

Asbestos use faces further restrictions

Although asbestos is one of the most heavily regulated materials used in commerce today, some federal agencies maintain that it continues to be a hazard and they are making a concerted effort to restrict its use even further.

The latest assault comes from the National Institute for Occupational Safety & Health. Disclosing the results of a six-month study on workplace exposure to asbestos, NIOSH director Anthony Robbins has called on the Labor Department's enforcement arm, the Occupational Safety & Health Administration, to lower the workplace exposure standard for asbestos to 0.1 fiber per cc of air from the current standard of 2 fibers per cc. Robbins says that many asbestos producers could meet this standard.

This level of exposure was chosen because it was found to be a safe limit—indeed, the report says there is no safe level of asbestos exposure—but because it is the lowest level that can be measured accurately. OSHA head Eula Bingham says that agency will begin working on the new standard right away, though it may take six months before a proposed rule can be presented.

Other recommendations in the NIOSH report call for a ban on all nonessential uses of asbestos and the use of substitutes wherever possible. And the report calls for product manufacturers to perform sampling tests on their products to determine what, if any, asbestos exposure could result from the product's use.

About 1.4 million workers currently are being exposed to asbestos and nearly 750,000 tons of the material are being used annually. An estimated 9

million workers have been exposed since World War II. Much of the interest in asbestos-related disease is generated by the high incidence of asbestosis (a progressive lung fibrosis), lung cancer, and mesothelioma (a rare cancer of the lining of the chest and abdomen) among workers exposed to very high levels of asbestos during the 1930's and 1940's. A particularly strong correlation is found between lung cancer and asbestos workers who smoke.

Other actions were taken to reduce exposure to asbestos in October, when the Consumer Product Safety Commission and the Environmental Protection Agency both gave notice that they intended to set new, tougher rules for asbestos exposure to consumers and for the material's release into the environment.

CPSC already has taken some action by proposing last month to ban all asbestos paper and tape from consumer products. EPA is still evaluating its data on the issue and probably will not propose rules until the end of the year.

The need for tougher controls from CPSC, EPA, or OSHA, however, is hotly disputed by industry. In its comments regarding the proposed rules, the Asbestos Information Association, a group sponsored by more than 50 asbestos producers, points out that evidence of disease in workers who have inhaled high levels of asbestos provides scant insight into the effects on a population exposed to concentrations several orders of magnitude lower.

The association also claims that CPSC and EPA have overstepped their authority in trying to propose such wide-ranging rules on asbestos. According to the industry group, both the toxic substances and consumer product safety acts require that the federal agency prove an unreasonable risk is present from asbestos before that substance can be regulated. Available data, it says, do not show that there is such unreasonable risk.

The industry maintains that for many of the 3000 uses of asbestos there are no acceptable substitutes, a contention challenged by both NIOSH and EPA.

Asbestos, refined from the naturally occurring mineral, has been used extensively for more than 100 years. Now, with so much confusion about how much asbestos can lead to disease, the widely publicized link to cancer may have given the kiss of death to many asbestos uses—rightly or wrongly. One thing is clear: With so many regulations being foisted on asbestos this year, the industry is facing a rough road ahead.

David Hanson, Washington

Federal Alert— new regulations

This listing covers noteworthy regulations appearing in the Federal Register from March 13 to April 13. Page numbers refer to those issues.

PROPOSED

Environmental Protection Agency—Requests comments on petition to classify ammonia and sulfide as conventional pollutants rather than toxic pollutants; comments by June 2 (April 2, page 21655).

Proposes standards governing testing required for data needed to register pesticide products; comments by June 16 (April 18, page 26373).

FINAL

Council on Environmental Quality—Final revision to plans spelling out how federal agencies must respond to oil and hazardous chemical spills; effective March 19 (March 19, page 17832).

Environmental Protection Agency—Amends rules for disposal of PCB's, permits disposal in landfills until March 1981, and treats large and small PCB-containing capacitors the same; effective March 28 (March 28, page 20473).

Establishes equipment standards that limit emissions of volatile organic compounds from liquid-petroleum storage tanks; effective April 4 (April 4, page 23374).

Fixes time at which Clean Air Act regulations will be considered promulgated to provide fairness in responding to lawsuits; effective April 17 (April 17, page 26046).

Executive Order—Establishes Nuclear Safety Oversight Committee to advise on progress of improving safety of nuclear power and implement recommendations of President's Commission on Accident at Three Mile Island (March 20, page 17939).

Food & Drug Administration—Revokes "man-in-the-plant" policy under which a firm can claim to be manufacturer of drug by placing only quality control staff person in plant of subcontractor; effective April 10 (April 15, page 25760).

International Trade Administration—Policy denying licenses to export or re-export phosphate rock, phosphoric acid, or phosphate fertilizer to U.S.S.R.; effective Feb. 25 (April 10, page 24458).

