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Part VII

Environmental Protection Agency

Asbestos Reporting Requirements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

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Asbestos Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule, under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), requires reporting to EPA by asbestos manufacturers, importers, and processors. The information sought includes data on the quantities of asbestos used in making products, employee exposure data, and waste disposal and pollution control equipment data. Reported information will be utilized by EPA and other Federal agencies in considering the regulation of asbestos.

DATE: This regulation becomes effective on August 30, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Industry Assistance Office (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460. Toll free: (800-424-9065). In Washington, D.C: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

OMB Control Number: (2000-0478).

I. Introduction

EPA proposed a rule in the Federal Register of January 26, 1981 (46 FR 8200) under section 8(a) of the Toxic Substances Control Act (TSCA), to obtain information on industrial and commercial uses of asbestos. The Agency received 80 written comments on the proposal and held one public meeting. This preamble explains the provisions and procedures of the final rule and the changes EPA has made to reduce the burden of the rule.

The basic design of the rule remains unchanged; it divides the asbestos industry into two groups for reporting purposes. EPA will require detailed information on EPA Form 7710-36, "Reporting Commercial and Industrial Uses of Asbestos," from the first group—persons who mine, mill, or import bulk asbestos, or process it to form an asbestos mixture or product, such as asbestos paper. The latter persons are called "primary processors of asbestos." This first group must report within 90 days of the effective date of this rule.

EPA will require reporting in two phases for the second group—secondary processors of asbestos (secondary processors of asbestos make products from asbestos mixtures, not bulk asbestos), and persons who import asbestos mixtures or other products that contain asbestos. In the first phase, companies will have 60 days from the effective date of the rule to identify themselves and the asbestos mixtures they process or import on EPA Form 7710-37, "Reporting Secondary Processing and Importation of Asbestos Mixtures." EPA will then select a sample of respondents from this identification phase to complete the detailed EPA Form 7710-36 in the second phase of reporting for this group.

After considering the substantive comments to the proposed rule, the Agency has changed several provisions of the proposed rule to reduce the burden on repondents without significantly decreasing the value of the information that this rule will collect. The two primary changes from the proposal are (1) respondents must submit data from only 3 years on EPA Form 7710-36 and (2) the recordkeeping requirements for customer lists and monitoring data are eliminated. A full discussion of the substantive comments and EPA's responses to those comments can be found in a document entitled "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule" which is part of the public record for this rule and is incorporated into this document.

II. Purpose of the Rule

This rule will obtain current information about major aspects of asbestos manufacturing, processing, and importation to support the Agency's asbestos risk investigation. Under TSCA, EPA is examining the costs and the benefits to society from all applications of asbestos in order to decide, within a range of potential options, what actions may be necessary to adequately protect the public health. The investigation is considering the various Federal authorities now regulating different aspects of asbestos exposures, to examine the effectiveness of current regulatory activities. In addition to providing data for the TSCA investigation, this information rule will support decisions on a number of potential Federal actions by providing a total picture of the current situation that will help focus further activities in the most appropriate manner.

Information obtained by this rule, along with already available data, will be used to describe the exposures and economics of asbestos use to the extent needed for determining the cost and effectiveness of potential risk-reduction steps. The Agency will consider this reported information in calculating the extent of exposure from asbestos and in determining where the exposures present an unreasonable risk. The Agency cannot now adequately determine what asbestos-containing products are currently made and who makes them. While there are over 3,000 existing patents for applications of asbestos, there is no information on which ones have been used commercially. For example, persons who commented on the proposed reporting rule identified some products which the Agency had previously not identified as containing asbestos. Individual reports which identify firms, production sites, and asbestos products will provide an inventory of asbestos use that is not presently available.

The regulatory investigation now underway is examining the separate and cumulative exposures to all types of populations that occur during production, manufacturing, use, and disposal of asbestos products. Concurrently, EPA scientists are developing a health risk assessment to use in quantitatively predicting adverse health effects resulting from exposure to asbestos. Information from this rule will permit the Agency to attribute accurately the risk in specific industries or from specific products to a portion of the overall cumulative risk. The Agency will use the data to identify areas where exposure levels should be reduced. The reports will also identify industries and products that require no further consideration.

The Agency is assessing all available information and conducting factual discussions with industry. The information collected through this rule will offer a neutral basis from which the Agency can establish agreements, as appropriate, for industry to take voluntary steps to reduce the levels of risk. The Agency will encourage industry to adopt voluntary actions to control exposure levels.

EPA expects to initiate regulatory proceedings to control exposures in cases where non-regulatory actions are not appropriate. The Agency will examine the various Federal statutes to find the most appropriate authority to effect the necessary control. If TSCA provides the proper authority, the Agency may take actions to control specific uses of asbestos which involve risks that are found to be "unreasonable" within the meaning of section 6 of TSCA. The Agency may

determine that labelling of products would sufficiently reduce the risk.

If the Agency determines that regulatory measures are warranted under the authority of section 6 of TSCA, the Agency will use information from this rule to support regulatory impact analyses required under Executive Order 12291. A complete data base will allow the Agency to choose and document better the most cost-effective regulatory approach. The Agency will consider all relevant information that it can reasonably obtain from the current manufacturers and processors who would be most affected by regulations.

A. Need for the Data

This reporting is being required because adequate data are not otherwise available for the present investigation to determine where unreasonable risks from asbestos exist and the appropriate approaches to reduce those risks. Information that is currently available to the Agency is sufficient as the basis for qualitative generalizations about both the value of using asbestos in its various application and the risks from those activities. Yet, the Agency has no set of information that it can reference in quantifying either the risk from or the value of the various products and product subcategories. Before drawing any final conclusions about asbestos, the Agency needs a data base that it can use to characterize the current situation with a greater degree of accuracy.

EPA has examined all information presently available to Federal agencies and solicited information from industry prior to the issuance of this rule. Agency personnel and contractors reviewed the extensive literature concerning asbestos; obtained information from other Federal agencies; and developed new data and made site visits when possible. The search for information is described in an internal EPA document entitled, "Technical Information Summary" (TIS), which is part of the public record for this rule. The TIS summarizes the various sources of available information both in published literature and from Federal agencies, and it evaluates the usefulness of the information to the Agency. Additionally, the TIS describes efforts by EPA contractors to conduct necessary analyses and the problems they have encountered.

Briefly, the "Technical Information Summary" contains the following conclusions about Government and industry documents that are available: While information is available generally to characterize the industries that make products from bulk asbestos, very little data exist on secondary processors. Further, all of the information that is available is inadequate in several respects. The basic data source of asbestos consumption patterns is from the Bureau of Mines. Many of the documents concerning industrial and commercial uses of asbestos cite the Bureau of Mines data. However, the data used by the Bureau of Mines to determine asbestos consumption are from an annual voluntary survey of only a portion of asbestos processors and, for instance, do not count 40 percent of the bulk asbestos we know is imported. The Bureau of Mines estimates that the asbestos consumption figures are accurate only to ±50 percent. EPA expects to attain a higher degree of accuracy because virtually all of the processing of bulk asbestos will be reported under this rule and this production will be reported according to well-defined categories of both companies and products. In addition, EPA will be able to characterize all industry segments with greater confidence from data obtained in the representative survey. Agency contractors who have developed the preliminary analyses for the asbestos investigation participated in the design of these information requirements to ensure that any gaps and shortcomings of existing information will be corrected to the extent possible.

Available information provides general characteristics of the industries which make and process asbestos products. However, the information is already in an aggregated form and discrete components cannot be separated from the totals. For instance, at this time the Agency cannot characterize many products because data about the asbestos products are mixed in aggregates with data about similar, non-asbestos products. The underlying data of the aggregates, which are needed for the Agency analyses, are not available in most cases. For example, the Bureau of the Census is precluded under Title 13, U.S. Code, from disclosing individual reports it receives. Further, the information is too superficial to analyze separately subcategories of products. In some areas, as is the case for most secondary processors, existing information is too sparse to enable the Agency to make any but the most general estimates.

The lack of detail in available information means that the Agency is not able to analyze the effects that regulatory or voluntary actions on a single product may have on a multi-product industry and to quantify expected reductions in risk. This rule will characterize activities at the plant-site level, which will permit the Agency to analyze how specific actions would affect various elements of the analyses.

Most of the existing information consists of estimates that are based on data which may not reflect the current situation because the data were gathered many years ago. The most comprehensive information available covers the years 1975–1976, and it was generated to support and respond to OSHA's proposal in 1975 to lower the asbestos workplace standard. Present information indicates that significant changes have occurred. For instance, the U.S. Bureau of Mines reports that apparent consumption in the United States of raw asbestos fiber declined 36 percent in 1980, with a drop in consumption from 658,647 short tons in 1976 to 358,703 short tons in 1980. Changes have also occurred in the number of employees and the patterns of asbestos use. Information gathered through this rule will ensure a representative picture of the present situation and it will update or verify where possible data that already exist.

The TIS reviews EPA's search for information within EPA and from other Federal agencies. Data have been acquired from the EPA Compliance Data System Asbestos National Emission Standard For Hazardous Air Pollutants (NESHAP) file, inspection data from both the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA), reports from CPSC's General Order (see the following paragraphs), and importer data from the U.S. Customs Service. The Agency has acquired and evaluated information from these agencies, and concluded that these data do not adequately substitute for the information to be gathered by this rule.

A significant source of information on exposure levels in industry is the Occupational Safety and Health Administration (OSHA), which has performed workplace inspections since it promulgated the workplace exposure level standard in 1972. OSHA records contain a great deal of anecdotal information but, for the following reasons, few generalizations can be drawn about industry-wide exposure levels or the number of workers that are exposed. Because OSHA does not uniformly inspect all industries, it is difficult to make statistically valid extrapolations for all of industry. Moreover, approximately 60 percent of OSHA's inspections are in response to complaints, and cannot be extrapolated to make industry-wide estimates.

Inspections responding to complaints generally examine only the work area of concern to the complainant and, therefore, the data generally do not represent the facility-wide exposure situation. Finally, reports are available on industries in only 34 states, because the other states have been authorized by OSHA to conduct their own inspections.

The Consumer Product Safety Commission (CPSC) required the manufacturers of specified consumer products to submit certain information about how asbestos is used in those products under a General Order on December 22, 1980 (45 FR 84384). The Agency is examining the submitted data where respondents did not object to CPSC's sharing the reports with EPA. This rule contains a provision whereby companies need not report the same information to EPA if it was already reported to CPSC without objection to CPSC's sharing the data. However, the data from this General Order does not fully substitute for this rule because the Agency is interested in subjects beyond what CPSC asked, such as employee exposure and plant-site emissions.

Agency contractors have encountered a great deal of difficulty in performing their assessments with information that is available. A principal problem is that aggregate information about broad product categories is all that is available. This shortcoming in available data is significant because the contractors have found large variations in the ways companies process asbestos, control emissions, and dispose of wastes. Their draft reports contain many generalities and qualify many findings by citing the unreliability of available data or the absence of certain types of data. The contractors have individually attempted to gather additional data from industry, but have found that companies are reluctant to disclose confidential business information. Agency staff have intervened by officially requesting needed information; however, very little data has been submitted as a result.

B. Uses of Collected Information

The section 8(a) data will be used for analyses in the TSCA regulatory investigation and will be useful to other EPA offices and other Federal agencies. In preparation for obtaining these data, the Agency has developed plans to automate the information in a manner that will maximize the utility of the information to the Agency, other Federal agencies, and the public. A full description of how the Agency plans to use the reported data including computer-generated data outputs, can be found in the Information Use Plan that is part of the public record for this rule.

In the TSCA investigation, the Agency will use the information both to describe the current situation and to forecast changes either in the absence of additional regulation or as a result of new actions. Analyses will be conducted on several levels: industry-wide; by product category; and product subcategory. The Agency will use reported data to prepare exposure assessments, analyses of control options, and, if necessary, regulatory impact analyses.

The first analysis of the reported data will be the exposure assessment, where the operational objective is the development of sufficient data to determine cumulative human exposures. For the exposure assessment, the rule will identify the primary processor manufacturing sources, counting both workplace exposures (numbers of workers according to their general category of work and their exposure levels by product line) and the exposures to populations living around the plant-site (environmental releases from pollution control equipment and from uncontrolled vents). The size of the exposed general population and associated exposure levels will be computed using recognized techniques to analyze environmental pathways and monitoring data that provide the basis for modeling. In a sample survey, the Agency will learn how asbestos mixtures are used by secondary processors, who will provide facts that characterize exposure levels for their operations, the size of their workforce, and exposures to the general population. Primary and secondary processors will report the kinds and quantities of asbestos-containing waste they generate, which will permit analysis of possible fiber release into the atmosphere from waste sites. Importers will report the types of asbestos-containing materials that currently enter the U.S. customs territory. The Agency will relate production reports by secondary processors and importers with existing data to estimate the kinds of populations that may be exposed during the installation, use, removal, and disposal of the end-product.

This exposure assessment will be performed for each asbestos product category, and in most cases the Agency will assess exposures from product subcategories. The exposure factors will be used as input to appropriate dose-response studies to establish a risk factor that describes the estimated number of premature deaths to all populations as a result of the asbestos activity that is assessed. In the case of asbestos, the number of premature deaths and related health care costs are the primary societal costs that can be quantified. The assessments for each category will be considered as a whole, both to determine the overall extent of risk presented by asbestos and to attribute to each category or subcategory their portion of the total risk. As already stated, the Agency will concentrate its further efforts on products that appear to pose the greatest potential for human exposure.

The risk assessment may show that the total risk is so small that no further consideration is warranted. Alternatively, it may identify a particularly hazardous, apparently unnecessary situation that the Agency may want to investigate further. If the latter is the case, the Agency would examine the particular situation to find if there is a way to reduce the exposure levels. The particular situation could be referred to OSHA if it is a correctable workplace problem. The Agency would also examine the situation to determine the cost and availability of substitutes. This rule will not obtain information about substitutes; the Agency believes that it already possesses sufficient information to conduct analyses of substitutes. A great deal of information about the development of substitutes has been submitted to the Agency since the initiation of the asbestos investigation. In addition, EPA and CPSC jointly sponsored a national workshop on substitutes for asbestos in July 1980, where a great deal of information was presented. A record of the workshop can be found in the EPA publication "Proceedings of the National Workshop on Substitutes for Asbestos", EPA-560/3-80-001, which can be acquired from the National Technical Information Service (NTIS).

The Agency will also examine a hazardous situation to determine why it exists and the likelihood that it will continue. With the level of risk already defined, Agency analysts would determine the value and benefits that can be attributed to that situation. With a baseline understanding of the current economic value, Agency analysts can forecast the situation as it will be several years later if uninterrupted by regulation. Trend analysis permits the Agency to study the effects of market forces that encourage or discourage growth. Baseline data can be used to predict the future situation, which can then be compared to projections of regulatory effects to estimate the incremental change that could result from various regulatory options. The

principal economic measures that will be determined from data obtained through this rule are the value of production, the importance of the asbestos activity to the total value produced at the reported sites, the number of employees, the relative value of imports to exports, and the relative value of production to the Gross National Product. These measures will illustrate the monetary importance of the product to the plant site, to the company, to the total asbestos market, to the nation, and to the balance of trade.

Primary processors will report the value of their production for the last three years, describing the amount made for both export and domestic markets. Data from three years will permit analysts to use a multi-year average that is more reliable than data from a single year. Primary processors will report their consumption of bulk asbestos each year and estimate the relative value of their asbestos activity to total production at the plant site. Secondary processors will report the production of end products in which they incorporate the asbestos material and the purpose of including that material in the product. Both types of processors will report the total number of employees at the plant site as well as the number of production employees making subcategories of end products. With this detailed information, the Agency will be able to predict the future value of production and to establish what might be the economic effects of regulation.

Where the Agency finds that regulatory proceedings are appropriate, it will, through this rule, already have collected information necessary to describe fully the expected effects of the possible alternatives and to perform the analyses required by E.O. 12291. Thus, a complete data base provided by this rule will preclude the need to obtain additional data later in the investigation, which would delay resolution of the investigation. Timely action will benefit the Agency, industry, and the public by providing a means to take immediate action that protects public health and by removing a cloud of uncertainty over other uses of asbestos.

The primary purpose of gathering these data is to support the TSCA investigation. However, as noted earlier, other EPA offices and Federal agencies may also utilize the data base in any studies that involve the commercial and industrial uses of asbestos. EPA's Office of Air Quality Planning and Standards (OAQPS) is reviewing the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). Data from this rule that characterize and quantify emissions from stationary sources, the current economics of the industry, and its pollution control practices will be of value during the appraisal of this 1973 standard. EPA's Office of Solid Waste (OSW) may develop guidelines for the handling and disposal of asbestos-containing wastes. OSW expects to use data from this rule that quantify the kinds of waste presently generated by manufacturers and describe how and where those companies currently dispose of their wastes. Information that characterizes the kinds of asbestos-containing waste and current waste disposal practices will permit analysts to determine the relative degree of hazard posed by waste disposal activities. The Consumer Product Safety Commission (CPSC) is examining consumer products to determine what products may pose a chronic hazard to consumers. EPA has coordinated the data requirements of this rule with CPSC to eliminate duplication and to ensure that the reports will be useful to the CPSC investigation. This rule will provide a listing and quantification of imported and domestically produced consumer products containing asbestos which is not presently available. OSHA and MSHA have supported this rule throughout its development, because a current listing of companies, products, numbers of employees, and exposure levels would be very useful in reviews of the asbestos workplace exposure standards.

III. What to Report

EPA has developed two forms which are to be completed by respondents. The composite form, EPA Form 7710-36, "Reporting Commercial and Industrial Use of Asbestos," (hereafter referred to as the "Primary Form"), has individual sections for reporting data about products, production, asbestos consumption, employees, workplace exposures, waste and disposal, pollution control equipment, and estimated quantities of asbestos emissions. Production and importation from 1979-1981 will be reported by category of product, rather than by individual product lines. Respondents will fill out the sections that apply to them. Each respondent is to complete the relevant sections of the form depending on the activities of the reported plant site. The instructions to the form clearly list the sections that are to be completed by miners and millers, importers of bulk asbestos, and primary processors respectively. Those persons will complete all applicable sections of the Primary Form, and will report all asbestos importation and processing activities in the first reporting phase. In addition, the Primary Form contains separate sections to be completed in a second reporting phase by a sample of persons who are only secondary processors and importers of asbestos-containing products. Persons from those segments who are selected to complete the Primary Form during the sample survey will complete the applicable sections (see discussion below in unit VI, "Reporting Procedures").

EPA Form 7710-37, "Secondary Processing and Importation of Asbestos Mixtures," (hereafter referred to as the "Secondary Form"), is a short survey form which requires identification of asbestos mixtures or components, the amounts consumed or imported in 1981, and the products into which these mixtures and components are incorporated. The Secondary Form, to be completed by secondary processors and importers of asbestos-containing products, will serve several purposes for the Agency. The procedural purpose of the Secondary Form is to permit EPA to identify the companies in these groups in the least burdensome manner so that only a representative sample of the groups will be required to complete the Primary Form. The information from the Secondary Form, because it identifies firms and products and production amounts, will in itself provide EPA with valuable information. Data from the Secondary Forms will show the breadth of the secondary processor population and the variety of asbestos-containing products that are presently manufactured or imported. Finally, the reports of the quantities of asbestos mixtures that were consumed or imported in 1981 will permit EPA to gauge the present levels of processing and importation of asbestos products. These data will be used in estimating potential worker and consumer exposure and in judging the economic consequences of alternative options. In addition, knowing the products of secondary processing will support determinations of the availability of substitutes.

IV. Who Reports

This rule defines who must report and what to report according to the industrial activity of the respondent during 1981. The Primary Form must be completed by all persons who mine, mill, import, or process bulk asbestos. The Secondary Form must be completed by secondary processors or persons who import asbestos mixtures or articles containing asbestos components. Some

of these persons will be selected subsequently also to complete the Primary Form. This section will clarify the meaning of some of these terms that are specific to this rule.

Under this rule, a manufacturer is a person who mines or mills (produces) bulk asbestos or a person who imports asbestos either as bulk asbestos or as part of a product. Persons who, in addition to manufacturing, also process their products will report as both manufacturers and primary processors, as described below. This rule does not require reports by manufacturers or processors of products which contain asbestos as a contaminant or an impurity. While the Agency is concerned about the health risk posed by fibrous minerals in many ores or other products, this subject is not within the scope of the present rule.

TSCA defines a processor, in part, as a person who prepares a chemical substance of mixture, after its manufacture, for distribution in commerce. This rule classifies processors into two groups according to their starting material. "Primary processors of asbestos" are those whose starting material is bulk asbestos. "Secondary processors of asbestos" are those whose starting materials are asbestos mixtures.

A primary processor starts with bulk asbestos and makes a mixture that contains asbestos fiber. A primary processor may simply mix or repackage different types or sizes of fiber and then sell that product. Such mixing or repackaging of fibers is considered primary processing of bulk asbestos for the purpose of this rule. Asbestos mixtures are products to which asbestos fiber has been intentionally added and which can be used or processed further and incorporated into other products. For example, asbestos cement, asbestos paper, and asbestos-reinforced plastics are asbestos mixtures. In some cases, a primary processor further processes the asbestos mixtures. If so, the person is also a secondary processor. For instance, asbestos paper can be further processed to incorporate it into an article, or asbestos-reinforced plastics can be further processed to make vinyl-asbestos floor tile. Under this regulation, persons who are involved in both primary and secondary processing activities at the reported plant site must report both types of activities on the Primary Form. Only persons who are solely secondary processors at the reported plant site report as secondary processors.

"Secondary processors" are those who start with asbestos mixtures and incorporate them into their own products. For example, persons who fabricate asbestos cement sheet by cutting the sheet to make an electrical switch board, or persons who make garments by cutting an asbestos textile, are secondary processors. A person who fabricates asbestos cement sheet by cutting it to a specific dimension for a customer is a secondary processor. An automobile manufacturer is a secondary processor if he incorporates asbestos felt into an automobile as a hood insulation blanket or makes heating vent ducks from asbestos paper. A paint formulator is a secondary processor if he purchases a paint that contains asbestos and reformulates the paint by adding some agent to give the paint special properties for specific applications. A complete list of categories of asbestos-starting materials and products may be found in EPA Forms 7710-36 and 7710-37.

Those who import an asbestos mixture or an article containing an asbestos component(s) are required to identify themselves and the asbestos component(s) of the imported product. By this requirement, EPA is attempting to determine what asbestos-containing products are being distributed to consumers and to industry. This will enable the Agency to estimate the total health risk posed by asbestos, including the risk from imported products. The Agency recognizes that there is a large universe of asbestos-containing products that are imported, and that some importers may not know that discrete components of imported merchandise contain asbestos. To ease the burden on companies that import a number of products that may contain asbestos, this rule requires importers to provide information relating only to the products listed in the reporting forms. Therefore, in some cases, EPA will not learn of or obtain data on all imports that contain asbestos. However, the lists of products are very comprehensive and EPA expects to obtain information on most imports that contain asbestos. Some products, such as automobiles, are deliberately omitted because the Agency can otherwise obtain necessary information. Importers should note that under this rule, they are not required to conduct extensive research or to contact the foreign manufacturer to learn this information. Thus, under the rule, importers are required to report to the extent that this information is in their possession.

This rule requires reporting by manufacturers (including importers) and processors of asbestos mixtures. Section 8(a) states that reporting by manufacturers or processors of mixtures should be required only when the Administrator determines that it is "necessary for the effective enforcement" of TSCA. Those who manufacture or process asbestos mixtures are also necessarily processors of asbestos, the chemical substance. Therefore, the "effective enforcement" finding is not needed. Nevertheless, the characterization of these products and processing activities is essential to the asbestos investigation and to the exent that such persons can be regarded as manufacturers or processors of mixtures, the Administrator finds that it is necessary for the effective enforcement of TSCA. For a more detailed discussion of this issue, see the preamble to the proposed rule at 46 FR 8204, which is hereby adopted.

V. Exemptions From the Rule

The Agency is exempting certain classes of potential respondents from the requirements of the rule. The exemptions are designed to reduce the overall burden of the rule while still obtaining sufficient information for analyses that are planned.

All companies employing 10 or fewer employees are exempted from the requirements of this rule. EPA estimates that over 40 percent of companies not otherwise exluded will be exempted as a result of this provision, while firms that account for approximately 97 percent of employees and sales will still be included. Further discussion of this provision can be found below in unit XIII, "Regulatory Flexibility Act."

Certain secondary processors are excluded from this rule. Secondary processors are exempted if they apply, assemble, install, erect, or consume asbestos products without modifying or fabricating the asbestos products. For instance, an appliance manufacturer who installs electric motors containing asbestos components is excluded if the motor is made elsewhere. Similarly, an automobile manufacturer need not report the installation of pre-fabricated hood insulation blankets if no fabrication is required during installation. An airplane manufacturer would not report the application of asbestos-containing caulk. Included in this category are secondary processors who merely adjust an asbestos mixture prior to or during assembly or installation. While the Agency believes there may be risks from asbestos exposures in these categories, it expects to complete necessary analyses with estimates and extrapolations of data reported by the persons who make the asbestos-containing products that are processed by the excluded industries. For example, processors infrequently

"true" pre-formed brake linings during assembly with brake foundations to get a better fit. In this case, reports from manufacturers of the pre-formed brake linings will sufficiently quantify production of the friction material product subcategories. Exposure scenarios for the excluded industries can be quantified by relating expected exposure levels with the quantities of products that are made. Therefore, reports from these excluded industries are not essential.

This rule also exempts persons who repair articles, repackage asbestos mixtures without modification, or who engage in construction work. The Agency proposes to exempt these persons from reporting primarily because so many persons are in these categories, the workforce is constantly changing, and they are generally composed of many small businesses, such as brake repair shops and construction companies. Also, as is the case with other excluded industries, exposure scenarios for the construction and brake repair industries can be developed by relating expect exposure levels with production levels reported by product manufacturers.

Section 8(a) of TSCA does not apply to distributors of chemical substances or mixtures. Therefore, persons who are solely distributors, and do not manufacture, process, or import, are not covered by this rule.

