk asbestos to make the asbestos felt (asbestos mixture) at the site, and then the felt is bonded to the vinyl to make the sheet vinyl flooring (end product). If the processor also sells a portion of the asbestos felt, then that processor should report the production of: (1) asbestos-felt-backed sheet vinyl flooring, and (2) asbestos felt. If, however, the processor obtains asbestos felt made elsewhere and then processes the felt to make the flooring, the production of the flooring should be reported in Part D as a Secondary Processor.

At the bottom of the chart for Part C, estimate the percentage of plant site sales that concern primary processor production.

If you make more than five products, report those products on additional copies of this form.

SPECIFIC INSTRUCTIONS:

End Product Shipped

Record each end product in a separate box for each product whose starting material is bulk asbestos and is shipped from the plant site. For each product (from the list below), list the trade name(s) under which the product is marketed. List all "private brands" under which your products are labeled and the names of the companies for whom labels are applied to the end product.

2. Asbestos Consumption

Record the average fiber type(s) and grades (as listed in Part B) which is, or has been used, in the production of the article category. The size of the fiber should be coded by the Quebec Standard Test. If QST values are unknown, specify and record fiber by average length in microns. Enter the total quantity of asbestos fiber consumed in the production of the reported asbestos material, regardless of fiber type. Quantities consumed from 1976 to present should be reported in short tons.

3. Total Annual Production

Record the total annual production for each listed asbestos material which has been produced at the site since January 1976. Production quantities will be expressed in the following units of measure, as used by the Bureau of Census: (IF CENSUS UNITS ARE NOT APPLICABLE, REPORT PRODUCTION IN SHORT TONS)

Value Shipped

Record the total annual value shipped (U.S. dollars) for each product since January 1976. These figures must be separated to show Domestic sales and Export sales (sold for distribution outside the U.S. Customs territory). If the breakdown is unknown, report sales under Domestic sales.

The valuation of products shipped should be based on the net selling value, f.o.b. plant, after discounts and allowances, and exclusive of freight charges and excise taxes.

When transferring products to other establishments within your company, the shipping plant should assign the full economic value to the transferred products. Include all direct costs of production and a reasonable proportion of all other costs and profits. Figures should be reported in thousands of dollars.

PAPERS, FELTS, OR RELATED PRODUCTS	SUGGESTED UNITS OF MEASURES	FRICTION MATERIALS	SUGGESTED UNITS OF MEASURES
01. Commercial paper 02. Rollboard 03. Millboard 04. Pipeline wrap 05. Beater-add gasketing paper 06. High-grade electrical paper 07. Unsaturated roofing felt 08. Saturated roofing felt 09. Specialty paper or felt 10. Saturated paper or felt 11. Corrugated paper	short tons short tons short tons short tons short tons short tons short tons short tons short tons short tons short tons	20. Brake linings, molded (light vehicle) 21. Brake linings, molded (heavy equipment) 22. Brake linings, woven (light vehicle) 23. Brake linings, woven (heavy equipment) 24. Disc brake pads (light vehicles) 25. Disc brake pads or blocks (heavy equip.) 26. Clutch plate facing, woven 27. Clutch plate facing, molded 28. Transmission components (automotive) 29. Friction materials for industrial, commercial and consumer machinery	cubic feet cubic feet linear feet linear feet pieces pieces pieces pieces pieces cubic feet
FLOOR COVERINGS		TEXTILES	
12. Vinyl-asbestos floor tile 13. Asbestos-felt-backed vinyl flooring	square yards square yards	30. Cloth 31. Thread, yarn, roving, cord, rope or wick 32. Lap	pounds pounds pounds
ASBESTOS-CEMENT PRODUCTS		OTHER PRODUCTS	
14. A/C pipe 15. A/C pipe, fittings 16. A/C sheet, flat 17. A/C sheet, corrugated 18. A/C shingle 19. A/C siding	short tons short tons hundred square feet hundred square feet squares squares	33. Sheet gasketing (other than beater-add paper) 34. Molded packing or gasketing 35. Paints and surface coating 36. Resins, adhesives and sealants 37. Asphaltic compounds 38. Asbestos reinforced plastics 39. Insulation materials not elsewhere classified (n.e.c.) 40. Mixed or repackaged asbestos fiber 41. Other, n.e.c. (specify)	square yards pounds gallons gallons pounds short tons

C. PRIMARY PROCESSOR PRODUCTION

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

ARTICLE #	(1) END PRODUCT SHIPPED (TRADE NAME(S))	(2) ASBESTOS CONSUMPTION ASBESTOS FIBER TYPE GRADE (QST OR MICRON)	QUANTITY (SHORT TONS)	YEAR	PRODUCT SHIPMENTS			CONFIDENTIAL
					(3) TOTAL ANNUAL PRODUCTION QUANTITY	(4) VALUE SHIPPED-- CENSUS UNIT THOUSANDS OF DOLLARS DOMESTIC	EXPORTS	
1				1976				
				1977				
				1978				
				1979				
				1980				
2				1976				
				1977				
				1978				
				1979				
				1980				
3				1976				
				1977				
				1978				
				1979				
				1980				
4				1976				
				1977				
				1978				
				1979				
				1980				
5				1976				
				1977				
				1978				
				1979				
				1980				
				1980				

ESTIMATE THE PERCENTAGE OF THE TOTAL VALUE SHIPPED FROM THE PLANT SITE REPORTED HERE AS PRIMARY PROCESSOR PRODUCTION: _____

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

ARTICLE #	(1) END PRODUCT SHIPPED (TRADE NAME(S))	(2) ASBESTOS CONSUMPTION ASBESTOS FIBER TYPE GRADE (QST OR MICRON)	(3) TOTAL ANNUAL PRODUCTION (4) VALUE SHIPPED--		YEAR	PRODUCT SHIPMENTS		CONFIDENTIAL
			QUANTITY	THOUSANDS OF DOLLARS		CENSUS UNIT OF MEASURE	EXPORTS	
6					1976			
					1977			
					1978			
					1979			
					1980			
7					1976			
					1977			
					1978			
					1979			
					1980			
8					1976			
					1977			
					1978			
					1979			
					1980			
9					1976			
					1977			
					1978			
					1979			
					1980			
10					1976			
					1977			
					1978			
					1979			
					1980			
					1976			
					1977			
					1978			
					1979			
					1980			

ESTIMATE THE PERCENTAGE OF THE TOTAL VALUE SHIPPED FROM THE PLANT SITE REPORTED HERE AS PRIMARY PROCESSOR PRODUCTION

D. SECONDARY PROCESSOR PRODUCTION

13. List separately the products that are shipped from your plant site as end products and which incorporate an asbestos mixture as a starting material. You should report as a Secondary Processor if you obtain from elsewhere an asbestos mixture or material that you then process. If you start with bulk asbestos, you should report as a Primary Processor.

