

Asbestos Information Association/North America

22 East 40th Street
New York, N. Y. 10016
(212) 661-8206

February 7, 1972

TO: AIA/NA MEMBER COMPANIES

NIOSH CRITERIA DOCUMENT ON ASBESTOS

As promised at the AIA/NA meeting on February 3, attached is a complete copy of the National Institute for Occupational Safety and Health (NIOSH) Criteria Document on asbestos. As you recall recommendations in this document for a two fiber permanent occupational asbestos standard are under consideration by the Occupational Safety and Health Administration (OSHA) advisory committee on asbestos, of which Ike Weaver of Raybestos-Manhattan is the sole industry representative. Of prime importance in industry's efforts to defeat the two fiber level is the 19 page critique of the standard prepared by Dr. George W. Wright and included in the attached document. This document has been given to the advisory committee. An organizational meeting of this committee was held in Washington on February 3. A two day working meeting has been scheduled for February 14-15. Committee members have the authority to call witnesses to assist the committee in its deliberations.

It was the consensus of our discussions on February 3 that it would be impossible to defeat the two fiber standard solely on medical grounds, and that the industry would have to develop as rapidly as possible economic and other data on the effect of a two fiber standard on the industry. While we are attempting to delay the public hearing on the asbestos standard there are no guarantees that we will be able to accomplish this. As a result, it is still vital that we try to develop as rapidly as possible on the necessary economic and technical data to fight the two fiber standard. In this regard, I would like to urge you once again to make every effort possible to prepare answers to the following questions:

1. How much will it cost your company to meet the five fiber standard?
2. How much additional funds would be required to reduce occupational levels to two fibers?
3. Are you aware of any operation within your company where it is technically impossible to reduce the fiber level to two?

AIA/NA MEMBER COMPANIES
PAGE TWO
FEBRUARY 7, 1972

4. Are you aware of any operation where it is technically feasible to reduce the level to two fibers, but where the funds required to do the job would make that operation or product line unprofitable?
5. What would be the economic impact of a two fiber standard in terms of operations shut down, unprofitable product lines eliminated, lost jobs, etc.

We would also request that you examine carefully the 12 page segment of the document which contains the actual proposed standards affecting the asbestos industry. This section was, as you recall, distributed on the 3rd of February. If there are any parts of this section that you disagree with for any reason, please let us know immediately either in writing or by phone.

We are naturally following this situation very closely and will inform you immediately of any developments.



M. M. Swetonic
Executive Secretary

5255
DCAF

275 under 1121150 Working paper EPA
12/17/80
COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS
(Potential Control Options)
JAN 8 1980

SUMMARY OF THE UNREASONABLE RISK FINDING

Human epidemiological and other health studies show that exposure to asbestos at relatively low levels presents a serious human health risk. Throughout the life cycle of asbestos, millions of people are frequently exposed to fibers at levels which present an increased health risk. These risks occur during the manufacture, processing, distribution in commerce, use, and disposal of asbestos and asbestos-containing articles. Economically feasible substitutes with acceptable performance and health risk characteristics are now available for most asbestos-containing articles and asbestos related uses. Substitutes for other products are now being investigated through research and development. Therefore, reasonable substitutes for most remaining asbestos products should be achievable within ten (10) years. Because of substitute availability, the societal benefits provided by asbestos should not be lost if asbestos use is discontinued. The economic impact from elimination of all asbestos manufacture, processing, and distribution in commerce is not excessive, if accomplished in an orderly scheduled manner which considers adequate time for depreciation of capital equipment and transition to new manufacturing processes.

Therefore, the Environmental Protection Agency finds that the manufacture, processing, distribution in commerce, and export of asbestos and asbestos-containing articles for nonessential uses present an unreasonable risk. To reduce this unreasonable risk

* NOTICE This paper presents a postulated control scenario based upon a possible conclusion regarding unreasonable risk to health from asbestos. This paper is intended for discussion, analysis, and comment. Its circulation does not signify that the paper presents official conclusions, views, or policy of EPA.

and minimize burdens on industry EPA would propose the following actions:

- A. Prohibit all manufacturing, processing, and distribution in commerce of asbestos and asbestos-containing articles after January 1, 1990.
- B. Prohibit all import of asbestos and asbestos-containing articles after January 1, 1990.
- C. Prohibit all export of asbestos and asbestos-containing articles after January 1, 1990.