Reporting is not required by persons who are "end users" of bulk asbestos or asbestos products and do not further distribute such items in commerce. The most common example of this is in the manufacture of chlorine, where some persons use asbestos as a diaphragm to separate chlorine and caustic soda. While much bulk asbestos is consumed annually by this industry and much waste generated, asbestos fiber is not present in the resultant products which are distributed in commerce and these activities are therefore not "processing" of asbestos.

VI. Reporting Procedures

Companies must report the activities of each plant site on an individual reporting form with one exception. That exception is that respondents have the option to report all of their company imports or exports on a single form. The form instructions explain further how this is to be done.

Miners, millers, primary processors, and importers of bulk asbestos must submit all appropriate portions of the Primary Form within 90 days after the effective date of the final rule. If the respondent's activities include "secondary processing" or importing of asbestos mixtures or articles containing asbestos components, all such activities, including those at other plant sites, must be reported at the same time the person reports as a miner, primary processor, or importer of bulk asbestos.

EPA will require reporting in a different way for persons who are solely secondary processors or importers of asbestos mixtures. Apparently there are many thousands of persons who are secondary processors or importers of asbestos-containing mixtures. EPA has devised a scheme to reduce the reporting burden for these companies. Persons who are solely secondary processors or importers of asbestos mixtures or articles containing asbestos components will report to EPA in phases. First, they will submit the Secondary Form within 60 days after the effective date of the rule. The Secondary Form reports will be used by EPA to improve the Agency's knowledge of the products being made with asbestos, the number of companies making the products that contain asbestos and the amounts of asbestos mixtures they use, and the kinds and amounts of mixtures and products being imported.

Further reporting of the information on the primary form by some respondents will be necessary to develop more complete profiles and projections for regulatory analyses. The Secondary Form will not ask all respondents (estimated to comprise 5,750 reports) for the detailed information the EPA would like to consider in the risk and economic analyses. Instead, the Agency plans to have a representative sample of Secondary Form respondents report more detailed information. The Agency wants to account for 100 percent of asbestos usage, but for purposes of this analysis, and to reduce the reporting burden, the Agency has determined extrapolations can be made from less than 100 percent. EPA believes that a sampling technique can provide information that would adequately describe secondary asbestos processing and products. Sampling to decrease the number of processors required to submit additional detailed information will reduce the overall burden of additional reporting substantially. In unit VIII, "Reporting Burden", EPA estimates that Phase 2 reporting will be required from approximately 1500 of the Phase 1 respondents. The objective is to sample only the number necessary to meet the goal of attaining a reliable sample.

EPA plans to use a stratified random sampling method as the basis for the sample survey. That is, the respondents to the Secondary Form will be divided into non-overlapping and reasonably homogeneous strata and then sampled by stratum. The strata will be defined by all or an appropriate subset of the following variables: reported asbestos-starting material, reported asbestos end product, and the volume of asbestos-starting material annually consumed. Additionally, the population may be further stratified according to size (the amount of asbestos mixture processed or imported) and geographic location, which will ensure that any sample fully represents the whole population. The type of asbestos-starting material and the asbestos end product would permit EPA to analyze a representative portion of each product category application. Consideration of the amount of the asbestos-starting material that is consumed will better ensure representation of both larger and smaller processors of asbestos materials.

The Agency can make the final decision on which variable(s) to use in stratifying and how large the sample will be only after examining the composition of the Secondary Form respondents, since the actual numbers of respondents and the products they report in the first phase will not be known until the first phase reports are submitted. The Agency will use standard statistical techniques in conducting the sample survey.[1] The Agency will stratify and sample respondents with the goal of minimizing the reporting burden as much as is practical. To extrapolate an estimate about a population from a sample survey requires obtaining reports from enough respondents to represent the whole population. To make an estimate about a stratum composed of a few respondents may require sampling a larger percentage than would be necessary to make an estimate of the same reliability about a stratum composed of a greater number of respondents. EPA will use one or a combination of the variables listed in the preceding paragraph to stratify respondents for the sample survey. The Agency will select the stratifying variable(s) which will result in the fewest number of respondents while still ensuring a reliable statistical sample.

The Secondary Form respondents selected for more detailed reporting will be notified by certified letter. These persons will have 90 days to complete relevant portions of the Primary Form.

Some persons subject to reporting under this rule may be exempted from reporting certain information already

[1] Kish, Leslie. Survey Sampling. New York: John Wiley. 1965.

reported to EPA or CPSC. A company which has adequately reported data to EPA will not be required to report the same information again and must write "EPA" in place of the data on the form. Persons who have already reported production or importation quantities to CPSC must still identify themselves and the names of their products to EPA according to the requirements of this rule. However, data already reported must be referenced by writing "CPSC" in place of the data, unless the respondent specifically requested CPSC not to release the data to EPA.

The Agency intends to send reporting forms directly to as many potential respondents as possible. To identify persons currently subject to this rule, a master list of persons who produce or make asbestos products has been assembled from a number of different lists supplied by industry associations, Government agencies, and industry information that is publicly available. In addition, efforts will be made to publicize these reporting requirements widely, so that persons as yet unknown to EPA will comply with these reporting requirements.

VII. Confidentiality

The Agency has developed specific instructions for asserting and certifying claims of confidentiality for any information submitted in response to this rule. These instructions are incorporated in the reporting forms and may be found in §§ 763.75 and 763.77 of the rule. Any claims of confidentiality must be made at the time of submission as provided in 40 CFR Part 2 as amended September 8, 1978 (43 FR 39997), and March 23, 1979 (44 FR 17673), and in the manner specified in the reporting forms of this proposed rule. To ensure proper handling, confidential material must be submitted to: U.S. Environmental Protection Agency, Post Office Box 2070, Rockville, MD 20852.

This rule employs a simple certification method to assert a claim of confidentiality. To assert a claim of confidentiality, the respondent must mark the applicable line on the form that contains confidential information. The respondent must certify that the company has taken measures to protect the confidentiality of the information, that the information is not publicly available, and that disclosure of the information would cause the company substantial competitive harm. All of these conditions must exist for any information to be confidential. Determinations on confidentiality will be made by EPA in accordance with 40 CFR Part 2.

The Agency intends to aggregate information about production, consumption, employment, and environmental release that is reported for this rule. The Agency will primarily use aggregate data for analyses necessary to support the TSCA section 6 regulatory investigation. These data aggregates and analyses will be part of the section 6 asbestos rulemaking record that is available to the public. To protect confidential information in the aggregate data sets, in most cases no data from individual reports will be released, even if they are nonconfidential. Releasing discrete data could jeopardize the aggregate data sets, because through subtraction of nonconfidential data from the aggregate it could be possible to ascertain specific confidential data.

As previously stated, EPA intends to share all reported data with other Federal agencies, including confidential data in individual reports. However, EPA will require that personnel from other agencies obtain a TSCA security clearance before access to confidential data is granted (See "TSCA Confidential Business Information Security Manual," Chapter 6—Security Requirements for Other Federal Agencies). Similarly, EPA will require that an agency adopt certain security procedures before confidential information can be stored at that agency.

VIII. Changes From the Proposal

The final rule modifies several requirements of the proposed rule to ease the reporting burden, to respond to specific problems that were raised by commenters on the proposal, or to obtain the most useful information. Further discussion of comments on the proposal and our responses can be found in a document entitled "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule," which is part of the public record for this rule.

The final rule does not include the proposed requirement to keep lists of customers and to submit the lists at the Agency's request. Commenters convinced the Agency that that the information would be very sensitive and the requirement could be very burdensome. Also, the purpose of this rule is to characterize the industries making essentially finished goods, while most customers are "users" or distributors and, therefore, outside the scope of the present rule.

Several changes to the reporting forms should be noted. The Agency has substantially reduced the amount of requested information by requiring respondents to report production of subcategories of end products for only 3 years. The proposal would have required production data for 5 years about specific end products, including trade names, and data for 10 years about the importation or production of bulk asbestos. Data reported according to consistent subcategories of products will provide sufficient detail for our analyses. The Agency believes that data for 3 years will sufficiently describe the current situation, as well as provide reliable averages for analyses. An additional change is that data on bulk asbestos fiber is required only for each type of mineral. Again, EPA is not requiring data about specific grades of chrysotile fiber because the Agency's analyses do not need that level of detail.

The requirement to summarize workplace monitoring data is revised to increase the utility of the reported data and facilitate reporting. Respondents will still report only monitoring data that already exist in their files; however, they will summarize that data according to the types of end products they are reporting. The reports will be more useful to the Agency and OSHA by directly relating workplace concentration levels to the number of workers making the end product that is reported. The final rule does not require respondents to estimate the number of hours that workers are annually exposed to the measured concentration levels. While information on the duration of exposures would be useful, commenters asserted that extensive and burdensome searches through payroll records would be necessary to locate the data. Since the reports will consist of summaries of 8-hour time-weighted averages, Agency analysts will use assumptions and other available information to calculate duration of exposures.

The requirement to report air pollution control equipment has been modified at the request of EPA's Office of Air Quality Planning and Standards (OAQPS). The final rule requires respondents to answer several technical questions about each piece of equipment, replacing the proposal's requirement to provide the brand name and model number of each piece. The revised questions will obtain all the information necessary to estimate emissions and costs and will eliminate the need for submitters to calculate the quantities of asbestos that are released. OAQPS believes that the revisions will reduce reporting requirements while improving the usefulness of the data.

EPA is including two provisions to address special problems of importers. First, importers were concerned they would be unable to identify all imported

goods that contain asbestos and, therefore, would not fully comply with this rule. This rule provides that importers need report information relating only to the types of products listed on the form, which should cover most such imports. Second, importers asserted that the requirement to provide "reasonably ascertainable" information on the Primary Form during the second phase of reporting could require them to seek information from foreign manufacturers, possibly at considerable cost. The final rule requires importers to provide information "in their possession" during both phases of reporting.

IX. Reporting Burden

In order to assess the clarity of the form and to ensure that data are reported in the most effective manner, the Agency conducted a pre-test of the form through the Institute for Survey Research, Temple University. The respondents were members of the Asbestos Information Association. This pre-test was quite valuable to EPA in improving the clarity and coherence of the form. In addition, the respondents estimated the cost of completing each section of the form. The final report by the Institute for Survey Research, "Design and Testing of Asbestos Use Reporting Form", is part of the public record for this rule. The pre-test was not a statistically-based sample and only eight companies were asked to participate. Therefore, the resultant cost estimates could not be used directly to compute the reporting impacts of this rule. However, the pre-test results helped EPA arrive at an impact estimate. A detailed description of the reporting burden estimates can be found in a report by Arthur Young & Company, "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos", which is part of the public record for this rule. The results of the pre-test and the reporting burden calculations are summarized in the "Reports Impact Analysis", an internal EPA report that is available in the OPTS Reading Room. The documents cited above may be acquired by writing or calling the Industry Assistance Office at the address and telephone number given at the beginning of this notice.

In unit XII of this preamble—"Regulatory Flexibility Act"—EPA calculates that 40 percent of the secondary processors will be small businesses and will be exempt from this rule. Therefore, in this section costs are calculated for 5,385 secondary processors, while we estimate there may be a total of 8,974 secondary processors if small businesses are counted. (These estimates are derived from a formula used in 1976 by the Asbestos Information Association, which is described in the "Reports Impact Analysis.") In addition, EPA calculations exclude primary processors who are known to be small businesses. However, the Agency does not calculate the cost reduction from excluding small importers because the composition of that segment is not well-defined, although it does expect that this group will contain some small businesses. Therefore, the actual reporting costs may be less than our present calculations.

As already discussed, two reporting forms will be used for this rule. The Primary Form will be completed by miners, millers, primary processors of asbestos, and importers of bulk asbestos in a first reporting phase. EPA estimates that for this group of respondents, a total of 487 reports would be received by the Agency. Completion of these reports would require a total of 7,500 hours, and cost approximately $230,000.

Secondary processors and importers of asbestos mixtures or articles containing asbestos components will be required initially to complete the Secondary Form. The Agency estimates that it will take four hours to complete each form, at a cost of $120 per form. The Agency anticipates receiving 5,750 such reports. Therefore, the Secondary Form reporting would require a total of 23,000 hours, and would cost approximately $690,000.

The Agency expects that approximately 1,500 of those persons who initially complete the Secondary Form will be selected, in a sample survey, to complete the Primary Form. The sample survey will require a total of 36,000 hours, and would cost $1,100,000.

Based on these cost estimates, and assuming a small business exclusion, EPA estimates the total cost of reporting for this rule would be $2 million, requiring 66,500 reporting hours.

Using available data, an economic impact analysis of the proposed rule was performed for primary processors. Using the measure of the one-time cost as a percent of annual gross profits, the estimated impact was found to be minimal (around 0.1 percent) for even the smallest primary processors (the ones most likely to be impacted).

Such an economic impact analysis was not possible for the other industry segments affected by this rule due to unavailability of data. EPA did compare the average value of shipments for four-digit SIC codes for primary processors and other SIC codes likely to contain asbestos secondary processors. This comparison suggested no significant difference between primary processors and other industry segments in the size ranges of 10–19 employees and 20–49 employees. These size categories are the smallest establishments likely to be impacted by this proposed rule and the ones most likely to experience adverse effects. On this basis, EPA feels that the potential impacts on secondary processors and others in the asbestos industry will be of a similar small magnitude as the impacts estimated for the primary processors. Refer to two documents in the public record: (1) "TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos: Economic Impact on Secondary Processors," memorandum from Regulatory Impacts Branch, December, 1980, and (2) "Economic Impact Analysis for the TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos," Arthur Young & Company, Washington, DC, October, 1980.

X. Sunset Provision

The general requirements of this rule will expire 5 years after the effective date of the rule. The selection and notification of sample survey participants for Phase 2 reporting (see unit VII of this preamble and § 763.71(c) of the rule) will take place within three years after the effective date of the rule. If EPA determines that any requirements of this rule should be continued, a notice to that effect will be published for comment.

XI. Public Record

EPA has established a public record for this rulemaking as defined in section 19(a)(3) of TSCA (docket number OPTS-84004). The public record, along with a complete index, is available for inspection in the OPTS reading room, E-107, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays, (401 M St., S.W., Washington, D.C. 20460). This record contains the basic information that the Agency considered in developing this rule. The Agency will supplement the record with additional information as it is received. This record includes the following:

1. The proposed rule, published in the Federal Register of January 23, 1981, (46 FR 8200).

2. Comments received in response to the proposed rule, including any comments received from the Office of Management and Budget during Paperwork Reduction Act of 1980 review.

3. "Commercial and Industrial Use of Asbestos Fibers; Advance Notice of Proposed Rulemaking," published in the Federal Register of October 17, 1979 (44 FR 60061).

4. "Commercial and Industrial Use of Asbestos Fibers. Extension of Comment Period and Announcement of Additional Control Option," published in the Federal Register of December 17, 1979 (45 FR 82374).

5. Comments received in response to the Advance Notice of Proposed Rulemaking and the Notice of Proposed Rulemaking.

6. Reports Impact Analysis of this rulemaking.

7. "Statistics for Companies with 10 or Fewer Employees" memorandum, from Chemical Information Reporting Branch, October 30, 1980.

8. "Design and Testing of Asbestos Use Reporting Form," Institute for Survey Research, Temple University, Philadelphia, PA., June 30, 1980.

9. "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos', Arthur Young & Company, Washington, D.C., October, 1980.

10. The Technical Information Summary for this rulemaking.

11. The Information Use Plan for this rulemaking.

12. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

13. "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule."

XII. Regulatory Assessment Requirements

This rule fully complies with the following regulatory assessment requirements.

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this regulation is not Major because it does not have an effect of $100 million or more on the economy and it will not affect competition, employment, or production costs. EPA estimates the total cost of this one-time reporting requirement is $2.0 million. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and EPA response to those comments will be available for public inspection in the record for this rulemaking.

B. Regulatory Flexibility Act

The Agency has included several provisions in this rule to minimize both its overall impact on businesses and the reporting requirements for individual companies. First, EPA is exempting the smallest companies that could be subject to the rule—those companies with 10 or fewer employees. This small business exemption will eliminate reporting from over 40 percent of the companies and the Agency estimates that it will reduce the overall potential cost of the rule by $1.1 million. EPA is also excluding from any reporting two large segments of processors that are composed of a high percentage of small businesses—construction and brake repair companies. Including those segments would raise the overall cost of this rule by several million dollars.

Second, every effort has been made to minimize the amount of data to be reported. Based on a pretest by industry and public comments, the Agency has designed the forms to require only common business information essential to the Agency's investigation. The economic impact analysis estimates that the median cost to any single respondent submitting the long form will be $1,100, which is about 0.1 percent of the smallest company's profits. The reporting costs for many small businesses will probably be less than the median cost because they will generally report about fewer products and employees.

Third, EPA will apply a sampling approach to over 90 percent of the respondents. Only a representative sample of secondary processors, which is the largest industrial segment subject to the rule and is composed of a large percentage of small businesses, will be selected for full reporting. In phase one, secondary processors will submit a short, one-page form that EPA estimates will take at most four hours ($120) to complete. The Agency will select the minimum necessary number of companies from phase one respondents to submit the long form in phase two. Utilizing this sample survey means that only ⅓ of all respondents to the rule will have to complete the long form.

The Agency is including these provisions as a special consideration to small businesses. The Agency's economic impact analysis shows that this rule will have a negligible impact on any business. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities. As required, EPA has consulted with the Office of Advocacy, Small Business Administration.

C. Paperwork Reduction Act of 1980

As just described, the Agency has made every effort to minimize the amount of required information and the burden on respondents to the rule. The reporting forms were pretested, the proposed requirements have been reduced in a number of ways, and 90 percent of the respondents will be sampled. Furthermore, this rule exempts entire classes of businesses in cases where the Agency believes necessary analyses can be conducted with information that is otherwise available.

The Agency has prepared extensive plans to utilize fully all information that is collected through this rule. The Agency's "Information Use Plan", which is part of the public record, describes the specific uses that are planned for the required data elements. In addition, the Agency coordinated these information requirements with other Federal agencies to maximize the usefulness of reported data. The information to be reported does not duplicate efforts by other Federal agencies and the data will be useful to several regulatory agencies. An automated information system will ensure the most effective use of submitted data. Fully operational Agency procedures will protect confidential business information contained in the reports.

Information collection requirements contained in this regulation (§ 763.71) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2000-0478.

List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Asbestos.

Dated: July 23, 1982.

Anne M. Gorsuch,

Administrator.

PART 763—ASBESTOS

Therefore, 40 CFR Part 763 is amended by adding a new Subpart D to read as follows:

Subpart A-C—[Reserved]

Subpart D—Reporting Commercial and Industrial Uses of Asbestos

Sec.

763.60 Scope and compliance.

763.63 Definitions.

Authority: Sec. 8(a) Toxic Substances Control Act (TSCA), Pub. L. 94-469, 90 Stat. 2023, (15 U.S.C. 2607(c)).

Subpart D—Reporting Commercial and Industrial Uses of Asbestos

§ 763.60 Scope and compliance.

(a) This rule requires reporting by persons who manufacture, import, or process asbestos. Different reporting requirements are imposed depending on the person's activity. Manufacturers, importers and processors of commercial and industrial asbestos fiber must report quantity, use, and exposure information. Importers of mixtures and articles containing asbestos and processors of asbestos mixtures will report to EPA in two phases. They initially must report limited information about processing or importation. Some must subsequently report additional information if they are selected as respondents in a sample survey.

(b) Subsection 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under this rule. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Under section 17, the district courts of the United States have jurisdiction to restrain any violation of section 15.

§ 763.63 Definitions.

The definitions in section 3 of TSCA and the following definitions apply for this rule:

(a) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

(b) "Asbestos mixture" means a mixture which contains bulk asbestos or another asbestos mixture as an intentional component. An asbestos mixture may be either amorphous or a sheet, cloth fabric, or other structure. This term does not include mixtures which contain asbestos as a contaminant or impurity.

(c) The term "bulk asbestos" means any quantity of asbestos fiber of any type or grade, or combination of types or grades, that is mined or milled with the purpose of obtaining asbestos. This term does not include asbestos that is produced or processed as a contaminant or an impurity.

(d) "EPA" means the United States Environmental Protection Agency.

(e) "Importer" means anyone who imports any chemical substance, including a chemical substance as part of a mixture or article, into the customs territory of the U.S. and includes the person liable for the payment of any duties on the merchandise, or an authorized agent on his behalf. Importer also includes, as appropriate:

(1) The consignee.

(2) The importer of record.

(3) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the U.S. consists of the 50 states, Puerto Rico, and the District of Columbia.

(f) "Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person might be expected to possess, control, or know, or could obtain without unreasonable burden or cost.

(g) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture:

(1) For commercial distribution, including for test marketing, and

(2) For use by the manufacturer, including use for product research and development, or as an intermediate.

"Manufacture for commercial purposes" also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts and coproducts that are separated from that other substance or mixture, and impurities that remain in that substance or mixture. Byproducts and impurities may not in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(h) "Miner of asbestos" is a person who produces asbestos by mining or extracting asbestos-containing ore so that it may be further milled to produce bulk asbestos for distribution in commerce, and includes persons who conduct milling operations to produce bulk asbestos by processing asbestos-containing ore. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore. To mine or mill is to "manufacture" for commercial purposes under TSCA.

(i) "Person" means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body, and any department, agency, or instrumentality of the Federal Government.

(j) "Primary processor of asbestos" is a person who processes for commercial purposes bulk asbestos.

(k) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(l) "Secondary processor of asbestos" is a person who processes for commercial purposes an asbestos mixture.

(m) "Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one manufacturing plant on a single site.

(n) "Small manufacturer, processor, or importer" means a manufacturer or processor who employed no more than 10 full-time employees at any one time in 1981.

§ 763.65 Who must report.

(a) Persons who were miners or primary processors of asbestos, or importers of bulk asbestos in 1981 must complete and submit a separate EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos (see § 763.76), for each site and for each company activity not elsewhere reported, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, shall report.

(b) Persons who were secondary processors of asbestos in 1981 must complete and submit Parts I and II of EPA Form 7710-37, Reporting Secondary

Processing and Importation of Asbestos Mixtures (see § 763.77), for each site or activity, according to the schedule in § 763.71.

(c) Persons who were importers in 1981 of asbestos mixtures or articles containing asbestos components must complete and submit Parts I and III of EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent(s), shall report.

(d) Secondary processors of asbestos and importers of asbestos mixtures or articles containing asbestos components must complete and submit a single EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos, according to the schedule in § 763.71(c), if selected for further reporting as described in § 763.71(c).

(e) Particular information required on EPA Form 7710-36 which has been previously submitted to the Consumer Product Safety Commission (CPSC) in accordance with a general order dated Dec. 22, 1980 (45 FR 84384), may be referenced in the appropriate place on the form and need not be submitted unless the respondent has informed the CPSC of his objection to any sharing of the data with EPA. Information for 1981 which was not required by CPSC must be reported on the EPA forms.

(f) The following persons are not subject to §§ 763.65 and 763.71.

(1) Secondary processors of asbestos, to the extent that they process an asbestos mixture to repair articles, to construct buildings or other such construction activities, or to apply, assemble, install, erect, consume, or repackage the mixture without modification.

(2) Persons who are small manufacturers, processors, or importers, as defined in § 763.63(n).

§ 763.71 Schedule for reporting.

(a) All miners, primary processors, and importers of bulk asbestos subject to reporting under § 763.65(a) shall submit required data on EPA Form 7710-36 within 90 days after the effective date of this rule.

(b) All secondary processors and importers subject to reporting under § 763.65 (b) and (c) shall submit required data on EPA Form 7710-37 within 60 days after the effective date of this rule.

(c) All persons subject to paragraph (b) of this section who are selected for additional reporting shall submit required data on EPA Form 7710-36 within 90 days after receipt of EPA notification to do so. Selections will be made in the following manner. The respondents will be selected using a stratified random sampling technique. First, qualified statisticians will review reports on EPA Form 7710-37 and determine the optimal method to stratify respondents according to the composition of the respondent population. The strata will be defined by all or an appropriate subset of the following variables: the end product; the asbestos mixture that is the starting material in the end product; the volume of the asbestos mixture annually consumed or imported. Respondents will be stratified into as few groups as reasonably possible. The size of the sample will be determined after all respondents have been stratified. EPA intends to require further reporting from the minimum number of respondents possible while still meeting the EPA needs for statistically sound data. If there are insufficient numbers of respondents in a group to perform a statistically sound sample survey, then all of the respondents in that group may be required to complete EPA Form 7710-36. A standard random selection technique will be employed to select persons who will be required to complete and submit EPA Form 7710-36. Notification shall be sent by certified letter, signed by the Office Director, Office of Toxic Substances, and will have attached copies of this rule and EPA Form 7710-36. Letters of notification will be sent by EPA no later than three years after the effective date of this rule.

(d) EPA Form 7710-36 and EPA Form 7710-37 can be obtained by writing or telephoning:

Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Washington, D.C. 20460, Toll free: (800-424-9065), In Washington call: (554-1404).

(e) Completed forms must be mailed to: U.S. Environmental Protection Agency, Post Office Box 2070, Rockville, MD. 20852.

§ 763.74 Confidential business information.

(a) Any person submitting a document under this rule may assert a business confidentiality claim covering all or part of the submitted material unless otherwise instructed on the reporting form. EPA will disclose information covered by a claim only as provided in procedures set forth in 40 CFR Part 2.

(b) Certification for a claim made on any item reported under § 763.65 must be made by signing the certification statement as specified in the forms.

(c) If no certified claim accompanies a document at the time it is submitted to EPA, the document may be placed in an open file available to the public without further notice to the respondent.

§ 763.76 Reporting commercial and industrial uses of asbestos.

The following EPA Form 7710-36, Reporting Commercial and Industrial Uses of Asbestos, will be completed and submitted to EPA as required in §§ 763.65 and 763.71. Information must be reported on this form to the extent that it is known to or reasonably ascertainable by the respondent, except for importers. Importers must report information on this form to the extent that it is in the possession of the respondent.

(a) EPA Form 7710-36 (5-80). [insert form]

(b) [Reserved]

BILLING CODE 6560-50-M

O.M.B. No. 2070-0478 Approval Expires June 30, 1985

EPA United States Environmental Protection Agency

When completed send this form to:
U.S. Environmental Protection Agency
P.O. Box 2070
Rockville, MD 20852

REPORTING COMMERCIAL AND INDUSTRIAL USES OF ASBESTOS

[illegible] the accompanying instruction booklet before completing this form. Note that a separate form must be submitted for each plant site, except that [illegible] of bulk asbestos may be reported in a consolidated corporate report. The instructions provide further directions.