NOTICES

National Institutes of Health—Physical containment recommendations issued for large-scale use of organisms containing recombinant DNA (April 11, page 24968).

National Oceanic & Atmospheric Administration—Announces availability of post-doctoral grants of up to \$35,000 yearly to colleges and universities for atmospheric, oceanic, and fisheries sciences; applications by June 10 (April 15, page 25653).

Nuclear Regulatory Commission—Final environmental assessment for reconstruction of Three Mile Island Unit 2 reactor is available for comment (March 27, page 20255).

PLAINTIFF'S
EXHIBIT
WRG-1511A



Bingham work will begin right away

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July 18
1975
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161.30

See Page 42

big gains in the Al market, in turn demand, high. The oxide as a pigment will be good in the Jersey Zinc, one to begin conery in Clarksville, e, with Union. Much has been look ad to leave the old the facility will be ill in the US since company continues, position of 20 per cent to a percent. The new plant, loding four mines, will have a year.

IALS

NDS-Durez Divi has slated a price in the prices of closure, electi- ades of its phen- n August 2. es of special pur- will rise on a per- most of the nodu- to 15 percent. In r less-than-truck- se from 1c. to 2c.

er said the hikes erial costs occur- is increased de- mand, Hooker is ilities which will ent by late 1977. er than improv- ive softened fur- 1. As one produc- still very much pping 2c. to 4c. e see nothing to he, near future."

any list price for He contends

Relative Figures

Production (1,000 lbs.)	1975
5	15,360
7	65,253
7	72,275
3	75,989
0	8,687
9	55,050
5	9,177
1	256,857
1	170,601
1	320,506
1	146,374
1	11,011
1	220,232

in truckload bag shipments.

PRIME PIGMENTS

LEAD OXIDE-Hammond Lead Prod- ucts has echoed recently announced price hikes on lead metal with price increases of its own on July 9. Prices rose between \$1.70 and \$2.00 per hundredweight. Litharge now sells for \$29.25 per hundredweight, two dollars higher than before. All grades of red lead also jumped by \$2.00 to \$30.00 per hundredweight for the 95 percent grade, \$30.25 per hundredweight for 97 percent, and \$30.75 per hundredweight for 99 percent. Granular lead monosilicate moved up \$1.70 to \$27.60 per hundredweight, and ground monosilicate rose similarly, to \$28.60 per hundredweight. Both grades of tribasic lead silicate were boosted by \$1.85 per hundredweight to \$29.65 per hundredweight, and ground at \$30.65 per hundredweight. White carbonate jumped \$1.50 to \$24.00 per hundredweight.

the previous month, but was higher during the first quarter. In April 1975, sales were 25.6 percent higher than in the first quarter of 1974.

Trade sales showed good gains in March, bringing in \$12.5 million more, or a jump of 16.6 percent. Production also rose by 10 percent in that one month period and by almost 20 percent compared to April 1975.

Industrial product sales, after having shown a steady climb since last December, slipped 4.7 percent, or \$9 million, from March. Production in that time span also fell slightly, as about 6 million gallons less were turned out. Against 1975, however, the increase remained substantial, with a 27 percent gain in production, or about 9 million gallons.

MISCELLANEOUS

ADHESIVE EMULSIONS-Air Products prices of its polymer adhesive "Vinac XX" homopolymer are \$1.00 per gallon.

TRIBUTYL TIN-M&T Chemicals Chemical Division will boost the prices of selected tributyltin chemicals on July 20. The increases, ranging from 10c. to 50c. per pound, are necessary to recover costs incurred in testing for registration required by EPA as well as rising raw materials costs and the installation of equipment for pollution abatement, according to the company.

On the new schedule, "biomol TBTO" is up 40c. to \$4.75 per pound; tributyltin fluoride is 10c. higher at \$6.00 per pound; tri-n-butyltin chloride is 40c. more at \$4.80 per pound; TBT sulfide is up 50c. to \$5.60 per pound; TBT linoleate rises 50c. to \$4.50 per pound, as does TBT benzoate; TBT resinate jumps 44c. to \$3.46 per pound; TBT acetate moves up 46c. to \$5.63 per pound; and TBT adipate is up 45c. to \$4.97 per pound. Prices are for one to four drum shipments.

In addition, M&T will begin charging a \$200 deposit on all shipments of chemicals in tote bins on August 1 to spur return of the 300-gallon containers.

Consumer Groups Ask For Asbestos Product Ban

A ban on the marketing of patching compounds containing asbestos was proposed in a petition filed last week with the Consumer Products Safety Commission by the Natural Resources Defense Council and the Consumers Union. A substantial risk of cancer from inhaling the asbestos fibers was the basis of proposal.

Patching compounds are taping, spackling, and joint sealing compounds used in drywall repair. The petition said that approximately one-third to one-half of the patching compounds sold in the US contain asbestos, and reach more than one million consumers a year. The petition proposed a recall of such compounds on the market and in the hands of consumers.

