A/C Pipe
Producers Association

Internal Correspondence

TO: Public Affairs Committee
International Affairs Committee

FROM: J. F. Welch / ajb
J. F. Welch, Director, Public Affairs

DATE: July 2, 1981

SUBJECT: EPA - Regulations of Interest to A/C Pipe Industry

REF: JFW correspondence, same title, December 4, 1980

ACTION REQUIRED: Review for information

On June 30, 1981, the Regulatory Information Service Center published the Calendar of Federal Regulations which "provides a comprehensive overview of important regulations that agencies are developing and a summary of the analytical bases for them." The Calendar is an adjunct to the semi-annual Regulatory Agendas required under Executive Order 12291.

The following attachments summarize Environmental Protection Agency (EPA) regulations relevant to the A/C pipe industry:

Attachment 1:	Policy and Procedures for Identifying, Assessing and Regulating Airborne Substances Posing a Risk of Cancer (Clean Air Act, Section 112, National Emission Standards for Hazardous Air Pollutants).
Issue:	Would the policy specify a more stringent degree of source control for A/C pipe plants air emissions, based on a theory that an unreasonable "residual risk" remains after application of best available technology?
Attachment 2:	Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (Toxic Substances Control Act).
Issue:	Ban or other regulatory controls, including labeling, on the manufacture and use of A/C pipe.
Attachment 3:	Control of Organic Chemicals in Drinking Water (Safe Drinking Water Act).
Issue:	Advance Notice of Proposed Rulemaking (ANPRM) on vinyl chloride and tetrachloroethylene to be proposed in June, 1981.

If you have any questions, please do not hesitate to call.

JFW/ajb

Enclosure

cc: A. Kahn, Esq.
N. Rahn, Esq.
N. Battle
Special Counsel
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W. E. Smith, M.D.

copies to:

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ATTACHMENT 1

compliance. Based largely on data and analyses performed by DOE, we estimate that in the year 1990 these standards will result in an incremental annual cost of commercial waste management of about $100 to $600 million (1978 dollars). It is also possible that the incremental cost will be zero. The maximum cost impact amounts to less than a 1-percent increase in national average electricity rates.

We also estimated that the standards would cause an increase of $0.9 billion to $1.7 billion (1978 dollars) over the total cost of the reference defense waste management program (assuming on-site disposal of high-level waste in geological repositories as the reference program), which is estimated to cost about $3.7 billion (1978 dollars).

The details of our cost estimates are contained in the report "Economic Impacts of 40 CFR 191" (see Available Documents, below).

The Nuclear Regulatory Commission (NRC) is responsible for implementing these standards, and therefore will incur administrative costs.

Related Regulations and Actions

Internal: We have coordinated the part of these standards that covers normal waste management operations with our Environmental Radiation Protection Standards for Nuclear Power Operations (40 CFR Part 190) to provide consistent exposure standards for all uranium fuel cycle operations.

External: The Nuclear Regulatory Commission (NRC) is responsible for implementing these standards. To accomplish this, NRC is currently developing regulations for Disposal of High-Level Radioactive Wastes in Geologic Repositories (10 CFR Part 60); NRC describes these proposed regulations in this edition of the Calendar.

Active Government Collaboration

We established an interagency working group to help us develop these standards. The agencies represented are the Nuclear Regulatory Commission, the Department of Energy, and the United States Geological Survey.

Timetable

NPRM—July 1981.
Regulatory Impact Analysis and Environmental Impact Statement—July 1981 (under preparation).
Public Hearings—Several public hearings will be conducted during the public comment period, at times and places that we will announce in the Federal Register.
Public Comment Period—180 days following publication of NPRM.
Final Rule—July 1982.
Final Rule Effective—July 1982.
Regulatory Flexibility Analysis—Not required.

Available Documents

ANPRM—41 FR 235, December 8, 1976.
"Economic Impact of 40 CFR 191," available from Criteria & Standards Division (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, DC 20460.

Agency Contact

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EPA—OANR

Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer (40 CFR Part 61)

Legal Authority

The Clean Air Act, as amended. §§ 111, 112, and 301(a), 42 U.S.C. §§ 7411, 7412, and 7601(a).

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this policy is important because it will set a precedent in establishing how EPA will regulate airborne carcinogens under the Clean Air Act, and include risk assessment and economic analysis in the regulatory process.

Statement of Problem

Cancer is the second leading cause of death in the United States. One American in four is expected to contract some form of cancer in his or her lifetime, and one in five is expected to die from the disease. The most recent statistics show a continued increase in the total incidence of cancer, resulting principally from increases in lung cancer.

Studies of human cancer rates and their worldwide geographical variations, and observations of incidence rates in migrant populations, have revealed that factors in the human environment are probably responsible for a large proportion of cancers. "Environmental factors" in the broad sense include chemical exposures from smoking, diet, occupation, drinking water, and air pollution; various forms of radiation, including sunlight; and some forms of severe physical irritation. Although the uncertainties are great, estimates by the World Health Organization, other prominent institutions, and individual experts suggest that these factors may cause 60 to 90 percent of all human cancers.

Although airborne carcinogens may induce cancer at a number of areas in the body, lung cancer is thought to be the principal form of cancer related to air pollution. While cigarette smoking is probably the most important cause of lung cancer in the United States, many scientists believe that various air pollutants increase the risk of cancer from smoking and other carcinogenic insults. Available estimates also indicate that occupational exposures to chemicals are responsible for a significant portion of the incidence of lung cancer in the United States.