When this form is complete, enclose it in the preaddressed envelope provided. Should you have any questions, please contact the Industry Assistance Office toll free at [illegible] 424-9065 or in Washington, D.C. at (202) 554-1404.

[illegible] who are solely secondary processors, importers of asbestos mixtures, or importers of articles containing asbestos components will report in the first phase [illegible] Form 7710-37, titled "Secondary Processing and Importation of Asbestos Mixtures." These persons will report in this form, EPA Form 7710-36, only upon [illegible] notice to that effect from EPA. (see 40 CFR 763, part D)

A(1). RESPONDENT IDENTIFICATION

1. [illegible] name | Plant site name

[illegible] address

City | County | State | ZIP code

2. [illegible] Name | [illegible] | [illegible]

3. [illegible] — Record mine identification number [illegible]

4. [illegible] — Record the name and address of the parent corporation which is responsible for the [illegible] of the reporting site

[illegible]

[illegible]

City | County | State | ZIP code

5. [illegible] the total number of years during which the manufacture and/or processing of asbestos has been conducted at the reporting site — Number of years

A(2). RESPONDENT ACTIVITY

6. [illegible] your activity from the definitions in the instruction booklet and mark (X) the box next to the category below that best describes your activity(ies). [illegible] activities that you are reporting on this form. You must at least complete the portions of this report that are indicated next to the box you mark, and you must complete other sections if you conduct that activity. For example, if at the same plant site you process bulk asbestos to produce an asbestos mixture and [illegible] an asbestos mixture that is made at another location, then you as a primary processor must also complete part D as a secondary processor.

[illegible] who are miners, millers, primary processors, or importers of bulk asbestos must report their asbestos activities at all plant sites.

[illegible] (X) your activity(ies) that is reported on this form.

- ☐ Mine and mill — Complete parts A, B(1), G, H, I, J, K (B(3), if applicable)
- ☐ Primary processor — Complete parts A, C, G, H, I, J, K (B(3), if applicable)
- ☐ Importer of bulk asbestos — Complete parts A, B(2) (B(3), if applicable)
- ☐ Secondary processor — Complete parts A, D, G, H, I, J, K
- ☐ Importer of asbestos mixtures — Complete parts A and E
- ☐ Importer of article(s) containing asbestos component(s) — Complete parts A and F

A(3). CERTIFICATION FOR CLAIMS OF CONFIDENTIALITY

You may claim as confidential any information you submit on this form. The instructions provide specific instructions on how to assert claims of confidentiality. For information which you submit in attachments to the form, provide a copy which clearly indicates the information you wish to claim confidential.

[illegible] is provided at the end of each line to claim information on that line confidential.

For any information on this form you claim as confidential, you must certify that the information is confidential. The signature below will attest to the truth and accuracy of the following statements. All four statements must be true about any information you claim confidential.

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, reasonably obtainable by other persons (other than government bodies) by using legitimate means (other than [illegible] a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

7. Signature of authorized official | Date

B(1). PRODUCTION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS MINED OR MILLED

Enter, in short tons, the amount of bulk asbestos you produced, mined or milled for 1979 through 1981.

Year	Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	[illegible]
1979							
1980							
1981							

Report in short tons

B(2). IMPORTATION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS IMPORTED

[illegible] in short tons, the amount of bulk asbestos you imported for 1979 through 1981.

Mark (X) one: ☐ This is a corporate consolidated report ☐ This is a plant site report

Year	Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	[illegible]
1979							
1980							
1981							

Report in short tons

B(3). EXPORTATION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS EXPORTED

[illegible] in short tons, the amount of bulk asbestos you exported for 1979 through 1981.

Mark (X) one: ☐ This is a corporate consolidated report ☐ This is a plant site report

Year	Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	[illegible]
1979							
1980							
1981							

Report in short tons

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C. PRIMARY PROCESSOR PRODUCTION

Enter the following information for each type of end product that you shipped from your plant site. Classify your end products according to the list below.

End product shipped (Enter one end product per line) (1)		Type of asbestos fiber (Use one line per mineral type) (2)	Year	Quantity of asbestos consumed (Short tons) (3)*	Product shipments				Confidential Mark (X)
					Total annual production (4)		Value shipped (Thousands of dollars) (5)		
Code number	Generic name				Quantity	Unit of measure	Domestic	Exports	
		☐ Chrysotile ☐ Anthophyllite	1979						
		☐ Crocidolite ☐ Tremolite	1980						
		☐ Amosite ☐ Actinolite	1981						
		☐ Chrysotile ☐ Anthophyllite	1979						
		☐ Crocidolite ☐ Tremolite	1980						
	☐ Continued	☐ Amosite ☐ Actinolite	1981						
		☐ Chrysotile ☐ Anthophyllite	1979						
		☐ Crocidolite ☐ Tremolite	1980						
	☐ Continued	☐ Amosite ☐ Actinolite	1981						

(6) Estimate the percentage of the total value shipped from the plant site reported here as primary processor production in 1981 ______ %

Asbestos Mixture Product Subcategories

Papers, felts, or related products	Unit of measure	Asbestos-cement products	Unit of measure	Textiles / Other products	*Unit of measure
01. Commercial paper	Short tons	14. A/C pipe and fittings	Short tons	25. Cloth	Pounds
02. Rollboard	Short tons	15. A/C sheet, flat	100 sq. ft.	26. Thread, yarn, lap, roving, cord, rope, or wick	Pounds
03. Millboard	Short tons	16. A/C sheet, corrugated	100 sq. ft.		
04. [illegible]	Short tons	17. A/C shingles	Squares		
05.–11. [illegible]	Short tons	18.–24. Friction materials [illegible]	Pieces	27.–34. Other products [illegible]	[illegible]
Floor coverings: 12. [illegible]; 13. [illegible]	Square yards				

D. SECONDARY PROCESSOR PRODUCTION

Enter the following information for each type of end product that you shipped from your plant site. Classify end products and asbestos mixtures consumed according to the lists on this form.

End product shipped (Enter one end product per line) (1)		Total annual production (2)			Asbestos mixture consumed and form (Enter one mixture per line) (3)		Function of asbestos in product (4)	Year	Annual consumption of asbestos mixtures (5)			Confidential Mark (X)
Code number	Generic name	Year	Quantity	Unit of measure	Code number	Generic name / Form			Quantity	Unit of measure	Delivered cost (Thousands of dollars)	
		1979						1979				
		1980						1980				
		1981						1981				
		1979						1979				
		1980						1980				
	☐ Continued	1981						1981				
		1979						1979				
		1980						1980				
	☐ Continued	1981						1981				

(6) Estimate the percentage of the total value shipped from the plant site reported here as secondary processor production in 1981 ______ %

Typical terms for products made from asbestos mixtures

[illegible — list of product categories and items numbered 101–220]

E. IMPORTATION OF ASBESTOS MIXTURES

Enter the following information for each type of asbestos mixture that you imported in 1981. Classify your imports according to the lists in section C or D.

Asbestos mixtures (Enter one mixture per line) (1)		Asbestos fiber content (if known) (2)		Year	Total annual imports (3)			Confidential Mark (X)
Code number	Generic name	Type of asbestos	Quantity (Per unit)		Quantity	Unit of measure	Value of imports (U.S. dollars)	
		☐ Chrysotile ☐ Anthophyllite ☐ Unknown		1979				
		☐ Crocidolite ☐ Tremolite		1980				
		☐ Amosite ☐ Actinolite	☐ Unknown	1981				
		☐ Chrysotile ☐ Anthophyllite ☐ Unknown		1979				
		☐ Crocidolite ☐ Tremolite		1980				
	☐ Continued	☐ Amosite ☐ Actinolite	☐ Unknown	1981				
		☐ Chrysotile ☐ Anthophyllite ☐ Unknown		1979				
		☐ Crocidolite ☐ Tremolite		1980				
	☐ Continued	☐ Amosite ☐ Actinolite	☐ Unknown	1981				

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U.S. ENVIRONMENTAL PROTECTION AGENCY **REPORT OF COMMERCIAL AND INDUSTRIAL USES OF ASBESTOS** **Continued**	COMPANY NAME AND ADDRESS (Same as reported in item 1 on page 1)

F. IMPORTATION OF ARTICLE(S) CONTAINING ASBESTOS COMPONENTS

Enter the following information for each article that you imported in 1981. Classify your imports according to the lists in section C or D.

Article name (1): Category number	Article name (1): Generic name	Total annual imports (2): Year	Quantity	Unit of measure	Value (U.S. dollars)	Asbestos component(s) (Use one line per component) (3)	Confidential (4)
		1979					
		1980					
		1981					
		1979					
		1980					
		1981					
		1979					
		1980					
		1981					

G. EMPLOYEES

Record the number of employees at the reporting site in each of the categories below. Count each employee in one category only.

	Number of employees	Confidential (X)
(1) TOTAL number of employees at plant site (Sum of 2, 3, 4, and 5)		
(2) Number of production employees		
(3) Number of employees in shipping, receiving, and moving		
(4) Number of maintenance employees		
(5) Number of other employees		

H. SUMMARY OF CURRENT WORKER EXPOSURES

This section requires you to report, by category of production workers, the arithmetic mean of the 8-hour time weighted average (TWA) and ceiling concentration exposure levels for all employees at the reporting site. Report for all employees for whom you have determined a TWA and according to each production line making the reported products. The instructions include a worksheet for making necessary calculations (see Appendix B).

End product (Enter name) (1): Class number	Generic name	Respondent activity (2)	Production work category (3)	Number of employees (4)	8-hr time weighted average: Arithmetic mean of detectable measurements (5)	Standard deviation (6)	Total number of measurements (filters) (7)	Number of non-detectable measurements (8)	Ceiling concentration level (Range) (9)	Confidential (X)
	Not applicable	Miners and millers	Mine operations (includes all employees working in mine, including transporters)							
			Mill operations (includes all employees working in production area of mill)							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, weighing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, weighing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, weighing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							

(10) Sampling and analysis methods

☐ Mark this box if you use the NIOSH method to sample airborne concentrations of asbestos fibers in the workplace and analyze measurements (DHEW/NIOSH Pub. No. 79-127).

If you use other sampling and analysis methods, enter the appropriate codes for those methods listed in the instruction booklet under part I. ______

(11) Enter the lowest detectable level of the measurements that your company expects to attain by the sampling and analysis methods. (Measurements below this level should be considered as "nondetectable" for the purposes of this rule.)

I. MEASURING ASBESTOS EMISSIONS OR FIBER RELEASE

NPDES Permit number ______ | Date

☐ Yes, enclosed is a separate report for this section concerning measuring asbestos emissions. ☐ No separate report

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J. WASTE AND DISPOSAL

Enter the following information for each end product you report in section B(1), C, and D. If you cannot provide information by end product, provide information according to the form of waste (column 2).

End product (1) Code number	End product (1) Generic name	Form of waste (sludge, slurry, broken or scrap, baghouse fines, or specify other) (2)	Total annual quantity of asbestos waste (Short tons) (3)	Average percent asbestos (4)	Disposal site (5) Type of land disposal facility (See instructions) (a)	Location (b)	Ownership (c)	Permitted hazardous waste facility? (d)	Method of disposal (6)	Comments/Mark (7)
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		

(7) You may describe in a separate enclosure the steps you take to ensure that waste does not become airborne [illegible].
☐ Yes, enclosed is a separate description of waste disposal practices. ☐ No, [illegible]

K. POLLUTION CONTROL EQUIPMENT

On separate lines enter information about each piece of air pollution control equipment used to control asbestos emissions at your plant site. ☐ Confidential

Item number (1)	Type of equipment (See codes) (2)	Gas stream volume and temperature (3)	Equipment size (Baghouse and ESP only) (4)	Estimated collection efficiency (Percent) (5)	Annual operating schedule (hrs./year) (6)	Quantity collected annually (Pounds) (7)	Source of emissions (8)	Stack or plenum? (9)	Special problems? (10)
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume / Temperature	Square feet ☐ N.A.	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	

(11) Estimate the percent of plant exhaust air that is treated by the equipment listed above ______ %

Continuation of item answers

EPA Form 7710-36 (5-12-82)

BILLING CODE 6560-50-C

Instruction Book et—Reporting Commercial and Industrial Uses of Asbestos, EPA Form 7710-36

I. Introduction and Reporting Schedule

A. Introduction

These instructions are for companies that mine and/or mill commercial asbestos, or process or import an asbestos product, and are required to submit EPA Form 7710-36 under 40 CFR Part 763, Subpart D. Data must be reported to the extent that they are known to or reasonably ascertainable by the submitter based on factual information that either is available in company files, or can be obtained without unreasonable burden or cost. Importers must report information in their possession, but need not contact foreign manufacturers for missing information.

1. *Fill in all blocks.* Fill in all blocks in the portions of the form that must be completed. Write "N/A" (not applicable) in large, bold letters on the first line of any section that does not have to be completed.

If data for a portion of the form that must be completed are not available, consult part II of these instructions, "Missing Information."

EPA will check all forms for completeness. Incomplete forms may be returned for completion. If only a few items are incomplete, EPA may call the designated Technical Contact to determine the correct answer rather than return the form.

2. *Relevant Definitions.* Reporting requirements are determined by the company's asbestos activity in 1981 (i.e., miner and/or miller, importer of bulk asbestos, primary processor of asbestos, secondary processor of asbestos, importer of asbestos mixtures, or importer of articles containing asbestos components). Definitions for reporting activities and other terms used in this form may be found in Appendix A.

3. *Appropriate Number of Forms.* A separate form must be submitted for each *site.* For example, a miner and/or miller at one site who is a primary processor at a different site must submit a form for each site.

All asbestos activities conducted at each site must be reported. A primary processor who also imports asbestos at a single site must report both the primary processing and importing activities on the same form.

4. *Additional Space.* If additional space is needed to report all required information, responses can be entered on a reproduction of the pertinent portion of the form and the continuation should be noted on that part of the form.

B. Portions of the Form To Complete and Reporting Schedule

1. *Miners and/or Millers.* Miners and/or millers must complete parts A, B(1), C, H, I, J, and K of the form. Complete B(3) if applicable. Report for each plant site on a separate EPA Form 7710-36 and submit within 90 days of the effective date of the rule.

2. *Primary Processors of Asbestos.* Primary processors must complete parts A, C, G, H, I, J, and K of the form. Complete B(2) if applicable. If a facility processes an asbestos mixture that is made at a different plant site, part D must also be completed. Report for each plant site on a separate EPA Form 7710-36 within 90 days of the effective date of the rule.

3. *Secondary Processors of Asbestos.* Persons who are solely secondary processors must submit EPA Form 7710-37, "Reporting Secondary Processing and Importation of Asbestos Mixtures" within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A, D, G, H, I, J, and K of the form for submission within 90 days of receiving notification.

4. *Importers of Bulk Asbestos.* Importers of Bulk Asbestos must complete *at least* parts A and B(2) of the form. Complete B(3) if applicable. Report all activities that involve asbestos on EPA Form 7710-36 within 90 days of the effective date of the rule.

5. *Importers of Asbestos Mixtures.* Importers of Asbestos Mixtures must submit EPA Form 7710-37 "Reporting Secondary Processing and Importation of Asbestos Mixtures," within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A and E of the form and submit within 90 days of receiving notification.

6. *Importers of Article(s) Containing Asbestos Component(s).* Importers of Article(s) Containing Asbestos Component(s) must submit EPA Form 7710-37 "Reporting Secondary Processing and Importation of Asbestos Mixtures," within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A and F of the form and submit within 90 days of receiving notification.

II. Missing Information

It is important to fill in all blocks in the portions of the form that must be completed. If the required information either cannot or need not be provided, enter one of the notations described below. Write "N/A" (not applicable) in large bold letters on the first line of any section that is not required. Only use "0" to report a quantity of zero.

Enter the following notations if the requested data are unknown, previously submitted to EPA or CPSC, or submitted as a corporate report.

UNK—The requested data are *unknown* and not reasonably ascertainable; or, not in the possession of the importer. This may be the case for information from a specific year or about a specific type of data that is required.

CPSC—The requested data have been previously reported to the Consumer Product Safety Commission (CPSC) in response to the December 22, 1980 Federal Register notice "Consumer Product Containing Asbestos; General Order for Submission of Information," (45 FR 84384). Use this notation only for the specific items of information that were submitted to CPSC. *Do not* use this notation in lieu of reporting of CPSC was instructed not to share the submitted information with EPA at the time of response to the CPSC General Order.

CORP—The requested data have been submitted for sections B(2) and B(3) (importation and exportation), in a corporate consolidated report. Inform the plant site management that a corporate consolidated report has been submitted and instruct those plant site(s) to enter "CORP" in sections B(2) and B(3).

EPA—The requested data have already been submitted to EPA in the format of the reporting form as proposed or promulgated.

III. Specific Instructions for Form 7710-36

A(1). Respondent Identification

1. Enter company name, and name and complete address of plant site.

2. Enter name, job title, and telephone number of the principal technical contact person to be contacted by the EPA for answers to any questions about the submitted form.

3. Miners must record the mine identification number assigned by the Mining Safety and Health Administration.

4. Enter name and address of the parent corporation responsible for fiscal management of the reporting site.

5. Enter the total number of years asbestos has been manufactured or processed at this plant site, through the date of this report.

A(2). Respondent Activity

Review the definitions in Appendix A of these instructions to ascertain required reporting activity(ies). Check the appropriate activity(ies) that is performed at this site. Complete the portions of the form listed next to the activities checked.

For example, a primary processor who makes an asbestos mixture and then processes the asbestos mixture at the same site to make a different end product should report the production of the final end product in part C. Only complete part D of the form if the facility processes an asbestos mixture that is made elsewhere.

A(3). Confidential Business Information

Any reported information may be claimed as confidential business information. When submitting the form, mark (X) in the space provided on each line of the form that contains confidential information. Additionally, an authorized company official must sign the "Certification for Claims of Confidentiality" to certify that the four statements on the form apply to all information claimed as confidential.

B(1). Production of Bulk Asbestos

Enter, in short tons, the amount of bulk asbestos produced (mined or milled), in 1979, 1980, and 1981.

B(2). Importation of Bulk Asbestos

Enter, in short tons, the amount of bulk asbestos imported in 1979, 1980, and 1981. Report all imports entering the U.S. Customs territory that are declared under Tariff Schedule of the United States, Annotated (TSUSA) Number 518.1110–518.1160. Mark in the appropriate box the source of this information.

B(3). Exportation of Bulk Asbestos

Enter, in short tons, the amount of bulk asbestos exported in 1979, 1980, and 1981. Mark in the appropriate box the source of this information.

C. Primary Processor Production

Individually list the product subcategories made and shipped from the plant site in 1979, 1980, and 1981 that incorporate bulk asbestos as a starting material. Read instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *End Product Shipped.* Locate on the list of "Asbestos Mixture Product Subcategories" the most specific name that describes the end product(s) shipped from the plant site. Enter the corresponding code number for each product subcategory being reported. If the listed product subcategory name is not adequately descriptive, write in a generic name next to the code number. If the product is not listed, write in the appropriate code for "other" and a generic name for the product. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Type of Asbestos Fiber Consumed.* Mark (X) the fiber type(s) that is, or has been, used in production of reported product subcategory. Use one block for each fiber type incorporated into each product subcategory. If more than one type of fiber(s) is used for a product, mark (X) the additional fiber in the next block and mark (X) the continuation box in column 1. *Do not* list the same product subcategory twice.

(3) *Quantity of Asbestos Consumed.* For each type of asbestos, enter, in short tons, quantity consumed in 1979, 1980, and 1981.

(4) *Total Annual Production.* Record the total annual production quantity of each reported product subcategory in 1979, 1980, and 1981. Production quantities will be expressed in the units of measure indicated on the form next to the listed end product, as used by the Bureau of Census. If census units are not applicable, report production in short tons.

(5) *Value Shipped.* Record the total annual value shipped (in thousands of U.S. dollars) for each reported product subcategory in 1979, 1980 and 1981. These figures must be separated to show domestic sales and export sales (i.e., sales distributed outside the U.S. Customs Territory). If the breakdown is unknown, report total sales as "Domestic" sales, and write "UNK" under "Exports."

The valuation of products shipped should be based on the net selling value, f.o.b. plant, after discounts and allowances, and exclusive of freight charges and excise taxes.

When reporting products transferred to other establishments within the same company, the shipping plant should assign the full economic value to the transferred products. Include *all* direct costs of production and a reasonable proportion of all other costs and profits.

(6) *Percentage of Total Value Shipped.* Estimate the percentage of end products shipped that reflect primary processing of asbestos in 1981.

D. Secondary Processor Production

Individually list the product subcategories made and shipped from the plant site in 1979, 1980, and 1981 that incorporated an asbestos mixture as a starting material. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *End Product Shipped.* Locate on the list of "Typical Terms for Products Made from Asbestos Mixtures" the most specific subcategory name that describes the product. Enter the corresponding code number for each product subcategory being reported. If the product name listed is not adequately descriptive, write in a generic name next to the code number. If the product is not listed, enter the appropriate code for "other" and write in a generic name for the product. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Total Annual Production (Quantity by Census Unit of Measure).* Record the total production of the reported product subcategory at this plant site in 1979, 1980, and 1981. Production quantities should be reported in the unit of measure used by the U.S. Department of Commerce, Bureau of the Census, for the 1977 Census of Manufacturers.

(3) *Asbestos Mixture Consumed and Form.* Locate and enter from the list of "Asbestos Mixture Product Subcategories" the code number of the asbestos mixture processed to produce the product subcategory. If the material processed is not listed, then enter the appropriate code for "other" and write the generic name of the asbestos material you process. Indicate the form in which the asbestos starting material is purchased (e.g., roll of paper, 3'x3' sheets, reams of 8"x11" sheets).

Use one block for each asbestos mixture incorporated into the product subcategory. If there is more than one asbestos mixture per product subcategory, list the mixture(s) in the next block(s) and mark (X) the continuation box in column 1. *Do not* list the same product subcategory twice.

(4) *Function of the Asbestos in Product.* Briefly describe the function of the asbestos in the product. Examples of possible asbestos functions are: rot resistance, heat insulation, fire shield, electrical insulation, dimensional stability, filler, or tensile strength.

(5) *Annual Consumption of Asbestos Mixtures.* Record the total annual quantity and specify Census Bureau unit of measure and the total annual cost (in thousands of U.S. dollars) of the asbestos mixtures consumed in 1979, 1980, and 1981.

The value of the materials consumed should be based on the delivered cost, i.e., the *amount paid or payable* after discounts and including freight and other direct charges incurred in acquiring the materials. Charges include purchases, transfers from other establishments of the company, and withdrawals from inventories.

Materials transferred to the plant site from other plants within the company should be assigned their full economic value, as assigned by the shipping plant, plus cost of freight and handling charges.

(6) *Percentage of Total Value Shipped.* Estimate the percentage of end products shipped that reflect secondary processing of asbestos in 1981.

E. Importation of Asbestos Mixtures

Individually list the asbestos mixtures imported to the plant site in 1979, 1980, and 1981. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *Asbestos Mixture.* Locate on the list of "Asbestos Mixture Product Subcategories" the most specific name that describes the mixture imported. Enter the corresponding code number of each product subcategory being reported. If the name of the product subcategory is not adequately descriptive, write in a generic name next to the code number. If the imported product subcategory is not listed, enter the appropriate code for "other" and write in a generic name for the product. List each product subcategory on a separate line. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Asbestos Fiber Content.* Mark (X) the type of asbestos fiber in the imported asbestos mixture and enter the total quantity of asbestos per unit of the mixture (the unit used to report quantity imported). The quantity of asbestos should be reported in *pounds.* If these data are not available, mark (X) "UNK."

Use one block for each type of fiber that is in the imported mixture. If the mixture contains more than one type of asbestos fiber, list the additional fiber(s) in the next block(s) and note the continuation in column 1. *Do not* list the same mixture twice.

(3) *Total Annual Imports.* Record the total annual quantity of each listed product subcategory imported in 1979, 1980, and 1981.

Quantities will be expressed in the units of measure used by the U.S. Bureau of the Census or according to the unit used to report importation to the U.S. Customs Service.

Record the total annual value imported (U.S. dollars) for each product in 1979, 1980, and 1981. This figure can be drawn from the U.S. Customs Service entry forms as the "Entered Value in U.S. Dollars" or "Value."

F. Importation of Article(s) Containing Asbestos Component(s)

Individually list the articles containing an asbestos component that were imported in 1979, 1980, and 1981. Only report information relating to imported product subcategories listed under "Typical Terms for Products Made from Asbestos Mixtures." If the component was reported on EPA Form 7710-37 during Phase 1, use the same code(s) and generic name(s) as reported on that form. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *Article Name.* Locate on the list of "Typical Terms for Products Made from Asbestos Mixtures" the most specific name that describes your product. If the listed product name does not adequately describe your product, write in a generic name next to the code number. List each product on a separate line. If the imported product is not listed, enter the appropriate code number for "other" and write in a generic name. *Do not* enter a trade name as a generic name.

(2) *Total Annual Imports.* Record the total number of units that were imported in 1979,

1980 and 1981. Quantities will be reported in the unit of measure that was used to declare the merchandise upon entry in the U.S. or by the U.S. Bureau of Census for the 1977 Census of Manufacturers. Enter the value of the imported merchandise in U.S. dollars.

(3) *Asbestos Component(s).* List all asbestos components contained in the imported article by name, or by describing the mixture making up the component. Use one block for each asbestos component. If the imported article contains more than one asbestos component, list the component in the next block and note the continuation in column 1. *Do not* list the same article twice.

C. Employees

Classify all employees as of January 1981 into the following categories. In items 2–5, COUNT EACH EMPLOYEE IN ONLY ONE CATEGORY. In this section, report numbers of individuals without regard to the number of hours worked.

(1) *Total Number of Employees.* Enter the total number of employees (the sum of items 2, 3, 4, and 5) who worked at the reporting plant site as of January 1981. If you employed seasonal workers in 1981, add the number of these workers to the total.

