

INTERNAL CORRESPONDENCE

METALS DIVISION

4625 ROYAL AVE., P.O. BOX 670, MACAULY, ILL. 62450 (184-1441)

To (Name) Mr. E. W. Shortridge
 Division UCC - Metals Division
 Location Box K
 King City, CA 93930

Date January 12, 1977
 Origin/Ref. Dept. "Calidria" Asbestos

Answering letter date

Copy to Messrs. R. E. Byrne, Jr.
 G. L. Dickson
 E. J. Kleber
 T. P. Norris
 H. B. Rhodes
 R. L. Schult
 W. C. Thurber
 J. E. Walsh

Subject

Packaging

J-2

RECEIVED

JAN 14 1977

This is to confirm recent discussions between NF and KC personnel on the Subject.

All products should be bag shrink-wrapped except as follows:

<u>Product</u>	<u>Remarks</u>
SG-103	In plastic bags
✓ SG-104	Bulk
* SG-200	Only RCA Rubber, requires pallet wrap
* HPO	Only Georgia-Pacific "
* HPP-EX	Only TEC-Tokyo, no plastic

*. This product for other customers or locations should be bag shrink-wrapped.

John L. Myers
 John L. Myers

JLM: dat



INTERNAL CORRESPONDENCE

METALS DIVISION

• P.O. BOX 579 - 4525 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. E. W. Shortridge
 Division UCC - Metals Division
 Location Box K
 King City, CA 93930

Date February 9, 1977
 Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to Ms. M. Cesare
 Messrs. R. E. Byrne, Jr.
 R. L. Schult
 W. C. Thurber ✓

Subject SG-100/UCAL

File

*J-2
 Prickly*

Please note the enclosed copies of Ashley Barnes letter to me and my teletype reply.

I have confirmed that 40-foot containers are available for service from Oakland to Australia, but there are some travel limitations for 40-footers in Australia.

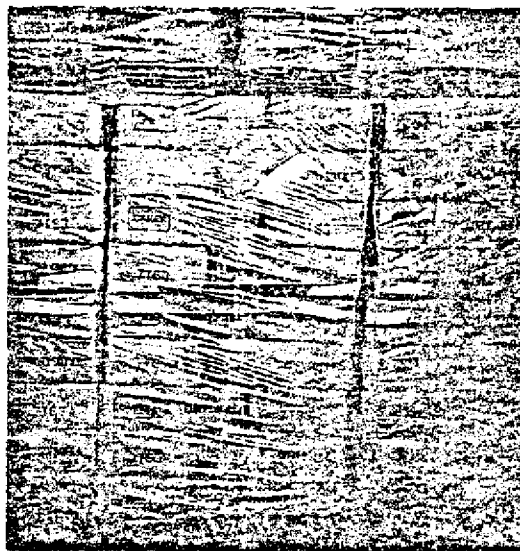
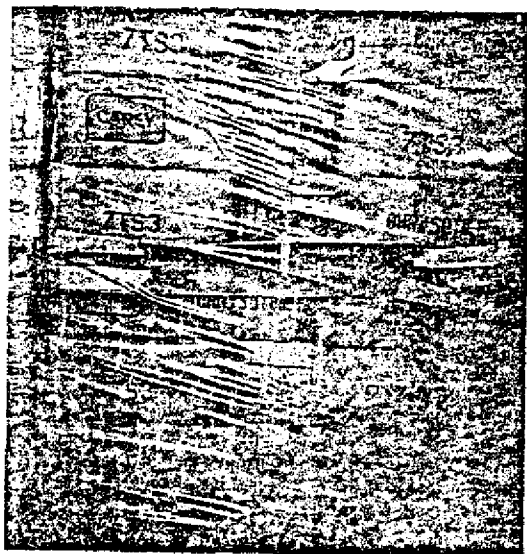
Per our telecon on February 4, please advise if the cost of 100-lb. bags on shrink-filmed pallets would be about equivalent to what we are doing now. Do you have the 100-lb. bags and necessary shrink-film, and what is the maximum net weight capacity of 40-foot container?

Please note the enclosed information form for Australia's quarantine department. George sent this to me a few weeks ago but we weren't then considering the use of wooden pallets. This should be checked out to determine our responsibilities.

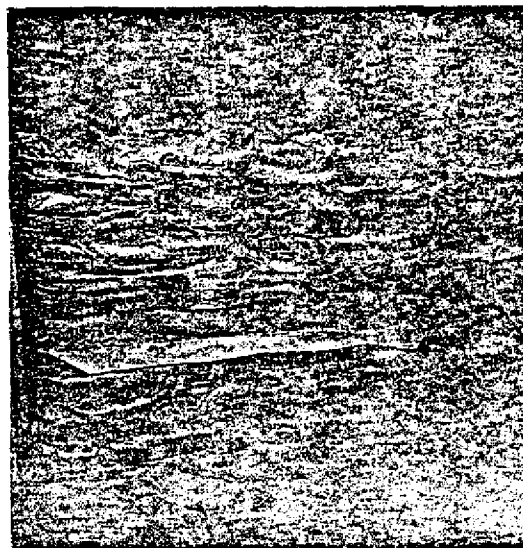
John L. Myers/dal
 John L. Myers

JLM:dal
 Enclosures

AUSTRALIA CONTAINER SHIPPING



← CAREY — LOADING →



← SG-100 — LOADING →

1/77

INFORMATION FOR PLANT QUARANTINE DEPARTMENT OF HEALTH, AUSTRALIA

For each container shippers are required to supply the following information for transmission to Australia.

Circle applicable lines:

1. Wooden crates, cases, pallets: a. not used
 b. treated
 c. not treated
2. Wooden dunnage: a. not used
 b. treated
 c. not treated
3. Straw packing and/or rice hulls and/or similar plant packing material:
 a. not used
 b. used

C E R T I F I C A T E O F C L E A N L I N E S S

THIS IS TO CERTIFY THAT THIS CONTAINER HAS BEEN THOROUGHLY CLEANED BEFORE PACKING AND ALL EVIDENCE OF PREVIOUS CONTENTS HAS BEEN REMOVED.

VESSEL: M/S _____ VOYAGE _____

DESTINED FOR: _____
 (Port of Discharge)

CONTAINER NO.: _____

Authorized Signature

Shipper

Date



UNION CARBIDE AUSTRALIA LIMITED

UNION CARBIDE BUILDING, 157-167 LIVERPOOL STREET, SYDNEY, N.S.W. 2000, AUSTRALIA

G.P.O. BOX 5322, SYDNEY, N.S.W. 2001 • TELEGRAMS: "UNICARBIDE," SYDNEY • TELEPHONE: 2-0656 • TELEX: 20566

25th January, 1977

Mr. J.L. Myers,
UNION CARBIDE CORP.,
MINING & METALS DIVISION,
P.O. Box 579,
NIAGARA FALLS. N.Y. U.S.A. 14302

RECEIVED

FEB 4 1977

UCC-CALIDRIA

Dear John,

Further to my letter of 20th January, 1977. I visited C.S.R. Building Materials to view the unloading of the Calidria Asbestos SG100 which was shipped in container loads on slip sheets. Firstly I must express our appreciation of your prompt shipment of our order, C.S.R. were most impressed. The fact that we ship out of Oakland is a distinct advantage over the Canadians.

Unfortunately the operation was not at all successful but I am sure the problems can be overcome and will not affect our future business. Our problems were caused by C.S.R. not telling me exactly what they wanted or I did not understand and therefore did not correctly relay to you their requirements.

I have enclosed two photographs showing the Calidria Asbestos SG100 as received in the container. The problem that arose was that the bags were loose packed on the plastic slipsheets and during the voyage had moved slightly so that when the forklift with the special grab attachment (first time I have ever seen one) tried to unload the container the load would not slide onto the forks with the slipsheets but remained jammed in the container and the slip-sheet by itself came out from between the pallet loads. C.S.R. were not amused as the containers had to be unloaded by manual labour which took 1½ hours/container compared to 20 minutes which it takes to unload a container of Carey Asbestos.