At the bottom of the chart for this Part, estimate the percentage of plant site sales that concern Secondary Processor Production.

If you make more than five products, report those products on additional copies of this form.

SPECIFIC INSTRUCTIONS:1. End Product Shipped

Record each end product in a separate box for each product line that is identified in the first part of this report. For each product line, list the trade name(s) under which the product is marketed. For each end product, list all "private brands" under which the product is labeled and the names of the companies for whom the labels are applied.

2. Total Annual Production (Quantity by Census Unit of Measure)

Record the total production of the product at this plant site for each year since January 1976. Production quantities should be reported in the unit of measure which was used by the U.S. Department of Commerce, Bureau of the Census, for the 1977 Census of Manufacturers.

3. Asbestos Starting Material Consumed and Form

Record the name (provide generic and trademark name) of the asbestos material which is used to produce the end product. If only the trademark name is known, provide the name of the manufacturer. Indicate the form in which the asbestos starting material is purchased (e.g., roll of paper, 3' x 5' sheets, reams of 8" x 11" sheets).

4. Function of the Asbestos in Your Product

Provide a brief narrative description of the function of the asbestos in your product and the product specifications which require use of asbestos. Examples of possible asbestos functions are: rot resistance, insulation, filler, and tensile strength. SPECIFY THE ASBESTOS FUNCTION(S) FOR EACH PRODUCT.

5. Annual Consumption of Starting Asbestos Materials

Record the total annual quantity and specify Census unit of measure and the total annual cost (in U.S. dollars) of the asbestos starting materials consumed since January 1976. (IF CENSUS UNITS ARE NOT APPLICABLE, REPORT IN SHORT TONS)

The value of the materials consumed should be based on the delivered cost, i.e., the amount paid or payable after discounts and including freight and other direct charges incurred in acquiring the materials. Charges include purchases, transfers from other establishments of your company, and withdrawals from inventories.

Materials transferred to you from other plants within your company should be assigned their full economic value, as assigned by the shipping plant, plus cost of freight and handling charges. Figures should be reported in thousands of dollars.

TYPICAL TERMS FOR PRODUCTS MADE FROM ASBESTOS MIXTURES

- | | | | |
|---|--|--|---|
| 01. Aerial distress flares | 31. Caulks, marine | 64. Gun grips | 94. Pipe wrap |
| 02. Acoustical products | 32. Chemical tanks and vessels | 65. Hats and helmets | 95. Plaster and stucco |
| 03. Aluminized cloth | 33. Cigarette lighter wicks | 66. Heater element supports | 96. Portable construction building |
| 04. Ammunition wedding | 34. Clothing (other) | 67. Heat resistant mats, table pads | 97. Pottery clay |
| 05. Appliance (specify Appliance) | 35. Clutch facings, molded | 68. Heat shields | 98. Radiator top insulation |
| 06. Aprons | 36. Clutch facings, woven | 69. Hoods, vents | 99. Radiator sealant |
| 07. Arc deflectors | 37. Commercial/industrial dryer felts | 70. Injection molded plastics | 100. Pump and valve seals |
| 08. Rope/yarn/braiding | 38. Compressed sheet gaskets | 71. Insulation, other (specify) | 101. Roof coatings |
| 09. Lap | 39. Custom automotive body filler | 72. Ironing board pads and insulation | 102. Roofing, saturated |
| 10. Wick | 40. Decorated building panels | 73. Iron rests | 103. Roofing, unsaturated |
| 11. Ash trays | 41. Disc brake pads | 74. Jewelry making equipment | 104. Roof shingles |
| 12. Asphaltic coatings | 42. Drilling fluid | 75. Kilns | 105. Rags |
| 13. Automotive/truck body coatings | 43. Drip cloths for molten ceramics/metals | 76. Laboratory equipment | 106. Sleeves |
| 14. Automotive gaskets | 44. Drip cloths for molten ceramics/metals | 77. Lamp sockets | 107. Stove lining, coal or wood |
| 15. Bags | 45. Electronic motor components | 78. Linings for vaults, safes, humidifiers, and filling cabinets | 108. Stove pipe rings |
| 16. Baking sheets | 46. Electrical resistance supports | 79. Liners, pond and canal heater | 109. Suits |
| 17. Belting | 47. Electrical switchboards | 80. Mantles, lamp or catalytic heater | 110. Switchboards and components |
| 18. Blackboards | 48. Electrical wire insulation | 81. Marine bulkheads | 111. Tape |
| 19. Blankets | 49. Electrical wire insulation | 82. Mittens | 112. Theater curtains or draperies |
| 20. Boiler and furnace baffles | 50. Filters | 83. Molded asbestos reinforced plastics | 113. Thermal insulation |
| 21. Boots | 51. Fire doors | 84. Molten metal handling equipment | 114. Tile cement |
| 22. Brake linings, molded (light vehicle) | 52. Fire hoses | 85. Motor armature | 115. Transmissions and components |
| 23. Brake linings, molded (heavy equipment) | 53. Fireproof absorbent paper | 86. Mufflers | 116. Umbrellas |
| 24. Brake linings, woven (light vehicle) | 54. Flashing cement | 87. Oven and stove insulation | 117. Valve, flange, tank sealing components |
| 25. Brake linings, woven (heavy equipment) | 55. Flat sheets | 88. Overgalters | 118. Vinyl asbestos floor tile |
| 26. Buffing and polishing compound | 56. Flexible air conductor sheet or tile | 89. Packing | 119. Wallboard |
| 27. Cable insulation | 59. Gaskets | 90. Packing components | 120. Wall/roofing panels |
| 28. Cardlesticks | 60. Gaskets, metal reinforced | 91. Paints, textured | 121. Welding rod coatings |
| 29. Carpet padding | 61. Glazing compounds | 92. Phonograph records | 122. Other (specify): |
| 30. Caulking/patching compounds | 62. Gloves | 93. Piano and organ felts | |
| | 63. Grommets | | |