Through preliminary examination of industries producing chemicals and radioactive materials, and of air sampling results, EPA has identified over 50 known or potential chemical carcinogens and numerous radioactive materials which may be emitted into the atmosphere. Many of these substances are synthetic organic chemicals that have been in commercial use only since the 1930s. Because cancer induced by exposures to small amounts of airborne carcinogens may not appear for 15 to 40 years after exposure, it is still too early to detect the full effects of these chemicals on human health. Thus, it is both prudent and, in view of the large number of people potentially affected, important to reduce or contain emissions of known or suspected atmospheric carcinogens in order to prevent future problems before we actually observe them.

We have, since 1971, listed five airborne carcinogens (asbestos, vinyl chloride, benzene, radionuclides, and arsenic) as hazardous pollutants under § 112, National Emission Standards for Hazardous Air Pollutants, of the Clean Air Act. As required by § 112, we have developed and are continuing to develop emission standards for significant sources of these pollutants. In addition, we are evaluating a number of other potentially carcinogenic substances to determine whether action under § 112 is appropriate. We have found our actions on airborne carcinogens to be hampered by the lack of a policy, developed with public participation, that would guide our use of § 112 to control airborne carcinogens.

Specifically, we need publicly stated, legally binding policies and regulatory mechanisms to: (1) determine the

carcinogenicity and carcinogenic risks of air pollutants for regulatory purposes, (2) establish priorities for evaluating the need for and implementing additional regulatory action, (3) specify the degree of source control required in general under § 112 and indicate how we will determine that level of control in setting individual standards, and (4) provide more extensive public involvement in the Agency's decisionmaking on the regulation of airborne carcinogens.

Alternatives Under Consideration

We describe a number of alternatives in the proposal document (44 FR 58642, October 10, 1979):

(1) approaches leading to a zero-emission level;

(2) predetermined decision rules (e.g., specification of a fixed target (numeric) carcinogenic risk or incidence level; cost-per-life goals; best available technology); and

(3) special approaches for new sources.

Beyond that, the principal alternative is to have no formal policy. Under this alternative, EPA would continue with a case-by-case approach for regulating airborne carcinogens under § 112 of the Clean Air Act. This strategy would allow the Agency maximum regulatory flexibility, but would not give either the general public or the regulated industry sufficient information to enable them to participate fully in the rulemaking process. In addition, the alternative of no policy would not resolve the difficulties which EPA has encountered in the listing of airborne carcinogens and in the subsequent development of emissions regulations. It also does not recognize the need for procedures to ensure that available resources are allocated to the most important or tractable problems on a priority basis.

Under the policy, we will list under § 112 those airborne substances identified as high probability human carcinogens which present a significant carcinogenic risk to public health as a result of air emissions from one or more categories of stationary sources. Where applicable, we will propose generic standards (low-cost, good housekeeping-type standards for the control of fugitive emissions) for control of fugitive emissions from industrial sources. We will submit these standards concurrently with the listing to expedite reduction in emissions which can be achieved through good housekeeping practices in the manufacturing, handling, or use of hazardous materials. We will use risk assessments to determine priorities for further regulation of significant source catagories and in the evaluation of residual risk (the risk remaining after the application of best available technology).

At a minimum, the policy requires new and existing sources which present or would present significant cancer risks to apply best available technology (BAT) to control emissions of listed airborne carcinogens. BAT for new sources represents the most advanced level of control adequately demonstrated, considering economic, energy, and environmental effects. For existing sources, the determination of BAT also considers the impacts and technological problems associated with the retrofitting of control equipment. Controls more stringent than BAT may be imposed if the risk remaining after the application of BAT is unreasonable, or, for new sources, if EPA's criteria for risk avoidance associated with plant siting cannot be met.

Our proposed policy contains no reporting requirements.

In most cases, emission standards we establish pursuant to our proposed policy will be in the form of performance standards, rather than specific design standards. Design, operating, or equipment standards will be used only when performance standards are not practical.

In addition, the new source-siting provisions of the policy allow a new source owner to use an emission offset mechanism to locate a new source of airborne carcinogens in an area where other such sources exist or where the owner has difficulty in meeting emission requirements for the new source. An emission offset is an emission reduction at an existing source which compensates for emissions from a new source.

Summary of Benefits

Sectors Affected: The general public, particularly people living and working in densely populated urban areas and areas with a high concentration of chemical manufacturing industries; EPA; and State and local regulatory authorities.

Generic and emission standards that we develop for sources of airborne carcinogens under the proposed policy will reduce cancer risks for large segments of the U.S. population exposed to airborne carcinogens in the ambient air. The greatest benefits will be to individuals who live in the immediate vicinity of characteristic source types.

While low levels of potentially carcinogenic substances have been detected in many parts of the country, the areas of greatest concern are densely populated urban centers and areas with a high concentration of chemical manufacturing industries. In the latter case, the proposal would benefit populations in the Gulf Coast (Louisiana and Texas), the Kanawha Valley (West Virginia), and Northern New Jersey.

The proposed policy will significantly improve EPA's regulatory effort in identifying and controlling airborne carcinogens. Proposing generic standards for certain categories or sources concurrent with listing under § 112 will provide significant reduction in emissions pending development of final § 112 standards.