C.S.R. then showed us how the Carey Asbestos is packed and I have included two photographs for your information. The Carey Material is packed, palletised, shrink wrapped and loaded into containers as follows: -

(1) Corrugated Cardboard slipsheets are used (but presumably plastic slipsheets would be just as good, it would depend on price) and the bags are loaded onto the slipsheets and are glued to the slip-sheet and to each other with an adhesive strong enough to stop them from moving but they can be removed from each other without the bags tearing. The bags are not individually shrink wrapped.

(2) Another slip-sheet is then glued to the top of the pallet load.

cont.....

UNION CARBIDE AUSTRALIA LIMITED

- 2 -

(3) A second pallet load is then placed on top of the first and the two pallet loads are shrink wrapped together. The photographs show their method of packing fairly clearly.

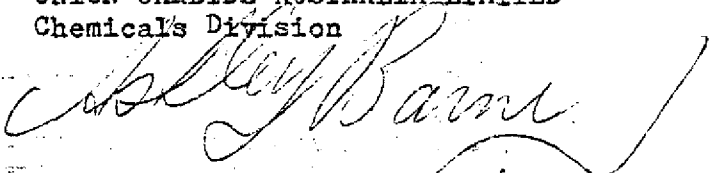
(4) The unitised loads are then loaded into a container, the floor of which has been lined with corrugated cardboard which facilitates the unloading.

(5) In addition to the corrugated cardboard placed on the floor of the container corrugated cardboard is also placed between the two rows of bags in the container, this ensures that even if the cargo moves during shipping it still can be unloaded using a forklift with the special slipsheet attachment.

C.S.R. have requested that we ship future material packed and loaded into the container the same as the Carey material. I don't think this is unreasonable and you probably could have packed this shipment in the manner required if the correct information had been relayed to you. I think that whatever extra cost is involved would be offset by the fact that individual shrinkwrapping of the bags is not necessary. Whether you choose to shrinkwrap two pallet loads together as Carey have done or to shrinkwrap each pallet load individually is left to your discretion.

Please confirm your ability and agreement to packing the materials as required as soon as possible as C.S.R. are looking to placing a further order within the next month.

Best regards,
UNION CARBIDE AUSTRALIA LIMITED
Chemicals Division


A.L. BARNES

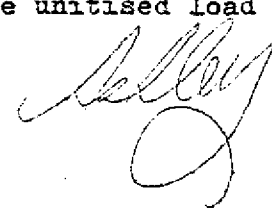
ALB:lms

Product Manager

P.S.

John,

In reading my letter I note that I have referred to pallet loads quite often, of course no pallet is involved. I don't know what the correct phrase is maybe unitised load is a better expression.



2/8/77

CC: M. Cesare

REB

EWB

RLS

WCT✓

PLEASE RELAY TO

A. BARNES

UCAL

SYDNEY

I HAVE RECEIVED YOUR LETTER DATED 1/25/77 BUT NOT THE ONE DATED 1/20/77 WHICH YOU REFERENCED IN THE FIRST LINE.

I HAVE DISCUSSED CSR'S PACKAGING REQUIREMENTS WITH OUR PLANT MANAGER AND HE ADVISES THAT WE ARE NOT CAPABLE OF USING THE PLASTIC SLIP SHEETS AS PALLETS IN OUR SHRINK-FILM TUNNEL, AND HE IS SURE OUR LABOR AND MATERIAL COSTS WOULD BE INCREASED EVEN IF WE COULD FOLLOW CAREY'S SYSTEM.

I SUGGEST THAT WE USE 100-LB PAPER BAGS ON REGULAR PALLETS, SHRINK-FILMED, AND SHIP IN 40-FOOT CONTAINERS. PLEASE ADVISE IF 100-LB BAGS AND 40-FOOT CONTAINERS ARE ACCEPTABLE. THIS SHOULD KEEP OUR COSTS ABOUT THE SAME AND SATISFY CSR'S REQUIREMENTS FOR EASE OF UNLOADING.

BECAUSE OF USING WOODEN PALLETS WE WOULD HAVE TO FUMIGATE THE CONTAINERS BUT I THINK THE COSTS WOULD BE MINIMAL.

REGARDS,

JOHN L. MYERS

CALIDRIA ASBESTOS

DID YOU RECEIVE OK?

YES



INTERNAL CORRESPONDENCE

cc: RRB
HBR
WCT
RLS
EWS

UNION CARBIDE CORPORATION

270 PARK AVENUE, NEW YORK, NEW YORK 10017

To (Name) Miss M. J. Cesara
Division International Distribution
Location 5th Floor
Floor Number

Date January 27, 1977
Originating Dept. International Distribution
Floor Number 5

Copy to W. G. Green, 5
S. Hoffman, 45
J. L. Myers, Niagara Falls, Loc. 699

Answering letter date
Subject BREAK BULK / EXPORT SHIPMENTS

Dear Mary:

Mr. Ed McIntyre (212-425-6300), Farrell Lines, has informed me that they will accept asbestos for export in break bulk quantities, if we place our shrink wrapped, paper bags, caution labelled cargo in 8 foot cube CONEX boxes. Information about the CONEX boxes can be obtained from Mr. J. Calabrese (212-344-3320) of Bethlehem Steel.

Mr. McIntyre is a member of a study team for the National Maritime Safety Commission and is of the opinion that "asbestos" is only one of many products that dock workers will refuse to handle, if shippers do not accept regulatory control. Captain R. H. Gallagan, Director of Safety, New York Shipping Association, agrees with this opinion.

I expect to attend a meeting on February 3rd to discuss the Union Carbide position concerning proposed rulemaking of Docket No. HM-145 which will subject asbestos to D.O.T. regulation. I am of the opinion that this action will facilitate export shipment because break bulk shipments are presently embargoed by the I.L.A.

Yours truly,

RECEIVED

FEB 4 1977

UCC-CALIDRIA

J. H. Cleveland

JHctag

UCC 008072



INTERNAL CORRESPONDENCE

MINING AND METALS DIVISION

P. O. BOX K, KING CITY, CALIFORNIA 93930

To (Name) Mr. W. C. Thurber
 Division Metals Division, 38th Floor
 Location New York, New York

Date August 18, 1976

Originating Dept.

RECEIVED

Answering letter date August 6, 1976

AUG 20 1976

Copy to Messrs: J. F. Emerson
 J. L. Myers

Subject Product Packaging

Phase out of pallet shrink wrap by using present inventory results follows:

1. 1976 Forecast costs would remain the same as available pallet wrap carries through 1976.
2. Pallet wrap equivalent tonnage in 1977. (To use up present supply.)
 - (A) Open - 624T
 - (B) Pellet - 451T
3. Effect on the 1977 preliminary Budget Cost is a 23.4M\$ addition to Direct Material cost for bag shrink wrap. The revised total plant expense is 3570.4M\$.
4. A breakdown of individual product increased costs follows:

Product	+\$ / T	Total M\$
HPO	3.187	4.4
SG 130	4.2702	0.9
SG 210	4.5342	9.1
RG 144	4.5364	3.4
RG 110D	4.5353	4.5
SG 200	1.914	<u>1.1</u>
TOTAL		23.4

F. H. Larrison, Jr.
 F. H. Larrison, Jr.

/smp



INTERNAL CORRESPONDENCE

METALS DIVISION

270 PARK AVENUE, NEW YORK, NEW YORK 10017

To (Name)
Division
Location
Floor Number

Mr. F. H. Larrison
Metals
King City, CA

Date

August 6, 1976

Originating Dept.