D. SECONDARY PROCESSOR PRODUCTION

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

ARTICLE #	(1) END PRODUCT SHIPPED (TRADE NAME(S))	(2) TOTAL ANNUAL PRODUCTION		(3) ASBESTOS STARTING MATERIAL CONSUMED AND FORM	(4) FUNCTION OF ASBESTOS IN PRODUCT	(5) ANNUAL CONSUMPTION OF ASBESTOS STARTING MATERIALS			CONFIDENTIAL
		YEAR	CENSUS UNIT QUANTITY OF MEASURE			QUANTITY OF MEASURE	CENSUS UNIT	DELIVERED COST (THOUSANDS OF DOLLARS)	
1		1976							
		1977							
		1978							
		1979							
		1980							
2		1976							
		1977							
		1978							
		1979							
		1980							
3		1976							
		1977							
		1978							
		1979							
		1980							
4		1976							
		1977							
		1978							
		1979							
		1980							
5		1976							
		1977							
		1978							
		1979							
		1980							

ESTIMATE THE PERCENTAGE OF THE TOTAL VALUE SHIPPED FROM THE PLANT SITE REPORTED HERE AS SECONDARY PROCESSOR PRODUCTION: _____

13. List, by product, the imported asbestos mixture(s). (See definitions of asbestos mixture and Importer of Asbestos Mixture.) Attach additional copies of the form.

SPECIFIC INSTRUCTIONS:

1. Asbestos Mixture

Record each asbestos mixture in a separate box for each product checked or listed in the first part of this report. List the trade name or label(s) for the mixture or material.

2. Asbestos Fiber Content

Record the type of asbestos fiber in the imported asbestos material and enter the total quantity of asbestos in a unit (the unit used to report quantity imported). The quantity of asbestos should be reported in pounds.

3. Total Annual Imports

Record the total annual quantity imported for each listed product since 1976. Quantities will be expressed in the units of measure listed below that are used by the U.S. Bureau of the Census or according to the unit used to report upon importation to the U.S. Customs Service.

Record the total annual value imported (U.S. dollars) for each product since January 1976. This figure can be drawn from the U.S. Customs Service entry forms as the "Entered Value in U.S. Dollars" or "Value."

E. INFORMATION OF ASBESTOS MIXTURES

If you claim the information in any row confidential, mark (x) in the "confidential" column. All information listed in that row will be included in the claim.

ARTICLE #	(1) ASBESTOS MIXTURES (GENERIC AND TRADE NAME[S])	(2) ASBESTOS FIBER CONTENT		YEAR	(3) TOTAL ANNUAL IMPORTS			(5) CONFIDENTIAL
		TYPE ASBESTOS	QUANTITY (PER UNIT)		QUANTITY	CENSUS UNIT OF MEASURE	VALUE OF IMPORTS (U.S. DOLLARS)	
1				1976				
				1977				
				1978				
				1979				
				1980				
2				1976				
				1977				
				1978				
				1979				
				1980				
3				1976				
				1977				
				1978				
				1979				
				1980				
4				1976				
				1977				
				1978				
				1979				
				1980				
5				1976				
				1977				
				1978				
				1979				
				1980				

F. IMPORTATION OF ARTICLE(S) CONTAINING ASBESTOS COMPONENT(S)

14. List, by product, the articles containing an asbestos component which you import.

THIS FORM CONTAINS SPACE TO REPORT FIVE PRODUCT CATEGORIES. FOR ADDITIONAL CATEGORIES, ATTACH ADDITIONAL COPIES OF THE FORM.

(IF INAPPLICABLE, SKIP TO ITEM 15)

SPECIFIC INSTRUCTIONS:

1. Article Name

Record each product on a separate line for each item identified in Part A of this report. List the trade name(s) or label(s) for the products.

2. Total Annual Imports

Record the total number of units which have been imported for each year since January 1976. Quantities will be reported in the unit measure which was used to declare the merchandise upon entry into the U.S. or by the U.S. Bureau of Census, for the 1977 Census of Manufacturers. Entry the value of the imported merchandise in U.S. dollars.

3. Asbestos Component(s)

List all asbestos components which are contained in the imported article by listing the name of the asbestos component or describing type of asbestos material which is the component. For example, an imported car would be listed as the "Article," and the asbestos component could be either "brake shoes" or "asbestos-containing friction materials."

F. IMPORTATION OF ARTICLE(S) CONTAINING ASBESTOS COMPONENT(S)

If you state the information in any row confidential, mark (x) in the "confidential" column. All information listed in that row will be included in the claim.

ARTICLE #	(1) ARTICLE NAME (AND TRADE NAME(S))	(2) TOTAL ANNUAL IMPORTS			(3) ASBESTOS COMPONENT(S)	CONFIDENTIAL
		YEAR	QUANTITY OF MEASURE	UNIT VALUE (U.S. DOLLARS)		
1		1976				
		1977				
		1978				
		1979				
		1980				
2		1976				
		1977				
		1978				
		1979				
		1980				
3		1976				
		1977				
		1978				
		1979				
		1980				
4		1976				
		1977				
		1978				
		1979				
		1980				
5		1976				
		1977				
		1978				
		1979				
		1980				

G. EMPLOYEES

15.