A mechanism for establishing regulatory priorities will ensure that we address the most important or tractable problems first. The policy also provides for increased public understanding of and participation in EPA's actions and allows EPA to give earlier notice of its findings and regulatory intent to State and local regulatory authorities and to industries.

Summary of Costs

Sectors Affected: Source types emitting carcinogenic substances into the atmosphere, including petroleum refining and establishments which mine or manufacture minerals, inorganic chemicals, radioactive substances and byproducts, and synthetic organic chemicals; and users of these products.

Our preliminary analyses have identified a number of source types which may emit carcinogenic substances into the atmosphere. Most of these types fall into one of the following six broad groups: (1) mining, smelting, refining, manufacture, and end-use of minerals and other inorganic chemicals; (2) combustion processes, coke ovens, incinerators, power plants, etc.; (3) petroleum refining, distribution, and storage; (4) synthetic organic chemical industries and end-use applications and waste disposal; (5) mining, processing, use, and disposal of radioactive substances and radioactive byproducts; and (6) sources of noncarcinogenic emissions which are chemically transformed into carcinogens in the atmosphere.

All emissions standards will include capital costs, some increase in operating costs, and possibly some administrative reporting costs or research and development costs for industry to comply with the various regulations we develop pursuant to this policy.

We intend the proposed rule only to guide the Agency in identifying and controlling airborne carcinogens. In its present form, we cannot assess its regulatory effects quantitatively. This policy will, however, provide a basis for

impact assessments in subsequent regulatory actions that are taken in accord with its provisions.

Related Regulations and Actions

Internal: Other offices within EPA which are also in the process of developing carcinogen control programs include the Office of Pesticides and Toxic Substances, the Office of Water and Waste Management, and the Office of Mobile Source Air Pollution Control. A program is also underway to develop an agencywide cancer policy.

External: Related external efforts include the development of a national cancer policy by the member agencies of the U.S. Regulatory Council (44 FR 39858); the recent report by the Risk Assessment Work Group of the Interagency Regulatory Liaison Group (IRLG) on the identification of carcinogens and the quantitative assessment of risks; a staff paper by the White House Office of Science and Technology Policy on the identification, characterization, and control of potential human carcinogens; and a report to President Carter by the Interagency Toxic Substances Strategy Committee ("Toxic Chemicals and Public Protection," May 1980).

Other regulatory agencies that are involved in this area include the Occupational Safety and Health Administration, which published a final policy for regulating occupational exposure to carcinogens on January 2, 1980 (45 FR 5002), the Food and Drug Administration, and the Consumer Product Safety Commission. Nongovernmental groups which have expressed interest in or made recommendations on the control of carcinogens include the Environmental Defense Fund, the American Industrial Health Council, and the Natural Resources Defense Council.

Active Government Collaboration

The Agency has presented testimony at the public hearings held after the Occupational Safety and Health Administration proposed its carcinogen policy. We have also provided information briefings for the Interagency Regulatory Liaison Group and members of the President's Council on Environmental Quality, the Council on Wage and Price Stability, Congressional staff, and interested State air pollution agencies. We have participated in the proposed policy regulating chemical carcinogens issued by the Regulatory Council on October 17, 1979 (44 FR 60038).

Timetable

Final Rule—December 1981.

Regulatory Impact Analysis—None.

Regulatory Flexibility Analysis—None.

Available Documents

"Policy and Procedures for Identifying, Assesssing, and Regulating Airborne Substances Posing a Risk of Cancer," NPRM, October 10, 1979, 44 FR 58642.

"National Emission Standards for Hazardous Air Pollutants—Generic Standards," ANPRM, October 10, 1979, 44 FR 58662.

"Summary of Responses and Proposals—Testimony and Written Submissions," EPA Public Hearings on Regulation of Carcinogenic Air Pollutants, Washington, DC, March 23, 1978.

Testimony presented at public hearings in Washington, DC, Boston, MA, and Houston, TX the week of March 10, 1980 as well as the written comments received.

Copies of written comments received during the public comment period.

These documents as well as others referenced in the proposed policy are available in public rulemaking docket number OAQPS 79-14. The docket is open for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at: Central Docket Section, Gallery 3, West Tower, Waterside Mall, 401 M Street, S.W., Washington, DC 20460.

Agency Contact

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EPA-OANR—Office of Mobile Source Air Pollution Control

Fuels and Fuel Additives Protocols (40 CFR Part 79*)

Legal Authority

The Clean Air Act, as amended, § 211, 42 U.S.C. § 7545.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks that this rule is important because it may have a marked effect on the way private industry develops and markets fuels and fuel additives, and because of its potentially beneficial public health effects. While this rule may not have an annual impact of $100 million or more, the potential growth in the use of synthetic fuels and fuel additives in the future, as the Nation attempts to lessen its dependence on foreign oil, makes it a rulemaking worthy of attention.

Statement of Problem

In 1977, Congress amended the Clean Air Act, adding § 211(e), which requires EPA to develop regulations to test the environmental and health effects of fuels and fuel additives (including, but not limited to, the carcinogenic or mutagenic effects resulting from respiration). Section 211(e)(2) of the Act itself establishes deadlines by which the manufacturer must provide the requisite information to the EPA Administrator. Section 211(e)(3) authorizes the Administrator to: (1) exempt small businesses from the regulations, (2) provide for sharing of testing costs among manufacturers who desire to register identical compounds, and (3) exempt businesses from duplicative testing requirements.