Floor Number

Copy to

Messrs. J.F. Emerson
R.E. Byrnes
J.L. Myers
J.W. Rawlings
H.B. Rhodes

Answering letter date

Subject

PRODUCT PACKAGING

FO 8/10
9/3

Per our conversation, you should plan to package all future RG-144 production in individually shrink-wrapped bags rather than on shrink-filmed pallets. Marketing has indicated the desirability of moving to a position where all product in paper bags is individually shrink-wrapped. The improved package integrity would minimize exposure during handling and warehousing.

I understand that you presently have in inventory sufficient polyethylene to pallet shrink-film about 2000 tons of product. Assuming that we decide to phase out of pallet shrink filming when this present film inventory is expended, what would be the effect, vis-a-vis:

1. 1976 Forecast III Costs?
2. 1977 Preliminary Budget Costs?

W. C. Thurber

WCT/e



INTERNAL CORRESPONDENCE

METALS DIVISION

P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. W. C. Thurber
 Division UCC - Metals Division
 Location 38th Floor
 270 Park Avenue
 New York, NY 10017

Date July 9, 1976
 Originating Dept. "Calidria" Asbestos
 Answering letter date

RECEIVED
 JUL 13 1976

Copy to Messrs. R. E. Byrne, Jr.
 R. H. Larrison
 R. D. Malin
 H. B. Rhodes
 R. L. Schult

Subject Packaging & Transportation
 Problems with Asbestos Dust

File

Please reference the attached copy of Harry's letter to me on the same Subject.

With increasing awareness of dust problems, especially asbestos, we are getting an increasing number of customer complaints about our packaging. The principle problems are dust on the external surfaces of bags or shrink-filmed pallets, dust between the paper bag and shrinkwrap, and dust released from pallets when the shrink-film is removed. Almost all competitive products are "block-packs" which are completely sealed in plastic or heavy paper bags. They have no leakage or dusty bag problem except when the bags are punctured in an occasional accident.

I am fully aware that we have different packaging problems than our competitors; e.g., hot pellets and fluffy open-fiber products. However, different problems should have different solutions; and I think it is time to engage the services of Engineering or the Corporate packaging experts from Bound Brook. I am concerned about an OSHA confrontation on our packaging and transportation practices, which may "shut us down" or force us into hasty and expensive solutions which may be avoided by doing something now. Basically, barring accidents, we need to be able to move the product from our plant to the place where the bag is opened for use without any visible leakage or discharge of fiber.

Unless the costs are entirely prohibitive, I think we should start shrink-wrapping all bagged products immediately, and make sure that the shrink-wrap has adequate integrity for shipment on pallets or for loose-loading in containers or railcars. If, as Harry suggests, we must have an inspector at the plant, then this cost should be part of the consideration. If bag vacuum cleaning has not been instituted, then this should also be done as soon as possible.

By no means am I being critical of the plant. Although carloading practices might be reviewed and shrink-wrapping equipment checked, the basic problem is one of unique package development and is beyond the scope of plant expertise and its responsibilities.

UCC 008075

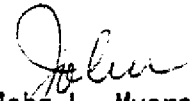
To: W. C. Thurber

-2-

July 9, 1976

Equipment for densifying "UCAR" silica fume is being evaluated by Jim Downing and NF Engineering. Preliminary results with a vibrating ball mill and corrugated rolls look encouraging and may work on RG-244 and other open fiber products.

I think "us layman" have failed to solve the packaging problem and it should now be turned over to the experts.


John L. Myers

JLM:da1
Attachment

UCC 008076



INTERNAL CORRESPONDENCE

METALS DIVISION

• P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. J. L. Myers
 Division UCC - Metals Division
 Location Niagara Falls, NY

Date July 8, 1976
 Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to File

Subject Packaging & Transportation
 Problems with Asbestos Dust

This confirms our recent discussion of certain packaging problems with Super Visbestos. Recently we ran dust counts at three warehouses in Wyoming during the loading of 20-30 bags of Super Visbestos onto a truck. The counts ranged from 0.7 to 1.7 fibers/cc for shrink wrapped bags and showed 2.5 fibers/cc for some older product which had not been shrink wrapped. A similar test in Oklahoma made shortly after the shrink-filming was initiated gave levels of only 0.2-0.5 fibers/cc in a warehouse that was dusty and not particularly well maintained.

These levels are consistent with reports that we have been receiving from Montello, i.e. these are generally small but noticeable amounts of fiber on the bags, on the floor of the railcar, and in any area where the bags have been handled. The amounts evident are considerably more extensive in the shipments received in the past few months than was the case with initial shipments.

The measured fiber counts are well below the allowable ceiling and TWA levels. As you are well aware, however, the medical examination, initial monitoring, and to some extent the warning sign requirements are not triggered by the allowable limits but by the presence of any loose asbestos fiber at all. More important, the sight of loose fiber has been found to set-off a "view with alarm" reaction among OSHA inspectors who lecture on the dangers of asbestos and feel that some sort of citation must be handed out. It is thus very important to ascertain why the loose fiber is present and what can be done to reduce it.

In order to define the problem, Montello was asked to provide specific details of their observations. The following comments were received:

1. The principle problem area is along the edge where the heat seal takes place.
2. This edge is characterized by areas where the film is doubled, quadrupled or just wrinkled and wadded.

July 8, 1976

3. The integrity of the seal depends on the configuration of the fiber at the time it is sealed, i.e.
 - a. Two single layers - well sealed.
 - b. Lumpy, 2-6 layers crimped - burns through and leaves holes. Also some areas where wads occur - not sealed at all.
 - c. Where asbestos dust is on film it does not seal.
4. In the early shipments something less than 5% of the bags showed sealing problems. Recent shipments show 20-25% have faulty seals.
5. Superficially the bags with the faulty seals look satisfactory. The leakage results from vibrations during shipping and from handling.

These observations appear to pinpoint the source of the problem quite well. It is suggested that we ask the plant personnel to look into the problem and advise what can be done to reduce the number of bad seals. Perhaps a regular inspection procedure or quality control specification should be instituted.

While on the subject of shipment, it is relevant to report on a recent call from Mr. Roach at the Amsco warehouse in Kansas City seeking information on how to handle a damaged shipment. Their last car leaked asbestos out on the ground when the door was opened about 3". Unloading was then done from the other side. It was found that the load had shifted in transit and the center post in the door had torn 9 bags of RG-144 about the full length of the bag. The entire car was permeated with asbestos fiber. There was a spacer between the pallets but the door had not been lined with cardboard. Mr. Roach also mentioned that this was an unusual case and the cars usually arrive undamaged and clean. I do not know whether this case represents an oversight when the car was loaded, the need to improve our loading and dunnage procedure, or one of those difficult-to-avoid accidents that occur occasionally in rail shipments. It is reported for information and appropriate action by those directly involved.

H. B. Rhodes
H. B. Rhodes

HBR:dal

METALS DIVISION

March 13, 1980

Memorandum to: Messrs.

G. R. Bailey
R. E. Byrne
R. L. Folkman
J. T. Kelly
R. J. Klotzbach
O. J. Malacarne
J. L. Myers
H. B. Rhodes
F. J. Shortsleeve
J. J. Sibley

cc: G. R. Adams
W. G. Alesio

Subject: Asbestos Business

In conjunction with the Mineral Products Meeting to be held on March 27th, Dr. Rhodes will discuss the current status of health-related regulations concerning the promotion and use of asbestos products. This will be followed by a discussion to update the asbestos strategic plan. If time permits, Dr. Rhodes will begin his discussion on the 27th following the regular order of business for the Mineral Products Meeting. In any event, the meetings will be continued or started on Friday, March 28th, at 9:00 a.m. in the 39th floor conference room.