Millions of people are now exposed and will continue to be exposed to various levels of asbestos fibers as a result of the use of asbestos and asbestos-containing articles. Many articles produced from now through 1990 will present exposure potential to people for additional decades. Elimination of these articles through a specific prohibition on use after 1990 would be extremely expensive, cause major disruption to daily activities, and be highly impractical to implement. Alternatively, labeling all asbestos-containing articles manufactured in the future with appropriate warnings would be inexpensive and provide increased protection to users. Therefore, EPA finds that the processing of asbestos into articles and the use of the articles present an unreasonable health risk. The Agency would require the following action to reduce the risk:

- D. All asbestos and asbestos-containing articles manufactured after _____ must be marked with labels indicating asbestos content, the form of the asbestos (paper, insulation, etc.), that asbestos is a human carcinogen, and that exposure to fibers should be avoided where possible. Labeling requirements to be effective six (6) months after promulgation of this rule.

4535

PGAT

OPTIONS TO BE DISCUSSED IN THE PREAMBLE

The preamble of the proposed rule could discuss a variety of options for control actions A-D presented above and indicate that the Agency will consider substituting the options. Possible options include:

- Make all prohibitions effective sooner (possibly as soon as 1985).
- Make all prohibitions effective later.
- Phase in the prohibitions - for example, prohibit a few products or categories in 1983 and schedule additional prohibitions to become effective before the 1990 total ban.
- Instead of providing exemptions, employ fiber use ceilings to reduce the amount of asbestos imported and mined in the U.S. to a ceiling level for essential uses only by 1990. This could be accomplished in steps over the ten-year period.

ESSENTIAL USES

Some uses of asbestos provide substantial societal benefits, present relatively low exposure potential, do not have reasonable substitutes, or would produce an excessive economic impact if eliminated. EPA considers such uses to be "essential uses." The Agency finds that the manufacture, processing, distribution in commerce and export of asbestos for essential uses does not present an unreasonable risk to human health. Therefore, any manufacturer, processor, distributor, or exporter would be able

to apply for an exemption if his activity involves a product that is an essential use.

EXEMPTION CRITERIA

Any manufacturer, processor, distributor or exporter may apply for an exemption if the use or product for which an exemption is sought meets at least one of the criteria listed in each of the three categories below:

A. Benefits of the product

1. Vital to saving lives from fire or heat (for example, the product is used to make fire protection suits for firemen).
2. Greatly reduces risk to health and safety from fire, heat damage, and other hazards (for example, the product is used to prevent stoves from overheating nearby materials).
3. Provides major contribution to energy conservation.

B. Human Exposure Potential

1. Processing and use of the asbestos or asbestos-containing article is totally enclosed.
2. Asbestos-containing article is encapsulated or asbestos fibers are permanently bound in the product.

4537

PGAT

C. Substitute Availability/Economic Impact

1. Substitute material for asbestos or a substitute product does not have adequate technical performance characteristics.
2. Substitute material for asbestos or a substitute product presents a greater health risk.
3. Substitute material for asbestos or a substitute product results in a large cost increase.
4. Elimination of the asbestos-containing article or use would have a major national economic impact.
5. Elimination of the asbestos-containing article or use would have a major total impact on small business.

STATEMENT TO ACCOMPANY EXEMPTION REQUEST

To be considered for an exemption, the applicant would submit a statement that describes why his activity meets the above criteria. The applicant would have to demonstrate that he has attempted to find suitable substitute materials for asbestos in his products or for suitable substitute products through research and development and contact with vendors. The statement would have to include the following information:

1. A description of the particular use or uses of asbestos for which the exemption is requested.
2. A description of the function asbestos serves (heat insulation, sound insulation, filler, etc.)