The present registration regulation requires that manufacturers submit certain information on the chemical composition and the toxicity of fuels and fuel additives to the extent this information is known by the manufacturer as the result of testing conducted for reasons other than fuel registration (40 CFR 79.31(c)).

The proposed action may require the manufacturer to perform certain physical, chemical, and biological testings of fuels and fuel additives before registration.

On August 29, 1978, EPA published an ANPRM in the Federal Register (43 FR 38607) requesting comments on the types of health effects and emissions test methods to be used, small business criteria, and cost sharing provisions. In response to this request, the Agency received over 22 submittals of comments from the interested public. These regulations will consider all comments received from the interested individuals and organizations.

Alternatives Under Consideration

Our preferred alternative is to require health effects and emissions testing by manufacturers on a tier basis. This approach would require manufacturers to report the chemical composition of all candidate fuels and fuel additives. If, based on chemical composition, EPA can make a determination that the environmental and health impacts are insignificant, further testing may not be required. However, if the initial and subsequent data present a cause for concern, further testing will be required until the concern is alleviated.

ATTACHMENT 2

Regulatory Analysis and proposed Economic Impact Analysis (see "Available Documents," Proposed Economic Impact and Draft Regulatory Analysis of November 13, 1980 (45 FR 74945)).

Summary of Benefits

Sectors Affected: Establishments and employees in the chemical industry; importing of chemical products; the general public; and the environment.

The premanufacture review process will benefit public health and the environment by preventing the production, use, or disposal of new chemicals which present unreasonable risks. By preventing potential hazards at an early stage, EPA can minimize economic dislocation, especially that which would result if a chemical is in full production and use is withdrawn. The rules will benefit manufacturers and importers of chemical products by clarifying statutory obligations for providing information. Adverse employment effects and the obsolescence of plant equipment will be substantially reduced by early regulation. Preventing toxic chemicals from entering the environment also will decrease lost work days and hospitalization costs that result from worker exposure to toxic chemicals.

Summary of Costs

Sectors Affected: The chemical industry; and importing of chemical products.

EPA is conducting an in-depth study of the premanufacture notification requirements to determine with a greater degree of confidence the nature of the costs and economic effects of this rulemaking. These effects will include the effect on research and development programs; industry sales, growth, and profitability; and the structure of the chemical industry. EPA will use the results of this study in making final decisions on how to implement the premanufacture notification program. Preliminary results of this analysis estimated that the notice form proposed on January 10, 1979 would impose a one-time cost between $2,500 and $22,500 to complete for each submitter, in 1980 dollars. Estimates for the October 16, 1979 reproposed shortened form indicated that completion of the revised form would impose a one-time cost between $1,155 and $8,925, in 1980 dollars. It has also been estimated that approximately 400 notices would be submitted per year. Therefore, the total cost of providing the notice forms in a typical year would be between $462,000 and $3,570,000, in 1980 dollars. October 16 cost estimates also included costs of between $0 and $6,400 for asserting and substantiating claims of confidential business information in connection with the notice submission.

The previous estimate did not include confidentiality costs, although there would be some cost for confidentiality imposed by the statute as well as any implementing regulation.

The fiscal year 1981 EPA operating plan for implementing the premanufacture notification program is $5,720,000.

Related Regulations and Actions

None.

Active Government Collaboration

Other Federal agencies that have been involved in this rulemaking include the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Food and Drug Administration, the Department of Transportation, and the Bureau of the Census.

Timetable

Final Rule—August 1981.
Final Rule Effective—30 days following publication of the final rule.
Regulatory Flexibility Analysis—Not required.

Available Documents

Public comments.
NPRM for Premanufacture Notification Requirements and Review Procedures—44 FR 2242, January 10, 1979 (Docket Number OTS 050002).
Discussion of Premanufacture Testing Policy and Technical Issues—44 FR 16240, March 16, 1979 (Docket Number OTS 050002).
Interim Policy Statement—44 FR 28558, May 15, 1979 (Docket Number OTS 050002).
NPRM for Proposed Processor Requirements, Premanufacture Review Program—45 FR 54642, August 15, 1980 (Docket Number OTS 050002). Proposed Economic Impact and Draft Regulatory Analysis—45 FR 74945, November 13, 1980.
Extension of Comment Period—45 FR 81615, December 11, 1980.
These documents are available from the Agency Contact listed below.

Agency Contact

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(800) 426-9065 (toll free).
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EPA—OPTS

Rules Restricting the Commercial and Industrial Use of Asbestos Fibers (40 CFR Part 763)

Legal Authority

Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 and 2605.

Reason for Including This Entry

The Environmental Protection Agency (EPA) has included this action because of its potential economic impact on the asbestos industry. The economic cost of the rule may exceed $100 million. We may prohibit a large portion of the domestic production and importation of asbestos-containing products into the United States.

Statement of Problem

Epidemiological studies have established that exposure to asbestos fibers can contribute to increased risk of lung damage (asbestosis) and human cancer of several kinds.

EPA is concerned that in spite of past governmental regulation of asbestos, millions of Americans may be exposed to levels of asbestos that significantly increase the risk of contracting asbestos-related diseases. (Past regulations are cited below under Related Regulations and Actions.). Currently, more than 2 million workers are exposed to asbestos fibers (at levels higher than background) in their places of employment. In addition, the 159 million Americans who live in urban areas may be exposed to asbestos fiber levels that significantly increase the risk of contracting asbestos-related diseases. EPA is concerned that asbestos fiber emissions from the mining, milling, processing, or distribution of asbestos or from the use, misuse, or disposal of asbestos-containing products might cause significant pollution of urban air.