(2) *Number of Production Employees.* Enter the number of production employees who work in areas where ASBESTOS IS MANUFACTURED OR PROCESSED. Do not include plant site production employees who work in separate areas where no asbestos fiber or asbestos product is processed. This number must equal the total number of employees reported in Section H. for all product lines.

(3) *Number of Shipping, Receiving, and Moving Employees.* Enter the number of employees involved with shipping, receiving, or moving asbestos fiber or asbestos-containing products.

(4) *Number of Maintenance Employees.* Enter the number of maintenance employees who perform maintenance tasks in work areas where asbestos fiber, asbestos products, or asbestos waste are processed, stored, or moved.

(5) *Number of Other Employees.* Enter the number of other employees at the location that are not counted in items 2–4.

H. Summary of Current Worker Exposures

Report, by category of production workers, the arithmetic mean of the 8-hour time weighted average (TWA) exposure level for all employees at the reporting site for whom a TWA has been determined. Appendix B describes how to perform the calculations and includes a worksheet.

Summarize Only *Existing Monitoring Data;* Additional Monitoring Is Not Required

Submit a single TWA value (arithmetic mean) to summarize existing monitoring data that will describe current exposure levels that employees in general production categories may experience while working on each production line. Summarize and report monitoring data separately for workers on the production line for each end product subcategory that has been reported as either "Primary Processor Production" (part C) or "Secondary Processor Production" (part D). Miners and millers, must provide a single, separate TWA value for the mine and for the mill.

For each *End Product Subcategory,* enter the number of workers who perform the production operations listed below. Only count employees who were counted as production workers in item 2 of part G of the form. Each employee is to be counted *only one time.* in the operation and product line that is the employee's primary assignment.

After grouping the 8-hour TWAs, follow the detailed instructions in Appendix B to find the mean, standard deviation, number of measurements, and ceiling ranges for each group.

Note.—The sum of all production employees listed in column 4 *must equal* the number of production employees entered in item 2 of part G.

(1) *End Product.* Primary or secondary processors must enter the same code number(s) and generic name(s) they listed in part C or D of the form. Miners and/or millers *do not* complete this block.

(2) *Respondent Activity.* Determine applicable category of activity.

(3) *Production Work Category.* Divide production employees into the Production Work Categories for each end product subcategory. Count mine workers under *Mine Operations* and mill workers under *Mill Operations.*

Fiber Introduction Operations are operations where bulk (raw) asbestos is mixed with or added to a combination of other materials. Primary processors will list employees who handle bulk or raw abestos fiber. Secondary processors do not use bulk esbestos as a starting material.

Wet Mechanical Operations are operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered, and the asbestos component is wetted to reduce the release of airborne asbestos fiber. This category includes such activities as: machining, sawing, drilling, cutting, grinding, or pulverizing. Count employees whose principal job is to control or work with the tool or machinery performing the operation. Count all asbestos textile workers involved with wet operations here, whether involved in spinning, twisting, or weaving operations.

Dry Mechanical Operations are operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered without any intentional wetting of the material during the operation. This category includes activities such as: machining, sawing, drilling, cutting, grinding, or pulverizing. Count employees whose principal job is to control or work with the tool or machinery performing the operation. Count all asbestos textile workers in dry operations here, whether involved in spinning, twisting, or weaving operations.

Other Production Employees are production employees involved in operations that require handling of asbestos fiber or materials in a manner not covered in the operations described in the other categories. This category will include workers who perform an operation that involves handling an asbestos mixture, such as bonding asbestos-felt-backing for vinyl sheet flooring or injecting asbestos-reinforced plastic into a mold. Other production workers who are to be counted in this category include (but are not limited to) employees who take products off a production line, assemble parts, oversee drying or rolling operations, or inspect, weigh, or package asbestos mixtures or asbestos-containing products.

(4) *Number of Employees.* Enter next to the appropriate job classification the number of employees working in jobs meeting the general descriptions provided. Count employees *only one time* and only under the job description that best describes their primary duties.

(5) *Arithmetic Mean of Detectable Measurements.* Locate monitoring data for any employees counted in column 4 and group those monitoring data according to the employee's general job classification. Determine the arithmetic mean of those detectable TWA values for each work category. Calculate the mean only to the nearest one-hundredth (e.g., 0.05). The arithmetic mean is the sum of the time-weighted averages divided by the number of time-weighted averages. (See Appendix B for instructions and worksheet for determining the arithmetic mean.) If there are no measurements for workers in a particular work category, write in "No measurements."

(6) *Standard Deviation.* Enter the standard deviation for each arithmetic mean you calculate in column 5. (See Appendix B for instructions and a worksheet for determining the standard deviation.)

(7) *Number of Measurements Used.* For each work category, enter the total number of actual observations (filters) used to determine all of the employee's TWAs in the category. This includes the number of all non-detectable measurements.

(8) *Number of Non-detectable Measurements.* For each work category, enter the number of measurements that are below detectable levels. (Non-detectable levels may not be greater than 0.1 f/cc.)

(9) *Ceiling Concentration Level.* For each work category, enter the range of ceiling concentration levels that were determined. Provide the low and high measurements.

(10) *Sampling and Analyses Methods.* If the company used the NIOSH methodology to sample airborne concentrations of asbestos fibers in the workplace and to analyze measurements [DHEW (NIOSH) Pub. No. 79–127], check the corresponding box on the form.

If the company used other sampling and analysis methods, enter the appropriate codes for those methods listed in the next section of these instructions.

The reporting company has the option to describe in an attachment any additional information that will better describe work practices or other measures instituted to reduce the levels of airborne fibers or to protect workers from exposure to asbestos. Attach any additional materials to this form at the time of submission.

(11) Enter the lowest detectable level of the measurements the company expects to attain by the sampling and analysis methods. (Measurements below this level are considered "non-detectable" for the purposes of this rule.)

I. Measuring Asbestos Emissions or Fiber Release

If the plant site has applied for a water effluent discharge permit (NPDES Permit), provide the application date and the permit number that was assigned.

Summarize and report separately the results of any measurements or monitoring performed to determine the amount of asbestos fiber released during the production, use, or disposal of asbestos fiber or asbestos products (other than already reported in part H of this form). If attaching any such information for this section, check the "yes" box on the form. If not, mark "X" for no separate report. Where possible, the measurements should characterize the type of fibers found and the fiber size distribution, and should be reported according to the following ranges.

Reports submitted in response to this section should describe the methodologies used to perform any tests, to gather samples, and to analyze samples. If this information has been previously submitted to a Federal agency, do not report again here, but indicate the date and to whom the information was sent, and briefly describe the nature of the information. Where possible, summarize the sampling and analytical methodologies according to the terms and abbreviations listed below.

Fiber size distributions	Analysis methodologies
<1.0	Optical Microscopy.
1.0–2.0	PC Phase Contrast Microscopy.
2.0–5.0	PM Polarizing Microscopy.
3.0–4.0	DS Dispersion Stained.
4.0–5.0	CM Other optical microscopy techniques (specify).
5.0–10.0	
10.0–20.0	Electron Microscopy.
20.0–50.0	TEM Transmission Electron Microscopy.
<50.0	SEM Scanning Electron Microscopy.
Sampling Methodologies	
	ED Electron Diffraction.
	XRS X-Ray Spectrometry.
K Konimeter	EM Unknown electron microscopy results.
TP Thermal Precipitator	
I Impinger	O Any other analysis methodology (Provide specifications).
MI Midget Impinger	
MF Membrane Filter	
EPA Provisional Methodology	

EPA—"Electron Microscopy Measurement of Airborne Asbestos Concentration—A Provisional Methodology," EPA-600/2-77-178 (Revised June 1978).

J. Waste and Disposal

Entries in this section will account for the waste that is not recycled and results from the production of each type of end product subcategory reported. The percentage of the total waste from the plant site that results from the production of each end product subcategory may be estimated. Report separately the data for each end product subcategory. If unable to determine quantities by product subcategory, report total quantities disposed of for each form of waste.

(1) *Product Line.* Enter the product subcategory code (and generic name if used) for each end product subcategory reported in parts B(1), C, or D. Miners and/or millers need only list the type of bulk asbestos fiber reported in section B(1). If unable to determine wastes by end product subcategory, report according to the form of the waste (see below); enter the name(s) and code(s) from parts C and D. Mark (X) in the appropriate box to indicate that the data is either an "End Product Report" or a "Form of Waste Report."

(2) *Form of Waste.* Record the form of the waste either after completion of the processing or as it leaves the plant site. Report asbestos collected in control devices, such as baghouse fines, on a separate line.

(3) *Total Annual Quantity of Asbestos Waste (Short Tons).* Enter the total quantity, in short tons, of asbestos waste generated by each reported end product production line in 1981. Asbestos waste is a waste product that contains asbestos as some of the total waste. Do not report quantities of waste recycled or reprocessed.

(4) *Average Percent Asbestos.* Record in short tons the average percentage of asbestos (by weight) in the total quantity of asbestos waste. This figure may be an estimate based on previous experience or an extrapolation of production mass balance figures.

(5) *Disposal Site(s).* (a) Type of Land Disposal Facility. Mark (X) one of the following types of land disposal facilities or the asbestos waste of each end product subcategory or form of waste. See the February 5, 1981, Federal Register (46 FR 11126) for comprehensive definitions of the types of facilities.

- *Surface Impoundments*—facilities at which liquid wastes or other liquids are impounded or held. Surface impoundments are generally earthen structures designed to hold an accumulation of liquids or wastes containing free liquid.
- *Waste Piles*—facilities at which wastes, usually in a solid state, are placed on the land for storage or treatment.
- *Land Treatment*—facilities at which wastes (usually in a solid, semi-solid, semi-liquid, or liquid state) are spread on the ground for the purpose of treatment.
- *Landfills*—facilities at which wastes, usually in solid or semi-solid state, are placed into or on the land for permanent disposal.
- *Seepage Facilities*—facilities at which wastes (usually in a liquid, semi-liquid, or semi-solid state) are placed into or on the land for storage, treatment, or disposal. A seepage facility is designed with the objective of discharging liquids into the land. There are four types of seepage facilities:

  —seepage lagoons
  —drying beds
  —seepage pits
  —seepage beds

- *Injection Wells*—facilities at which wastes in a fluid (usually liquid) state are injected into the land under a pressure head greater than the pressure head of the ground water into or above which they are injected for disposal.

(5) *Location of Disposal Facility*—For each end product subcategory (or form of waste), mark (X) whether wastes are disposed of at this plant site (on-site) or at another site (off-site).

(c) *Ownership of Disposal Facility*—For each end product subcategory (or form of waste), mark (X) whether this disposal facility is owned by reporting company (company), another private company (private), or a municipality (municipal).

(d) *Permitted Hazardous Waste Facility*—For each product subcategory (or form of waste), mark (X) whether the disposal facility is permitted under any applicable State or Federal hazardous waste regulation.

(6) *Method of Disposal.* Briefly describe the specific methods used to dispose of asbestos waste. For example, if you wet the waste and place it in a bag or drum prior to disposal, it should be noted here.

(7) *Additional Information.* Submit any additional information to describe any steps taken during waste disposal to reduce the release of airborne asbestos fibers. If enclosing a separate description, check "Yes" on the form; if not, check "No" in the space provided.

K Pollution Control Equipment

In this section, provide information on all air pollution equipment located at the plant site to control or remove airborne asbestos fiber. List each piece of equipment on a separate line on the form, even though identical units may be used at the plant site. Use the codes listed in this section for each piece of equipment being reported. For additional space, fill in and attach additional copies of the form. If the company has submitted portions of the required data to EPA previously and the data are still current, enter "EPA" in place of those data, and reference the address where the data were sent and the date they were sent.

(1) *Item Number.* Number each piece of equipment consecutively (one through the total number of pieces of equipment).

(2) *Type of Equipment.* For each item number, enter the appropriate abbreviation from the following list.

- Baghouse (BH)
  - —Reverse Air (RA)
  - —Pulse Jet (PJ)
  - —Shake (S)
  - —Other (O)

For example, if the baghouse used is equipped for both reverse air and shake cleaning, enter (BH) (RA) (S).

- Scrubber (S)
  - —Venturi (V)
  - —Impingement (I)
  - —Spray (SP)
  - —Other (O)

If the scrubber used is the venturi type, enter the pressure drop in inches of water in parentheses. For example, if the range of pressure drop is 40–60 inches, enter (S) (V) (40–60).

- Electrostatic Precipitator (ESP)
- Cyclone (C)
- Multiple Cyclone (MC)
- Other (O)

(3) *Gas Stream Volume and Temperature.* For each piece of equipment, enter the gas volume (in cubic feet per minute) and the operating temperature (in °F). Use actual data for these entries, although estimates or design figures may be used if actual data are unavailable. Ranges (ex: 8,000–10,000 ACFM at (40–100 °F)) are also acceptable.

(4) *Equipment Size.* If electrostatic precipitators and/or baghouses are used, enter the total square feet of collecting surface area. For all other types of equipment mark (X) "N/A."

(5) *Estimated Collection Efficiency.* Enter the collection efficiency (percent), or an estimate of this value, of each piece of equipment. Mark (X) either design (D) or actual (A) to indicate basis for response.

(6) *Normal Operating Schedule.* Enter the normal number of operating hours either actual or estimated for each piece of equipment during 1981.

(7) *Quantity Collected Annually.* Estimate the quantity of material in pounds that is (or would be, given the design of the equipment) collected annually by each piece of equipment in 1981. Include all asbestos and non-asbestos materials in the total. If possible, estimate the percent (by weight) of asbestos in the collected material. Mark (X) either design (D) or actual (A) to indicate basis for response.

(8) *Source of Emissions.* Enter a brief description of the source of the emissions such as work area exhaust ventilation, curing oven, mixer, various, etc.

(9) *Stack or Chimney.* Indicate whether the air pollution control device discharges to a stack or chimney; check "Yes" or "No."

(10) *Special Problems.* If there is a special problem with particulate collection or with any specific piece of equipment, discuss it in the space provided. Be sure to indicate which piece of equipment is being discussed.

(11) Estimate the percent of plant exhaust air that is treated by the plant site's pollution control equipment.

Appendix A

Definition of Terms

Several terms are used throughout the reporting form and the instruction booklet to describe the different kinds of asbestos products and how to report them.

Asbestos Mixture: a mixture which contains bulk asbestos or another asbestos mixture as an intentional component. An asbestos mixture can be utilized as a finished product or incorporated into other products.

Bulk Asbestos (or raw asbestos): any quantity of asbestos fiber of any type or grade, or combination of types of grades, that is mined or milled with the express purpose to obtain asbestos. The term does not include asbestos that is produced or processed as a contaminant or an impurity. Asbestos is a group of naturally occurring, inorganic, highly fibrous, silicate minerals, which easily separate into long, thin, flexible fibers when crushed or processed. Included in the definition are the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

End Product: the product subcategory that is either shipped from the reported site or imported into the United States.

Generic Name: a term that describes the coded product subcategory better than the subcategory name given on the form. If the product subcategory name on the form is adequate, use it.

Importer: a person or facility importing asbestos, in bulk form or as part of a mixture or article, into the customs territory of the United States. This definition includes:

- The person liable for the payment of any duties on the merchandise, or
- An authorized agent on his behalf (as defined in 19 CFR 1.11). Importer also includes, as appropriate:
  - —The consignee;
  - —The importer of record;
  - —The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or
  - —The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the United States consists of the 50 states, Puerto Rico, and the District of Columbia. When two or more persons meet the same definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, should report.

Note.—If reporting company purchased in the United States an asbestos product that originated outside the United States, do not report as an importer.

For reporting purposes, there are several classes of importers:

- —An *Importer of Bulk Asbestos* imports bulk asbestos into the customs territory of the United States. Imported bulk asbestos is declared to the United States Customs Service upon entry as Tariff Schedule of the United States, Annotated, (TSUSA) numbers 518.1110–518.1160. Importers need report information only to the extent that the information is in their possession.
- —An *Importer of Asbestos Mixtures* imports asbestos mixtures into the customs territory of the United States. Imported mixtures include, but are not limited to, merchandise declared to the United States Customs Service upon entry as Tariff Schedule of the United States, Annotated, numbers (TSUSA Number) 518.2–518.5, or other TSUSA Numbers that may pertain to asbestos mixtures.
- —An *Importer of Article(s) Containing Asbestos Component(s)* imports an article that contains one or more asbestos components.

Miner and/or Miller of Asbestos: a person who either mines or mills asbestos. Mined or extracted asbestos-containing ore is further milled to produce bulk asbestos. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore.

Primary Processor of Asbestos: a person who processes bulk asbestos to makes an asbestos mixture or a product that contains asbestos. A primary processor who make an asbestos mixture and then processes the asbestos mixture at the same site to make a different end product should report production of the final end product. Primary processing includes the mixing or repackaging of raw asbestos fiber.

Product Subcategory: the type of asbestos mixture or the type of end product listed and numbered on the form.

Secondary Processor of Asbestos: a person who processes an asbestos mixture that is then incorporated into that person's end product. Secondary processors use asbestos mixtures that are made at a site other than the site being reported. For instance, asbestos millboard may be purchased by a secondary processor, who could cut that millboard and incorporate it into an appliance.

Appendix B

How To Compute Summaries of Monitoring Data—Instructions and Worksheets

These instructions describe how to compute the arithmetic mean and standard deviation of the TWA values for each category of employees counted in column 4 of part H of the form. It is probably easier to compute the figures by working through one line at a time. For example, a primary processor who has employees working in the fiber introduction area should locate all monitoring data for those employees, and work through question 10 before beginning computations for the next production work category for that end product. A worksheet is attached to these instructions; after completing it, transfer your computations to part H of the form.

I. To compute the "mean" for the TWA values for a production work category, first list all of the TWA values for employees counted in the category. Do not include non-detectable TWA values in the following calculations.

For example, assume the following TWA values (listed in column A) for a production work category:

No.	TWA values	Squares of column (A)
1.	1.00	1.00
2.	1.50	2.25
3.	0.50	0.25
4.	1.75	3.06
5.	1.25	1.56
	6.00	8.12

After listing the TWA values in column (A) on the worksheet, square each value and enter the *square* in column (B) on the worksheet. The squares are used later to compute the standard deviation. Sum both columns.

II. Next, determine the number (N) of values. In this example, N=5.

III. The "mean" is the sum of the TWA values in column A divided by the number of values (N).

In this example:

$$\text{Mean} = \frac{\text{Sum of TWA Values}}{N} = \frac{6.00}{5} = 1.20$$

IV. To calculate the "standard deviation" of these values, first compute the "variance" according to the following formula.

In this example:

$$(V) = \frac{1}{N-1} \times [\text{Sum of Column B} - \frac{(\text{Sum of Column A})^2}{N}]$$

$$= \frac{1}{5-1} \frac{[9.12-(6.0\times 6.0)]}{5}$$

$$= \frac{1}{4} [9.12-7.2]$$

$$= \frac{.92}{4}$$

$$V = .23$$

V. *Finally, the standard deviation (SD) is* the square root of the variance.

In this example:

$$SD = \sqrt{V}$$

$$= \sqrt{.23}$$

$$SD = 0.48$$

The arithmetic mean is entered in column 5 on the form, and the standard deviation is entered in column 9 on the form.

BILLING CODE 6560-50-M

Worksheet

I.	No.	(A) TWA Values	(B) Squares of Column (A)
	1.		
	2.		
	3.		
	4.		
	5.		
	Total	_____	_____

II. Number of TWA values (N) = _____

III. $\text{Mean} = \frac{\text{Sum of Column A}}{N}$

IV. $\text{Variance (V)} = \frac{1}{N-1}\left[\text{Sum of Column B} - \frac{(\text{Sum of Column A})^2}{N}\right]$

$= \frac{1}{\square}\left[\square - \frac{\square^2}{N}\right]$

$= $ _____

V. Standard Deviation (SD) = $\sqrt{V}$ = $\sqrt{}$

= _____

§ 763.77 Reporting secondary processing and importation of asbestos mixtures.

The following EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, will be completed and submitted to EPA as required in § § 763.65 and 763.71. Information must be reported on this form to the extent that it is in the possession of the respondent. Importers must report imported products only if the imported product is listed on this form.

(a) EPA Form 7710-37 (8-80)

BILLING CODE 6560-50-M

US ENVIRONMENTAL PROTECTION AGENCY

REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES

PART I – COMPANY INFORMATION

COMPANY NAME	FOR EPA USE ONLY	
ADDRESS (Street, City, State & ZIP Code)	TECHNICAL CONTACT	TELEPHONE NO.
	IMPORTER ☐ PRINCIPAL ☐ AGENT	

PART II – SECONDARY PROCESSOR END PRODUCT(S)

From the list in Section I, enter the asbestos end product produced. Opposite each product, list the asbestos mixture that you process, and the quantity of each mixture that you consumed in 1981.

END PRODUCT(S)		ASBESTOS MIXTURE(S)		QUANTITY OF ASBESTOS MIXTURE CONSUMED	
CODE	GENERIC NAME	CODE	GENERIC NAME	QUANTITY	UNIT OF MEASURE

PART III – IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING ASBESTOS COMPONENTS

List the asbestos mixture(s) or article(s) that you import and the quantity of each item that you imported in 1981. Opposite each item, enter a description of the asbestos component in the mixture or article.

ASBESTOS MIXTURE(S) OR ARTICLE(S)		QUANTITY OF ASBESTOS MIXTURE(S) OR ARTICLE(S) IMPORTED		DESCRIPTION OF ASBESTOS COMPONENT(S) IN ARTICLE
CODE	GENERIC NAME	QUANTITY	UNIT OF MEASURE	

CERTIFICATION FOR CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

An authorized company official may claim any information reported on this form as confidential business information. To do this, the confidential information must be clearly circled with a red marker. In addition, an authorized company official must sign below to certify the truth and accuracy of the following four statements, which apply to all information that is claimed.

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available elsewhere.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

SIGNATURE OF AUTHORIZED OFFICIAL	DATE

EPA Form 7710-37 (10-81)

REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES

INSTRUCTIONS

This form is to be completed by persons who, in 1980, were secondary processors of asbestos or importers of asbestos mixtures or articles that contain asbestos components. See "Reporting Commercial and Industrial Uses of Asbestos", 40 CFR Part 763, Subpart D, for a full description of the reporting requirement and reporting schedule.

If additional space is needed, you should use additional copies of this form.

WHO MUST COMPLETE EPA FORM 7710-37

1. Secondary processors of asbestos must complete Part I and II of the form. Each plant site or manufacturing facility must be reported separately. If you process bulk asbestos fiber to make any of your products at this plant site, then you are a PRIMARY PROCESSOR and you should report this plant site on EPA Form 7710-36.
2. Importers of asbestos mixture(s) or article(s) containing asbestos components must complete Part I and III of the form. If you import bulk asbestos fiber, then you should report all importation activities on EPA Form 7710-36.
3. Those who are both secondary processors and importers must complete Parts I, II and III of the form.

DEFINITIONS

1. Asbestos Mixture—means a mixture which contains bulk asbestos or another mixture. See no. 2 below for typical terms for asbestos mixtures.

2. Asbestos Component—means any asbestos mixture, including any finished product containing an asbestos mixture, which is incorporated into an article. Section I below lists typical terms for products made from asbestos mixtures and components. Some examples of asbestos components are: asbestos paper in a hair dryer; asbestos-reinforced plastic cabinet of a television; asbestos textile that is part of a particular type of garment.
3. Secondary Processor of Asbestos—means a person who processes an asbestos mixture.
4. Importer of Asbestos Mixtures or Articles Containing Asbestos Components—means a person who imports merchandise that contains asbestos into the customs territory of the United States. Where there are two or more "importers" for the same shipment, the Principal rather than the Agent should report if possible.

PART I COMPANY INFORMATION

Enter the name, address, and phone number of your company. Enter the name of the principal technical contact who is either responsible for the completion of this form, or has sufficient knowledge of its content to respond to questions posed by EPA. If you are reporting as an importer, check the appropriate box to indicate that you are either the Principal Importer or the Agent for the Principal.

PART II SECONDARY PROCESSOR END PRODUCTS

End Product(s)—Locate in Section 1 the name of the product subcategory that most specifically describes your end product. In this column, enter the code number for the end product you make and write in the generic name for the product. If you are reporting a product that is not listed, enter the code for "other" that is listed under the most specific general category of products and write in the generic name. Report each end product on separate lines. For example, if you make appliances and are reporting toasters, enter "114" and "toaster".

Asbestos Mixture(s)—For each end product, locate in Section 2 the name of the asbestos mixture that most specifically describes the asbestos mixture that you incorporate into the end product. In this column, enter the code number for the asbestos mixture and write in the generic name. If you incorporate more than one asbestos mixture into a single end product, then use as many lines as necessary to report all asbestos mixtures in the end product. For example, if you incorporate asbestos millboard into your toaster, your entries would be as follows.

End Product	*Asbestos Mixture*
114 toaster	03 millboard

Quantity of Asbestos Mixture Consumed—Opposite each asbestos mixture that is listed, enter the quantity of each mixture that you consumed in 1980. Specify the quantity according to the unit of measure listed in Section 2. If the unit of measure is not listed, report the quantity in short tons. If your records do not permit you to list the quantities consumed for separate end products, then report the total amount of each type of asbestos mixture and enter "T" (for total) next to the figure.

PART III IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING AN ASBESTOS COMPONENT

Asbestos Mixture or Article—For each type of imported product, locate in either Section 1 or Section 2 the name that most specifically describes the product you import. Enter the code number and generic name for the imported product.

Quantity of Asbestos Mixture(s) or Article(s) Imported—For each product listed, record the total annual quantity imported in 1980. Specify the quantity according to the unit of measure listed in Section 2, if possible, or according to the unit of measure as reported to the U.S. Customs Service upon entry of the merchandise into the United States.

Description of Asbestos Components in Articles—List all asbestos components in the imported article by entering the name of the asbestos component opposite the name of the article. If the reported product is an asbestos mixture listed in Section 2, then you should not complete this description.