R. W. Rebholz

RWR:ac



INTERNAL CORRESPONDENCE

CC: WCTV
HBR

METALS DIVISION

• P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mrs. L. J. Grogan
 Division UCC Metals Division
 Location P. O. Box K
 King City, CA 93930

Date December 21, 1976
 Originating Dept. "Calidria" Asbestos

Answering letter date

RECEIVED

Copy to Messrs. R. E. Byrne, Jr.
 J. L. Myers
 File

Subject RCA Rubber JAN 13 1977

As you know, the latest car of SG-200 shipped to RCA Rubber was bag shrink wrapped and not pallet shrink wrapped. The car arrived in rather poor condition, according to reports from Eli Lines (RCA purchasing director) and Harwick's sales representative, Larry Sullivan. In the past, RCA has been extremely pleased with our pallet wrap and the excellent condition of the SG-200 when they received it. Therefore, they are insisting that we return to the former method of packaging as soon as possible. I explained to Eli about our SG-200 inventory at King City and he has agreed to take the next car with bag shrink wrap if we will also shrink wrap the pallets. If this proves satisfactory, he agreed to take the remaining inventory in this manner. Needless to say, everything within reason should be done to insure that these shipments be received by them in acceptable condition.

GLD:cjb

Gordon L. Dickson

RECEIVED

JAN 13 1977

RECEIVED



INTERNAL CORRESPONDENCE

METALS DIVISION

• P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. A. Barnes
Division UCAL
Location 157-167 Liverpool St.
Sydney, NSW 2000
Australia

Date February 15, 1977

Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to Ms. M. Cesare
Messrs. R. E. Byrne, Jr.
R. L. Schult
E. W. Shortridge
W. C. Thurber ✓

Subject Use of Wooden Pallets

Enclosed are the inspection form and Methyl Bromide fact sheet which were referenced in my teletype.

A handwritten signature in cursive script, appearing to read "John L. Myers".
John L. Myers

JLM:da1
Enclosures

INFORMATION FOR PLANT QUARANTINE DEPARTMENT OF HEALTH, AUSTRALIA

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 - a. not used
 - b. treated
 - c. not treated
2. Wooden dunnage:
 - a. not used
 - b. treated
 - c. not treated
3. Straw packing and/or rice hulls and/or similar plant packing material:
 - a. not used
 - b. used

C E R T I F I C A T E O F C L E A N L I N E S S

THIS IS TO CERTIFY THAT THIS CONTAINER HAS BEEN THOROUGHLY CLEANED BEFORE PACKING AND ALL EVIDENCE OF PREVIOUS CONTENTS HAS BEEN REMOVED.

VESSEL: M/S _____ VOYAGE _____

DESTINED FOR: _____
(Port of Discharge)

CONTAINER NO.: _____

Authorized Signature

Shipper

Date

COMMODITIES UNSUITED FOR METHYL BROMIDE FUMIGATION

Methyl bromide is a fumigant which has proved its value in protecting a wide variety of stored commodities from rodent or insect damage. But we know that methyl bromide must be used with discretion. There are materials which should not be exposed to methyl bromide, or should be exposed only under very carefully controlled conditions.

The most common reason for avoiding fumigation of a material with methyl bromide is the off-odor resulting from a reaction of the fumigant with certain sulfur compounds. These odors usually persist indefinitely and in most cases there is no practical way to remove them.

Some materials have sorptive qualities or a solvent effect which will reduce the methyl bromide concentration in the fumigated area to the point of ineffectiveness. Other reasons for caution with methyl bromide exposure involve phytotoxicity (toxicity to growing plants), destruction of seed viability, the possibility of illegal residues, and rapid deterioration after fumigation of commodities such as fresh fruits and vegetables.

The following is a list of materials which should *not* be exposed to methyl bromide.

1. Foodstuffs

- (a) Iodized salt stabilized with sodium hyposulphite.
- (b) Full fat soya flour.
- (c) Certain soap powders, baking sodas and salt blocks used for cattle licks.
- (d) † Fresh fruits and vegetables.

2. Certain rubber goods

- (a) Sponge rubber.
- (b) Foam rubber as in rug padding, pillows, cushions, mattresses, and some car seats (usually imported cars).
- (c) Rubber stamps and other similar forms of reclaimed rubber.

3. Furs, horsehair and pillows (especially feather pillows).

4. Leather goods, particularly white kid or any other leather goods tanned with sulfur processes.

5. Woolens—extreme caution should be used in the fumigation of any Angora woolens. Some adverse effect has been noted on woolen socks, sweaters, shawls and woolen yarn.

6. Viscose rayons—those rayons processed or manufactured by a process in which carbon bisulphide is used.

DOW CHEMICAL U.S.A.

AN OPERATING UNIT OF THE DOW CHEMICAL COMPANY

AG-ORGANICS DEPARTMENT • MIDLAND, MICHIGAN 48640



7. Paper
 - (a) Silver polishing papers.
 - (b) Certain writing and other papers cured by sulphide processes.
 - (c) Photographic prints and blueprints stored in quantity.
8. Photographic chemicals (this does not mean camera or film but photographic chemicals used in dark rooms).
9. Rug padding (rubber, felted, etc.).
10. Cinder blocks.
11. Mixed concrete, which occasionally pick up odors.††
12. Charcoal materials—charcoal absorbs

the methyl bromide, not only contaminating the charcoal but reducing the gas concentration to a point where an adequate fumigation job may not be obtained.

13. †Seeds that are to be used for planting.
14. †Bulbs that are to be used for planting.
15. All pets, including fish and birds.
16. †Living plants or nursery stock.
17. Cellophane, if sulphur is used.††

† Consult Dow or the U.S.D.A. for specific information on procedures and the possibility of residues of methyl bromide on fumigated produce.

†† In questionable cases involving commodities that may contain sulfur compounds that would react with methyl bromide to cause off-odors, a trial fumigation should be run on a small amount of the material.

If any of our readers have had experiences with other commodities suggesting that they should be added to this list, please let us know.



CC: LTG/EWS
M. Cesare
REB
RLS
WCT

UNI CARBIDE NY

UNION CARBIDE CORPORATION
METALS DIVISION
NIAGARA FALLS, NY
TWX NO. 710-524-1664
FEBRUARY 15, 1977

PLEASE RELAY TO ASHLEY BARNES UCAL SYDNEY, AUSTRALIA

WE SHOULD BE ABLE TO LOAD ABOUT 42,000# SG-102, THIS IS OUR DESIGNATION FOR FLOOR TILE GRADE PELLETS IN 100-LB. PAPER BAGS, IN A 40-FOOT CONTAINER, ON PALLETS, SHRINK-FILMED. YOUR ORDER SHOULD BE APPROXIMATE MULTIPLES OF 42,000#.

IT IS OUR UNDERSTANDING THAT EACH CONTAINER MUST BE FUMIGATED BECAUSE OF USING WOODEN PALLETS, PER THE AUSTRALIAN DEPARTMENT OF HEALTH. WE ARE CONFIRMING THAT THIS CAN BE DONE ENROUTE FROM THE PLANT TO THE DOCKS. THE COST IS ABOUT \$40 PER CONTAINER. THE FUMIGATION NORMALLY USES METHYL BROMIDE AND I AM SENDING A FACT SHEET AND A COPY OF THE INSPECTION REPORT FORM. THE MAIN PROBLEM WITH METHYL BROMIDE IS OBJECTIONABLE ODOR. CSR SHOULD BE CAUTIONED ABOUT OPENING AND UNLOADING THE CONTAINERS.

PLEASE ENTER YOUR NEXT ORDER AS SOON AS POSSIBLE AS WE WILL NOT PRODUCE SG-102 UNTIL WE ARE CERTAIN OF YOUR ORDER. WE CAN EXPEDITE SHIPMENT IF YOU WILL SEND ME A TELEX ADVISING ORDER NUMBER, QUANTITY, ETC.

BEST REGARDS - WE ARE STILL HAVING SNOW AND COLD WEATHER.

JOHN L. MYERS CALIDRIA ASBESTOS

DID YOU RECEIVE OK?

REVD WELL THANKS:.