Classify all employees into the following categories. In items 2-5, COUNT EMPLOYEES IN ONLY ONE CATEGORY.

1. Total Number of Employees. Enter the total number of employees who worked at the reporting plant site during 1980. This number will include all employees, regardless of the job performed or the number of hours worked per year.
2. Number of Production Employees. Enter the number of production employees who work in areas where ASBESTOS IS MANUFACTURED OR PROCESSED. This number will not include plant site production employees who work in separate areas where no asbestos fiber or asbestos product is processed. This number will represent a head count of employees, regardless of the number of hours worked per year.
3. Number of Shipping, Receiving, and Moving Employees. Enter the number of employees involved with shipping, receiving, or moving of asbestos fiber or asbestos-containing products.
4. Number of Maintenance Employees. Enter the number of maintenance employees who perform maintenance tasks in work areas where asbestos fiber, asbestos products, or asbestos waste are processed, stored, or moved.
5. Number of Other Employees. Enter the number of other employees at the location that are not counted in items 2-4.

G. EMPLOYEES

15a.

Record the number of employees at the reporting site in each of the categories below.

If you claim the number of employees to be confidential, mark (X) in the box at the right.

NUMBER OF EMPLOYEESCONFIDENTIAL

1. Total Number of Employees at Plant Site (Sum 2,3,4,5)
2. Number of Production Employees
3. Number of Employees in Shipping, Receiving, and Moving
4. Number of Maintenance Employees
5. Number of Other Employees

C(2). PRODUCTION EMPLOYEE

16. For each Product Line, enter the number of workers who perform the production operations listed below. Only count the employees who you counted as production workers in item 2 of chart 15a. Each employee is to be counted only one time and will be counted in the operation and product line that is the employee's primary assignment. The number of production employees entered in item 2 of chart 15a must equal the sum of all production employees listed below.

You will divide production employees into categories that indicate different possible levels of exposure to asbestos. Primary processor workers who handle the bulk or raw asbestos fiber will be counted under Fiber Introduction Operations. Employees of either Primary Processors or Secondary Processors who work at an operation that involves some sort of machining, cutting, or modification where asbestos fiber may be released will be counted under either Wet Mechanical Operation or Dry Mechanical Operation, depending on whether the operation uses some method to keep the asbestos-containing material wet during the operation. Employees will be counted in one of the mechanical operation categories if their primary job is to control or work with the tool or machinery performing the operation. Other production employees who work on processing lines or in support of processing lines where asbestos-containing products are present, but who do not directly handle bulk asbestos or fabricate asbestos mixtures, will be counted under Other Production Employees.

Fiber Introduction Operations are those operations where bulk (raw) asbestos is mixed with or added to a combination of other materials. Only Primary Processors will list employees in this category because Secondary Processors do not use bulk asbestos as a starting material.

Wet Mechanical Operations are those operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered. In these operations, the asbestos component is wetted to reduce the release of airborne asbestos fiber. This category includes such activities as: machining, sawing, drilling, cutting, grinding, or pulverizing. All asbestos textile workers involved with wet operations will be counted here, whether involved in spinning, twisting, or weaving operations.

Dry Mechanical Operations are those operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered without any intentional wetting of the material during the operation. This category includes activities such as: machining, sawing, drilling, cutting, grinding, or pulverizing. All asbestos textile workers in dry operations will be counted here, whether involved in spinning, twisting, or weaving operations.

Other Production Employees are those production employees involved with making an asbestos product in operations that require handling of asbestos fiber or materials in a manner not covered in the operations described in the other categories. This category will count workers who perform an operation that involves handling an asbestos mixture, such as bonding asbestos-felt-backing for vinyl sheet flooring or injecting asbestos-reinforced plastic into a mold. Other production workers who are to be counted in this category include (but are not limited to) those employees who take products off a production line, assemble parts, oversee drying or rolling operations, or inspect, weigh, or package asbestos mixtures or asbestos-containing products.

G(2). PRODUCTION EMPLOYEES

If you claim the number of employees to be confidential, mark (X) in the box at the right. ☐ NUMBER OF PRODUCTION EMPLOYEES _____ (Product Line) Fiber Introduction Operations (includes blending, mixing, bag opening, willowing, etc.) _____ Wet Mechanical Operations (includes machining, sawing, drilling, cutting grinding, pulverizing, weaving, etc.) _____ Dry Mechanical Operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.) _____ Other Production Employees _____	If you claim the number of employees to be confidential, mark (X) in the box at the right. ☐ NUMBER OF PRODUCTION EMPLOYEES _____ (Product Line) Fiber Introduction Operations (includes blending, mixing, bag opening, willowing, etc.) _____ Wet Mechanical Operations (includes machining, sawing, drilling, cutting grinding, pulverizing, weaving, etc.) _____ Dry Mechanical Operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.) _____ Other Production Employees _____
If you claim the number of employees to be confidential, mark (X) in the box at the right. ☐ NUMBER OF PRODUCTION EMPLOYEES _____ (Product Line) Fiber Introduction Operations (includes blending, mixing, bag opening, willowing, etc.) _____ Wet Mechanical Operations (includes machining, sawing, drilling, cutting grinding, pulverizing, weaving, etc.) _____ Dry Mechanical Operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.) _____ Other Production Employees _____	If you claim the number of employees to be confidential, mark (X) in the box at the right. ☐ NUMBER OF PRODUCTION EMPLOYEES _____ (Product Line) Fiber Introduction Operations (includes blending, mixing, bag opening, willowing, etc.) _____ Wet Mechanical Operations (includes machining, sawing, drilling, cutting grinding, pulverizing, weaving, etc.) _____ Dry Mechanical Operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.) _____ Other Production Employees _____

H. SUMMARY OF CURRENT WORKER EXPOSURES

16. This section requires you to report the eight-hour Time Weighted Average (TWA) for all employees at the reporting site for who determined a TWA. You should group all employees with known TWA's into the ranges of TWA values indicated on the following chart. For each group of employees, you will then determine the total person hours that those employees worked at the given TWA range. Person hours will be reported in summary of measurements pursuant to the requirements of the Mine Safety and Health Administration (MSHA), 30 CFR 56.11(a)(1). Persons who will, process, or report asbestos will report summaries of measurements pursuant to the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.1001). Do not exclude TWA figures for any employees. Report values.