It is difficult to estimate the number of people who will contract asbestos-related diseases at current exposure levels. Data on mortality rates are available for workers who are exposed to asbestos fiber levels considerably higher than general population exposures. EPA will extrapolate to predict risks for the general population.

EPA is conducting this regulatory program because the Agency is not convinced that existing regulations have adequately protected the public. These regulations have focused on limited aspects of the asbestos exposure problem, such as worker exposures, air emissions from manufacturing facilities,

and some consumer products. Regulation under the Toxic Substances Control Act (TSCA) would eliminate unreasonable human health risks from all asbestos-related activities. The comprehensive mandate of TSCA enables EPA to reduce health risks from sources that are difficult to control through medium-specific or source-specific regulation authorized under other Federal authorities. Under TSCA, EPA is currently investigating the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products from mining and milling through processing, product manufacturing, use, and disposal. Our preliminary studies indicate substantial continuing exposure of millions of people to the ever-growing inventory of asbestos sources. As a result of this study, the Agency expects to promulgate rules to prevent and reduce any unreasonable risks that are identified.

Alternatives Under Consideration

EPA is considering the following alternative actions: (A) prohibiting the manufacture, processing, distribution in commerce, and importation of asbestos for all nonessential asbestos uses; (B) instituting a quota system restricting the quantity of fibers that could be mined and imported, or processed annually in the United States, thus allowing the marketplace to determine which products and uses to eliminate; (C) developing other marketplace regulatory strategies; (D) requiring labeling of asbestos-containing products; (E) regulating under laws other than TSCA; and (F) taking no regulatory action.

EPA choice of a regulatory program will depend on the seriousness of the risks and the identification of the major sources of exposure. EPA suspects that much of the asbestos to which the public is exposed comes form emissions caused by mining, milling, and processing asbestos fibers; emissions resulting from the use of asbestos-containing products may not be as significant. In that case, EPA would want to reduce risks from mining, milling, and processing as much as possible (Alternative A). A disadvantage of Alternative A would be that both the affected industry and EPA would be involved in extensive exemption proceedings.

At this time it is not clear that the economic impact of a quota approach (Alternative B) would be any less than Alternative A. The major advantage of Alternative B over Alternative A is that the marketplace would decide which uses of asbestos should continue.

Alternative C involves developing other marketplace strategies, such as emission fees for asbestos release, performance bonding, and a bubble policy where a plant's total asbestos release would be limited. A disadvantage of both Alternatives B and C is that since they have never been attempted before, the implementation problems are unknown. Also, there would be no guarantee of eliminating products that present a particularly high health risk. For example, if a product with fibers that are easily released commands a relatively high price, it might remain in the marketplace much longer than if it were regulated specifically. However, if necessary, a market strategy could be modified to eliminate this problem.

EPA is considering imposing a labeling requirement (Alternative D) either in addition to or in lieu of other requirements. A labeling rule would have considerably less economic impact than Alternatives A, B, or C, and it would also provides less direct protection to public health. Alternative D, if implemented alone, would increase awareness of the hazards of asbestos and would increase recognition of products that can cause these health risks. However, it would not force any reduction in exposure to asbestos fibers. EPA is considering either regulating under other Federal laws adminstered by EPA or not regulating in deference to other Federal agencies (Alternative E). Several comments on the ANPRM (44 FR 60056, October 17, 1979) indicated that industry does not consider TSCA to be appropriate authority for regulating asbestos and that further Federal regulation, if needed, should be implemented under other laws, particularly the Occupational Safety and Health Act (OSH Act). Although the Occupational Safety and Health Administration (OSHA) has announced its intention to lower its workplace standard to 0.1 fiber per cubic centimeter, OSHA lacks the legislative mandate to address the problem of asbestos exposure outside of the workplace. EPA action to restrict production and importation of products containing asbestos may be necessary to complement the OSHA workplace standard for airborne asbestos.

Any action by the Consumer Product Safety Commission (CPSC) would not affect production of industrial asbestos-containing products, and these production processes may cause significant fiber emissions.

A combination of EPA actions under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and other laws might significantly reduce asbestos-related risks. However, the EPA Administrator might find that it is in the public's interest to regulate under TSCA because the limited mandate of these other laws results in continued risk from asbestos.

Alternative F, taking no regulatory action, would benefit the asbestos industry since it would incur no costs. However, there would also be no reduction in the exposure to asbestos in the United States.

Summary of Benefits

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturing); the general public; and establishments that manufacture asbestos substitutes.

At this early stage of development of EPA's rule, it is difficult to estimate benefits in quantitative terms. Regulation will decrease the incidence of asbestosis and lung cancer in the United States, thereby decreasing the number of worker-days lost due to worker sickness, increasing space available in hospitals, and decreasing costs due to illness and premature death.

EPA regulation of asbestos should increase demand for substitutes such as fiberglass, ceramic fibers, polyvinylchloride, and ductile iron pipe. Therefore, manufacturers and distributors of substitutes should benefit from regulation.

Summary of Costs

Sectors Affected: Establishments and workers in the asbestos industry (including asbestos mining and asbestos product manufacturers) and their suppliers; importers of asbestos and asbestos products; and users of asbestos products.

Because EPA has not completed its analysis of economic effects, cost estimates are not available.