SECTION 1 - TYPICAL TERMS FOR PRODUCTS MADE OF ASBESTOS MIXTURES

AUTOMOTIVE AND FRICTION PRODUCTS
101 Drum brake lining (light-medium vehicle)
102 Disc brake pads (light-medium vehicle)
103 Disc brake pads (heavy vehicle)
104 Brake block (heavy equipment)
105 Clutch facings (all)
106 Automatic transmission friction components
107 Friction materials (industrial and commercial)
108 Custom automotive body filler
109 Transmissions
110 Mufflers
111 Radiator cap insulation
112 Radiator sealant
113 Other (specify generic name)

APPLIANCES
114 Appliances, industrial and consumer (specify generic name)

CONSTRUCTION PRODUCTS
115 Boiler and furnace gaskets
116 Decorative ceiling panels
117 A/C sheet
118 Flexible air conductor
119 Hoods and vents
120 Portable construction building
121 Roofing, saturated
122 Roof shingles
123 Wallboard
124 Wall roofing panels
125 Other (specify generic name)

CLOTHING
126 Aprons
127 Boots
128 Gloves and mittens
129 Hats and helmets
130 Overgarments
131 Suits
132 Other (specify generic name)

FLOOR COVERINGS
133 Vinyl-asbestos floor tile
134 Asbestos-felt backed sheet vinyl flooring

ELECTRICAL PRODUCTS AND COMPONENTS
135 Cable insulation
136 Electronic motor components
137 Electrical resistance supports
138 Electrical switchboard
139 Electrical switch supports
140 Electrical wire insulation
141 Motor armature
142 Other (specify generic name)

FIRE AND HEAT SHIELDING EQUIPMENT AND COMPONENTS
143 Arc deflectors
144 Fire doors
145 Fireproof absorbent paper
146 Heat shields
147 Molten metal handling equipment
148 Oven and stove insulation
149 Pipe wrap
150 Stove lining, wood and coal
151 Stove pipe rings
152 Sleeves
153 Thermal insulation
154 Other (specify generic name)

GASKETS
155 Sheet gasketing, rubber encapsulated sealer addition
156 Sheet gasketing, rubber encapsulated compressed
157 Compressed sheet gasketing (other)
158 Metal reinforced gaskets
159 Automotive gaskets
160 Other (specify generic name)

MARINE EQUIPMENT AND SUPPLIES
161 Caulk, marine
162 Liners, pond or canal
163 Marine bulkheads
164 Other (specify generic name)

PAINTS, COATINGS, SEALANTS, AND COMPOUNDS
165 Asphaltic compounds
166 Automotive/truck body coatings
167 Buffing and polishing compounds
168 Caulking and patching compounds
169 Drilling mud
170 Flooring compounds
171 Furnace cement
172 Glazing compounds
173 Plaster and stucco
174 Pump, valve, flange, and tank sealing components
175 Roof coatings
176 Textured paints
177 Tile cement
178 Other (specify generic name)

TEXTILE AND FELT PRODUCTS (other than clothing)
179 Aluminized cloth
180 Rope or braiding
181 Yarn, lap, or roving
182 Wicks
183 Bags
184 Baking
185 Blankets
186 Carpet padding
187 Commercial/industrial dryer felts
188 Dispersa
189 Drop cloths
190 Fire hoses
191 Ironing board pads and insulation
192 Mantles, lamp or catalytic heater
193 Packing and packing components
194 Piano and organ felts
195 Rugs
196 Tape
197 Theater curtains
198 Umbrella
199 Other (specify generic name)

MISCELLANEOUS PRODUCTS
200 Aerial distress flares
201 Acoustical products
202 Ammunition wadding
203 Asbestos-reinforced plastic products
204 Ash trays
205 Baking sheets
206 Blackboards
207 Candlewicks
208 Chemical tanks and vessels
209 Fibers
210 Grommets
211 Gun grips
212 Jewelry making equipment
213 Kilns
214 Lamp sockets
215 Light bulbs (all types)
216 Linings for vaults, safes, humidors, and filing cabinets
217 Phonograph records
218 Pottery clay
219 Welding rod coatings
220 Other (specify generic name)

SECTION 2 - TYPICAL TERMS FOR ASBESTOS MIXTURES

PAPERS, FELTS, OR RELATED PRODUCTS	
01 commercial paper	short tons
02 rollboard	short tons
03 millboard	short tons
04 pipeline wrap	short tons
05 beater-add gasketing paper	short tons
06 high-grade electrical paper	short tons
07 unsaturated roofing felt	short tons
08 saturated roofing felt	short tons
09 flooring felt	short tons
10 corrugated paper	short tons
11 specialty paper (specify)	short tons
FLOOR COVERINGS	
12 vinyl-asbestos floor tile	square yards
13 asbestos-felt-backed vinyl flooring	square yards
ASBESTOS-CEMENT PRODUCTS	
14 A/C pipe and fittings	short tons
15 A/C sheet, flat	100 square feet
16 A/C sheet, corrugated	100 square feet
17 A/C shingle	squares
FRICTION MATERIALS	
18 drum brake lining (light-medium vehicle)	pieces
19 disc brake pads (light-medium vehicle)	pieces
20 disc brake pads (heavy equipment)	pieces
21 brake block (heavy equipment)	pieces
22 clutch facings (all)	pieces
23 automatic transmissions friction components	pieces
24 friction materials (industrial and commercial)	pieces
TEXTILES	
25 cloth	pounds
26 thread, yarn, lap, roving, cord, rope or wick	pounds
OTHER PRODUCTS	
27 sheet gasketing (other than beater-add)	square yards
28 packing	pounds
29 paints and surface coatings	gallons
30 adhesives and sealants	gallons
31 asbestos-reinforced plastics	pounds
32 insulation materials not elsewhere classified (n.e.c.)	_____
33 mined or repackaged asbestos fiber	short tons
34 other (n.e.c.)	_____

BILLING CODE 6560-50-C

(b) [Reserved]

§ 763.78 Sunset provision.

All requirements of this rule will terminate five years after promulgation of this rule. This provision is not a defense to any enforcement action based on noncompliance which occurred during the effective period of this rule.

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Friday
July 30, 1982

Federal Register

Part VII

Environmental Protection Agency

Asbestos Reporting Requirements

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS-84004B; TSH-FRL 2124-4]

Asbestos Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule, under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), requires reporting to EPA by asbestos manufacturers, importers, and processors. The information sought includes data on the quantities of asbestos used in making products, employee exposure data, and waste disposal and pollution control equipment data. Reported information will be utilized by EPA and other Federal agencies in considering the regulation of asbestos.

DATE: This regulation becomes effective on August 30, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Industry Assistance Office (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065). In Washington, D.C: (554-1404). Outside the USA: (Operator-202-544-1404).

SUPPLEMENTARY INFORMATION:

OMB Control Number: (2000-0478).

I. Introduction

EPA proposed a rule in the Federal Register of January 26, 1981 (46 FR 8200) under section 8(a) of the Toxic Substances Control Act (TSCA), to obtain information on industrial and commercial uses of asbestos. The Agency received 80 written comments on the proposal and held one public meeting. This preamble explains the provisions and procedures of the final rule and the changes EPA has made to reduce the burden of the rule.

The basic design of the rule remains unchanged; it divides the asbestos industry into two groups for reporting purposes. EPA will require detailed information on EPA Form 7710-36, "Reporting Commercial and Industrial Uses of Asbestos," from the first group—persons who mine, mill, or import bulk asbestos, or process it to form an asbestos mixture or product, such as asbestos paper. The latter persons are called "primary processors of asbestos." This first group must report within 90 days of the effective date of this rule.

EPA will require reporting in two phases for the second group—secondary processors of asbestos (secondary processors of asbestos make products from asbestos mixtures, not bulk asbestos), and persons who import asbestos mixtures or other products that contain asbestos. In the first phase, companies will have 60 days from the effective date of the rule to identify themselves and the asbestos mixtures they process or import on EPA Form 7710-37, "Reporting Secondary Processing and Importation of Asbestos Mixtures." EPA will then select a sample of respondents from this identification phase to complete the detailed EPA Form 7710-36 in the second phase of reporting for this group.

After considering the substantive comments to the proposed rule, the Agency has changed several provisions of the proposed rule to reduce the burden on repondents without significantly decreasing the value of the information that this rule will collect. The two primary changes from the proposal are (1) respondents must submit data from only 3 years on EPA Form 7710-36 and (2) the recordkeeping requirements for customer lists and monitoring data are eliminated. A full discussion of the substantive comments and EPA's responses to those comments can be found in a document entitled "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule" which is part of the public record for this rule and is incorporated into this document.

II. Purpose of the Rule

This rule will obtain current information about major aspects of asbestos manufacturing, processing, and importation to support the Agency's asbestos risk investigation. Under TSCA, EPA is examining the costs and the benefits to society from all applications of asbestos in order to decide, within a range of potential options, what actions may be necessary to adequately protect the public health. The investigation is considering the various Federal authorities now regulating different aspects of asbestos exposures, to examine the effectiveness of current regulatory activities. In addition to providing data for the TSCA investigation, this information rule will support decisions on a number of potential Federal actions by providing a total picture of the current situation that will help focus further activities in the most appropriate manner.

Information obtained by this rule, along with already available data, will be used to describe the exposures and economics of asbestos use to the extent needed for determining the cost and effectiveness of potential risk-reduction steps. The Agency will consider this reported information in calculating the extent of exposure from asbestos and in determining where the exposures present an unreasonable risk. The Agency cannot now adequately determine what asbestos-containing products are currently made and who makes them. While there are over 3,000 existing patents for applications of asbestos, there is no information on which ones have been used commercially. For example, persons who commented on the proposed reporting rule identified some products which the Agency had previously not identified as containing asbestos. Individual reports which identify firms, production sites, and asbestos products will provide an inventory of asbestos use that is not presently available.

The regulatory investigation now underway is examining the separate and cumulative exposures to all types of populations that occur during production, manufacturing, use, and disposal of asbestos products. Concurrently, EPA scientists are developing a health risk assessment to use in quantitatively predicting adverse health effects resulting from exposure to asbestos. Information from this rule will permit the Agency to attribute accurately the risk in specific industries or from specific products to a portion of the overall cumulative risk. The Agency will use the data to identify areas where exposure levels should be reduced. The reports will also identify industries and products that require no further consideration.

The Agency is assessing all available information and conducting factual discussions with industry. The information collected through this rule will offer a neutral basis from which the Agency can establish agreements, as appropriate, for industry to take voluntary steps to reduce the levels of risk. The Agency will encourage industry to adopt voluntary actions to control exposure levels.

EPA expects to initiate regulatory proceedings to control exposures in cases where non-regulatory actions are not appropriate. The Agency will examine the various Federal statutes to find the most appropriate authority to effect the necessary control. If TSCA provides the proper authority, the Agency may take actions to control specific uses of asbestos which involve risks that are found to be "unreasonable" within the meaning of section 6 of TSCA. The Agency may

determine that labelling of products would sufficiently reduce the risk.

If the Agency determines that regulatory measures are warranted under the authority of section 6 of TSCA, the Agency will use information from this rule to support regulatory impact analyses required under Executive Order 12291. A complete data base will allow the Agency to choose and document better the most cost-effective regulatory approach. The Agency will consider all relevant information that it can reasonably obtain from the current manufacturers and processors who would be most affected by regulations.

A. Need for the Data

This reporting is being required because adequate data are not otherwise available for the present investigation to determine where unreasonable risks from asbestos exist and the appropriate approaches to reduce those risks. Information that is currently available to the Agency is sufficient as the basis for qualitative generalizations about both the value of using asbestos in its various application and the risks from those activities. Yet, the Agency has no set of information that it can reference in quantifying either the risk from or the value of the various products and product subcategories. Before drawing any final conclusions about asbestos, the Agency needs a data base that it can use to characterize the current situation with a greater degree of accuracy.

EPA has examined all information presently available to Federal agencies and solicited information from industry prior to the issuance of this rule. Agency personnel and contractors reviewed the extensive literature concerning asbestos; obtained information from other Federal agencies; and developed new data and made site visits when possible. The search for information is described in an internal EPA document entitled, "Technical Information Summary" (TIS), which is part of the public record for this rule. The TIS summarizes the various sources of available information both in published literature and from Federal agencies, and it evaluates the usefulness of the information to the Agency. Additionally, the TIS describes efforts by EPA contractors to conduct necessary analyses and the problems they have encountered.

Briefly, the "Technical Information Summary" contains the following conclusions about Government and industry documents that are available: While information is available generally to characterize the industries that make products from bulk asbestos, very little data exist on secondary processors. Further, all of the information that is available is inadequate in several respects. The basic data source of asbestos consumption patterns is from the Bureau of Mines. Many of the documents concerning industrial and commercial uses of asbestos cite the Bureau of Mines data. However, the data used by the Bureau of Mines to determine asbestos consumption are from an annual voluntary survey of only a portion of asbestos processors and, for instance, do not count 40 percent of the bulk asbestos we know is imported. The Bureau of Mines estimates that the asbestos consumption figures are accurate only to ±50 percent. EPA expects to attain a higher degree of accuracy because virtually all of the processing of bulk asbestos will be reported under this rule and this production will be reported according to well-defined categories of both companies and products. In addition, EPA will be able to characterize all industry segments with greater confidence from data obtained in the representative survey. Agency contractors who have developed the preliminary analyses for the asbestos investigation participated in the design of these information requirements to ensure that any gaps and shortcomings of existing information will be corrected to the extent possible.

Available information provides general characteristics of the industries which make and process asbestos products. However, the information is already in an aggregated form and discrete components cannot be separated from the totals. For instance, at this time the Agency cannot characterize many products because data about the asbestos products are mixed in aggregates with data about similar, non-asbestos products. The underlying data of the aggregates, which are needed for the Agency analyses, are not available in most cases. For example, the Bureau of the Census is precluded under Title 13, U.S. Code, from disclosing individual reports it receives. Further, the information is too superficial to analyze separately subcategories of products. In some areas, as is the case for most secondary processors, existing information is too sparse to enable the Agency to make any but the most general estimates.

The lack of detail in available information means that the Agency is not able to analyze the effects that regulatory or voluntary actions on a single product may have on a multi-product industry and to quantify expected reductions in risk. This rule will characterize activities at the plant-site level, which will permit the Agency to analyze how specific actions would affect various elements of the analyses.

Most of the existing information consists of estimates that are based on data which may not reflect the current situation because the data were gathered many years ago. The most comprehensive information available covers the years 1975–1976, and it was generated to support and respond to OSHA's proposal in 1975 to lower the asbestos workplace standard. Present information indicates that significant changes have occurred. For instance, the U.S. Bureau of Mines reports that apparent consumption in the United States of raw asbestos fiber declined 36 percent in 1980, with a drop in consumption from 658,847 short tons in 1976 to 358,703 short tons in 1980. Changes have also occurred in the number of employees and the patterns of asbestos use. Information gathered through this rule will ensure a representative picture of the present situation and it will update or verify where possible data that already exist.

The TIS reviews EPA's search for information within EPA and from other Federal agencies. Data have been acquired from the EPA Compliance Data System Asbestos National Emission Standard For Hazardous Air Pollutants (NESHAP) file, inspection data from both the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA), reports from CPSC's General Order (see the following paragraphs), and importer data from the U.S. Customs Service. The Agency has acquired and evaluated information from these agencies, and concluded that these data do not adequately substitute for the information to be gathered by this rule.

A significant source of information on exposure levels in industry is the Occupational Safety and Health Administration (OSHA), which has performed workplace inspections since it promulgated the workplace exposure level standard in 1972. OSHA records contain a great deal of anecdotal information but, for the following reasons, few generalizations can be drawn about industry-wide exposure levels or the number of workers that are exposed. Because OSHA does not uniformly inspect all industries, it is difficult to make statistically valid extrapolations for all of industry. Moreover, approximately 80 percent of OSHA's inspections are in response to complaints, and cannot be extrapolated to make industry-wide estimates.

Inspections responding to complaints generally examine only the work area of concern to the complainant and, therefore, the data generally do not represent the facility-wide exposure situation. Finally, reports are available on industries in only 34 states, because the other states have been authorized by OSHA to conduct their own inspections.

The Consumer Product Safety Commission (CPSC) required the manufacturers of specified consumer products to submit certain information about how asbestos is used in those products under a General Order on December 22, 1980 (45 FR 84384). The Agency is examining the submitted data where respondents did not object to CPSC's sharing the reports with EPA. This rule contains a provision whereby companies need not report the same information to EPA if it was already reported to CPSC without objection to CPSC's sharing the data. However, the data from this General Order does not fully substitute for this rule because the Agency is interested in subjects beyond what CPSC asked, such as employee exposure and plant-site emissions.

Agency contractors have encountered a great deal of difficulty in performing their assessments with information that is available. A principal problem is that aggregate information about broad product categories is all that is available. This shortcoming in available data is significant because the contractors have found large variations in the ways companies process asbestos, control emissions, and dispose of wastes. Their draft reports contain many generalities and qualify many findings by citing the unreliability of available data or the absence of certain types of data. The contractors have individually attempted to gather additional data from industry, but have found that companies are reluctant to disclose confidential business information. Agency staff have intervened by officially requesting needed information; however, very little data has been submitted as a result.

B. Uses of Collected Information

The section 8(a) data will be used for analyses in the TSCA regulatory investigation and will be useful to other EPA offices and other Federal agencies. In preparation for obtaining these data, the Agency has developed plans to automate the information in a manner that will maximize the utility of the information to the Agency, other Federal agencies, and the public. A full description of how the Agency plans to use the reported data including computer-generated data outputs, can be found in the Information Use Plan that is part of the public record for this rule.

In the TSCA investigation, the Agency will use the information both to describe the current situation and to forecast changes either in the absence of additional regulation or as a result of new actions. Analyses will be conducted on several levels: industry-wide; by product category; and product subcategory. The Agency will use reported data to prepare exposure assessments, analyses of control options, and, if necessary, regulatory impact analyses.

The first analysis of the reported data will be the exposure assessment, where the operational objective is the development of sufficient data to determine cumulative human exposures. For the exposure assessment, the rule will identify the primary processor manufacturing sources, counting both workplace exposures (numbers of workers according to their general category of work and their exposure levels by product line) and the exposures to populations living around the plant-site (environmental releases from pollution control equipment and from uncontrolled vents). The size of the exposed general population and associated exposure levels will be computed using recognized techniques to analyze environmental pathways and monitoring data that provide the basis for modeling. In a sample survey, the Agency will learn how asbestos mixtures are used by secondary processors, who will provide facts that characterize exposure levels for their operations, the size of their workforce, and exposures to the general population. Primary and secondary processors will report the kinds and quantities of asbestos-containing waste they generate, which will permit analysis of possible fiber release into the atmosphere from waste sites. Importers will report the types of asbestos-containing materials that currently enter the U.S. customs territory. The Agency will relate production reports by secondary processors and importers with existing data to estimate the kinds of populations that may be exposed during the installation, use, removal, and disposal of the end-product.

This exposure assessment will be performed for each asbestos product category, and in most cases the Agency will assess exposures from product subcategories. The exposure factors will be used as input to appropriate dose-response studies to establish a risk factor that describes the estimated number of premature deaths to all populations as a result of the asbestos activity that is assessed. In the case of asbestos, the number of premature deaths and related health care costs are the primary societal costs that can be quantified. The assessments for each category will be considered as a whole, both to determine the overall extent of risk presented by asbestos and to attribute to each category or subcategory their portion of the total risk. As already stated, the Agency will concentrate its further efforts on products that appear to pose the greatest potential for human exposure.

The risk assessment may show that the total risk is so small that no further consideration is warranted. Alternatively, it may identify a particularly hazardous, apparently unnecessary situation that the Agency may want to investigate further. If the latter is the case, the Agency would examine the particular situation to find if there is a way to reduce the exposure levels. The particular situation could be referred to OSHA if it is a correctable workplace problem. The Agency would also examine the situation to determine the cost and availability of substitutes. This rule will not obtain information about substitutes; the Agency believes that it already possesses sufficient information to conduct analyses of substitutes. A great deal of information about the development of substitutes has been submitted to the Agency since the initiation of the asbestos investigation. In addition, EPA and CPSC jointly sponsored a national workshop on substitutes for asbestos in July 1980, where a great deal of information was presented. A record of the workshop can be found in the EPA publication "Proceedings of the National Workshop on Substitutes for Asbestos", EPA-560/3-80-001, which can be acquired from the National Technical Information Service (NTIS).

The Agency will also examine a hazardous situation to determine why it exists and the likelihood that it will continue. With the level of risk already defined, Agency analysts would determine the value and benefits that can be attributed to that situation. With a baseline understanding of the current economic value, Agency analysts can forecast the situation as it will be several years later if uninterrupted by regulation. Trend analysis permits the Agency to study the effects of market forces that encourage or discourage growth. Baseline data can be used to predict the future situation, which can then be compared to projections of regulatory effects to estimate the incremental change that could result from various regulatory options. The

principal economic measures that will be determined from data obtained through this rule are the value of production, the importance of the asbestos activity to the total value produced at the reported sites, the number of employees, the relative value of imports to exports, and the relative value of production to the Gross National Product. These measures will illustrate the monetary importance of the product to the plant site, to the company, to the total asbestos market, to the nation, and to the balance of trade.

Primary processors will report the value of their production for the last three years, describing the amount made for both export and domestic markets. Data from three years will permit analysts to use a multi-year average that is more reliable than data from a single year. Primary processors will report their consumption of bulk asbestos each year and estimate the relative value of their asbestos activity to total production at the plant site. Secondary processors will report the production of end products in which they incorporate the asbestos material and the purpose of including that material in the product. Both types of processors will report the total number of employees at the plant site as well as the number of production employees making subcategories of end products. With this detailed information, the Agency will be able to predict the future value of production and to establish what might be the economic effects of regulation.

Where the Agency finds that regulatory proceedings are appropriate, it will, through this rule, already have collected information necessary to describe fully the expected effects of the possible alternatives and to perform the analyses required by E.O. 12291. Thus, a complete data base provided by this rule will preclude the need to obtain additional data later in the investigation, which would delay resolution of the investigation. Timely action will benefit the Agency, industry, and the public by providing a means to take immediate action that protects public health and by removing a cloud of uncertainty over other uses of asbestos.

The primary purpose of gathering these data is to support the TSCA investigation. However, as noted earlier, other EPA offices and Federal agencies may also utilize the data base in any studies that involve the commercial and industrial uses of asbestos. EPA's Office of Air Quality Planning and Standards (OAQPS) is reviewing the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). Data from this rule that characterize and quantify emissions from stationary sources, the current economics of the industry, and its pollution control practices will be of value during the appraisal of this 1973 standard. EPA's Office of Solid Waste (OSW) may develop guidelines for the handling and disposal of asbestos-containing wastes. OSW expects to use data from this rule that quantify the kinds of waste presently generated by manufacturers and describe how and where those companies currently dispose of their wastes. Information that characterizes the kinds of asbestos-containing waste and current waste disposal practices will permit analysts to determine the relative degree of hazard posed by waste disposal activities. The Consumer Product Safety Commission (CPSC) is examining consumer products to determine what products may pose a chronic hazard to consumers. EPA has coordinated the data requirements of this rule with CPSC to eliminate duplication and to ensure that the reports will be useful to the CPSC investigation. This rule will provide a listing and quantification of imported and domestically produced consumer products containing asbestos which is not presently available. OSHA and MSHA have supported this rule throughout its development, because a current listing of companies, products, numbers of employees, and exposure levels would be very useful in reviews of the asbestos workplace exposure standards.

III. What to Report

EPA has developed two forms which are to be completed by respondents. The composite form, EPA Form 7710-36, "Reporting Commercial and Industrial Use of Asbestos," (hereafter referred to as the "Primary Form"), has individual sections for reporting data about products, production, asbestos consumption, employees, workplace exposures, waste and disposal, pollution control equipment, and estimated quantities of asbestos emissions. Production and importation from 1979–1981 will be reported by category of product, rather than by individual product lines. Respondents will fill out the sections that apply to them. Each respondent is to complete the relevant sections of the form depending on the activities of the reported plant site. The instructions to the form clearly list the sections that are to be completed by the miners and millers, importers of bulk asbestos, and primary processors respectively. Those persons will complete all applicable sections of the Primary Form, and will report all asbestos importation and processing activities in the first reporting phase. In addition, the Primary Form contains separate sections to be completed in a second reporting phase by a sample of persons who are only secondary processors and importers of asbestos-containing products. Persons from those segments who are selected to complete the Primary Form during the sample survey will complete the applicable sections (see discussion below in unit VI, "Reporting Procedures").

EPA Form 7710-37, "Secondary Processing and Importation of Asbestos Mixtures," (hereafter referred to as the "Secondary Form"), is a short survey form which requires identification of asbestos mixtures or components, the amounts consumed or imported in 1981, and the products into which these mixtures and components are incorporated. The Secondary Form, to be completed by secondary processors and importers of asbestos-containing products, will serve several purposes for the Agency. The procedural purpose of the Secondary Form is to permit EPA to identify the companies in these groups in the least burdensome manner so that only a representative sample of the groups will be required to complete the Primary Form. The information from the Secondary Form, because it identifies firms and products and production amounts, will in itself provide EPA with valuable information. Data from the Secondary Forms will show the breadth of the secondary processor population and the variety of asbestos-containing products that are presently manufactured or imported. Finally, the reports of the quantities of asbestos mixtures that were consumed or imported in 1981 will permit EPA to gauge the present levels of processing and importation of asbestos products. These data will be used in estimating potential worker and consumer exposure and in judging the economic consequences of alternative options. In addition, knowing the products of secondary processing will support determinations of the availability of substitutes.

IV. Who Reports

This rule defines who must report and what to report according to the industrial activity of the respondent during 1981. The Primary Form must be completed by all persons who mine, mill, import, or process bulk asbestos. The Secondary Form must be completed by secondary processors or persons who import asbestos mixtures or articles containing asbestos components. Some

of these persons will be selected subsequently also to complete the Primary Form. This section will clarify the meaning of some of these terms that are specific to this rule.

Under this rule, a manufacturer is a person who mines or mills (produces) bulk asbestos or a person who imports asbestos either as bulk asbestos or as part of a product. Persons who, in addition to manufacturing, also process their products will report as both manufacturers and primary processors, as described below. This rule does not require reports by manufacturers or processors of products which contain asbestos as a contaminant or an impurity. While the Agency is concerned about the health risk posed by fibrous minerals in many ores or other products, this subject is not within the scope of the present rule.

TSCA defines a processor, in part, as a person who prepares a chemical substance of mixture, after its manufacture, for distribution in commerce. This rule classifies processors into two groups according to their starting material. "Primary processors of asbestos" are those whose starting material is bulk asbestos. "Secondary processors of asbestos" are those whose starting materials are asbestos mixtures.