(H1). 1. 8-Hour Time Weighted Average (TWA)

For each range of exposure levels listed below:

Column 1 - enter the number of workers whose existing TWA falls within each exposure range. Where more than one particular worker in the most current year, use the geometric mean of those values as the TWA for the worker.

Column 2 - enter for each exposure range the total number of hours worked in 1980 by the employees listed in column 1.

Column 3 - enter the total number of actual measurements (filters) that you used to determine the employees' TWA's in this chart.

(H2). Ceiling Concentration Levels

For each exposure level range:

Enter the number of workers for whom ceiling concentration levels of asbestos fiber were determined in 1980 pursuant to monitoring requirements of MSHA or OSHA.

Enter the number of ceiling concentration measurements that were recorded in 1980.

(H3). 8-Hour Time Weighted Average (TWA)

Average 8-hour TWA (fibers/cc)	(1) Number of Workers Affected	(2) Total Person Hours Per Year at TWA in 1980	(3) Number of Measurements Used (filters)
0.1			
0.1-0.5			
0.6-1.0			
1.1-2.0			
2.0			

(H4). Ceiling Concentration Levels

Ceiling Concentration Levels (fibers/cc)

2.0-5.0	5.1-10.0	10.0

Number of Workers Affected

Number of Measurements Recorded

1. MEASURING ASBESTOS EMISSIONS OR FIBER RELEASE

17. Summarize and report separately the results of any measurements or monitoring that have been performed to determine the amount of asbestos fiber released during the production, use, or disposal of asbestos fiber or asbestos products (other than already reported in Part B of this form). Where possible, the measurements should characterize the type of fibers found and the fiber size distribution. Reports submitted in response to this section should describe the methodologies used to perform any tests, to gather samples, and to analyze samples. If this information has been previously submitted to a Federal agency you do not have to report again here, but you should indicate the date and to whom the information was sent, and briefly describe the nature of the information.

If you have applied for a water effluent discharge permit (NPDES Permit) or submitted a report to EPA in response to the National Emission Standard for Asbestos (NESHAP) (40 CFR §61.24) as a stationary point source, provide the following information:

NPDES Permit: _____ Application Date: _____
NESHAP Report Date: _____
Expiration Date: _____

J. WASTE AND DISPOSAL

16. All entries in this form will account for the waste that is not recycled and disposal of that waste resulting from the production of each product line. The respondent may estimate the percentage of the total waste from the plant site that results from the production of each product line. The data reported for each product line will be separated on the form. For additional entries, attach additional copies of this form. If you cannot determine quantities by product line, then report total quantities disposed of for each form of waste.

SPECIFIC INSTRUCTIONS:

1. Product Line
Record each of the applicable product categories checked in Part A. If you cannot determine wastes by product line, then report according to the form of the waste (see below).
2. Form of Waste
Record the form of the waste either after completion of the processing or as it leaves the plant site. The form of the waste may be expressed using such terms as sludge, slurry, mixed dry particulate, or other appropriate terms. Report asbestos collected in control devices on a separate line.
3. Total Annual Quantity of Asbestos Waste (Short Tons)
Enter the total quantity, in short tons, of asbestos waste generated by each product line in 1980. Asbestos waste is a waste product that contains asbestos as some of the total waste. Do not report quantities of waste that you recycle or reprocess.
4. Average Percent Asbestos
Record an average percentage of asbestos weight in the total quantity of asbestos waste in short tons reported for the product category. This figure may be an estimate based on previous experience or an extrapolation of production mass balance figures.
5. Method of Transportation to Disposal Site
Record all methods by which the asbestos waste is transported to a disposal site and any precautions taken during shipment (e.g., gondola rail car, wetted wasted, covered).
6. Disposal Site(s) and Method of Disposal
Record the type of the disposal site(s) for the asbestos waste of each product category (e.g., municipal landfill, company owned landfill). Supply a brief description of the disposal method and process.

J. WASTE AND DISPOSAL

If you claim the information in any row confidential, mark (X) in the "confidential" column. All information listed in that row will be included in the claim.

(1) Product #	(2) Form of Waste (SLUDGE, SLURRY, PARTICULATE, OR SPECIFY OTHER)	(3) Total Annual Quantity of Asbestos Waste (SHORT TONS)	(4) Average Percent Asbestos	(5) Method of Transportation to Disposal Site	(6) Disposal Site(s) and Method of Disposal	Confidential
1			X			
2			X			
3			X			
4			X			
5			X			
6			X			

K. POLLUTION CONTROL EQUIPMENT

19. This section requires you to list all pieces of pollution control equipment employed at your plant site to control or remove airborne asbestos fiber. You are to provide certain identifying and technical data, and then estimate the quantity of asbestos fiber that is released (or not captured) by each reported piece of equipment. If portions of the required data have been previously reported to EPA, and the data is still current, then write "EPA" in place of that data, and reference the address where the data was sent and the date it was sent.

List each piece of equipment on a separate line. For additional entries attach additional copies of the form.

Code - Do Not complete this portion. This is for EPA use only.

1. Type of Equipment

List all pollution control equipment used at the plant site which remove asbestos fiber from the air. The type of equipment should be a generic name which indicates a family of pollution control equipment, such as a baghouse, a wet scrubber, a dry scrubber, or a cyclone.

2. Brand

List the actual equipment at the reporting site for each generic type of pollution control equipment. Record the name of the manufacturer, the brand name, and the model number.

3. Date Installed

Record the month and year in which each piece of equipment was installed.

4. Operating Schedule

Under Actual Hrs./Yr., record the number of hours each piece of equipment actually operated in 1979. In addition, under Normal Hrs./Yr., record the average number of hours that each piece of equipment would normally operate by averaging the actual operating hours for 1976-1980.