INTERNAL CORRESPONDENCE

*Strategic Plan
Asbestos*

METALS DIVISION

P. O. BOX 579 • 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

Messrs.		Date	April 1, 1980
To (Name)	W. G. Alesio	Originating Dept.	"Calidria" Asbestos
Division	G. R. Bailey	Answering letter date	
Location	R. E. Byrne, Jr.	Subject	Status of Asbestos Regulatory Matters
	R. L. Folkman		
	J. T. Kelly		
	R. J. Klotzbach		
Copy to	O. J. Malacarne		
	J. L. Myers		
	R. W. Rebholz		
	P. G. Shoresteave		
	J. J. Sibley		

The text and figures for the presentation on asbestos regulatory matters given at the SPU Meeting on March 28, 1980 are enclosed as requested. Suggested changes for the page on asbestos health effects in the SPU management presentation (page 10) are also included.

H. B. Rhodes

Harrison B. Rhodes

/rmm
Enc.

ASBESTOS HEALTH EFFECTS

• MAIN EFFECTS OF ASBESTOS EXPOSURE

ASBESTOSIS

Result of very high past exposures.

LUNG CANCER

Mainly from interaction with smoking. (Non-smoking asbestos worker has little or no excess risk of lung cancer.)

MESOTHELIOMA

This cancer can result from low exposures and is not smoking related.

- LATENT PERIOD VARIES FROM ABOUT 15-50 YEARS.
- PRESENT REGULATORY ACTIONS AIMED AT REDUCING RISK OF LUNG CANCER AND MESOTHELIOMA
- THE EXTENT OF CANCER RISK AT VERY LOW EXPOSURES IS ESTIMATED, NOT MEASURED DIRECTLY.

Definitive scientific answers will probably not be forthcoming in the near future.

STATUS OF ASBESTOS REGULATORY MATTERS

MARCH 1980

Presented to the Asbestos SPU Committee
March 28, 1980

H. B. Rhodes
Union Carbide Corporation
Metals Division
Niagara Falls, New York

UCC 008088

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STATUS OF ASBESTOS REGULATORY MATTERS

MARCH 1980

BACKGROUND

During our asbestos SPU discussion about nine months ago we settled on the following key assumptions:

1. No widespread bans on mandatory substitutions.
2. No significant impact due to "retroactive" legislation.
3. OSHA TLV no more restrictive than 1 fiber/cc TWA.
4. Other regulations (EPA, CPSC, DOT, etc.) not significantly more stringent than now.

Up to that time there had been sporadic outbursts of publicity such as the Califano report and the hair dryer scare. By and large, however, the agencies were taking the approach that the extensive occupational and environmental regulations already in place for asbestos provided reasonable protection. It was more appropriate to direct their resources to substances which were not regulated. There were some straws in the wind, however, that suggested that asbestos might be in for a new round of action, so a number of more stringent assumptions were included in the analysis.

Over the past nine months a series of new publications has appeared. These include:

1. An up date by Berry, et.al. of the famous Rochdale cohort that indicated significant risk at exposures of 0.3-1.3 fibers/cc.
2. A reanalysis of the Patterson factory workers by Seidman, Selikoff, et.al. that showed serious risks after high exposures for a period as short as nine months.
3. A reanalysis of the asbestos insulation workers cohort by Selikoff suggested that there was a small increase in the risk of lung cancer to non-smoking asbestos workers.

4. A report by the very prestigious British Parliamentary Commission (Simpson Report) that recommended occupational standards of 1 fiber/cc for chrysotile, 0.5 fiber/cc for amosite, and 0.2 fibers/cc for crocidolite. Further use of crocidolite was also banned.

All of these publications have significant scientific flaws but they provided "new information" upon which pressure for renewed action could be generated. We do not know exactly what caused things to "gel" at the agencies but OSHA, EPA, and CPSC are now moving forward on significant new regulatory programs.

REGULATORY ACTIONS IN PROGRESS

General Regulatory Situation

In the examination of the regulatory situation today, it is important to understand that asbestos is only a small part of a much larger regulatory scene. OSHA has been in action since about 1970, has promulgated lots of safety standards, but only about half a dozen health standards. If their Generic Carcinogen Standard survives court challenge, they will be in a position to enact 10-20 new standards per year.

The EPA has promulgated a substantial number of standards but these are small compared to the regulatory structure that will be in place soon as a result of TSCA, RECRA, and the 1977 Amendments to the Clean Air and Clean Water Acts. Unfortunately, EPA has elected to use asbestos as a trial horse for the definition of their regulatory powers under several of these Acts, so it becomes a precedent setter. Our fight for reasonable and realistic regulation is important not only to the asbestos business, but to all of Union Carbide's businesses where a substance classified as a carcinogen is involved.

Over the past several years the Federal regulatory agencies have responded to pressure from various sources, particularly the Executive Branch of the government, to avoid overlapping regulations and to develop a common regulatory approach within the limits set by their different statutory authorities. Considerable progress has been made and it is useful to outline the approach that has evolved since it is common to the several initiatives that need to be examined here.

The favorite item on regulatory agendas today is carcinogens (asbestos is generally regarded as a human carcinogen). Once a material has been demonstrated to be a carcinogen, a series of clichés are applied as follows:

1. There is a cancer epidemic in progress in the United States.
Immediate regulatory action is imperative. (The "Chicken Little" syndrome.)
2. No safe level for a carcinogen has been demonstrated. (Any exposure greater than zero, regardless of how small, results in some risk to somebody, somewhere.)
3. Any use of a carcinogen for which a suitable, less hazardous substitute exists presents an unreasonable risk. It should be banned.
(There is no consideration of how small the risk may be in the absolute sense.)
4. The urgency of the problem justifies the use of generic regulatory actions or pro forma regulations.

Attention is directed to Item 3 in the list which is particularly relevant to our business. Our main emphasis has been high technology substitutes for non-asbestos materials.

EPA Rulemaking - Commercial and Industrial Use of Asbestos Fibers

Issuance of ANPRM

This action has potentially the greatest impact on the asbestos industry of any regulatory action now under way. The EPA filed an Advanced Notice of Proposed Rulemaking (ANPRM) under TSCA which generally followed the scenario just outlined on October 20, 1979. This ANPRM stated their reasons why the rulemaking was needed, asked for the voluntary submission of a tremendous amount of information, and listed the regulatory options they have under consideration. These were:

1. Outright ban in the fairly near future of all uses where they deem suitable substitutes are available.
2. Limits on total usages in the U.S. Steadily decreased with time to virtual ban.
3. Ban started in 1985 and fully in place in 1990. Only exceptions are essential uses meeting three criteria. (No reasonable way to get an exception.) Burden of proof on user.

The EPA used an innovative "cradle-to-grave" approach similar to that used to ban PCB's as the basis for the ANPRM. In this approach the risks at each step in the "life cycle" of the substance is examined, i.e. mining, milling, transportation, product manufacture, product use, and final disposal are added together. If the cumulative risk is judged to be "unreasonable" the EPA takes the position that all except absolutely essential uses should be banned. They have already made a tentative conclusion that an unreasonable risk situation exists for asbestos and this is reflected in the proposed regulatory alternatives.

The Asbestos Information Association/North America submitted an industry response (endorsed by UCC) on February 17, 1980. It was basically a legal brief disputing the EPA conclusions and the approach used. It made the

following points:

1. No "reasonable basis" exists to conclude that asbestos presents an "unreasonable risk" of injury to health or the environment.
2. Statutory requirements for such a finding were delineated in detail.
3. Even if a proper "unreasonable risk" finding can be made, EPA must by statute apply the "least burdensome" regulatory alternatives, not the most burdensome.
4. The problem of confidentiality of information must be resolved prior to any broad submission of data.

Next Actions by EPA

Since the flood of information requested voluntarily did not occur, the EPA is now moving to force its submission. The Toxic Substances Control Act gives EPA the authority (under Section 8) to promulgate general orders to require that certain types of information must be submitted. Section 8(a) includes exposure data but focuses mainly on commercial information. Such things as manufacturing and sales volumes and dollar values, customer lists including tonages sold, and information on substitutes are included. Section 8(d) primarily involves health and safety studies.