Although costs to industry clearly depend on the option chosen, and that has not been determined at this time, costs may exceed $100 million annually. Asbestos mines and asbestos processors may be forced to reduce production, and many processors may be forced out of the asbestos business. EPA plans to regulate in a manner that will allow asbestos processors time to convert to substitutes. Small businesses may seek aid from the Small Business Administration to obtain capital to convert. It is too early to predict the effect of regulation on employment. EPA hopes that jobs lost from the asbestos

industry will be offset by jobs gained in the substitutes industries. Substitute products generally cost more than asbestos-containing products, and these costs will be passed on to consumers.

Related Regulations and Actions

Internal: EPA has established National Emission Standards for Hazardous Air Pollutants for several asbestos sources under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* EPA is developing effluent guidelines regulating wastewater discharges of asbestos under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*, as amended in 1972 and 1977. It is also considering additional regulation of asbestos in drinking water under the Safe Drinking Water Act, 42 U.S.C. § 3006 *et seq.*

The Agency is developing a rule to require surveys to determine whether asbestos hazards are present in public schools because of deteriorating insulation. EPA is also considering requiring appropriate corrective measures where it finds hazards (see 44 FR 54676, September 20, 1979). Other existing asbestos sources that the Agency may control in the future include public buildings where asbestos was used as an insulation or decorative material and merchant ships where asbestos is widely used as insulation.

EPA regulations directed specifically to asbestos are found in 40 CFR Part 61 (air) and Parts 129 and 427 (water).

External: EPA and CPSC both published ANPRMs on October 17, 1979 in the Federal Register (44 FR 60053). These ANPRMs were prefaced by a Joint Statement of Cooperation signed by the EPA Administrator and the CPSC Chairman. The statement indicated how the two agencies will cooperate and direct their regulatory efforts to minimize reporting requirements and other burdens on industry, and to improve overall public health. EPA is planning to promulgate a rule under § 8(a) of TSCA to require manufacturers and processors of asbestos fibers to submit economic and exposure information. EPA has proposed a rule under § 8(d) of TSCA requiring industry to submit unpublished health and safety studies relating to asbestos. CPSC is planning to issue a general order requiring manufacturers and private labelers of some categories of consumer products to submit information on the use of asbestos in those products. CPSC will not require the submission of information already submitted to EPA.

OSHA plans to lower its workplace standard for asbestos exposure (8-hour time-weighted average) from 2 f/cc (fibers per cubic centimeter) to 0.1 f/cc. This action is in response to a recommendation in April 1980 by the joint National Institute for Occupational Safety and Health (NIOSH)-OSHA Asbestos Work Group that "a new occupational standard be promulgated which is designed to eliminate nonessential asbestos exposures, and which requires the substitution of less hazardous and suitable alternatives where they exist."

Asbestos regulations promulgated in the past by other agencies are as follows:

CPSC—16 CFR Parts 1145, 1304, and 1305; OSHA—29 CFR Part 1910; FDA—21 CFR Parts 121, 128, 133, and 191; DOT—49 CFR Parts 170–189; MSHA—30 CFR Parts 55, 57, and 71.

Active Government Collaboration

To maximize the effectiveness of this proposed rule, EPA is coordinating either directly or through the Interagency Regulatory Liaison Group (IRLG) with the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Mine Safety and Health Administration (MSHA), and the Department of Transportation (DOT).

In July 1980, EPA and the Consumer Product Safety Commission cooperated in sponsoring and organizing a 3-day workshop on substitutes for various uses of asbestos in commercial and industrial products. About 500 persons attended the workshop, which was designed to increase industry's awareness of substitutes for asbestos and to expand EPA's and CPSC's data base. EPA was the lead agency in coordinating the workshop.

Timetable

NPRM—Spring 1982.
Regulatory Impact Analysis—Draft Regulatory Impact Analysis, spring 1982; final version, spring 1983.
Public Hearing—Summer 1982, Washington, DC.
Public Comment Period—Spring 1982.
Final Rule—Spring 1983.
Final Rule Effective—Summer 1983.
Regulatory Flexibility Analysis—To be determined.

Available Documents

ANPRM for Asbestos-Containing Materials in School Buildings—44 FR 54676, September 20, 1979.

ANPRM for Commercial and Industrial Use of Asbestos Fibers—44 FR 60056, October 17, 1979.

Comment period extended—44 FR 73127, December 17, 1979.

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EPA—OPTS

Toxic Substances Control Act (TSCA) Section 4 Test Rules (40 CFR Part 773)

Legal Authority

Toxic Substances Control Act, §§ 4 and 26, 15 U.S.C. §§ 2603 and 2625.

Reason for Including This Entry

The Environmental Protection Agency (EPA) thinks these rules are important because we need data to assess the risk of injury to human health and the environment caused by exposure to chemicals in commercial production and use.

Statement of Problem

Section 4 of the Toxic Substances Control Act (TSCA) gives the Environmental Protection Agency the authority to require that manufacturers and/or processors of chemicals test these chemicals for possible adverse effects on human health or the environment. To implement § 4, we are in the process of developing, proposing, and promulgating test standards and test rules. A test standard is a description of the scientific methodology and analysis to be used in testing for an effect. A test rule is a regulation requiring manufacturers and processors of specific chemicals to test these substances for certain effects according to appropriate test standards. The Agency established a reasonable timetable in which industry must complete the development of the test data.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to make recommendations to the EPA Administrator, in the form of a list, regarding chemical substances that should receive priority consideration in the Agency's development of test rules. For the most part, chemicals to be included in test rules come from the semiannual recommendations made by the ITC. The Committee's eight members represent the Council on Environmental Quality, the Department of Commerce, the Environmental Protection Agency, the National Science Foundation, the National Institute of Environmental Health Sciences, the National Institute

ATTACHMENT 3

and Regulatory Flexibility Analysis for all test rules available at proposal.