5. Quantity Collected Annually (POUNDS)

For each piece of pollution control equipment, enter the quantity in pounds that was collected in 1980.

6. Percent Collection Efficiency

Record the Designated percent collection efficiency by weight (the percent of flow-through weight expected to be captured) that is claimed by the manufacturer for each piece of equipment. Additionally, under Actual, record the percent of collection efficiency that has been attained during the operation of the equipment. (If unknown, estimate or record the figure entered as the Designated percent collection efficiency.)

7. Tests on Equipment

Briefly describe the method(s) employed for testing the collection efficiency of reported equipment and most recent date of the test(s).

8. Estimate Quantity Released Annually (POUNDS)

Record an estimate, in pounds, of the asbestos fibers that are released (not trapped) annually by each piece of pollution control equipment. The figure for each piece of equipment can be determined by dividing the Quantity Collected Annually by the Actual Percent Collection Efficiency, and then subtracting the Quantity Collected Annually from that figure. The Total Pass-Through equals the sum of the Quantity Collected Annually and the Quantity Released Annually.

Compute for each piece of equipment:

$$\frac{\text{Quantity Collected Annually} \times (100 \text{ Percent})}{\text{Actual Percent Collection Efficiency}} = \text{Total Pass-Through}$$

then

$$\text{Total Pass-Through minus Quantity Collected Annually} = \text{Quantity Released Annually (for each piece of equipment)}$$

K. POLLUTION CONTROL EQUIPMENT

If you claim the information in any row confidential, mark (X) in the "confidential column."
All information listed in that row will be included in the claim.

Equip- ment #	Code (EPA USE ONLY)	Type of Equipment	(1) Brand (NFR.) BRAND NAME & MODEL #	(2) Date Installed	(3) Operation Schedule		(4) Actual Hrs./Yr.	(5) Normal Hrs./Yr.	(6) Quantity Collected Annually (POUNDS)	(7) Percent Collection Efficiency		(8) Tests on Equipment (METHOD)	(9) Date	(10) Estimate Quantity Released Annually (POUNDS)	Confidential
					Actual Hrs./Yr.	Normal Hrs./Yr.				Designated (%)	Actual (%)				
1			(NFR.) (BRAND NAME) (MODEL #)	(MO./YR.)					(POUNDS)	Z	Z		(MO/YR)	(POUNDS)	
2			(NFR.) (BRAND NAME) (MODEL #)	(MO./YR.)					(POUNDS)	Z	Z		(MO/YR)	(POUNDS)	
3			(NFR.) (BRAND NAME) (MODEL #)	(MO./YR.)					(POUNDS)	Z	Z		(MO/YR)	(POUNDS)	
4			(NFR.) (BRAND NAME) (MODEL #)	(MO./YR.)					(POUNDS)	Z	Z		(MO/YR)	(POUNDS)	
5			(NFR.) (BRAND NAME) (MODEL #)	(MO./YR.)					(POUNDS)	Z	Z		(MO/YR)	(POUNDS)	

BILLING CODE 4540-31-C

§ 763.77 Reporting secondary processing and importation of asbestos mixtures.

The following EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, will be completed and submitted to EPA as required in §§ 763.65 and 763.71. Information must be reported on this form to the extent that it is in the possession of the respondent.

(a) EPA Form 7710-37 (8-80)

BILLING CODE 4500-31-M



REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES

INSTRUCTIONS

Form Approved OMB No. 158-R00XX

The purpose of this survey is to identify the manufactured or imported products which contain asbestos. See "Reporting commercial and Industrial Uses of Asbestos", 40 CFR Part 763.

WHO MUST COMPLETE THIS FORM

1. Those who are secondary processors of asbestos must complete Parts I and II of this form. Each plant site or manufacturing facility must be reported separately.
2. Those who are importers of asbestos mixtures or article(s) containing asbestos component(s) must complete Parts I and III of this form.

DEFINITIONS

1. Asbestos Mixture — means a mixture or material to which bulk asbestos or another asbestos mixture is intentionally added. An asbestos mixture can be utilized as a finished product or incorporated into other products. Some examples of asbestos mixtures are: A/C pipe; asbestos textiles; asbestos friction material; and asbestos paper. For importers, asbestos mixtures include merchandise declared to the U.S. Customs Service within the numbers 518.2-518.5 of the Tariff Schedule of the United States, Annotated (TSUSA), as well as other pertinent TSUSA numbers.
2. Asbestos Component — means any asbestos mixture, including any finished product containing an asbestos mixture which is incorporated into an article. Some examples of asbestos components are: brake shoes in an automobile; an asbestos-reinforced plastic television cabinet; asbestos paper insulation in an appliance, garments made in whole or in part of asbestos textile(s).
3. Importer of Asbestos Mixtures or Articles Containing Asbestos Component(s) — means a person who imports merchandise which contains asbestos into the customs territory of the U.S. Persons who import bulk asbestos should not complete this report, but should complete EPA Form 7710-36.
4. Secondary Processor of Asbestos — means a person who incorporates an asbestos mixture into his product as a starting material by fabricating, modifying, or reformulating the asbestos starting material.

PART I COMPANY INFORMATION

Enter the name, address and phone number of your company. Enter the name of the principal technical contact who is either responsible for the completion of this form, or has sufficient knowledge of its content to respond to questions posed by EPA. Enter the unique Dun and Bradstreet number that is designated for the plant site or address reported here. Finally, if you import the merchandise reported here, check the appropriate box to indicate that you are either the Principal importer or the Agent for the Principal. Where there are two "importers" for the same shipment, the Principal rather than the Agent should report.

PART II SECONDARY PROCESSOR END PRODUCTS

This portion of the form must be completed by those who are secondary processors of asbestos mixtures. Secondary processors who also produce or import bulk asbestos or who also are primary processors will not complete this form, but should complete EPA Form 7710-36. Secondary processors who also import asbestos mixtures or articles containing asbestos components must complete Part III of this form. If additional space is needed, you should use additional copies of this form.