General Orders under Section 8 must go through the proposed rule, public comment, final rule steps. They are subject to review in the courts.

A Section 8(a) proposed order which covered a large number of chemicals, but did not include asbestos, was issued recently by the EPA. It's potential impact on UCC is being examined by the appropriate people. A specific order for asbestos is in preparation and is expected out in the next several months. The AIA/NA is cooperating in the evaluation of the proposed reporting form. A

final rule on asbestos does not seem likely before the last quarter of 1980 and could be delayed longer if litigation is involved.

The EPA proposed a rule for certain chemicals under Section 8(a) about two years ago. It was withdrawn following litigation. A new proposal was made last fall which included asbestos among a myriad of other substances. The Chemical Manufacturers Association responded to this latest proposal on February 29 with a very extensive legal brief. It is expected that litigation may follow if substantial changes are not made by the EPA. The AIA/NA could not identify any issues unique to asbestos so they did not participate in responding. Here, too, it seems doubtful if a final rule will be settled before the last quarter of 1980.

The EPA also has two contractors making exposure measurements and contacting companies to provide the kind of information requested in the ANPRM. Frequently the contacts are by phone requesting on-the-spot answers to specific questions. The answers are written up and become part of the public record. Senior EPA officials are also calling on individual large companies and providing misleading information as to the extent of the data other companies are submitting. We are following the approach that all requests for information must be in writing. All responses will be written and be approved by the appropriate persons in UCC before submission.

It is obvious that this is going to be a long and expensive battle with little likelihood of regulations in place before the end of 1981. Industry litigation is a distinct possibility. Some sort of compliance period after the regulations are in place can reasonably be expected.

CPSC Rulemaking - ANPRM Consumer Products Containing Asbestos

The EPA and CPSC have worked out an interagency agreement which divides up the responsibility for the massive asbestos efforts under way. On this basis the CPSC also issued an ANPRM on October 17, 1979 that followed much the

same rationale described previously and included releases by both use and misuse as a basis for bans.

The AIA/NA responded on February 17, 1980 with a legal brief containing the following main points:

1. The CPSC does not have statutory authority to regulate many of the products listed in the ANPRM.
2. The Act does not sanction the banning of any product merely on the grounds that it emits a substance that is harmful at some high dose and can be termed "non-essential."
3. There is no basis for action against asbestos under the Federal Hazardous Substance Act.
4. Detailed information will not be supplied until confidentiality problems are resolved.

The CPSC also has statutory powers to require the submission of information. They too are preparing a general order which does not have to go through the full rulemaking process. A draft has been reviewed and the request appears to have been reduced to a small number of products which are clearly in their jurisdiction. It will put an extreme burden on small appliance manufacturers. We will obviously have to continue to fight in this area, but it appears that CPSC is leaving the major share of the action to EPA.

EPA - Rulemaking Under RECRA

As you are all probably aware, the EPA is well along in the implementation of "cradle-to-grave" control of hazardous wastes. The costs for this elaborate system will obviously be covered by fees from the operation involved. The approach includes the following elements:

1. All generators of hazardous waste must register.
2. All hazardous waste must be transported only by an appropriately licensed carrier.

3. All hazardous waste must be deposited only at a disposal site licensed to handle it.
4. The waste must be accompanied by a three part manifest with each part properly filled out by the generator, hauler, and disposal site operator, respectively.

About a year and a half ago when the subject first came up at EPA, the AIA/NA made them aware that they needed a specific and limited definition of "asbestos" or this kind of regulation would shut down the face of the earth. It was also pointed out that asbestos emissions and disposal were already extensively regulated under NESHAPS. The combination of these reasons convinced them that they should leave asbestos out of the initial round of RECRA regulations.

We have learned recently that this decision is under review. It is being watched closely and could be a sleeper. Inclusion of asbestos in this kind of regulation could have a very large impact on asbestos users.

OSHA Rulemaking

Asbestos was the first material regulated by OSHA. The industry has been subject to a standard since December 1971. At the present time, this standard permits an 8-hour time-weighted average exposure of 2 fiber/cc >5 μ with short time exposures of 10 fiber/cc >5 μ .

There was a flurry of activity in 1975 when OSHA proposed that the level be lowered to 0.5 fiber/cc >5 μ . About a year later NIOSH suggested that the limit should be 0.1 fiber/cc >5 μ based on analytical limitations, not health considerations.

Until recently OSHA has been more interested in working on their Generic Carcinogen and other Standards than in spending time on asbestos which was

already regulated. The four publications mentioned earlier and the danger of being upstaged and preempted by other agencies has changed this position. They have had a substantial task group working for about the last 6 months looking at regulatory alternatives for asbestos. A subcommittee has also been studying the special problems of the construction industry. Rumors of an immediate Emergency Temporary Standard that were strong about three months ago have faded out but such a move is not beyond the realm of possibility. They also have a contractor who is updating an earlier study to provide a regulatory analysis by August 30 of this year. It is reasonable to assume that a new proposed rule would accompany the regulatory analysis so that publication would be some time in the last quarter of 1980 at the earliest.

It is obviously difficult to be sure what OSHA will propose, particularly before the Supreme Court rules on the benzene case. It is my guess that the format will generally follow that of the Generic Carcinogen Standard with an allowable TWA in the range of 0.1-0.3 fibers/cc. OSHA is also likely to make their first move on mandatory substitution. This should be an interesting exercise because their statutory authority in this area is extremely weak if it exists at all. There may also be some special provisions in the monitoring and medical surveillance requirements for the construction industry.

It is even more difficult to predict what any final regulation will look like following the hearings and court challenge if it occurs. It is my opinion that the industry can make a very strong case against any regulation lower than about 0.5 fibers/cc and will back this up in court. As the level moves upward towards 1 fiber/cc, the situation becomes grayer. It does not appear that any final regulations will be in place before mid 1980. Some period of time to achieve compliance can also be expected.

Legislative and State Activities

In the interests of time it will only be noted that the danger of "retroactive guilt by association" legislation seems to be greatly reduced. There has been sporadic state activity largely directed at asbestos-cement pipe in drinking water use. These do not presently appear to present anywhere near the threat we are facing from EPA and OSHA.

WHERE WILL THIS ROUND OF REGULATIONS STOP?

This is obviously the key question and it is equally obvious that no-one knows the answer. We can only balance factors and opinions and make a judgment.

It is quite clear, first of all, from the regulatory time tables that we are in for several more years of turmoil. This could be even longer if, as is likely, substantive legal challenges are undertaken.

When the industry became aware about nine months ago of the regulatory initiatives it faced, the conclusion was reached that we were up against a crusade where reason and facts were unlikely to prevail. It was highly likely that the courts were the only possible source of relief.

On this basis the AIA/NA hired the Washington law firm of Kirkland and Ellis as special counsel to coordinate and guide our actions with the Federal regulatory agencies. K&E has wide experience in this area and is the American Petroleum Institute's counsel in the OSHA benzene case. The AIA/NA membership has tripled their annual dues from \$300,000 to about \$1,000,000 to cover the added costs.⁽¹⁾ The AIA/NA is also optimistic that the Canadian mining companies generally are not members, will contribute \$350,000 more to the effort.

The Executive Committee of the AIA/NA had a very serious discussion at their last meeting on the question of whether we were in a position such that we might

(1) UCC as a small mining and milling operation pays the minimum dues. This was increased from \$2000 to \$6000 per year.

win the battle to obtain liveable regulations in the next several years but lose the war because there were no more customers left. (This may be the most critical problem in our own situation.) The decision was made, however, that the AIA/IA had no choice but to keep up the best fight it could to obtain reasonable regulations to protect the workers, the users of asbestos products, and the general public.

The other area of intagibles that needs to be weighed is the overall regulatory picture. Asbestos may be the bellwether but it is only a small part of the regulatory structure that is being developed.

