



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 500
Arlington, Virginia 22202 • (703) 978-1160

& NEWS NOTES

29 June 1979

EPA'S DEKANY OUTLINES REGULATORY INVESTIGATION OF ASBESTOS UNDER TSCA

At the Association's second quarter board of directors meeting on June 13 in Alexandria, VA, EPA's Deputy Assistant Administrator for Chemical Control, John P. DeKany, spoke in detail on his agency's ongoing investigation of asbestos under the Toxic Substances Control Act (TSCA). This work has been underway for several months and reported in general terms through prior N&N articles (Dec., Mar. & Apr.). However, the June AIA/NA directors meeting was first occasion that EPA has used to elaborate on this particular investigation and its possible impact on the industry.

Under TSCA, EPA plans to evaluate exposure problems associated with all types of asbestos activities from mining, milling, and primary manufacturing to end product use and disposal, i. e. a life cycle or "cradle to grave" approach. After reviewing federal regulations in being, DeKany said that these rules only "constitute case-by-case solutions to recognized hazards," and that some significant exposure sources may have been overlooked.

Reference was made to the broad statutory authority provided EPA by TSCA. Among the actions that could be taken under TSCA, DeKany named "bans on primary and secondary manufacturing of products containing asbestos; bans on uses of asbestos-containing products; requirements for disposal of asbestos-containing products; and labeling requirements for asbestos-containing products." EPA's investigation will be conducted in phases. While a definitive phasing schedule for products has yet to be developed, it was stated that asbestos paper products would be included in the initial study phase.

Once potential product or category of product candidates are selected, EPA intends to prepare a risk assessment to determine whether the asbestos exposure risk poses a public health hazard. Under the life cycle concept, if production steps for a product pose serious risks although the end product is found not to pose a high risk, EPA may conclude that the risk is sufficient to consider the product for regulation.

8001 1519

SCF-ALLF-07740

PRODUCED BY EORD

EPA will engage both technical and economic contractors to gather and compile data during its investigation, DeKany said. It has been subsequently learned that GCA Corporation has been awarded the technical contract and Research Triangle Institute the economic contract. According to DeKany, EPA intends to issue by late summer an advance notice of proposed rulemaking (ANPRM) which will describe the agency's investigation, set out internal priorities, and include questions addressing key issues. The industry will be invited to respond to the ANPRM. (Note: Copy of Mr. DeKany's presentation is available on request.)

Representatives of AIA/NA and Association of Asbestos Cement Pipe Producers gave on June 18 in EPA's headquarters a comprehensive presentation to EPA and other agency officials on asbestos-containing products and their use. Other Association initiatives are being explored in order to be fully cooperative with EPA as this agency assesses the need for further regulation of the industry.

OSHA AND NCI BEGIN ASBESTOS WORKER TRAINING PROGRAM

OSHA and National Cancer Institute have joined forces in \$500,000 training project to educate workers on safe means of working with asbestos in schools.

\$360,000 of the \$500,000 transferred to OSHA from NCI will go to the City of New York which will be the site of a demonstration project this summer. New York Board of Education's Division of School Buildings has pioneered the application of recently developed asbestos control methods.

Demonstrations of exemplary asbestos removal, enclosure, and sealing operations may be attended in person by interested contractors and school boards. Remainder of \$500,000 will go to Battelle Memorial Laboratories in Columbus, Ohio, for preparation of a 30-minute introductory film and a series of audio visual cassette presentations, each addressing a different corrective measure which might be employed.

NIOSH is to receive \$2 million from NCI for the purpose of establishing 10 other such demonstration projects, ideally one in each of the 10 federal regions.

Assistant Secretary of Labor (OSHA) Dr. Eula Bingham stated that the OSHA/NCI project could result in more general health benefits, since schools are a workplace shared by many employees. "Workers educated about proper safety precautions will help ensure the health of all users of the public schools," according to Dr. Bingham.

6001 1520

PRODUCED BY EPC

EPA REVISES PERMIT PROGRAM FOR EFFLUENT DISCHARGES

By notice in the Federal Register on June 7, EPA issued new regulations for the National Pollutant Discharge Elimination System (NPDES).

The revised rule streamlines permit appeal procedures, increases the public's opportunity to participate in permit issuing process, and promotes uniformity in assessing non-compliance penalties. Any firm which discharges or proposes to discharge effluent pollutants must give attention to NPDES when making application for its permit. Copies of June 7 NPDES regulation are available to members on request.

OSHA ESTABLISHES RESIDENCY PROGRAM FOR OCCUPATIONAL PHYSICIANS

Assistant Secretary of Labor (OSHA) Dr. Eula Bingham announced June 18 that a residency program for occupational physicians has begun in her agency in order to familiarize medical doctors with practical problems involved with job safety and health. Three doctors are in the program, two from Johns Hopkins University Medical School and one from Harvard University Medical School, and they will spend from one to three months with OSHA.

Dr. Bingham described the new program as "an important step toward easing one of the most critical shortages in the job safety and health field - the lack of trained medical personnel." OSHA currently has one full-time physician on its staff, Dr. Victor Alexander; a second doctor is expected to be added Aug. 1.

UPCOMING ASSOCIATION MEETINGS AND INDUSTRY-GOVERNMENT CONFERENCE

Two AIA/NA committees are scheduled to meet in July at Johns-Manville's World Headquarters in Denver, CO:

12 July - Technical Committee

13 July - Air Monitoring Committee

Executive Committee's next regular meeting will be Aug. 14 in the AIA/NA office.