A primary processor starts with bulk asbestos and makes a mixture that contains asbestos fiber. A primary processor may simply mix or repackage different types or sizes of fiber and then sell that product. Such mixing or repackaging of fibers is considered primary processing of bulk asbestos for the purpose of this rule. Asbestos mixtures are products to which asbestos fiber has been intentionally added and which can be used or processed further and incorporated into other products. For example, asbestos cement, asbestos paper, and asbestos-reinforced plastics are asbestos mixtures. In some cases, a primary processor further processes the asbestos mixtures. If so, the person is also a secondary processor. For instance, asbestos paper can be further processed to incorporate it into an article, or asbestos-reinforced plastics can be further processed to make vinyl-asbestos floor tile. Under this regulation, persons who are involved in both primary and secondary processing activities at the reported plant site must report both types of activities on the Primary Form. Only persons who are solely secondary processors at the reported plant site report as secondary processors.

"Secondary processors" are those who start with asbestos mixtures and incorporate them into their own products. For example, persons who fabricate asbestos cement sheet by cutting the sheet to make an electrical switch board, or persons who make garments by cutting an asbestos textile, are secondary processors. A person who fabricates asbestos cement sheet by cutting it to a specific dimension for a customer is a secondary processor. An automobile manufacturer is a secondary processor if he incorporates asbestos felt into an automobile as a hood insulation blanket or makes heating vent ducks from asbestos paper. A paint formulator is a secondary processor if he purchases a paint that contains asbestos and reformulates the paint by adding some agent to give the paint special properties for specific applications. A complete list of categories of asbestos-starting materials and products may be found in EPA Forms 7710-36 and 7710-37.

Those who import an asbestos mixture or an article containing an asbestos component(s) are required to identify themselves and the asbestos component(s) of the imported product. By this requirement, EPA is attempting to determine what asbestos-containing products are being distributed to consumers and to industry. This will enable the Agency to estimate the total health risk posed by asbestos, including the risk from imported products. The Agency recognizes that there is a large universe of asbestos-containing products that are imported, and that some importers may not know that discrete components of imported merchandise contain asbestos. To ease the burden on companies that import a number of products that may contain asbestos, this rule requires importers to provide information relating only to the products listed in the reporting forms. Therefore, in some cases, EPA will not learn of or obtain data on all imports that contain asbestos. However, the lists of products are very comprehensive and EPA expects to obtain information on most imports that contain asbestos. Some products, such as automobiles, are deliberately omitted because the Agency can otherwise obtain necessary information. Importers should note that under this rule, they are not required to conduct extensive research or to contact the foreign manufacturer to learn this information. Thus, under the rule, importers are required to report to the extent that this information is in their possession.

This rule requires reporting by manufacturers (including importers) and processors of asbestos mixtures. Section 8(a) states that reporting by manufacturers or processors of mixtures should be required only when the Administrator determines that it is "necessary for the effective enforcement" of TSCA. Those who manufacture or process asbestos mixtures are also necessarily processors of asbestos, the chemical substance. Therefore, the "effective enforcement" finding is not needed. Nevertheless, the characterization of these products and processing activities is essential to the asbestos investigation and to the exent that such persons can be regarded as manufacturers or processors of mixtures, the Administrator finds that it is necessary for the effective enforcement of TSCA. For a more detailed discussion of this issue, see the preamble to the proposed rule at 46 FR 8204, which is hereby adopted.

V. Exemptions From the Rule

The Agency is exempting certain classes of potential respondents from the requirements of the rule. The exemptions are designed to reduce the overall burden of the rule while still obtaining sufficient information for analyses that are planned.

All companies employing 10 or fewer employees are exempted from the requirements of this rule. EPA estimates that over 40 percent of companies not otherwise exluded will be exempted as a result of this provision, while firms that account for approximately 97 percent of employees and sales will still be included. Further discussion of this provision can be found below in unit XIII, "Regulatory Flexibility Act."

Certain secondary processors are excluded from this rule. Secondary processors are exempted if they apply, assemble, install, erect, or consume asbestos products without modifying or fabricating the asbestos products. For instance, an appliance manufacturer who installs electric motors containing asbestos components is excluded if the motor is made elsewhere. Similarly, an automobile manufacturer need not report the installation of pre-fabricated hood insulation blankets if no fabrication is required during installation. An airplane manufacturer would not report the application of asbestos-containing caulk. Included in this category are secondary processors who merely adjust an asbestos mixture prior to or during assembly or installation. While the Agency believes there may be risks from asbestos exposures in these categories, it expects to complete necessary analyses with estimates and extrapolations of data reported by the persons who make the asbestos-containing products that are processed by the excluded industries. For example, processors infrequently

"true" pre-formed brake linings during assembly with brake foundations to get a better fit. In this case, reports from manufacturers of the pre-formed brake linings will sufficiently quantify production of the friction material product subcategories. Exposure scenarios for the excluded industries can be quantified by relating expected exposure levels with the quantities of products that are made. Therefore, reports from these excluded industries are not essential.

This rule also exempts persons who repair articles, repackage asbestos mixtures without modification, or who engage in construction work. The Agency proposes to exempt these persons from reporting primarily because so many persons are in these categories, the workforce is constantly changing, and they are generally composed of many small businesses, such as brake repair shops and construction companies. Also, as is the case with other excluded industries, exposure scenarios for the construction and brake repair industries can be developed by relating expect exposure levels with production levels reported by product manufacturers.

Section 8(a) of TSCA does not apply to distributors of chemical substances or mixtures. Therefore, persons who are solely distributors, and do not manufacture, process, or import, are not covered by this rule.

Reporting is not required by persons who are "end users" of bulk asbestos or asbestos products and do not further distribute such items in commerce. The most common example of this is in the manufacture of chlorine, where some persons use asbestos as a diaphragm to separate chlorine and caustic soda. While much bulk asbestos is consumed annually by this industry and much waste generated, asbestos fiber is not present in the resultant products which are distributed in commerce and these activities are therefore not "processing" of asbestos.

VI. Reporting Procedures

Companies must report the activities of each plant site on an individual reporting form with one exception. That exception is that respondents have the option to report all of their company imports or exports on a single form. The form instructions explain further how this is to be done.

Miners, millers, primary processors, and importers of bulk asbestos must submit all appropriate portions of the Primary Form within 90 days after the effective date of the final rule. If the respondent's activities include "secondary processing" or importing of asbestos mixtures or articles containing asbestos components, all such activities, including those at other plant sites, must be reported at the same time the person reports as a miner, primary processor, or importer of bulk asbestos.

EPA will require reporting in a different way for persons who are solely secondary processors or importers of asbestos mixtures. Apparently there are many thousands of persons who are secondary processors or importers of asbestos-containing mixtures. EPA has devised a scheme to reduce the reporting burden for these companies. Persons who are solely secondary processors or importers of asbestos mixtures or articles containing asbestos components will report to EPA in phases. First, they will submit the Secondary Form within 60 days after the effective date of the rule. The Secondary Form reports will be used by EPA to improve the Agency's knowledge of the products being made with asbestos, the number of companies making the products that contain asbestos and the amounts of asbestos mixtures they use, and the kinds and amounts of mixtures and products being imported.

Further reporting of the information on the primary form by some respondents will be necessary to develop more complete profiles and projections for regulatory analyses. The Secondary Form will not ask all respondents (estimated to comprise 5,750 reports) for the detailed information the EPA would like to consider in the risk and economic analyses. Instead, the Agency plans to have a representative sample of Secondary Form respondents report more detailed information. The Agency wants to account for 100 percent of asbestos usage, but for purposes of this analysis, and to reduce the reporting burden, the Agency has determined extrapolations can be made from less than 100 percent. EPA believes that a sampling technique can provide information that would adequately describe secondary asbestos processing and products. Sampling to decrease the number of processors required to submit additional detailed information will reduce the overall burden of additional reporting substantially. In unit VIII, "Reporting Burden", EPA estimates that Phase 2 reporting will be required from approximately 1500 of the Phase 1 respondents. The objective is to sample only the number necessary to meet the goal of attaining a reliable sample.

EPA plans to use a stratified random sampling method as the basis for the sample survey. That is, the respondents to the Secondary Form will be divided into non-overlapping and reasonably homogeneous strata and then sampled by stratum. The strata will be defined by all or an appropriate subset of the following variables: reported asbestos-starting material, reported asbestos end product, and the volume of asbestos-starting material annually consumed. Additionally, the population may be further stratified according to size (the amount of asbestos mixture processed or imported) and geographic location, which will ensure that any sample fully represents the whole population. The type of asbestos-starting material and the asbestos end product would permit EPA to analyze a representative portion of each product category application. Consideration of the amount of the asbestos-starting material that is consumed will better ensure representation of both larger and smaller processors of asbestos materials.

The Agency can make the final decision on which variable(s) to use in stratifying and how large the sample will be only after examining the composition of the Secondary Form respondents, since the actual numbers of respondents and the products they report in the first phase will not be known until the first phase reports are submitted. The Agency will use standard statistical techniques in conducting the sample survey.[1] The Agency will stratify and sample respondents with the goal of minimizing the reporting burden as much as is practical. To extrapolate an estimate about a population from a sample survey requires obtaining reports from enough respondents to represent the whole population. To make an estimate about a stratum composed of a few respondents may require sampling a larger percentage than would be necessary to make an estimate of the same reliability about a stratum composed of a greater number of respondents. EPA will use one or a combination of the variables listed in the preceding paragraph to stratify respondents for the sample survey. The Agency will select the stratifying variable(s) which will result in the fewest number of respondents while still ensuring a reliable statistical sample.

The Secondary Form respondents selected for more detailed reporting will be notified by certified letter. These persons will have 90 days to complete relevent portions of the Primary Form.

Some persons subject to reporting under this rule may be exempted from reporting certain information already

[1] Kish, Leslie. Survey Sampling. New York: John Wiley, 1965.

reported to EPA or CPSC. A company which has adequately reported data to EPA will not be required to report the same information again, and must write "EPA" in place of the data on the form. Persons who have already reported production or importation quantities to CPSC must still identify themselves and the names of their products to EPA according to the requirements of this rule. However, data already reported must be referenced by writing "CPSC" in place of the data, unless the respondent specifically requested CPSC not to release the data to EPA.

The Agency intends to send reporting forms directly to as many potential respondents as possible. To identify persons currently subject to this rule, a master list of persons who produce or make asbestos products has been assembled from a number of different lists supplied by industry associations, Government agencies, and industry information that is publicly available. In addition, efforts will be made to publicize these reporting requirements widely, so that persons as yet unknown to EPA will comply with these reporting requirements.

VII. Confidentiality

The Agency has developed specific instructions for asserting and certifying claims of confidentiality for any information submitted in response to this rule. These instructions are incorporated in the reporting forms and may be found in §§ 763.76 and 763.77 of the rule. Any claims of confidentiality must be made at the time of submission as provided in 40 CFR Part 2 as amended September 8, 1978 (43 FR 39997), and March 23, 1979 (44 FR 17673), and in the manner specified in the reporting forms of this proposed rule. To ensure proper handling, confidential material must be submitted to: U.S. Environmental Protection Agency, Post Office Box 2070, Rockville, MD 20852.

This rule employs a simple certification method to assert a claim of confidentiality. To assert a claim of confidentiality, the respondent must mark the applicable line on the form that contains confidential information. The respondent must certify that the company has taken measures to protect the confidentiality of the information, that the information is not publicly available, and that disclosure of the information would cause the company substantial competitive harm. All of these conditions must exist for any information to be confidential. Determinations on confidentiality will be made by EPA in accordance with 40 CFR Part 2.

The Agency intends to aggregate information about production, consumption, employment, and environmental release that is reported for this rule. The Agency will primarily use aggregate data for analyses necessary to support the TSCA section 6 regulatory investigation. These data aggregates and analyses will be part of the section 6 asbestos rulemaking record that is available to the public. To protect confidential information in the aggregate data sets, in most cases no data from individual reports will be released, even if they are nonconfidential. Releasing discrete data could jeopardize the aggregate data sets, because through subtraction of nonconfidential data from the aggregate it could be possible to ascertain specific confidential data.

As previously stated, EPA intends to share all reported data with other Federal agencies, including confidential data in individual reports. However, EPA will require that personnel from other agencies obtain a TSCA security clearance before access to confidential data is granted (See "TSCA Confidential Business Information Security Manual," Chapter 6—Security Requirements for Other Federal Agencies). Similarly, EPA will require that an agency adopt certain security procedures before confidential information can be stored at that agency.

VIII. Changes From the Proposal

The final rule modifies several requirements of the proposed rule to ease the reporting burden, to respond to specific problems that were raised by commenters on the proposal, or to obtain the most useful information. Further discussion of comments on the proposal and our responses can be found in a document entitled "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule," which is part of the public record for this rule.

The final rule does not include the proposed requirement to keep lists of customers and to submit the lists at the Agency's request. Commenters convinced the Agency that that the information would be very sensitive and the requirement could be very burdensome. Also, the purpose of this rule is to characterize the industries making essentially finished goods, while most customers are "users" or distributors and, therefore, outside the scope of the present rule.

Several changes to the reporting forms should be noted. The Agency has substantially reduced the amount of requested information by requiring respondents to report production of subcategories of end products for only 3 years. The proposal would have required production data for 5 years about specific end products, including trade names, and data for 10 years about the importation or production of bulk asbestos. Data reported according to consistent subcategories of products will provide sufficient detail for our analyses. The Agency believes that data for 3 years will sufficiently describe the current situation, as well as provide reliable averages for analyses. An additional change is that data on bulk asbestos fiber is required only for each type of mineral. Again, EPA is not requiring data about specific grades of chrysotile fiber because the Agency's analyses do not need that level of detail.

The requirement to summarize workplace monitoring data is revised to increase the utility of the reported data and facilitate reporting. Respondents will still report only monitoring data that already exist in their files; however, they will summarize that data according to the types of end products they are reporting. The reports will be more useful to the Agency and OSHA by directly relating workplace concentration levels to the number of workers making the end product that is reported. The final rule does not require respondents to estimate the number of hours that workers are annually exposed to the measured concentration levels. While information on the duration of exposures would be useful, commenters asserted that extensive and burdensome searches through payroll records would be necessary to locate the data. Since the reports will consist of summaries of 8-hour time-weighted averages, Agency analysts will use assumptions and other available information to calculate duration of exposures.

The requirement to report air pollution control equipment has been modified at the request of EPA's Office of Air Quality Planning and Standards (OAQPS). The final rule requires respondents to answer several technical questions about each piece of equipment, replacing the proposal's requirement to provide the brand name and model number of each piece. The revised questions will obtain all the information necessary to estimate emissions and costs and will eliminate the need for submitters to calculate the quantities of asbestos that are released. OAQPS believes that the revisions will reduce reporting requirements while improving the usefulness of the data.

EPA is including two provisions to address special problems of importers. First, importers were concerned they would be unable to identify all imported

goods that contain asbestos and, therefore, would not fully comply with the rule. This rule provides that importers need report information relating only to the types of products listed on the form, which should cover most such imports. Second, importers asserted that the requirement to provide "reasonably ascertainable" information on the Primary Form during the second phase of reporting could require them to seek information from foreign manufacturers, possibly at considerable cost. The final rule requires importers to provide information "in their possession" during both phases of reporting.

IX. Reporting Burden

In order to assess the clarity of the form and to ensure that data are reported in the most effective manner, the Agency conducted a pre-test of the form through the Institute for Survey Research, Temple University. The respondents were members of the Asbestos Information Association. This pre-test was quite valuable to EPA in improving the clarity and coherence of the form. In addition, the respondents estimated the cost of completing each section of the form. The final report by the Institute for Survey Research, "Design and Testing of Asbestos Use Reporting Form", is part of the public record for this rule. The pre-test was not a statistically-based sample and only eight companies were asked to participate. Therefore, the resultant cost estimates could not be used directly to compute the reporting impacts of this rule. However, the pre-test results helped EPA arrive at an impact estimate. A detailed description of the reporting burden estimates can be found in a report by Arthur Young & Company, "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos", which is part of the public record for this rule. The results of the pre-test and the reporting burden calculations are summarized in the "Reports Impact Analysis", an internal EPA report that is available in the OPTS Reading Room. The documents cited above may be acquired by writing or calling the Industry Assistance Office at the address and telephone number given at the beginning of this notice.

In unit XII of this preamble—"Regulatory Flexibility Act"—EPA calculates that 40 percent of the secondary processors will be small businesses and will be exempt from this rule. Therefore, in this section costs are calculated for 5,385 secondary processors, while we estimate there may be a total of 8,974 secondary processors if small businesses are counted. (These estimates are derived from a formula used in 1976 by the Asbestos Information Association, which is described in the "Reports Impact Analysis.") In addition, EPA calculations exclude primary processors who are known to be small businesses. However, the Agency does not calculate the cost reduction from excluding small importers because the composition of that segment is not well-defined, although it does expect that this group will contain some small businesses. Therefore, the actual reporting costs may be less than our present calculations.

As already discussed, two reporting forms will be used for this rule. The Primary Form will be completed by miners, millers, primary processors of asbestos, and importers of bulk asbestos in a first reporting phase. EPA estimates that for this group of respondents, a total of 487 reports would be received by the Agency. Completion of these reports would require a total of 7,500 hours, and cost approximately $230,000.

Secondary processors and importers of asbestos mixtures or articles containing asbestos components will be required initially to complete the Secondary Form. The Agency estimates that it will take four hours to complete each form, at a cost of $120 per form. The Agency anticipates receiving 5,750 such reports. Therefore, the Secondary Form reporting would require a total of 23,000 hours, and would cost approximately $690,000.

The Agency expects that approximately 1,500 of those persons who initially complete the Secondary Form will be selected, in a sample survey, to complete the Primary Form. The sample survey will require a total of 36,000 hours, and would cost $1,100,000.

Based on these cost estimates, and assuming a small business exclusion, EPA estimates the total cost of reporting for this rule would be $2 million, requiring 66,500 reporting hours.

Using available data, an economic impact analysis of the proposed rule was performed for primary processors. Using the measure of the one-time cost as a percent of annual gross profits, the estimated impact was found to be minimal (around 0.1 percent) for even the smallest primary processors (the ones most likely to be impacted).

Such an economic impact analysis was not possible for the other industry segments affected by this rule due to unavailability of data. EPA did compare the average value of shipments for four-digit SIC codes for primary processors and other SIC codes likely to contain asbestos secondary processors. This comparison suggested no significant difference between primary processors and other industry segments in the size ranges of 10–19 employees and 20–49 employees. These size categories are the smallest establishments likely to be impacted by this proposed rule and the ones most likely to experience adverse effects. On this basis, EPA feels that the potential impacts on secondary processors and others in the asbestos industry will be of a similar small magnitude as the impacts estimated for the primary processors. Refer to two documents in the public record: (1) "TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos: Economic Impact on Secondary Processors," memorandum from Regulatory Impacts Branch, December, 1980, and (2) "Economic Impact Analysis for the TSCA Section 8(a) Rule Reporting Commercial and Industrial Uses of Asbestos," Arthur Young & Company, Washington, DC, October, 1980.

X. Sunset Provision

The general requirements of this rule will expire 5 years after the effective date of the rule. The selection and notification of sample survey participants for Phase 2 reporting (see unit VII of this preamble and § 763.71(c) of the rule) will take place within three years after the effective date of the rule. If EPA determines that any requirements of this rule should be continued, a notice to that effect will be published for comment.

XI. Public Record

EPA has established a public record for this rulemaking as defined in section 19(a)(3) of TSCA (docket number OPTS-84004). The public record, along with a complete index, is available for inspection in the OPTS reading room, E-107, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays, (401 M St., S.W., Washington, D.C. 20460). This record contains the basic information that the Agency considered in developing this rule. The Agency will supplement the record with additional information as it is received. This record includes the following:

1. The proposed rule, published in the Federal Register of January 26, 1981, (46 FR 8200).

2. Comments received in response to the proposed rule, including any comments received from the Office of Management and Budget during Paperwork Reduction Act of 1980 review.

3. "Commercial and Industrial Use of Asbestos Fibers; Advance Notice of Proposed Rulemaking," published in the Federal Register of October 17, 1979 (44 FR 60061).

4. "Commercial and Industrial Use of Asbestos Fibers. Extension of Comment Period and Announcement of Additional Control Option," published in the Federal Register of December 17, 1979 (45 FR 18374).

5. Comments received in response to the Advance Notice of Proposed Rulemaking and the Notice of Proposed Rulemaking.

6. Reports Impact Analysis of this rulemaking.

7. "Statistics for Companies with 10 or Fewer Employees" memorandum, from Chemical Information Reporting Branch, October 30, 1980.

8. "Design and Testing of Asbestos Use Reporting Form," Institute for Survey Research, Temple University, Philadelphia, PA., June 30, 1980.

9. "Economic Impact Analysis for the TSCA Section 8(a) Rule, Reporting Commercial and Industrial Uses of Asbestos", Arthur Young & Company, Washington, D.C., October, 1980.

10. The Technical Information Summary for this rulemaking.

11. The Information Use Plan for this rulemaking.

12. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

13. "Public Comments on the Proposed TSCA Section 8(a) Asbestos Reporting Rule."

XII. Regulatory Assessment Requirements

This rule fully complies with the following regulatory assessment requirements.

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this regulation is not Major because it does not have an effect of $100 million or more on the economy and it will not affect competition, employment, or production costs. EPA estimates the total cost of this one-time reporting requirement is $2.0 million. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and EPA response to those comments will be available for public inspection in the record for this rulemaking.

B. Regulatory Flexibility Act

The Agency has included several provisions in this rule to minimize both its overall impact on businesses and the reporting requirements for individual companies. First, EPA is exempting the smallest companies that could be subject to the rule—those companies with 10 or fewer employees. This small business exemption will eliminate reporting from over 40 percent of the companies and the Agency estimates that it will reduce the overall potential cost of the rule by $1.1 million. EPA is also excluding from any reporting two large segments of processors that are composed of a high percentage of small businesses—construction and brake repair companies. Including those segments would raise the overall cost of this rule by several million dollars.

Second, every effort has been made to minimize the amount of data to be reported. Based on a pretest by industry and public comments, the Agency has designed the forms to require only common business information essential to the Agency's investigation. The economic impact analysis estimates that the median cost to any single respondent submitting the long form will be $1,100, which is about 0.1 percent of the smallest company's profits. The reporting costs for many small businesses will probably be less than the median cost because they will generally report about fewer products and employees.

Third, EPA will apply a sampling approach to over 90 percent of the respondents. Only a representative sample of secondary processors, which is the largest industrial segment subject to the rule and is composed of a large percentage of small businesses, will be selected for full reporting. In phase one, secondary processors will submit a short, one-page form that EPA estimates will take at most four hours ($120) to complete. The Agency will select the minimum necessary number of companies from phase one respondents to submit the long form in phase two. Utilizing this sample survey means that only ⅓ of all respondents to the rule will have to complete the long form.

The Agency is including these provisions as a special consideration to small businesses. The Agency's economic impact analysis shows that this rule will have a negligible impact on any business. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities. As required, EPA has consulted with the Office of Advocacy, Small Business Administration.

C. Paperwork Reduction Act of 1980

As just described, the Agency has made every effort to minimize the amount of required information and the burden on respondents to the rule. The reporting forms were pretested, the proposed requirements have been reduced in a number of ways, and 90 percent of the respondents will be sampled. Furthermore, this rule exempts entire classes of businesses in cases where the Agency believes necessary analyses can be conducted with information that is otherwise available.

The Agency has prepared extensive plans to utilize fully all information that is collected through this rule. The Agency's "Information Use Plan", which is part of the public record, describes the specific uses that are planned for the required data elements. In addition, the Agency coordinated these information requirements with other Federal agencies to maximize the usefulness of reported data. The information to be reported does not duplicate efforts by other Federal agencies and the data will be useful to several regulatory agencies. An automated information system will ensure the most effective use of submitted data. Fully operational Agency procedures will protect confidential business information contained in the reports.

Information collection requirements contained in this regulation (§ 763.71) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2000-0478.

List of Subjects in 40 CFR Part 763

Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Asbestos.

Dated: July 23, 1982.

Anne M. Gorsuch,
Administrator.

PART 763—ASBESTOS

Therefore, 40 CFR Part 763 is amended by adding a new Subpart D to read as follows:

Subpart A-C—[Reserved]

Subpart D—Reporting Commercial and Industrial Uses of Asbestos

Sec.
763.60 Scope and compliance.
763.63 Definitions.

Authority: Sec. 8(a) Toxic Substances Control Act (TSCA), Pub. L. 94-469, 90 Stat. 2029, (15 U.S.C. 2607(c)).

Subpart D—Reporting Commercial and Industrial Uses of Asbestos

§ 763.60 Scope and compliance.

(a) This rule requires reporting by persons who manufacture, import, or process asbestos. Different reporting requirements are imposed depending on the person's activity. Manufacturers, importers and processors of commercial and industrial asbestos fiber must report quantity, use, and exposure information. Importers of mixtures and articles containing asbestos and processors of asbestos mixtures will report to EPA in two phases. They initially must report limited information about processing or importation. Some must subsequently report additional information if they are selected as respondents in a sample survey.

(b) Subsection 15(3) of TSCA makes it unlawful for any person to fail or refuse to submit information required under this rule. Section 16 provides that a violation of section 15 renders a person liable to the United States for a civil penalty and possible criminal prosecution. Under section 17, the district courts of the United States have jurisdiction to restrain any violation of section 15.

§ 763.63 Definitions.

The definitions in section 3 of TSCA and the following definitions apply for this rule:

(a) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

(b) "Asbestos mixture" means a mixture which contains bulk asbestos or another asbestos mixture as an intentional component. An asbestos mixture may be either amorphous or a sheet, cloth fabric, or other structure. This term does not include mixtures which contain asbestos as a contaminant or impurity.

(c) The term "bulk asbestos" means any quantity of asbestos fiber of any type or grade, or combination of types or grades, that is mined or milled with the purpose of obtaining asbestos. This term does not include asbestos that is produced or processed as a contaminant or an impurity.

(d) "EPA" means the United States Environmental Protection Agency.

