

FRICION MATERIALS STANDARDS INSTITUTE, INC.

10098

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Asbestos: Disclosure of Confidential Business Information to Congress

Agency: Environmental Protection Agency (EPA).

Agency Notice

SUMMARY: The Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the House of Representatives has requested information from EPA concerning the submitting of two draft proposed rules on asbestos to the Office of Management and Budget (OMB) in 1984 and the withdrawal of the draft proposed rules in 1985 to allow for the implementation of section 9 of the Toxic Substances Control Act (TSCA). To comply with this request, EPA will provide the Subcommittee copies of numerous documents concerning the development of the draft asbestos rules and the decision to invoke section 9. One of these documents contains information which has been claimed as confidential by asbestos miners, processors, and producers.

NOTE: Documents containing information claimed as confidential will be provided to the Subcommittee as soon as March 28, 1985.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-729), Office of Toxic Substances, Environmental Protection Agency, Rm. E-423, 401 M St. SW, Washington, D.C. 20460, Toll-Free: (800-424-9065), In Washington, D.C.: (202-1404), Outside the USA: (Operator 554-1403).

SUPPLEMENTARY INFORMATION: In a letter to EPA dated February 25, 1985, the Chairman of the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce stated that the Subcommittee has requested information on the development of the draft asbestos rules and the decision to invoke section 9 of TSCA. As part of that request, the Chairman requested that EPA provide the Subcommittee with copies of documents

agencies concerning the draft proposed asbestos rules.

Included in the documents responsive to the Chairman's request is the Regulatory Impact Analysis (RIA) for the draft proposed asbestos rules. That document contains detailed information on all aspects of the asbestos industry, including figures on asbestos consumption, production, importation, pricing, and exports. Much of this information was obtained directly from asbestos producers and processors under the authority of section 9(a) of TSCA. Some of this information submitted to the Agency and incorporated into the RIA has been claimed confidential by its submitters.

Under section 9(a) of TSCA, submitters are required to provide confidential business information to a designated subcommittee in response to a written request by its chairman. Before providing that information, however, section 9(b) requires that the submitters of the information be notified of the proposed disclosure at least 30 days in advance of its occurrence. This Federal Register notice is being published to provide notification to all asbestos producers and processors who have submitted asbestos information to EPA under section 9(a) of TSCA that the Agency will permit the House Subcommittee on Oversight and Investigations to have access to the RIA containing information claimed confidential. This access will occur no sooner than 10 days after publication of this notice.

Before being provided access to confidential business information, the Subcommittee staff members designated by the Chairman to have access will be briefed on the appropriate security procedures to be followed and will be informed of the provisions of section 14 of TSCA, which set criminal penalties for unlawful disclosure of confidential business information. Portions of the document containing information claimed confidential will be clearly designated.

The Subcommittee has not indicated when it will begin its review of the confidential business information.

FOR FURTHER INFORMATION CONTACT: John A. Hester, Director, EPA Office of Public Information, Environmental Protection Agency, Washington, D.C. 20460.