There is clearly concern today in Congress, in a substantial share of the general public, and even in some unions, that the country is grossly over-regulated. This feeling has manifested itself in the recent Congressional action to limit the FTC authority, the Schweikert Bill to limit OSHA inspections, and a number of bills to allow Congressional veto of regulatory actions. There is also the impact of regulations on energy and inflation that is receiving wide publicity. Finally, even allowing for bureaucratic inertia, the upcoming election can have a significant impact on the regulatory climate.

KEY ASSUMPTIONS

Based on the foregoing facts and generalities, it is suggested that several revisions should be made in the key assumptions of May 1979 that were shown previously. It appears that it is important to include the time element in our considerations. It is suggested that we plan on a period of uncertainty regarding final regulations of 1-3 years followed by several more years to come into compliance. An assumption covering this should be added.

Concerning bans and substitutes, our products are largely in bound form so releases of asbestos are small. There are generally readily available substitutes, however. It seems doubtful that no bans or mandatory substitutions at all will result from the large scale regulatory actions in progress.

Some moderate factor to account for this in our sales projection should be included.

The assumption of no significant impact from "retroactive" legislation still looks reasonable.

The OSHA conclusions were given earlier. A 0.5 fiber/cc TWA appears to be a realistic assumption. Promulgation will not be sooner than the first quarter of 1981 and effective date could be a year or more later.

The same reasoning used re widespread bans also applies to other regulations. The most likely changes appear to be a numerical ambient air standard and inclusion under the RECRA provisions. This, too, is probably one-two years away.

FOREIGN REGULATIONS

The foregoing discussion has been confined to the situation in the United States. Since about half of our asbestos is now sold overseas a brief comment on foreign regulatory matters is appropriate.

The situation regarding asbestos varies considerably from country to country. In general the adversary position between government and industry is much less extreme than in the U.S. and the public image of business is better. Public interest groups and the media are a significant factor, but do not appear to be as strong as they are in this country. There is also the impression that in the large, most advanced countries, the governmental authorities regard the approaches advocated in the U.S. as much too extreme.

The U.S. regulatory agencies have recently set up regular meetings and information exchange arrangements with their counterparts in the EEC countries. This will facilitate the proliferation of the U.S. approach and the general industry opinion is that Europe will tend to follow the U.S. Based on past observations it seems that the large, heavily industrialized countries such as

The U.K., Germany, France, Italy, and possibly Japan may end up with more moderate regulations and the smaller, highly socialized countries such as Scandinavia, Holland, and Belgium may go the ban route. The main point is that regulatory matters in most of the countries where our foreign customers are located are moving more slowly and regulations may in a substantial number of cases end up to be less severe than those in the U.S.

KEY ASSUMPTIONS - LEGISLATIVE
AND REGULATORY IMPACTS ON
THE ASBESTOS SPU

1. No WIDESPREAD BANS OR MANDATORY SUBSTITUTIONS.
2. No SIGNIFICANT IMPACT DUE TO "RETROACTIVE" LEGISLATION.
3. OSHA TLV NO MORE RESTRICTIVE THAN 1 FIBER/CC TWA.
4. OTHER REGULATIONS (EPA, CPSC, DOT, ETC.) NOT SIGNIFICANTLY MORE STRINGENT THAN NOW.

FIGURE 1

NEW PUBLICATIONS RELATING THE
HEALTH HAZARDS OF ASBESTOS EXPOSURE

1. BERRY - 0.3 - 1.25 FIBERS/CC PRESENT A SIGNIFICANT HAZARD.
2. SEIDMAN - 9 MONTH EXPOSURES AT HIGH LEVEL VERY HAZARDOUS.
3. SIMPSON REPORT
 - A. 1 FIBER/CC CHRYSOTILE
 - B. 0.5 FIBER/CC AMOSITE
 - C. 0.2 FIBER/CC (BAN ON NEW USES) CROCIDOLITE
4. SELIKOFF - NON-SMOKING ASBESTOS WORKERS AT EXCESS RISK OF LUNG CANCER.

REGULATION BY CLICHE'

1. WE HAVE A CANCER EPIDEMIC IN PROGRESS. IMMEDIATE REGULATORY ACTION IS IMPERATIVE.
2. NO SAFE LEVEL FOR A CARCINOGEN HAS BEEN DEMONSTRATED. (ANY EXPOSURE GREATER THAN ZERO, REGARDLESS OF HOW SMALL, RESULTS IN SOME RISK TO SOMEBODY, SOMEWHERE.)
3. ANY USE OF A CARCINOGEN FOR WHICH A SUITABLE, LESS HAZARDOUS SUBSTITUTE EXISTS PRESENTS AN UNREASONABLE RISK. IT SHOULD BE BANNED.
4. THE URGENCY OF THE PROBLEM JUSTIFIES THE USE OF GENERIC REGULATORY ACTIONS OR PRO FORMA REGULATIONS.

FIGURE 3

EPA - ADVANCED NOTICE OF PROPOSED RULEMAKING
COMMERCIAL AND INDUSTRIAL USE
OF ASBESTOS FIBERS - OCTOBER 20, 1979

1. OUTLINES REASONS FOR THE REGULATION (CANCER EPIDEMIC).
2. ASKS FOR VOLUNTARY SUBMISSION OF A TREMENDOUS AMOUNT OF INFORMATION.
3. STATES REGULATORY OPTIONS UNDER CONSIDERATION:
 - A. OUTRIGHT BAN IN FAIRLY NEAR FUTURE, ALL USES WHERE THEY DEEM SUITABLE SUBSTITUTES ARE AVAILABLE.
 - B. LIMITS ON TOTAL USAGE IN THE U.S. STEADILY DECREASED WITH TIME TO VIRTUAL BAN.
 - C. BAN STARTING IN 1985 AND FULLY IN PLACE IN 1990. ONLY EXCEPTIONS ARE ESSENTIAL USES MEETING THREE CRITERIA. NO REASONABLE WAY TO GET AN EXCEPTION. BURDEN OF PROOF ON USER.

AIA/NA RESPONSE TO THE EPA ANPRM

1. No "REASONABLE BASIS" EXISTS TO CONCLUDE THAT ASBESTOS PRESENTS AN "UNREASONABLE RISK" OF INJURY TO HEALTH OR THE ENVIRONMENT.
2. STATUTORY REQUIREMENTS FOR SUCH A FINDING WERE DELINEATED IN DETAIL.
3. EVEN IF A PROPER "UNREASONABLE RISK" FINDING CAN BE MADE, EPA MUST BY STATUTE APPLY THE "LEAST BURDENSOME" REGULATORY ALTERNATIVES, NOT THE MOST BURDENSOME.
4. THE PROBLEM OF CONFIDENTIALITY OF INFORMATION MUST BE RESOLVED PRIOR TO ANY BROAD SUBMISSION OF DATA.

FIGURE 5

NEXT ACTIONS BY EPA

1. EVALUATE ANPRM RESPONSES.
2. GENERAL ORDER UNDER SECTION 8(A) OF TSCA TO REQUIRE SUBMISSION OF INFORMATION ON:
 - A. PRODUCTION AND SALES VOLUMES AND COSTS.
 - B. IDENTIFICATION OF CUSTOMERS.
 - C. INFORMATION ON SUBSTITUTES FOR ASBESTOS.
 - D. EXPOSURE INFORMATION.
 - E. CONTROLS USED AND COSTS THEREOF.

STATUS

- I. IN PREPARATION FOR ASBESTOS. PROPOSAL EXPECTED IN NEXT SEVERAL MONTHS.
 - II. FINAL RULE - TOWARDS END OF 1980.
3. GENERAL ORDER UNDER SECTION 8(D) OF TSCA TO REQUIRE SUBMISSION OF HEALTH AND SAFETY STUDIES.