(e) "Importer" means anyone who imports any chemical substance, including a chemical substance as part of a mixture or article, into the customs territory of the U.S. and includes the person liable for the payment of any duties on the merchandise, or an authorized agent on his behalf. Importer also includes, as appropriate:

(1) The consignee.

(2) The importer of record.

(3) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the U.S. consists of the 50 states, Puerto Rico, and the District of Columbia.

(f) "Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person might be expected to possess, control, or know, or could obtain without unreasonable burden or cost.

(g) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture:

(1) For commercial distribution, including for test marketing, and

(2) For use by the manufacturer, including use for product research and development, or as an intermediate. "Manufacture for commercial purposes" also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including both byproducts and coproducts that are separated from that other substance or mixture, and impurities that remain in that substance or mixture. Byproducts and impurities may not in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

(h) "Miner of asbestos" is a person who produces asbestos by mining or extracting asbestos-containing ore so that it may be further milled to produce bulk asbestos for distribution in commerce, and includes persons who conduct milling operations to produce bulk asbestos by processing asbestos-containing ore. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore. To mine or mill is to "manufacture" for commercial purposes under TSCA.

(i) "Person" means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body, and any department, agency, or instrumentality of the Federal Government.

(j) "Primary processor of asbestos" is a person who processes for commercial purposes bulk asbestos.

(k) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(l) "Secondary processor of asbestos" is a person who processes for commercial purposes an asbestos mixture.

(m) "Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one manufacturing plant on a single site.

(n) "Small manufacturer, processor, or importer" means a manufacturer or processor who employed no more than 10 full-time employees at any one time in 1981.

§ 763.65 Who must report.

(a) Persons who were miners or primary processors of asbestos, or importers of bulk asbestos in 1981 must complete and submit a separate EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos (see § 763.76), for each site and for each company activity not elsewhere reported, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, shall report.

(b) Persons who were secondary processors of asbestos in 1981 must complete and submit Parts I and II of EPA Form 7710-37, Reporting Secondary

Processing and Importation of Asbestos Mixtures (see § 763.77), for each site or activity, according to the schedule in § 763.71.

(c) Persons who were importers in 1981 of asbestos mixtures or articles containing asbestos components must complete and submit Parts I and III of EPA Form 7710-37, Reporting Secondary Processing and Importation of Asbestos Mixtures, according to the schedule in § 763.71. When two or more persons meet the definition of "importer" for the same shipment, the principal in the transaction, not his agent(s), shall report.

(d) Secondary processors of asbestos and importers of asbestos mixtures or articles containing asbestos components must complete and submit a single EPA Form 7710-36, Reporting Commercial and Industrial Use of Asbestos, according to the schedule in § 763.71(c), if selected for further reporting as described in § 763.71(c).

(e) Particular information required on EPA Form 7710-36 which has been previously submitted to the Consumer Product Safety Commission (CPSC) in accordance with a general order dated Dec. 22, 1980 (45 FR 84384), may be referenced in the appropriate place on the form and need not be submitted unless the respondent has informed the CPSC of his objection to any sharing of the data with EPA. Information for 1981 which was not required by CPSC must be reported on the EPA forms.

(f) The following persons are not subject to §§ 763.65 and 763.71.

(1) Secondary processors of asbestos, to the extent that they process an asbestos mixture to repair articles, to construct buildings or other such construction activities, or to apply, assemble, install, erect, consume, or repackage the mixture without modification.

(2) Persons who are small manufacturers, processors, or importers, as defined in § 763.63(n).

§ 763.71 Schedule for reporting.

(a) All miners, primary processors, and importers of bulk asbestos subject to reporting under § 763.65(a) shall submit required data on EPA Form 7710-36 within 90 days after the effective date of this rule.

(b) All secondary processors and importers subject to reporting under § 763.65 (b) and (c) shall submit required data on EPA Form 7710-37 within 60 days after the effective date of this rule.

(c) All persons subject to paragraph (b) of this section who are selected for additional reporting shall submit required data on EPA Form 7710-36 within 90 days after receipt of EPA notification to do so. Selections will be made in the following manner. The respondents will be selected using a stratified random sampling technique. First, qualified statisticians will review reports on EPA Form 7710-37 and determine the optimal method to stratify respondents according to the composition of the respondent population. The strata will be defined by all or an appropriate subset of the following variables: the end product; the asbestos mixture that is the starting material in the end product; the volume of the asbestos mixture annually consumed or imported. Respondents will be stratified into as few groups as reasonably possible. The size of the sample will be determined after all respondents have been stratified. EPA intends to require further reporting from the minimum number of respondents possible while still meeting the EPA needs for statistically sound data. If there are insufficient numbers of respondents in a group to perform a statistically sound sample survey, then all of the respondents in that group may be required to complete EPA Form 7710-36. A standard random selection technique will be employed to select persons who will be required to complete and submit EPA Form 7710-36. Notification shall be sent by certified letter, signed by the Office Director, Office of Toxic Substances, and will have attached copies of this rule and EPA Form 7710-36. Letters of notification will be sent by EPA no later than three years after the effective date of this rule.

(d) EPA Form 7710-36 and EPA Form 7710-37 can be obtained by writing or telephoning:

Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Washington, D.C. 20460, Toll free: (800-424-9065), In Washington call: (554-1404).

(e) Completed forms must be mailed to: U.S. Environmental Protection Agency, Post Office Box 2070, Rockville, MD. 20852.

§ 763.74 Confidential business information.

(a) Any person submitting a document under this rule may assert a business confidentiality claim covering all or part of the submitted material unless otherwise instructed on the reporting form. EPA will disclose information covered by a claim only as provided in procedures set forth in 40 CFR Part 2.

(b) Certification for a claim made on any item reported under § 763.65 must be made by signing the certification statement as specified in the forms.

(c) If no certified claim accompanies a document at the time it is submitted to EPA, the document may be placed in an open file available to the public without further notice to the respondent.

§ 763.76 Reporting commercial and industrial uses of asbestos.

The following EPA Form 7710-36, Reporting Commercial and Industrial Uses of Asbestos, will be completed and submitted to EPA as required in §§ 763.65 and 763.71. Information must be reported on this form to the extent that it is known to or reasonably ascertainable by the respondent, except for importers. Importers must report information on this form to the extent that it is in the possession of the respondent.

(a) EPA Form 7710-36 (5-80). [insert form]

(b) [Reserved]

BILLING CODE 6560-50-M

O M B No. 2000-0479 Approval Expires June 30, 1985

EPA United States Environmental Protection Agency

REPORTING COMMERCIAL AND INDUSTRIAL USES OF ASBESTOS

When completed send this form to:
U.S. Environmental Protection Agency
P.O. Box 2070
Rockville, MD 20852

Please read the accompanying instruction booklet before completing this form. Note that a separate form must be submitted for each plant site, except that total imports or exports of bulk asbestos may be reported in a consolidated corporate report. The instructions provide further directions.

When this form is complete, enclose it in the preaddressed envelope provided. Should you have any questions, please contact the Industry Assistance Office toll-free at (800) 424-9065 or in Washington, D.C. at (202) 554-1404.

All persons who are solely secondary processors, importers of asbestos mixtures, or importers of articles containing asbestos components will report in the first phase on EPA Form 7710-37, titled "Secondary Processing and Importation of Asbestos Mixtures." These persons will report in this form, EPA Form 7710-36, only upon receipt of notice to that effect from EPA (see 40 CFR 763, part D).

A(1). RESPONDENT IDENTIFICATION

1. Company name | Plant site name

Address (number and street)

City | County | State | ZIP code

2. Principal technical contact person | Name | Job title | Office telephone (Area code, number, extension)

3. *If applicable* — Record mine identification number ———

4. *If applicable* — Record the name and address of the parent corporation which is responsible for the fiscal management of the reporting site.

Name of parent corporation

Address (number and street)

City | County | State | ZIP code

5. Record the total number of years during which the manufacture and/or processing of asbestos has been conducted at the reporting site. ——— | Number of years

A(2). RESPONDENT ACTIVITY

6. Identify your activity from the definitions in the instruction booklet and mark (X) the box next to the category below that best describes your activity(ies). Mark (X) next to all activities that you are reporting on this form. You must at least complete the portions of the report that are indicated next to the box you mark, and you must complete other sections if you conduct that activity. For example, if at the same plant site you process bulk asbestos to produce an asbestos mixture and you also process an asbestos mixture that is made at another location, then you as a primary processor must also complete part D as a secondary processor.

All persons who are miners, millers, primary processors, or importers of bulk asbestos must report their asbestos activities at all plant sites.

Mark (X) your activity(ies) that is reported on this form.

- ☐ Mine and mill — Complete parts A, B(1), G, H, I, J, K (B(3), if applicable)
- ☐ Primary processor — Complete parts A, C, G, H, I, J, K (B(3), if applicable)
- ☐ Importer of bulk asbestos — Complete parts A, B(2) (B(3), if applicable)
- ☐ Secondary processor — Complete parts A, D, G, H, I, J, K
- ☐ Importer of asbestos mixtures — Complete parts A and E
- ☐ Importer of article(s) containing asbestos component(s) — Complete parts A and F

A(3). CERTIFICATION FOR CLAIMS OF CONFIDENTIALITY

You may claim as confidential any information you submit on this form. The instructions provide specific instructions on how to assert claims of confidentiality. For information which you submit in attachments to the form, provide a copy which clearly indicates the information you wish to claim confidential.

Space is provided at the end of each line to claim information on that line confidential.

For any information on this form you claim as confidential, you must certify that the information is confidential. The signature below will attest to the truth and accuracy of the following statements. All four statements must be true about any information you claim confidential.

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, *reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery* based on a showing of special need and in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

7. Signature of authorized official | Date

B(1). PRODUCTION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS MINED OR MILLED

Enter, in short tons, the amount of bulk asbestos you produced (mined or milled) for 1979 through 1981.

Year	Report in short tons: Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	Confidential Mark (X)
1979							
1980							
1981							

B(2). IMPORTATION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS IMPORTED

Enter, in short tons, the amount of bulk asbestos you imported for 1979 through 1981.

Mark (X) one: ☐ This is a corporate consolidated report. ☐ This is a plant site report.

Year	Report in short tons: Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	Confidential Mark (X)
1979							
1980							
1981							

B(3). EXPORTATION OF BULK ASBESTOS

QUANTITY OF BULK ASBESTOS EXPORTED

Enter, in short tons, the amounts of bulk asbestos you exported for 1979 through 1981.

Mark (X) one: ☐ This is a corporate consolidated report. ☐ This is a plant site report.

Year	Report in short tons: Chrysotile	Crocidolite	Amosite	Anthophyllite asbestos	Tremolite asbestos	Actinolite asbestos	Confidential Mark (X)
1979							
1980							
1981							

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C. PRIMARY PROCESSOR PRODUCTION

Enter the following information for each type of end product that you shipped from your plant site. Classify your end products according to the list below.

End product shipped (Enter one end product per line) (1) Code number	Generic name	Type of asbestos fiber (Use one line per mineral type) (2)	Year	Quantity of asbestos consumed (Short tons) (3)	Product shipments: Total annual production (4) Quantity	Unit of measure	Value shipped (Thousands of dollars) (5) Domestic	Exports	Confidential Mark (X)
		☐ Chrysotile ☐ Anthophyllite ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	1979						
			1980						
			1981						
	☐ Continued	☐ Chrysotile ☐ Anthophyllite ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	1979						
			1980						
			1981						
	☐ Continued	☐ Chrysotile ☐ Anthophyllite ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	1979						
			1980						
			1981						

(6) Estimate the percentage of the total value shipped from the plant site reported here as primary processor production in 1981 _____ %

Asbestos Mixture Product Subcategories

Papers, felts, or related products	Unit of measure
01. Commercial paper	Short tons
02. Rollboard	Short tons
03. Millboard	Short tons
04. Pipeline wrap	Short tons
05. Base-sheet gasketing paper	Short tons
06. High-grade electrical paper	Short tons
07. Uncoated roofing felt	Short tons
08. Saturated roofing felt	Short tons
09. Flooring felt	Short tons
10. Corrugated paper	Short tons
11. Specialty paper (Specify generic name)	Short tons
Floor coverings	
12. Vinyl-asbestos floor tile	Square yards
13. Asbestos-felt-based vinyl flooring	Square yards

Asbestos-cement products	Unit of measure
14. A/C pipe and fittings	Short tons
15. A/C sheet, flat	100 sq. ft.
16. A/C sheet, corrugated	100 sq. ft.
17. A/C shingle	Squares
Friction materials	
18. Drum brake lining (light-medium vehicle)	Pieces
19. Disc brake pads (light-medium vehicle)	Pieces
20. Disc brake pads (heavy vehicle)	Pieces
21. Brake block (heavy equipment)	Pieces
22. Clutch facings (all)	Pieces
23. Automatic transmission friction components	Pieces
24. Friction materials (industrial and commercial)	Pieces

Textiles	Unit of measure
25. Cloth	Pounds
26. Thread, yarn, tape, roving, cord, rope, or wick	Pounds
Other products	
27. Sheet goods (other than board-mill)	Sq. yards
28. Packing	Pounds
29. Packing and gaskets (sealings)	Gallons
30. Adhesives and sealants	Gallons
31. Asbestos-reinforced plastics	Pounds
32. Insulation materials not elsewhere classified (Specify generic name)	(Specify)
33. Mixed or repackaged asbestos fiber	Short tons
34. Other (Specify generic name)	(Specify)

D. SECONDARY PROCESSOR PRODUCTION

Enter the following information for each type of end product that you shipped from your plant site. Classify end products and asbestos mixtures consumed according to the lists on this form.

End product shipped (Enter one end product per line) (1) Code number	Generic name	Total annual production (2) Year	Quantity	Unit of measure	Asbestos mixture consumed and form (Enter one mixture per line) (3) Code number	Generic name — Form	Function of asbestos in product (4)	Year	Annual consumption of asbestos mixtures (5) Quantity	Unit of measure	Delivered cost (Thousands of dollars)	Confidential Mark (X)
		1979						1979				
		1980						1980				
		1981						1981				
		1979						1979				
	☐ Continued	1980						1980				
		1981						1981				
		1979						1979				
	☐ Continued	1980						1980				
		1981						1981				

(6) Estimate the percentage of the total value shipped from the plant site reported here as secondary processor production in 1981 _____ %

Typical forms for products made from asbestos mixtures

Automotive and friction products
101. Drum brake lining (light-medium vehicle)
102. Disc brake pads (light-medium vehicle)
103. Disc brake pads (heavy vehicle)
104. Brake block (heavy equipment)
105. Clutch facings (all)
106. Automatic transmission friction components
107. Friction materials (industrial and commercial)
108. Custom automotive body floor
109. Transmissions
110. Mufflers
111. Radiator seal insulation
112. Radiator sealant
113. Other (Specify generic name)

Appliances
114. Appliance (industrial and consumer) (Specify generic name)

Construction products
115. Boiler and furnace baffles
116. Decorative building panels
117. A/C sheet
118. Flexible air connector
119. Hoods and vents
120. Portable construction building
121. Roofing, saturated
122. Roof shingles
123. Wallboard
124. Wallcovering panels
125. Other (Specify generic name)

Clothing
126. Aprons
127. Boots
128. Gloves and mittens
129. Hats and helmets
130. Overgarters
131. Suits
132. Other (Specify generic name)

Floor coverings
133. Vinyl-asbestos floor tile
134. Asbestos felt-based sheet vinyl flooring

Electrical products and components
135. Cable insulation
136. Electronic mixer components
137. Electrical resistance supports
138. Electrical switchboard
139. Electrical switch supports
140. Electrical wire insulation
141. Motor armature
142. Other (Specify generic name)

Fire and heat shielding equipment and components
143. Arc deflectors
144. Fire doors
145. Fireproof absorbent paper
146. Heat shields
147. Molten metal handling equipment
148. Oven and stove insulation
149. Pipe wrap
150. Stove lining, wood and coal
151. Stove pipe rings
152. Stoves
153. Thermal insulation
154. Other (Specify generic name)

Gaskets
155. Sheet gasketing, rubber encapsulated
156. Sheet gasketing, rubber encapsulated compressed
157. Compressed sheet gasketing (other)
158. Metal reinforced gaskets
159. Automotive gaskets
160. Other (Specify generic name)

Marine equipment and supplies
161. Caulks, marine
162. Liners, boat or canal
163. Marine bulkheads
164. Other (Specify generic name)

Paints, coatings, sealants, and compounds
165. Asphaltic compounds
166. Automotive truck body coatings
167. Buffing and polishing compounds
168. Caulking and patching compounds
169. Drilling fluid
170. Flooring compounds
171. Furnace cement
172. Coating compounds
173. Plaster and stucco
174. Pump traps, flanges, and tank sealing compounds
175. Roof coatings
176. Tank-lining paints
177. Tile cement
178. Other (Specify generic name)

Textile and felt products
179. Asbestos cloth
180. Rope or braiding
181. Yarn, tape, or roving
182. Wicks
183. Bags
184. Blanket
185. Blankets
186. Carpet padding
187. Commercial/industrial dryer felts
188. Draperies
189. Drop sheets
190. Fire hoses

Textile and felt products — Cont.
191. Ironing board pads and insulators
192. Mantles, lamp or catalytic heater
193. Packing and packing components
194. Purse and organ belts
195. Rugs
196. Tape
197. Theater curtains
198. Umbrellas
199. Other (Specify generic name)

Miscellaneous products
200. Aerial distress flares
201. Acoustical products
202. Ammunition sealing
203. Asbestos-reinforced plastic products
204. Ash trays
205. Baking sheets
206. Backboards
207. Candlewicks
208. Chemical tanks and vessels
209. Filters
210. Grommets
211. Gun grips
212. Jewelry making equipment
213. Kilns
214. Lamp sockets
215. Light bulbs (all types)
216. Linings for vaults, safes, humidifiers, and filing cabinets
217. Phonograph records
218. Pottery clay
219. Welding rod coatings
220. Other (Specify generic name)

E. IMPORTATION OF ASBESTOS MIXTURES

Enter the following information for each type of asbestos mixture that you imported in 1981. Classify your imports according to the lists in section C or D.

Asbestos mixtures (Enter one mixture per line) (1) Code number	Generic name	Asbestos fiber content (if known) (2) Type of asbestos	Quantity (Per year)	Year	Total annual imports (3) Quantity	Unit of measure	Value of imports (U.S. dollars)	Confidential Mark (X)
		☐ Chrysotile ☐ Anthophyllite ☐ Unknown ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	☐ Unknown	1979				
				1980				
				1981				
	☐ Continued	☐ Chrysotile ☐ Anthophyllite ☐ Unknown ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	☐ Unknown	1979				
				1980				
				1981				
	☐ Continued	☐ Chrysotile ☐ Anthophyllite ☐ Unknown ☐ Crocidolite ☐ Tremolite ☐ Amosite ☐ Actinolite	☐ Unknown	1979				
				1980				
				1981				

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U.S. ENVIRONMENTAL PROTECTION AGENCY

REPORT OF COMMERCIAL AND INDUSTRIAL USES OF ASBESTOS
Continued

COMPANY NAME AND ADDRESS
(Same as reported in item 1 on page 1)

F. IMPORTATION OF ARTICLE(S) CONTAINING ASBESTOS COMPONENTS

Enter the following information for each article that you imported in 1981. Classify your imports according to the lists in section C or D.

Article name (Enter one article per line) (1)		Total annual imports (2)				Asbestos component(s) (Use one line per component) (3)	Confidential Mark (X)
Code number	Generic name	Year	Quantity	Unit of measure	Value (U.S. dollars)		
		1979					
		1980					
		1981					
		1979					
		1980					
		1981					
		1979					
		1980					
		1981					

G. EMPLOYEES

Record the number of employees at the reporting site in each of the categories below. Count each employee in one category only.

	Number of employees	Confidential Mark (X)
(1) TOTAL number of employees at plant site *(Sum of 2, 3, 4, and 5)*		
(2) Number of production employees		
(3) Number of employees in shipping, receiving, and moving		
(4) Number of maintenance employees		
(5) Number of other employees		

H. SUMMARY OF CURRENT WORKER EXPOSURES

This section requires you to report, by category of production workers, the arithmetic mean of the 8-hour time weighted average (TWA) and ceiling concentration *exposure levels for all employees at the reporting site. Report for all employees for whom you have determined a TWA and according to each production line making* the reported products. The instructions include a worksheet for making necessary calculations (see Appendix B).

End product (Enter name) (1)		Respondent activity (2)	Production work category (3)	Number of employees (4)	8 hr. time weighted average: Arithmetic mean of detectable measurements (5)	Standard deviation (6)	Total number of measurements (Hours) (7)	Number of non-detectable measurements (8)	Ceiling concentration level (Range) (9)	Confidential Mark (X)
Code number	Generic name									
	Not applicable	Miners and millers	Mine operations (includes all employees working in mine, including transporters)							
			Mill operations (includes all employees working in production areas of mill)							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, willowing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, willowing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							
		Primary processors	Fiber introduction operations (includes blending, mixing, bag opening, fluffing, willowing, etc.)							
		Primary processors and secondary processors	Wet mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Dry mechanical operations (includes machining, sawing, drilling, cutting, grinding, pulverizing, weaving, etc.)							
			Other production employees							

(10) Sampling and analysis methods

☐ Mark this box if you use the NIOSH method to sample airborne concentrations of asbestos fibers in the workplace and analyze measurements (DHEW (NIOSH) Pub. No. 79-127).

If you utilize other sampling and analysis methods, enter the appropriate codes for those methods listed in the instruction booklet under part I. ______

(11) Enter the lowest detectable level of the measurements that your company expects to attain by the sampling and analysis methods. (Measurements below this level should be considered as "nondetectable," for the purposes of the rule.)

I. MEASURING ASBESTOS EMISSIONS OR FIBER RELEASE

NPDES Permit number ______ Date

☐ Yes, enclosed is a separate report for this section concerning measuring asbestos emissions. ☐ No separate report

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CAPCO JEN 0012437

J. WASTE AND DISPOSAL

Enter the following information for each end product you report in section B(1), C, and D. If you cannot provide information by end product, provide information according to the form of waste (column 2).

End product (1) Code number	End product (1) Generic name	Form of waste (sludge, slurry, breaks or scrap, baghouse fines, or specify other) (2)	Total annual quantity of asbestos waste (Short tons) (3)	Average percent asbestos (4)	Disposal site (5) Type of land disposal facility (See instructions) (a)	Disposal site (5) Location (b)	Disposal site (5) Ownership (c)	Disposal site (5) Permitted hazardous waste facility? (d)	Method of disposal (6)	Confidential Mark (x)
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		
	☐ End product report ☐ Form of waste report			%	☐ Surface impoundment ☐ Waste pile ☐ Land treatment ☐ Land fill ☐ Seepage facility ☐ Injection well	☐ On-site ☐ Off-site	☐ Company ☐ Private ☐ Municipal	☐ Yes ☐ No		

(7) You may describe in a separate enclosure any steps you take to ensure that waste does not release airborne fibers.

☐ Yes enclosed is a separate description of waste disposal practices. ☐ No separate report

K. POLLUTION CONTROL EQUIPMENT

On separate lines enter information about each piece of air pollution control equipment used to control asbestos emissions at your plant site. ☐ Confidential

Item number (1)	Type of equipment (See code) (2)	Gas stream volume and temperature (3)	Equipment size (Baghouse and ESP only) (4)	Estimated collection efficiency (Percent) (5)	Normal operating schedule (Hrs./year) (6)	Quantity collected annually (Pounds) (7)	Source of emissions (8)	Stack or chimney? (9)	Special problems? (10)
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	
		Volume Temperature	Square feet ☐ N/A	% ☐ Designed ☐ Actual	Hrs./yr.	Pounds ☐ Designed ☐ Actual		☐ Yes ☐ No	

(11) Estimate the percent of plant exhaust air that is treated by the equipment listed above ____ %

Continuation of item answers

EPA Form 7710-36 (6-12-82)

BILLING CODE 6560-50-C

Instruction Booklet—Reporting Commercial and Industrial Uses of Asbestos, EPA Form 7710-36

I. Introduction and Reporting Schedule

A. Introduction

These instructions are for companies that mine and/or mill commercial asbestos, or process or import an asbestos product, and are required to submit EPA Form 7710-36 under 40 CFR Part 763, Subpart D. Data must be reported to the extent that they are known to or reasonably ascertainable by the submitter based on factual information that either is available in company files, or can be obtained without unreasonable burden or cost. Importers must report information in their possession, but need not contact foreign manufacturers for missing information.

1. *Fill in all blocks.* Fill in all blocks in the portions of the form that must be completed. Write "N/A" (not applicable) in large, bold letters on the first line of any section that does not have to be completed.

If data for a portion of the form that must be completed are not available, consult part II of these instructions, "Missing Information."

EPA will check all forms for completeness. Incomplete forms may be returned for completion. If only a few items are incomplete, EPA may call the designated Technical Contact to determine the correct answer rather than return the form.

2. *Relevant Definitions.* Reporting requirements are determined by the company's asbestos activity in 1981 (i.e., miner and/or miller, importer of bulk asbestos, primary processor of asbestos, secondary processor of asbestos, importer of asbestos mixtures, or importer of articles containing asbestos components). Definitions for reporting activities and other terms used in this form may be found in Appendix A.

3. *Appropriate Number of Forms.* A separate form must be submitted for each *site.* For example, a miner and/or miller at one site who is a primary processor at a different site must submit a form for each site.

All asbestos activities conducted at each site must be reported. A primary processor who also imports asbestos at a single site must report both the primary processing and importing activities on the same form.

4. *Additional Space.* If additional space is needed to report all required information, responses can be entered on a reproduction of the pertinent portion of the form and the continuation should be noted on that part of the form.

B. Portions of the Form To Complete and Reporting Schedule

1. *Miners and/or Millers.* Miners and/or millers must complete parts A, B(1), G, H, I, J, and K of the form. Complete B(3) if applicable. Report for each plant site on a separate EPA Form 7710-36 and submit within 90 days of the effective date of the rule.

2. *Primary Processors of Asbestos.* Primary processors must complete parts A, C, G, H, I, J, and K of the form. Complete B(3) if applicable. If a facility processes an asbestos mixture that is made at a different plant site, part D must also be completed. Report for each plant site on a separate EPA Form 7710-36 within 90 days of the effective date of the rule.