4513

PGAF

3. Test results indicating why substitute materials for asbestos do not perform adequately.
4. Test results indicating how the substitute materials present a greater health risk.
5. A description of the efforts undertaken to find suitable substitute materials for asbestos fibers or suitable substitute products.
6. A description of the processing steps and environmental controls that reduce or could reduce exposure to asbestos in the fabrication of articles.
7. Test results indicating exposure potential from use and possible misuse of the asbestos-containing product.
8. Cost data for the proposed exempt asbestos product and the substitute products and materials.
9. Data describing the national economic impact of product or use elimination or the impact on small business.
10. Estimates of the reduction in fire or other risk through use of the asbestos or estimates of energy savings through the use of the asbestos.
11. Estimates of the overall impact of denying the exemption (e.g., impact on employment, allied industries, etc.).

EXEMPTION PROCESS

If a broad prohibition of asbestos manufacturing, processing, distribution and/or use is promulgated, EPA would issue essential use exemptions in accordance with the following two-step process:

1. Step 1 would take place between January 1, 1985 and December 31, 1985. In the first quarter of that year, companies seeking an exemption would have to submit a preliminary exemption application to EPA. EPA would then review the application based on the criteria listed above. The Agency would hold public hearings on all applications and issue its decision by the end of the year. If EPA approves a company's application, the company can enter step 2 of the process. Approval of a preliminary application means that EPA finds a high probability that the exemption will be granted. Step 1 serves to narrow the field of actual exemption requests. Companies without step 1 approval may not apply for an exemption in step 2.
2. Step 2 would take place between January 1, 1989 and December 31, 1989. In the first quarter of this year, companies would submit their request for an exemption. The request must indicate that subsequent to approval of the preliminary application the company has conducted research for an asbestos substitute, but that the research has not uncovered a reasonable marketable substitute. EPA will once again review the request in light of the Agency's exemption criteria, hold public hearings, and issue a formal Agency ruling by the end of the year. Where EPA makes a finding of essential use, companies would receive exemptions for a limited period (possibly 2-4 years). These companies would have to apply to EPA for exemption extension at the end of these periods. Any company which does not receive an exemption in 1989, or is denied an exemption renewal would be subject to the 1990 prohibitions.

The agency needs only to receive one application on a representative product or use for the exemption to apply to a whole group of similar products or uses. For example, if a company or a trade association submitted an exemption request for product X and EPA granted it, the exemption would apply to all manufacturers, processors, or distributors, and exporters of product X.

SECTION 8(a). RECORDKEEPING AND REPORTING RULE

EPA plans to issue a section 8(a) rule for general reporting and substitute reporting.

The general reporting requirements would be effective in 1980 and would apply to specifically identified asbestos manufacturers and processors. The objective would be to obtain asbestos related processing and economic data not readily available in the literature. The information would help EPA ensure that data possessed by industry supports conclusions derived from EPA's analysis of more accessible data.

The substitutes reporting requirements would be effective in 1983 and would apply to manufacturers and processors who have conducted, or are in the process of conducting substitute research. The purpose of the rule is to facilitate EPA's review of exemption requests. The rule would require submittal of the following information:

1. Company name.
2. Asbestos products processed. (Identity and quantity).
For the past five years:
 - units of product produced per year.
 - total pounds of asbestos used.

4571

PCAT

- total value (\$) of products per year.
- 3. Description of function of asbestos in the product.
- 4. Description of marketable substitutes for asbestos produced and sold.
 - comparison of technical characteristics.
 - comparison of cost.
- 5. Description of substitute research underway.
- 6. Description of substitute material or product being tested.
- 7. Focus of tests:
 - performance
 - health effects
 - manufacturing techniques
 - market research
- 8. Method of testing.
- 9. Schedule of testing.
- 10. Test results.
- 11. Test costs.

45.2

GAT

SUBSTITUTE TESTING

To augment health effects information collected through the section 8(a) rule on substitutes, EPA would also issue a section 8(d) reporting rule in 1983. The rule would apply to all companies manufacturing and processing asbestos substitutes and substitute products. EPA would require that these companies report the results of any health studies on substitutes. EPA would also consider sponsoring a program to evaluate performance characteristics of substitutes.