End Product(s) — Listed in Section 1 are some typical terms for products made with asbestos mixtures, and represent some of the products made by Secondary Processors of asbestos. This list is only illustrative, and you should write in the name of your product if it is not listed. In the column under "End Product(s)", enter the code number, or write in the name, of all end products you make in which you incorporate an asbestos mixture(s). For example, if you make a wood stove that contains an asbestos mixture, enter "107"; if you make a toaster that contains an asbestos mixture, enter the code for an appliance and write in "toaster" next to that code in the following manner: "05, toaster".

[If you process bulk asbestos fiber to make any of your products at this plant site, then you are a PRIMARY PROCESSOR. You should complete EPA Form 7710-36 if you are a Primary Processor.]

Asbestos Mixture(s) — Listed in Section 2 are typical terms for asbestos mixtures (materials that contain asbestos). Under the column "Asbestos Mixture", and opposite the appropriate end product, write in the code number or the name of the asbestos mixture(s) that you incorporate in each end product. For example, if you incorporate asbestos millboard into wood stoves and toasters, your entries would be as follows:

End Product	Asbestos Mixture
107	03
05, toaster	03

Quantity of Asbestos Mixture Consumed — Opposite each Asbestos Mixture that is listed, enter the quantity of each asbestos mixture that you consumed in 1980. Specify the quantity according to the unit of measure listed in Section 2 for each asbestos mixture. If the listed unit of measure is not applicable or is not known, report the quantity in short tons. If your records do not permit you to list the quantities consumed for separate end products, then report the total amount of each type of asbestos mixture that you consumed in 1980.

PART III. IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING AN ASBESTOS COMPONENT(S)

This part of the form must be completed by those who import an asbestos mixture or an article containing an asbestos component(s). If you import an article that contains an asbestos component, opposite the code number or name of the product, write a brief description of the asbestos component(s). Do Not report the importation of bulk asbestos here, because if you import bulk asbestos (TSUSA Number 518.11), you must complete EPA Form 7710-36. Space is provided for up to four products. Should additional space be required, additional copies of the form should be used.

Asbestos Mixture or Article — Listed in the instructions to this form are typical terms for products which contain asbestos. Locate the name that best describes the product(s) you import, and enter the code(s). If you import a product which is not listed, but you know that the product contains asbestos, write in the name of the product. If the article has a trade name(s), list the trade name(s) next to the generic name of the product.

Quantity of Asbestos Mixture(s) or Article(s) Imported — Record the total annual quantity imported in 1980. List these products and specify the quantity according to the unit of measure listed in Section 2. If the listed unit of measure is not applicable or is not known, report the quantity according to the unit of measure as reported to the U.S. Customs Service upon entry of the merchandise into the United States.

Description of Components in Article — List all asbestos components which are contained in the imported articles by entering the name of the asbestos component or describing the type of asbestos materials in the component opposite the name of the Product (see definitions above). For example, an imported car would be listed as an "Article", and either "brake shoes" or "asbestos-containing friction materials" would be listed as the "Asbestos Component". If you import an asbestos mixture, you do not have to complete this description.

SECTION 1 - TYPICAL TERMS FOR PRODUCTS MADE FROM ASBESTOS MIXTURES

- | | | |
|---|---|--|
| 01. Aerial distress flares | 43. Drilling fluid | 62. Mittens |
| 02. Acoustical products | 44. Drip cloths for molten ceramics/metals | 63. Molded asbestos reinforced plastics |
| 03. Aluminized cloth | 45. Electronic motor components | 64. Molten metal handling equipment |
| 04. Ammunition wadding | 46. Electrical resistance supports | 65. Motor armature |
| 05. Appliance (specify Appliance) | 47. Electrical switchboards | 66. Mufflers |
| 06. Aprons | 48. Electrical switch supports | 67. Oven and stove insulation |
| 07. Arc deflectors | 49. Electrical wire insulation | 68. Overgalters |
| 08. Rope/tape/braiding | 50. Filters | 69. Packing |
| 09. Yarn/lap | 51. Fire doors | 70. Packing components |
| 10. Wick | 52. Fire hoses | 71. Paints, textured |
| 11. Ash trays | 53. Fireproof absorbent paper | 72. Phonograph records |
| 12. Asphaltic coatings | 54. Flashing cement | 73. Piano and organ felts |
| 13. Automotive/truck body coatings | 55. Flat sheets | 74. Pipe wrap |
| 14. Automotive gaskets | 56. Flexible air conductor | 75. Plaster and stucco |
| 15. Bags | 57. Flooring, asbestos felt-based, sheet or tile | 76. Portable construction building |
| 16. Baking sheets | 58. Furnace cement | 77. Pottery clay |
| 17. Belting | 59. Gaskets | 78. Radiator top insulation |
| 18. Blackboards | 60. Gaskets, metal reinforced | 79. Radiator sealant |
| 19. Blankets | 61. Glazing compounds | 80. Pump and valve seals |
| 20. Boiler and furnace baffles | 62. Gloves | 81. Roof coatings |
| 21. Boots | 63. Grommets | 82. Roofing, saturated |
| 22. Brake linings, molded (light vehicle) | 64. Gun grips | 83. Roofing, unsaturated |
| 23. Brake linings, molded (heavy equip.) | 65. Hats and helmets | 84. Roof shingles |
| 24. Brake linings, woven (light vehicle) | 66. Heater element supports | 85. Rugs |
| 25. Brake linings, woven (heavy equip.) | 67. Heat resistant mats, table pads | 86. Sleeves |
| 26. Buffing and polishing compounds | 68. Heat shields | 87. Stove lining, coal or wood |
| 27. Cable insulation | 69. Hoods, vents | 88. Stove pipe rings |
| 28. Candlesticks | 70. Injection molded plastics | 89. Suits |
| 29. Carpet padding | 71. Insulation, other (specify) | 90. Switchboards and components |
| 30. Caulking/patching compounds | 72. Ironing board pads and insulation | 91. Tape |
| 31. Caulks, marine | 73. Iron rests | 92. Theater curtains or draperies |
| 32. Chemical tanks and vessels | 74. Jewelry making equipment | 93. Thermal insulation |
| 33. Cigarette lighter wicks | 75. Kilns | 94. Tile cement |
| 34. Clothing (other) | 76. Laboratory equipment | 95. Transmissions and components |
| 35. Clutch facings, molded | 77. Lamp sockets | 96. Umbrellas |
| 36. Clutch facings, woven | 78. Linings for vaults, safes, humidifiers, and filing cabinets | 97. Valve, flange, tank sealing components |
| 37. Commercial/industrial dryer felts | 79. Liners, pond and canal | 98. Vinyl asbestos floor tile |
| 38. Compressed sheet gaskets | 80. Mantles, lamp or catalytic heater | 99. Wallboard |
| 39. Custom automotive body filler | 81. Marine bulkheads | 100. Wall/roofing panels |
| 40. Decorated building panels | | 101. Welding rod coatings |
| 41. Disc brake pads | | 102. Other (specify) |
| 42. Draperies | | |