Available Documents

Chloromethane and Chlorinated Benzenes Proposed Test Rule, Proposed Health Effects Standards Amended, 45 FR 48524, July 18, 1980.

Acrylamide: Response to the Interagency Testing Committee, 45 FR 48510, July 18, 1980.

Exemptions from Test Rules: Proposed Statement of Policy and Procedures, 45 FR 48512, July 18, 1980.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules: Proposed Good Laboratory Practice Standards for Health Effects, 44 FR 44054, July 26, 1979.

Proposed Health Effects Test Standards for Toxic Substances Control Act Test Rules, 44 FR 27334, May 9, 1979.

The Interagency Testing Committee established under TSCA has issued six reports making recommendations on chemicals to be covered by TSCA testing rules:

First Report—42 FR 55026, October 12, 1977.
Second Report—43 FR 16884, April 19, 1978. OTS Docket 040004.
Third Report—43 FR 50630, October 30, 1978. OTS Docket 04005.
Fourth Report—44 FR 31886, June 1, 1979. OTS Docket 41001.
Fifth Report—44 FR 70664, December 7, 1979. OTS Docket 41001.
Sixth Report—45 FR 35897, May 28, 1980. OPTS Docket 41002A.
Seventh Rule—46 FR 12317, November 25, 1980.

Public comments on the first test rule received during the comment period, which ended October 31, 1980, are available for inspection in the OPTS Reading Room (Room 407 East Tower, 401 M Street, S.W., Washington, DC 20460) between the hours of 8:00 a.m. and 4:00 p.m. on working days.

Transcripts of public meetings held on October 15, October 21, October 24, October 30, and October 31, 1980, are also available for inspection in the OPTS Reading Room.

The following Proposed Support Documents are also available in the OPTS Reading Room: 1) Chloromethane Support Document, 2) Chlorinated Benzenes Support Document, 3) Exposure Support Document, and 4) Economic Analysis Support Document.

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EPA—Office of Water and Waste Management

Control of Organic Chemicals in Drinking Water (40 CFR Part 141)

Legal Authority

The Safe Drinking Water Act, as amended, § 412, 42 U.S.C. § 300(f) *et seq.*

Reason for Including This Entry

The Environmental Protection Agency (EPA) includes this regulation because it could impose compliance costs of over $100 million.

Statement of Problem

Recent technological developments in sophisticated analytical measurement techniques have resulted in the identification of numerous organic contaminants in drinking water, particularly in some ground water supplies that have been contaminated by improper waste disposal practices, that may pose a health risk to consumers. For example, choloroform, a suspected human carcinogen, is only one of many synthetic organic chemicals known to be present in drinking water. Chloroform is representative of a class of chemicals known as trihalomethanes (THMs), whose presence in drinking water were controlled by rules finalized at 44 FR 68624 on November 29, 1979. Future measures to control organic chemicals in drinking water are proceeding through an approach involving control of volatile organics in drinking water, which we will describe in an ANPRM in June 1981.

The ANPRM will set forth current considerations in the development of maximum contaminant levels (MCLs) for certain volatile organic chemicals in the Revised Primary Drinking Water Regulations, which EPA is developing to apply to all public water systems in the United States. At this time, contamination of drinking water by volatile organics has most often been found in ground waters in urbanized and industrial areas. The levels of occurence, coupled with the suspected carcinogenicity and toxicity of several identified compounds, appear to support the setting of MCLs for some of the following compounds:

- Trichloroethylene
- Carbon tetrachloride
- Tetrachloroethylene
- 1,2-Dichloroethane
- 1,1,1-Trichloroethane
- cis-1,2-Dichloroethylene
- trans-1, 2-Dichloroethylene
- 1, 1-Dichloroethylene
- Methylene chloride
- Vinyl chloride
- Benzene
- Chlorobenzene
- Dichlorobenzene
- Trichlorobenzene

If EPA takes no action with regard to the above chemicals, a possible health risk to the public will continue to exist and the overall quality of drinking water will be suspect in those ground water areas. As a class, most of these chemicals are suspected carcinogens based upon animal tests while certain of them are considered mutagens and/or teratogens.

Alternatives Under Consideration

Specific options are being developed and alternatives will be separately evaluated for each contaminant. MCLs will be proposed only after careful evaluation of the best available evidence in the areas of epidemiology, toxicology, analytical methods, quality assurance, monitoring requirements, feasibility, and efficiency of competing treatment methods and economic impacts.

Summary of Benefits

Sectors Affected: The general public in locations with contaminated ground water supplies; municipally and privately owned public water supply systems; and consulting sanitary engineers, analytical chemists, and equipment manufacturers and suppliers.