8001 1521

PRODUCED BY EORD

Third quarter meeting of board of directors and annual meeting of members are scheduled for Sept. 19 at Stouffer's National Center Hotel, Arlington, VA. In conjunction with these meetings, the Association will sponsor an industry-government conference on Sept. 19-20. A broad range of topics is planned to include presentations by government, industry and scientific spokesmen. Details regarding this conference will be published in the near future.

NIOSH TO BECOME MORE ACTIVE ACCORDING TO ITS DIRECTOR

At annual meeting of American Industrial Hygiene Conference held May 27 to June 1 in Chicago, IL, National Institute for Occupational Safety and Health Director Anthony Robbins said the Institute "has remained far too removed" in the past from problems of occupational health hazards. Robbins commented that in his first six months as director of NIOSH, he was "disturbed by how little mileage and use" his agency's work received. He said the agency cannot be "neutral" and still be committed to the health and safety of workers.

Among future actions proposed by NIOSH, Robbins listed:

- . increased use of health hazard evaluation;
- . repeat of its 1974 National Occupational Hazards Survey in 1980; and
- . expansion of research into mining industry.

Also speaking at AIH Conference was Assistant Secretary of Labor (OSHA) Dr. Eula Bingham. Dr. Bingham said "We have a situation in this country's workplaces that is acute," and "There should be no question that OSHA and NIOSH are working together." Related to latter statement is recent Labor Department draft document listing research project proposals for consideration by NIOSH. List of projects is result of efforts of NIOSH Planning Group established in Oct. '78 to coordinate DOL research needs with NIOSH activity.

Research projects requested of NIOSH which are of particular interest and included in draft document are: (1) assist in developing priorities for and assessing the feasibility of reducing worker exposure to substances that would be listed under category I of OSHA's proposed generic cancer policy; (2) revise and update selected criteria documents already submitted to OSHA; and (3) recommend new methods of asbestos sampling and counting.

8001 1522

PRODUCED BY EOPD

DEVELOPMENT OF NATIONAL CANCER POLICY CONTINUES AS ISSUE OF INTEREST

The Administration's Regulatory Council, chaired by EPA Administrator Douglas M. Costle, announced June 12 that deadline of July 31 has been set for submitting to President Carter a report on the status of a National policy framework for carcinogen regulation. The Council also identified plans for several projects to review impact of federal regulations, including studies on cost and benefit analysis.

Recent issue of Occupational Health & Safety Letter reports that Administration spokesman has emphasized that federal government will have "one cancer policy, and one cancer policy only." Specifically, risk assessment and methodology will be uniform albeit numerical limits for carcinogens may differ due to individual statutes, according to the official.

As related matter, report of Interagency Regulatory Liaison Group (IRLG) titled "Scientific Bases for Identifying Potential Carcinogens and Estimating their Risks" released in draft form Feb. 6 (N&N Feb.) will be published in the July issue of the Journal of the National Cancer Institute for peer review. In addition, the IRLG report is expected to be published next month in the Federal Register at which time public comment will be invited. The 113-page report sets forth: scientific evidence to be used to identify substances that pose a carcinogenic hazard; type of evidence that will be considered for determining qualitative human cancer risk; criteria for determining adequacy of evidence which purports to show there is no human risk or which is not predictive of human response; and methodologies for quantitative risk assessment.

Meanwhile, in its draft comments on the IRLG report which were released May 5, American Industrial Health Council (AIHC) calls for a scientific panel independent of regulatory agencies to evaluate potential carcinogens for entire federal government. AIHC advocates establishing a panel "which would perform the scientific risk assessment for the regulatory agencies.

Specific impact above comments on schedule for OSHA's issuance of its generic cancer policy is unclear.

ASBESTOS APPROVED AS CLASS I SUBSTANCE IN VIRGINIA

The Virginia Board of Health approved a proposal classifying asbestos a class I substance on May 24. This action will require an additional report from those establishments using in manufacturing/manufacturing 1000 kg/year of asbestos (N&N Mar.). Initial Class I reports are not expected to be due before Dec., 1979.

R001 1523

PRODUCED BY FORD

AIA/NA had submitted comments on the Virginia proposal. The Toxic Substances Advisory Council has responded to the AIA/NA point that the enabling statute requires a finding of the amount of which asbestos poses a risk to human health and that this finding had not been made. The Council staff answered that they were "unable to locate any reference representing a consensus that a given amount or level of asbestos is responsible for increased disease incidence and below which disease would not be observed." However, AIA/NA was informed that, according to the opinion of the Attorney General's office, no change in the regulation would be necessary.

To the AIA/NA comment that the regulation ought include an exemption for products containing asbestos modified by the use of a bonding agent, coating, binder or other material, Council staff answered that the controlling rules and regulations already exclude the types of establishments which would be the most likely and abundant users of bound forms of asbestos by excluding articles used as raw materials or manufactured as final products.

CALIFORNIA PUBLIC INTEREST GROUP URGES PROSECUTION OF CERTAIN HEALTH VIOLATIONS

According to recent study by the Center for Law in the Public Interest, Los Angeles, CA, the State's Division of Occupational Safety and Health (DOSH) should adopt a policy of "referring all serious, willful, and repeated occupational health violations to local prosecutors unless, in the case of serious health violations, the industrial hygienist who issued the health citation makes a written finding that referral is inappropriate because the employer has not acted negligently." Report also recommended that DOSH permit inspections of workplaces during period a violation at a plant is under appeal.

California's DOSH referred its first occupational health case for criminal prosecution on Mar. 30. Case involved prosecution of a manufacturer for alleged serious and repeated serious asbestos violations. Case was settled May 23 when firm pleaded no contest to misdemeanor charge, and was awarded two years informal probation and \$340 in fines and penalties. A DOSH spokesman has advised that similar future violations involving carcinogens can be expected to be referred for prosecution.

8001 1524

PRODUCED BY FORD