SECTION 2 - TYPICAL TERMS FOR PRODUCTS MADE FROM BULK ASBESTOS

PAPERS, FELTS, OR RELATED PRODUCTS	SUGGESTED UNITS OF MEASURE	FRICTION MATERIALS	
01. commercial paper	short tons	20. Brake linings, molded (light vehicle)	cubic feet
02. rollboard	short tons	21. Brake linings, molded (heavy equipment)	cubic feet
03. millboard	short tons	22. Brake linings, woven (light vehicle)	linear feet
04. pipeline wrap	short tons	23. Brake linings, woven (heavy equipment)	linear feet
05. beater-added gasketing paper	short tons	24. Disc brake pads (light vehicles)	pieces
06. high-grade electrical paper	short tons	25. Disc brake pads or blocks (heavy equip.)	pieces
07. unsaturated roofing felt	short tons	26. Clutch plate facing, woven	pieces
08. saturated roofing felt	short tons	27. Clutch plate facing, molded	pieces
09. specialty paper or felt	short tons	28. Transmission components (automotive)	pieces
10. saturated paper or felt	short tons	29. Friction materials for industrial, commercial and consumer machinery	cubic feet
11. corrugated paper	short tons		
FLOOR COVERINGS		TEXTILES	
12. vinyl asbestos floor tile	square yards	30. cloth	pounds
13. asbestos felt-backed vinyl flooring	square yards	31. thread, yarn, roving, cord, rope or wick	pounds
		32. lap	pounds
ASBESTOS-CEMENT PRODUCTS		OTHER PRODUCTS	
14. A/C Pipe	short tons	33. Sheet Gasketing (other than beater-added paper)	square yards
15. A/C Pipe, fittings	short tons	34. Molded packing or gasketing	pounds
16. A/C Sheet, flat	hundred square feet	35. Paints and Surface Coating	gallons
17. A/C Sheet, corrugated	hundred square feet	36. Resins, Adhesives and Sealants	gallons
18. A/C Shingle	squares	37. Asphaltic compounds	gallons
19. A/C Sliding	squares	38. Asbestos reinforced plastics	pounds
		39. Insulation materials not elsewhere classified (n.e.c.)	
		40. Mixed or repackaged asbestos fiber	short tons
		41. Other, n.e.c. (specify)	

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Form Approved OMB No. 158-R00XX

U.S. ENVIRONMENTAL PROTECTION AGENCY REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES		
PART I COMPANY INFORMATION		
COMPANY NAME		TECHNICAL CONTACT
ADDRESS (Street, City, State, & ZIP Code)		
TELEPHONE	DUN & BRADSTREET NUMBER	IMPORTER ☐ PRINCIPAL ☐ AGENT
PART II SECONDARY PROCESSOR END PRODUCT(S)		
From the list in Section 1, enter the asbestos and product produced. Opposite each product, list the asbestos mixture that you process, and the quantity of each mixture that you consumed in 1980.		
END PRODUCT(S)	ASBESTOS MIXTURE(S)	QUANTITY OF ASBESTOS MIXTURE CONSUMED
PART III IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING ASBESTOS COMPONENTS		
List the asbestos mixture(s) or article(s) that you import and the quantity of each item that you imported in 1980. Opposite each item, enter a description of the asbestos component in the mixture or article.		
ASBESTOS MIXTURE(S) OR ARTICLES	QUANTITY OF ASBESTOS MIXTURE(S) OR ARTICLE(S) IMPORTED	DESCRIPTION OF ASBESTOS COMPONENT(S) IN ARTICLE

CERTIFICATION AND INSTRUCTIONS FOR ASSERTING AND SUBSTANTIATING
CLAIMS OF CONFIDENTIALITY

To assert a claim of confidentiality for information reported on this form, you must clearly circle with a red marker the information you claim to be confidential. Any information you do not claim as confidential will be included in the public record, without further notice to you.

If you assert a claim of confidentiality and you substantiate that claim, EPA will disclose the information only as provided in the Agency's confidentiality regulations which appear in 40 CFR, Part 2, as amended on September 8, 1978 (43 FR 39997), and March 23, 1979 (44 FR 17673). Those regulations include provisions stating that, with specific exceptions, EPA will maintain the confidentiality of information claimed as confidential until the EPA Office of General Counsel makes a final determination that certain information is not entitled to confidential treatment. If confidentiality is denied, the submitter will receive written notice 30 days before the date that EPA will make the information available to the public.

In addition to asserting claims of confidentiality, you must substantiate these claims. To do this, the person who signs the form must certify the truth and accuracy of the following four statements which apply to all information claimed as confidential. (Note: The certification is only to be signed once for the form.)

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available elsewhere.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

Signature of Authorized Official

Date

BILLING CODE 8560-31-C

§ 763.78 Sunset provision.

All requirements of this rule will terminate five years after promulgation of this rule.

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