STATUS

- I. PROPOSAL ISSUED AND RESPONSES MADE ON FEBRUARY 29, 1980.
 - II. MUCH BROADER THAN ASBESTOS.
 - III. UNDER HEAVY ATTACK BY CMA.
 - IV. ISSUE DATE, LITIGATION?
4. CONTRACTOR'S STUDIES OF INDUSTRY STRUCTURE, SUBSTITUTES, EXPOSURES, ECONOMICS.

STATUS

UNDER WAY - COMPLETION NOT BEFORE END OF YEAR.

CONCLUSIONS

1. THIS IS GOING TO BE A LONG AND EXPENSIVE BATTLE WITH LITTLE LIKELIHOOD OF REGULATIONS IN PLACE BEFORE THE END OF 1981.
2. INDUSTRY LITIGATION IS A DISTINCT POSSIBILITY.
3. SOME SORT OF COMPLIANCE PERIOD AFTER THE REGULATIONS ARE IN PLACE CAN REASONABLY BE EXPECTED.

CPSC ANPRM CONSUMER PRODUCTS

CONTAINING ASBESTOS - OCTOBER 17, 1980

1. ISSUED ON OCTOBER 17, 1980.

- A. INTER-AGENCY AGREEMENT WITH EPA.
- B. SAME GENERAL RATIONALE AND PATTERN.

2. AIA/NA RESPONSE - FEBRUARY 17, 1980

- A. THE CPSC DOES NOT HAVE STATUTORY AUTHORITY TO REGULATE MANY OF THE PRODUCTS LISTED IN THE ANPRM.

B. THE ACT DOES NOT SANCTION THE BANNING OF ANY PRODUCT MERELY ON THE GROUNDS THAT IT EMITS A SUBSTANCE THAT IS HARMFUL AT SOME HIGH DOSE AND CAN BE TERMED "NON-ESSENTIAL".

- C. THERE IS NO BASIS FOR ACTION AGAINST ASBESTOS UNDER THE FEDERAL HAZARDOUS SUBSTANCE ACT.
- D. DETAILED INFORMATION WILL NOT BE SUPPLIED UNTIL CONFIDENTIALITY PROBLEMS ARE RESOLVED.

3. FURTHER ACTIONS BY CPSC.

- A. EVALUATE ANPRM RESPONSE.
- B. ISSUE GENERAL ORDER FOR SUBMISSION OF INFORMATION

STATUS

EXPECTED IN NEXT COUPLE OF MONTHS.

CONCLUSIONS

- 1. LESSER IMPACT THAN EPA.
- 2. TIMING WILL PROBABLY BE COORDINATED AND, THEREFORE, SIMILAR.
- 3. NEED TO BE MONITORED AND DEALT WITH AS CPSC MOVES.

EPA HAZARDOUS WASTE REGULATIONS UNDER RECRA

1. REGULATIONS WITH THE FOLLOWING REQUIREMENTS ARE NEARING IMPLEMENTATION:
 - A. ALL GENERATORS OF HAZARDOUS WASTE MUST REGISTER.
 - B. ALL HAZARDOUS WASTE MUST BE TRANSPORTED ONLY BY AN APPROPRIATELY LICENSED CARRIER.
 - C. ALL HAZARDOUS WASTE MUST BE DEPOSITED ONLY AT A DISPOSAL SITE LICENSED TO HANDLE IT.
 - D. THE WASTE MUST BE ACCOMPANIED BY A THREE PART MANIFEST WITH EACH PART PROPERLY FILLED OUT BY THE GENERATOR, HAULER, AND DISPOSAL SITE OPERATOR RESPECTIVELY.
2. AT PRESENT ASBESTOS IS NOT INCLUDED AS A HAZARDOUS WASTE. REGULATED UNDER NESHAPS INSTEAD.
3. UNDER RECONSIDERATION.

CONCLUSION

COULD BE A SLEEPER WITH VERY LARGE IMPACT ON CUSTOMERS.

FIGURE 8

OSHA REGULATORY ACTIVITIES

1. BACKGROUND

- A. EMERGENCY STANDARD DECEMBER 1971;
FINAL 1972; MODEST CHANGES.
- B. PROPOSAL ON OCTOBER 9, 1975.
0.5 FIBERS/CC (GENERAL INDUSTRY ONLY)
- C. NIOSH 0.1 FIBERS/CC BASED ON ANALYTICAL LIMITATIONS.

2. PRESENT ACTIONS

- A. TASK GROUP STUDYING OPTIONS.
- B. CONTRACTOR PREPARING REGULATORY ANALYSIS
REQUIRED BY E.O. 12044. COMPLETION DATE,
AUGUST 1980.

3. OPTIONS

- A. EMERGENCY TEMPORARY STANDARD.
- B. PROPOSAL NO EARLIER THAN AUGUST.

4. PROPOSED RULES GUESS

- A. FORMAT LIKE GENERIC CARCINOGEN RULES.
- B. 0.1 - 0.3 FIBER/CC $\geq$ 5 μ TWA.
- C. MANDATORY SUBSTITUTION INCLUDED.
- D. POSSIBLY SOME SPECIAL CONSIDERATION FOR CONSTRUCTION
RE MONITORING AND MEDICAL SURVEILLANCE.

5. CONCLUSIONS

- A. VERY STRONG CASE AGAINST ANY LEVEL BELOW 0.5 FIBERS/CC.
- B. INDUSTRY WILL GO TO COURT IF NECESSARY.
- C. MANDATORY SUBSTITUTION REQUIREMENTS WILL NOT BE
SUSTAINED IN COURT.
- D. TIMING - MIDDLE OF 1981.

FIGURE 9

WHERE WILL THIS ROUND OF REGULATIONS STOP?

1. ONE - THREE MORE YEARS OF TURMOIL, POSSIBLY LONGER
IF LITIGATION RESULTS.
2. WILL THERE STILL BE ANY CUSTOMERS?
3. AIA/NA DECISIONS:
 - A. LIKELY TO HAVE TO GO TO COURT.
 - B. HIRED KIRKLAND AND ELLIS AS SPECIAL COUNSEL.
(~\$700,000 BUDGET FOR 1980)
4. REGULATORY CLIMATE:
 - A. CONGRESS, SOME PARTS OF THE GENERAL PUBLIC,
EVEN SOME UNIONS, CONCERNED THAT THE COUNTRY
IS GROSSLY OVERREGULATED.
 1. FTC AUTHORITY LIMITED.
 2. SCHWEIKERT BILL.
 3. BILLS TO ALLOW CONGRESSIONAL
VETO OF REGULATORY ACTIONS.
 - B. IMPACT OF ENERGY AND INFLATION.
 - C. UPCOMING ELECTION.

FIGURE 10

KEY ASSUMPTIONS - LEGISLATIVE
AND REGULATORY IMPACTS ON
THE ASBESTOS SPU

MAY 1980

1. NO WIDESPREAD BANS ON MANDATORY SUBSTITUTIONS.
2. NO SIGNIFICANT IMPACT DUE TO "RETROACTIVE" LEGISLATION.
3. OSHA TLV NO MORE RESTRICTIVE THAN 1 FIBER/CC TWA.
4. OTHER REGULATIONS (EPA, CPSC, DOT, ETC.) NOT SIGNIFICANTLY MORE STRINGENT THAN NOW.

SUGGESTED REVISIONS

MARCH 1980

1. ONE - THREE YEARS, POSSIBLY LONGER, OF UNSETTLED REGULATIONS.
2. NO SIGNIFICANT IMPACT DUE TO "RETROACTIVE" LEGISLATION.
3. MODERATE IMPACT OF BANS AND MANDATORY SUBSTITUTIONS.
4. OSHA NO MORE RESTRICTIVE THAN 0.5 FIBER/CC TWA.
(NO SOONER THAN FIRST QUARTER OF 1981, COULD BE A YEAR OR MORE LATER.)
5. NUMERICAL AMBIENT AIR STANDARD AND MORE RESTRICTIVE WASTE DISPOSAL UNDER RECRA. (1 - 2 YEARS AWAY.)

FIGURE 11