In general, these MCLs will have their greatest impact on small water supply systems which currently employ little or no treatment. Of a total of 61,500 public water systems, approximately 45,000 use ground water exclusively as their source of supply. The vast majority of these systems are considered small water systems serving fewer than 10,000 people. Preliminary data suggest that 1 to 5 percent of these supplies may have contaminated sources of water and thereby be impacted by these regulations. The public served by such systems will, in particular, realize the benefits of this proposal. Consulting sanitary engineers, analytical chemists, and suppliers and manufacturers of anti-pollution equipment will benefit from increased business.

It is impossible at this time to assign direct monetary values to the benefits to be realized under this proposal. Such benefits include a lessening of public exposure to toxic substances including carcinogens in drinking water and a

consequential safeguarding of public health.

Summary of Costs

Sectors Affected: The general public, State and local governments, and public water systems (both privately and publicly owned).

The public in general will be the principal group affected by this proposal, since the users will undoubtedly bear the costs of any necessary modifications to their water supply systems. This will particularly be true of small water supply systems that currently employ little or no treatment. Impact upon State and local governments will be in the administrative aspects of implementing the regulation.

No estimates of the economic impact are available at this time.

Related Regulations and Actions

Internal: All EPA regulations that affect control of chemical contaminants of water are directly related, including: Effluent Guidelines, National Pollution Discharge Elimination System, Water Quality Criteria, Hazardous Waste Disposal Controls, and Underground Injection Control.

External: State programs would be expected to deal with decisions on variances and exemptions from the regulations and to provide technical assistance to public water systems making changes in their treatment processes.

Active Government Collaboration

Supporting documentation for the health basis of any regulations requires information-sharing with the National Cancer Institute, National Institute of Environmental Health Sciences, Consumer Product Safety Commission, and Food and Drug Administration. In addition, the National Academy of Sciences and the National Drinking Water Advisory Council will be consulted during the development of MCLs.

Timetable

ANPRM—June 1981.
Public Technical Seminar (to be announced)—Summer 1981.
NPRM—Late fall 1981.
Final Rule—Fall 1982.
Public Hearings—To be determined.
Public Comment Period—Will be 90 days following ANPRM publication.
Regulatory Impact Analysis—To be determined.
Regulatory Flexibility Analysis—To be determined.

Available Documents

"National Organics Reconnaissance Survey," EPA, Municipal Environmental Research Laboratory, 1975.
"National Organics Monitoring Survey," EPA, Office of Drinking Water.
"Interim Treatment Guide for Controlling Organic Contaminants in Drinking Water Using Granular Activated Carbon," EPA, Municipal Environmental Research Laboratory, January 1978.

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EPA—OWWM

Hazardous Waste Regulations: Phase II-C Regulations Applicable to Hazardous Waste Disposal Facilities (40 CFR Parts 260, 264, and 122*)

Legal Authority

Resource Conservation and Recovery Act of 1976 (RCRA), as amended, §§ 3004 and 3005, 42 U.S.C. §§ 6924 and 6925.

Reason for Including This Entry

These regulations are important because they initiate, for the first time on a national level, management of the disposal on land of hazardous waste. The Environmental Protection Agency (EPA) includes them in the Calendar to inform the general public of EPA's continuing actions to implement a comprehensive national program to manage hazardous wastes from generation through transportation, storage, and treatment to final disposal. In addition, this qualifies as a "major rule" in accordance with Executive Order 12291. EPA projects that associated costs to industries that generate waste could be $100 million or more per year.

Statement of Problem

Because of the enormity and complexity of the regulatory task, EPA elected to issue its hazardous waste regulations in phases. The Phase I regulations became effective November 19, 1980. These regulations identify hazardous wastes; establish standards for generators and transporters of hazardous wastes; govern the issuance of facility permits by EPA and the States and authorization of States to implement a hazardous waste program; and set both interim status standards for existing treatment, storage, and treatment facilities and administrative non-technical standards for use in issuing permits.

The Phase II regulations providing the technical standards for use in issuing permits to hazardous waste management facilities (as well as companion requirements pertaining to permit applications) were partially promulgated on January 12, 1981 (46 FR 2802). That promulgation included additional general facility standards and standards for closure and postclosure and financial responsibility of facilities; permitting of storage of hazardous wastes in containers; permitting of storage and treatment in tanks, surface impoundments, and waste piles; and permitting of incinerators. Missing from the promulgation were standards for land disposal facilities—surface impoundments and waste piles in which hazardous wastes are disposed in lieu of or in addition to their storage or treatment; land treatment facilities; landfills; underground injection facilities; and underground seepage facilities. EPA is not ready to promulgate these land disposal standards (Phase II-C) and instead is reproposing them.

At least 27 million wet metric tons per year of hazardous wastes are currently sent to land disposal facilities where they are intended to remain forever. This prevailing method for disposal of hazardous waste presents two major problems: (1) the waste and its hazardous constituents may remain hazardous for a long period of time and in some cases forever, and (2) the waste or its constituents and byproducts may migrate from the confines of the land disposal facility into the broader environment.

There are data and theoretical evidence that in most cases, hazardous constituents placed in land disposal facilities, even with the application of best available technology, will eventually migrate beyond the facility. Natural water from precipitation or groundwater, or liquids in the wastes, will inevitably infiltrate the land disposal facility and generate leachate which, in turn, leaks out into the underlying soils and groundwater. Watertight containment systems (impermeable liner and cover) and leachate collection systems to interrupt migration are limited in the length of time they can operate effectively. However, many hazardous wastes placed in hazardous waste facilities, such as toxic heavy metals or organic constituents, do not degrade or will do so only very slowly, or leave toxic