CPSC was also advised that hundreds of other consumer products including fake fire-place ash and paper mache contain asbestos which may be released into the air. The agency was asked to examine these products and determine the extent of the asbestos content and to ban those products determined to present a significant health risk.

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J. ALLEN OVERTON, JR., President

March 15, 1976

MEMORANDUM

TO: AMC Coal Mine Safety Committee
Officials of State Mining Associations - Coal

FROM: Ronald L. Wooten, Assistant Legislative Counsel

Asbestos Regulations

Attached is a copy of final mandatory health standards pertaining to exposure to asbestos in surface work areas of underground coal mines and surface coal mines. These regulations were published in the Federal Register March 10, 1976, making them effective as of that date.

Proposed standards were published in the Federal Register November 7, 1972 and a public hearing was held June 5, 1974. On the basis of the comments received and testimony given at the public hearing, a definition of "asbestos" was added to clarify that nonfibrous or nonasbestiform minerals are not intended to be included within the scope of the standard.

In addition to the "asbestos" definition, the regulations provide that:

- No surface worker of an underground coal mine or surface coal mine worker can be exposed to airborne contaminants (other than respirable coal dust, dust containing quartz and asbestos dust) in excess of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972).
- The 8-hour average concentration of asbestos to which workers are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to two fibers to ten fibers per cubic centimeter shall not exceed 1 hour per 8-hour day.
- Fibers for exposure purposes shall be those fibers longer than 5 micrometers with a length ratio of at least 3 to 1.

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Attachment

RULES AND REGULATIONS

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY; ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—COAL MINE HEALTH AND SAFETY

PART 71—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Exposure to Asbestos

Pursuant to the authority vested in the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811), to promulgate mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published in the Federal Register for November 7, 1972 (37 FR 23845) a proposed standard for occupational exposure to asbestos in surface coal mines and surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days within which to submit written comments, suggestions, or objections to the proposed standard and a number of comments were received by the Bureau of Mines (now the Mining Enforcement and Safety Administration) and transmitted to the Department of Health, Education, and Welfare for consideration. On April 10, 1974, the Acting Deputy Assistant Secretary of the Interior, in accordance with section 101 (f) of the Act, published a notice (39 FR 13003) that objections to the proposed asbestos standard had been filed stating the grounds for such objections with sufficient particularity and that a public hearing had been requested. The Department of Health, Education, and Welfare notice of hearing (39 FR 16913) afforded interested persons an opportunity to be heard at the hearing which was conducted by the National Institute for Occupational Safety and Health at that Department on June 5, 1974.

On the basis of the evidence presented at the hearing and on other information available to the Department of Health, Education, and Welfare concerning the asbestos standard, findings of fact were made public in accordance with section 101(g) of the Act on August 5, 1974 (39 FR 28176) with the result that the only change in the standard as proposed has been the addition of a definition for "asbestos" to clarify that nonfibrous or non-asbestiform minerals are not intended to be within the scope of the standard.

In accordance with section 101(h) of the Act, the amendments to Part 71 as set forth below are effective on March 10, 1976.

Dated: March 4, 1976.

WILLIAM L. FISHER,
Deputy Assistant Secretary
of the Interior.

Part 71 is amended as set forth below:

1. In Subpart C, the first sentence of § 71.200(a) is amended to read as follows:

§ 71.200 Inhalation hazards; threshold limit values for gases, dusts, fumes, mists, and vapors.

(a) No operator of an underground coal mine and no operator of a surface coal mine may permit any person working at a surface installation or surface worksite to be exposed to airborne contaminants (other than respirable coal mine dust, respirable dust containing quartz and asbestos dust) in excess of, on the basis of a time-weighted average, the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists in "Threshold Limit Values of Airborne Contaminants" (1972) which is hereby incorporated by reference and made a part hereof. . . .

2. In Subpart C, a new § 71.202 is added to read as follows:

§ 71.202 Asbestos dust standard; measurement.

(a) The 8-hour average airborne concentration of asbestos dust to which miners are exposed shall not exceed two fibers per cubic centimeter of air. Exposure to a concentration greater than two fibers per cubic centimeter of air, but not to exceed 10 fibers per cubic centimeter of air, may be permitted for a total of 1 hour each 8-hour day. As used in this Subpart, the term asbestos means chrysotile, amosite, crocidolite, anthophyllite asbestos, tremolite asbestos, and actinolite asbestos but does not include nonfibrous or nonasbestiform minerals.

(b) The determination of fiber concentration shall be made by counting all fibers longer than 5 micrometers in length and with a length-to-width ratio of at least 3 to 1 in at least 20 randomly selected fields using phase contrast microscopy at 400-450 magnification.

[FR Doc. 76-6813 Filed 3-9-76; 8:45 am]

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