3. *Secondary Processors of Asbestos.* Persons who are *solely* secondary processors must submit EPA Form 7710-37, "Reporting Secondary Processing and Importation of Asbestos Mixtures" within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A, D, G, H, I, J, and K of the form for submission within 90 days of receiving notification.

4. *Importers of Bulk Asbestos.* Importers of Bulk Asbestos must complete *at least* parts A and B(2) of the form. Complete B(3) if applicable. Report all activities that involve asbestos on EPA Form 7710-36 within 90 days of the effective date of the rule.

5. *Importers of Asbestos Mixtures.* Importers of Asbestos Mixtures must submit EPA Form 7710-37 "Reporting Secondary Processing and Importation of Asbestos Mixtures," within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A and E of the form and submit within 90 days of receiving notification.

6. *Importers of Article(s) Containing Asbestos Component(s).* Importers of Article(s) Containing Asbestos Component(s) must submit EPA Form 7710-37 "Reporting Secondary Processing and Importation of Asbestos Mixtures," within 60 days of the effective date of the rule. If the company is selected and notified by certified letter to complete EPA Form 7710-36, complete parts A and F of the form and submit within 90 days of receiving notification.

II. Missing Information

It is important to fill in all blocks in the portions of the form that must be completed. If the required information either cannot or need not be provided, enter one of the notations described below. Write "N/A" (not applicable) in large bold letters on the first line of any section that is not required. Only use "0" to report a quantity of zero.

Enter the following notations if the requested data are unknown, previously submitted to EPA or CPSC, or submitted as a corporate report.

UNK—The requested data are *unknown* and not reasonably ascertainable; or, not in the possession of the importer. This may be the case for information from a specific year or about a specific type of data that is required.

CPSC—The requested data have been previously reported to the Consumer Product Safety Commission (CPSC) in response to the December 22, 1980 Federal Register notice "Consumer Product Containing Asbestos; General Order for Submission of Information," (45 FR 84384). Use this notation only for the specific items of information that were submitted to CPSC. *Do not* use this notation in lieu of reporting of CPSC was instructed not to share the submitted information with EPA at the time of response to the CPSC General Order.

CORP—The requested data have been submitted for sections B(2) and B(3) (importation and exportation), in a *corporate* consolidated report. Inform the plant site management that a corporate consolidated report has been submitted and instruct *those plant site(s)* to enter "CORP" in sections B(2) and B(3).

EPA—The requested data have already been submitted to EPA in the format of the reporting form as proposed or promulgated.

III. Specific Instructions for Form 7710-36

A(1). Respondent Identification

1. Enter company name, and name and complete address of plant site.

2. Enter name, job title, and telephone number of the principal technical contact person to be contacted by the EPA for answers to any questions about the submitted form.

3. Miners must record the mine identification number assigned by the Mining Safety and Health Administration.

4. Enter name and address of the parent *corporation responsible* for fiscal management of the reporting site.

5. Enter the total number of years asbestos has been manufactured or processed at *this* plant site, through the date of this report.

A(2). Respondent Activity

Review the definitions in Appendix A of these instructions to ascertain required reporting activity(ies). Check the appropriate activity(ies) that is performed at this site. Complete the portions of the form listed next to the activities checked.

For example, a primary processor who makes an asbestos mixture and then processes the asbestos mixture at the same site to make a different end product should report the production of the final end product in part C. Only complete part D of the form if the facility processes an asbestos mixture that is made elsewhere.

A(3). Confidential Business Information

Any reported information may be claimed as confidential business information. When submitting the form, mark (X) in the space provided on each line of the form that contains confidential information. Additionally, an authorized company official must sign the "Certification for Claims of Confidentiality" to certify that the four statements on the form apply to all information claimed as confidential.

B(1). Production of Bulk Asbestos

Enter, in short tons, the amount of bulk asbestos produced (mined or milled), in 1979, 1980, and 1981.

B(2). Importation of Bulk Asbestos

Enter, in short tons, the amount of bulk asbestos imported in 1979, 1980, and 1981. Report all imports entering the U.S. Customs territory that are declared under Tariff Schedule of the United States, Annotated (TSUSA) Number 516.1110-516.1160. Mark in the appropriate box the source of this information.

B(3). Exportation of Bulk Asbestos

Enter, in short tons, the amount of bulk abestos exported in 1979, 1980, and 1981. Mark in the appropriate box the source of this information.

C. Primary Processor Production

Individually list the product subcategories made and shipped from the plant site in 1979, 1980, and 1981 that incorporate bulk abestos as a starting material. Read instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *End Product Shipped.* Locate on the list of "Asbestos Mixture Product Subcategories" the most specific name that describes the end product(s) shipped from the plant site. Enter the corresponding code number for each product subcategory being reported. If the listed product subcategory name is not adequately descriptive, write in a generic name next to the code number. If the product is not listed, write in the appropriate code for "other" and a generic name for the product. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Type of Asbestos Fiber Consumed.* Mark (X) the fiber type(s) that is, or has been, used in production of reported product subcategory. Use one block for each fiber type incorporated into each product subcategory. If more than one type of fiber(s) is used for a product, mark (X) the additional fiber in the next block and mark (X) the continuation box in column 1. *Do not* list the same product subcategory twice.

(3) *Quantity of Asbestos Consumed.* For each type of asbestos, enter, in short tons, quantity consumed in 1979, 1980, and 1981.

(4) *Total Annual Production.* Record the total annual production quantity of each reported product subcategory in 1979, 1980, and 1981. Production quantities will be expressed in the units of measure indicated on the form next to the listed end product, as used by the Bureau of Census. If census units are not applicable, report production in short tons.

(5) *Value Shipped.* Record the total annual value shipped (in thousands of U.S. dollars) for each reported product subcategory in 1979, 1980, and 1981. These figures must be separated to show domestic sales and export sales (i.e., sales distributed outside the U.S. Customs Territory). If the breakdown is unknown, report total sales as "Domestic" sales, and write "UNK" under "Exports."

The valuation of products shipped should be based on the net selling value, f.o.b. plant, after discounts and allowances, and exclusive of freight charges and excise taxes.

When reporting products transferred to other establishments within the same company, the shipping plant should assign the full economic value to the transferred products. Include *all* direct costs of production and a reasonable proportion of all other costs and profits.

(6) *Percentage of Total Value Shipped.* Estimate the percentage of end products shipped that reflect primary processing of asbestos in 1981.

D. Secondary Processor Production

Individually list the product subcategories made and shipped from the plant site in 1979, 1980, and 1981 that incorporated an asbestos mixture as a starting material. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *End Product Shipped.* Locate on the list of "Typical Terms for Products Made from Asbestos Mixtures" the most specific subcategory name that describes the product. Enter the corresponding code number for each product subcategory being reported. If the product name listed is not adequately descriptive, write in a generic name next to the code number. If the product is not listed, enter the appropriate code for "other" and write in a generic name for the product. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Total Annual Production (Quantity by Census Unit of Measure).* Record the total production of the reported product subcategory at this plant site in 1979, 1980, and 1981. Production quantities should be reported in the unit of measure used by the U.S. Department of Commerce, Bureau of the Census, for the 1977 Census of Manufacturers.

(3) *Asbestos Mixture Consumed and Form.* Locate and enter from the list of "Asbestos Mixture Product Subcategories" the code number of the asbestos mixture processed to produce the product subcategory. If the material processed is not listed, then enter the appropriate code for "other" and write the generic name of the asbestos material you process. Indicate the form in which the asbestos starting material is purchased (e.g., roll of paper, 3'x5' sheets, reams of 8"x11" sheets).

Use one block for each asbestos mixture incorporated into the product subcategory. If there is more than one asbestos mixture per product subcategory, list the mixture(s) in the next block(s) and mark (X) the continuation box in column 1. *Do not* list the same product subcategory twice.

(4) *Function of the Asbestos in Product.* Briefly describe the function of the asbestos in the product. Examples of possible asbestos functions are: rot resistance, heat insulation, fire shield, electrical insulation, dimensional stability, filler, or tensile strength.

(5) *Annual Consumption of Asbestos Mixtures.* Record the total annual quantity and specify Census Bureau unit of measure and the total annual cost (in thousands of U.S. dollars) of the asbestos mixtures consumed in 1979, 1980, and 1981.

The value of the materials consumed should be based on the delivered cost, i.e., the *amount paid or payable* after discounts and including freight and other direct charges incurred in acquiring the materials. Charges include purchases, transfers from other establishments of the company, and withdrawals from inventories.

Materials transferred to the plant site from other plants within the company should be assigned their full economic value, as assigned by the shipping plant, plus cost of freight and handling charges.

(6) *Percentage of Total Value Shipped.* Estimate the percentage of end products shipped that reflect secondary processing of asbestos in 1981.

E. Importation of Asbestos Mixtures

Individually list the asbestos mixtures imported to the plant site in 1979, 1980, and 1981. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *Asbestos Mixture.* Locate on the list of "Asbestos Mixture Product Subcategories" the most specific name that describes the mixture imported. Enter the corresponding code number of each product subcategory being reported. If the name of the product subcategory is not adequately descriptive, write in a generic name next to the code number. If the imported product subcategory is not listed, enter the appropriate code for "other" and write in a generic name for the product. List each product subcategory on a separate line. *Do not* enter a trade name as a generic name. Do not report anything more specific than a product subcategory.

(2) *Asbestos Fiber Content.* Mark (X) the type of asbestos fiber in the imported asbestos mixture and enter the total quantity of asbestos per unit of the mixture (the unit used to report quantity imported). The quantity of asbestos should be reported in *pounds.* If these data are not available, mark (X) "UNK."

Use one block for each type of fiber that is in the imported mixture. If the mixture contains more than one type of asbestos fiber, list the additional fiber(s) in the next block(s) and note the continuation in column 1. *Do not* list the same mixture twice.

(3) *Total Annual Imports.* Record the total annual quantity of each listed product subcategory imported in 1979, 1980, and 1981.

Quantities will be expressed in the units of measure used by the U.S. Bureau of the Census or according to the unit used to report importation to the U.S. Customs Service.

Record the total annual value imported (U.S. dollars) for each product in 1979, 1980, and 1981. This figure can be drawn from the U.S. Customs Service entry forms as the "Entered Value in U.S. Dollars" or "Value."

F. Importation of Article(s) Containing Asbestos Component(s)

Individually list the articles containing an asbestos component that were imported in 1979, 1980, and 1981. Only report information relating to imported product subcategories listed under "Typical Terms for Products Made from Asbestos Mixtures." If the component was reported on EPA Form 7710-37 during Phase 1, use the same code(s) and generic name(s) as reported on that form. Read the instructions for items 1, 2, and 3 before completing this section to ensure sufficient space for entries.

(1) *Article Name.* Locate on the list of "Typical Terms for Products Made from Asbestos Mixtures" the most specific name that describes your product. If the listed product name does not adequately describe your product, write in a generic name next to the code number. List each product on a separate line. If the imported product is not listed, enter the appropriate code number for "other" and write in a generic name. *Do not* enter a trade name as a generic name.

(2) *Total Annual Imports.* Record the total number of units that were imported in 1979,

1980, and 1981. Quantities will be reported in the unit of measure that was used to declare the merchandise upon entry into the U.S. or by the U.S. Bureau of Census for the 1977 Census of Manufacturers. Enter the value of the imported merchandise in U.S. dollars.

(3) *Asbestos Component(s).* List all asbestos components contained in the imported article by name, or by describing the mixture making up the component. Use one block for each asbestos component. If the imported article contains more than one asbestos component, list the component in the next block and note the continuation in column 1. *Do not* list the same article twice.

G. Employees

Classify all employees as of January 1981 into the following categories. In items 2–5, COUNT EACH EMPLOYEE IN ONLY ONE CATEGORY. In this section, report numbers of individuals without regard to the number of hours worked.

(1) *Total Number of Employees.* Enter the total number of employees (the sum of items 2, 3, 4, and 5) who worked at the reporting plant site as of January 1981. If you employed seasonal workers in 1981, add the number of those workers to the total.

(2) *Number of Production Employees.* Enter the number of production employees who work in areas where ASBESTOS IS MANUFACTURED OR PROCESSED. Do not include plant site production employees who work in separate areas where no asbestos fiber or asbestos product is processed. This number must equal the total number of employees reported in Section H, for all product lines.

(3) *Number of Shipping, Receiving, and Moving Employees.* Enter the number of employees involved with shipping, receiving, or moving asbestos fiber or asbestos-containing products.

(4) *Number of Maintenance Employees.* Enter the number of maintenance employees who perform maintenance tasks in work areas where asbestos fiber, asbestos products, or asbestos waste are processed, stored, or moved.

(5) *Number of Other Employees.* Enter the number of other employees at the location that are not counted in items 2–4.

H. Summary of Current Worker Exposures

Report, by category of production workers, the arithmetic mean of the 8-hour time weighted average (TWA) exposure level for all employees at the reporting site for whom a TWA has been determined. Appendix B describes how to perform the calculations and includes a worksheet.

Summarize Only *Existing Monitoring Data;* Additional Monitoring Is Not Required

Submit a single TWA value (arithmetic mean) to summarize existing monitoring data that will describe current exposure levels that employees in general production categories may experience while working on each production line. Summarize and report monitoring data separately for workers on the production line for each end product subcategory that has been reported as either "Primary Processor Production" (part C) or "Secondary Processor Production" (part D). Miners and millers, must provide a single, separate TWA value for the mine and for the mill.

For each *End Product Subcategory,* enter the number of workers who perform the production operations listed below. Only count employees who were counted as production workers in item 2 of part G of the form. Each employee is to be counted *only one time,* in the operation and product line that is the employee's primary assignment.

After grouping the 8-hour TWAs, follow the detailed instructions in Appendix B to find the mean; standard deviation, number of measurements, and ceiling ranges for each group.

Note.—The sum of all production employees listed in column 4 *must equal* the number of production employees entered in item 2 of part G.

(1) *End Product.* Primary or secondary processors must enter the same code number(s) and generic name(s) they listed in part C or D of the form. Miners and/or millers *do not* complete this block.

(2) *Respondent Activity.* Determine applicable category of activity.

(3) *Production Work Category.* Divide production employees into the Production Work Categories for each end product subcategory. Count mine workers under *Mine Operations* and mill workers under *Mill Operations.*

Fiber Introduction Operations are operations where bulk (raw) asbestos is mixed with or added to a combination of other materials. Primary processors will list employees who handle bulk or raw asbestos fiber. Secondary processors do not use bulk asbestos as a starting material.

Wet Mechanical Operations are operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered, and the asbestos component is wetted to reduce the release of airborne asbestos fiber. This category includes such activities as: machining, sawing, drilling, cutting, grinding, or pulverizing. Count employees whose principal job is to control or work with the tool or machinery performing the operation. Count all asbestos textile workers involved with wet operations here, whether involved in spinning, twisting, or weaving operations.

Dry Mechanical Operations are operations where asbestos fiber, asbestos mixtures, or asbestos-containing materials are fabricated, modified, or altered without any intentional wetting of the material during the operation. This category includes activities such as: machining, sawing, drilling, cutting, grinding, or pulverizing. Count employees whose principal job is to control or work with the tool or machinery performing the operation. Count all asbestos textile workers in dry operations here, whether involved in spinning, twisting, or weaving operations.

Other Production Employees are production employees involved in operations that require handling of asbestos fiber or materials in a manner not covered in the operations described in the other categories. This category will include workers who perform an operation that involves handling an asbestos mixture, such as bonding asbestos-felt-backing for vinyl sheet flooring or injecting asbestos-reinforced plastic into a mold. Other production workers who are to be counted in this category include (but are not limited to) employees who take products off a production line, assemble parts, oversee drying or rolling operations, or inspect, weigh, or package asbestos mixtures or asbestos-containing products.

(4) *Number of Employees.* Enter next to the appropriate job classification the number of employees working in jobs meeting the general descriptions provided. Count employees *only one time* and only under the job description that best describes their primary duties.

(5) *Arithmetic Mean of Detectable Measurements.* Locate monitoring data for any employees counted in column 4 and group those monitoring data according to the employee's general job classification. Determine the arithmetic mean of those detectable TWA values for each work category. Calculate the mean only to the nearest one-hundredth (e.g., 0.05). The arithmetic mean is the sum of the time-weighted averages divided by the number of time-weighted averages. (See Appendix B for instructions and worksheet for determining the arithmetic mean.) If there are no measurements for workers in a particular work category, write in "No measurements."

(6) *Standard Deviation.* Enter the standard deviation for each arithmetic mean you calculate in column 5. (See Appendix B for instructions and a worksheet for determining the standard deviation.)

(7) *Number of Measurements Used.* For each work category, enter the total number of actual observations (filters) used to determine all of the employee's TWAs in the category. This includes the number of all non-detectable measurements.

(8) *Number of Non-detectable Measurements.* For each work category, enter the number of measurements that are below detectable levels. (Non-detectable levels may not be greater than 0.1 f/cc.)

(9) *Ceiling Concentration Level.* For each work category, enter the range of ceiling concentration levels that were determined. Provide the low and high measurements.

(10) *Sampling and Analyses Methods.* If the company used the NIOSH methodology to sample airborne concentrations of asbestos fibers in the workplace and to analyze measurements [DHEW (NIOSH) Pub. No. 79-127], check the corresponding box on the form.

If the company used other sampling and analysis methods, enter the appropriate codes for those methods listed in the next section of these instructions.

The reporting company has the option to describe in an attachment any additional information that will better describe work practices or other measures instituted to reduce the levels of airborne fibers or to protect workers from exposure to asbestos. Attach any additional materials to this form at the time of submission.

(11) Enter the lowest detectable level of the measurements the company expects to attain by the sampling and analysis methods. (Measurements below this level are considered "non-detectable" for the purposes of this rule.)

I. Measuring Asbestos Emissions or Fiber Release

If the plant site has applied for a water effluent discharge permit (NPDES Permit), provide the application date and the permit number that was assigned.

Summarize and report separately the results of any measurements or monitoring performed to determine the amount of asbestos fiber released during the production, use, or disposal of asbestos fiber or asbestos products (other than already reported in part H of this form). If attaching any such information for this section, check the "yes" box on the form. If not, mark "X" for no separate report. Where possible, the measurements should characterize the type of fibers found and the fiber size distribution, and should be reported according to the following ranges.

Reports submitted in response to this section should describe the methodologies used to perform any tests, to gather samples, and to analyze samples. If this information has been previously submitted to a Federal agency, do not report again here, but indicate the date and to whom the information was sent, and briefly describe the nature of the information. Where possible, summarize the sampling and analytical methodologies according to the terms and abbreviations listed below.

Fiber size distributions	Analysis methodologies
<1.0	Optical Microscopy:
1.0-2.0	PC Phase Contrast Microscopy.
2.0-3.0	PM Polarizing Microscopy.
3.0-4.0	DS Dispersion Staining.
4.0-5.0	OM Other optical microscopy techniques (specify).
5.0-10.0	
10.0-20.0	Electron Microscopy.
20.0-30.0	TEM Transmission Electron Microscopy.
<30.0	SEM Scanning Electron Microscopy.
Sampling Methodologies	
	ED Electron Diffraction.
	XRS X-Ray Spectrometry.
K Konimeter	EM Unknown electron microscopy results.
TP Thermal Precipitator	
I Impinger	O Any other analysis methodology (Provide specifications).
MI Midget Impinger	
MF Membrane Filter	
EPA Provisional Methodology	

EPA—"Electron Microscope Measurement of Airborne Asbestos Concentration—A Provisional Methodology," EPA-600/2-77-178 (Revised June 1978).

J. Waste and Disposal

Entries in this section will account for the waste that is not recycled and results from the production of each type of end product subcategory reported. The percentage of the total waste from the plant site that results from the production of each end product subcategory may be estimated. Report separately the data for each end product subcategory. If unable to determine quantities by product subcategory, report total quantities disposed of for each form of waste.

(1) *Product Line.* Enter the product subcategory code (and generic name if used) for each end product subcategory reported in parts B(1), C, or D. Miners and/or millers need only list the type of bulk asbestos fiber reported in section B(1). If unable to determine wastes by end product subcategory, report according to the form of the waste (see below); enter the name(s) and code(s) from parts C and D. Mark (X) in the appropriate box to indicate that the data is either an "End Product Report" or a "Form of Waste Report."

(2) *Form of Waste.* Record the form of the waste either after completion of the processing or as it leaves the plant site. Report asbestos collected in control devices, such as baghouse fines, on a separate line.

(3) *Total Annual Quantity of Asbestos Waste (Short Tons).* Enter the total quantity, in short tons, of asbestos waste generated by each reported end product production line in 1981. Asbestos waste is a waste product that contains asbestos as some of the total waste. Do not report quantities of waste recycled or reprocessed.

(4) *Average Percent Asbestos.* Record in short tons the average percentage of asbestos (by weight) in the total quantity of asbestos waste. This figure may be an estimate based on previous experience or an extrapolation of production mass balance figures.

(5) *Disposal Site(s).* (a) Type of Land Disposal Facility. Mark (X) one of the following types of land disposal facilities or the asbestos waste of each end product subcategory or form of waste. See the February 5, 1981, Federal Register (46 FR 11126) for comprehensive definitions of the types of facilities.

- *Surface Impoundments*—facilities at which liquid wastes or other liquids are impounded or held. Surface impoundments are generally earthen structures designed to hold an accumulation of liquids or wastes containing free liquid.
- *Waste Piles*—facilities at which wastes, usually in a solid state, are placed on the land for storage or treatment.
- *Land Treatment*—facilities at which wastes (usually in a solid, semi-solid, semi-liquid, or liquid state) are spread on the ground for the purpose of treatment.
- *Landfills*—facilities at which wastes, usually in solid or semi-solid state, are placed into or on the land for permanent disposal.
- *Seepage Facilities*—facilities at which wastes (usually in a liquid, semi-liquid, or semi-solid state) are placed into or on the land for storage, treatment, or disposal. A seepage facility is designed with the objective of discharging liquids into the land. There are four types of seepage facilities:
  - —seepage lagoons
  - —drying beds
  - —seepage pits
  - —seepage beds
- *Injection Wells*—facilities at which wastes in a fluid (usually liquid) state are injected into the land under a pressure head greater than the pressure head of the ground water into or above which they are injected for disposal.

(c) *Location of Disposal Facility*—For each end product subcategory (or form of waste), mark (X) whether wastes are disposed of at this plant site (on-site) or at another site (off-site).

(c) *Ownership of Disposal Facility*—For each end product subcategory (or form of waste), mark (X) whether this disposal facility is owned by reporting company (company), another private company (private), or a municipality (municipal).

(d) *Permitted Hazardous Waste Facility*—For each product subcategory (or form of waste), mark (X) whether the disposal facility is permitted under any applicable State or Federal hazardous waste regulation.

(6) *Method of Disposal.* Briefly describe the specific methods used to dispose of asbestos waste. For example, if you wet the waste and place it in a bag or drum prior to disposal, that should be noted here.

(7) *Additional Information.* Submit any additional information to describe any steps taken during waste disposal to reduce the release of airborne asbestos fibers. If enclosing a separate description, check "Yes" on the form; if not, check "No" in the space provided.

K. *Pollution Control Equipment*

In this section, provide information on all air pollution equipment located at the plant site to control or remove airborne asbestos fiber. List each piece of equipment on a separate line on the form, even though identical units may be used at the plant site. Use the codes listed in this section for each piece of equipment being reported. For additional space, fill in and attach additional copies of the form. If the company has submitted portions of the required data to EPA previously and the data are still current, enter "EPA" in place of those data, and reference the address where the data were sent and the date they were sent.

(1) *Item Number.* Number each piece of equipment consecutively (one through the total number of pieces of equipment).

(2) *Type of Equipment.* For each item number, enter the appropriate abbreviation from the following list.

- Baghouse (BH)
  —Reverse Air (RA)
  —Pulse Jet (PJ)
  —Shake (S)
  —Other (O)

For example, if the baghouse used is equipped for both reverse air and shake cleaning, enter (BH) (RA) (S).

- Scrubber (S)
  —Venturi (V)
  —Impingement (I)
  —Spray (SP)
  —Other (O)

If the scrubber used is the venturi type, also enter the pressure drop in inches of water in parentheses. For example, if the range of pressure drop, is 40–60 inches, enter (S) (V) (40–60).

- Electrostatic Precipitator (ESP)
- Cyclone (C)
- Multiple Cyclone (MC)
- Other (O)

(3) *Gas Stream Volume and Temperature.* For each piece of equipment, enter the gas volume (in cubic feet per minute) and the operating temperature (in °F). Use actual data for these entries, although estimates or design figures may be used if actual data are unavailable. Ranges (ex: 8,000–10,000 ACFM at (40–180 °F)) are also acceptable.

(4) *Equipment Size.* If electrostatic precipitators and/or baghouses are used, enter the total square feet of collecting surface area. For all other types of equipment mark (X) "N/A."

(5) *Estimated Collection Efficiency.* Enter the collection efficiency (percent), or an estimate of this value, of each piece of equipment. Mark (X) either design (D) or actual (A) to indicate basis for response.

(6) *Normal Operating Schedule.* Enter the normal number of operating hours either actual or estimated for each piece of equipment during 1981.

(7) *Quantity Collected Annually.* Estimate the quantity of material in pounds that is (or would be, given the design of the equipment) collected annually by each piece of equipment in 1981. Include all asbestos and non-asbestos materials in the total. If possible, estimate the percent (by weight) of asbestos in the collected material. Mark (X) either design (D) or actual (A) to indicate basis for response.

(8) *Source of Emissions.* Enter a brief description of the source of the emissions such as work area exhaust ventilation, curing oven, mixer, various, etc.

(9) *Stack or Chimney.* Indicate whether the air pollution control device discharges to a stack or chimney; check "Yes" or "No."

(10) *Special Problems.* If there is a special problem with particulate collection or with any specific piece of equipment, discuss it in the space provided. Be sure to indicate which piece of equipment is being discussed.

(11) Estimate the percent of plant exhaust air that is treated by the plant site's pollution control equipment.

Appendix A

Definition of Terms

Several terms are used throughout the reporting form and the instruction booklet to describe the different kinds of asbestos products and how to report them.

Asbestos Mixture: a mixture which contains bulk asbestos or another asbestos mixture as an intentional component. An asbestos mixture can be utilized as a finished product or incorporated into other products.

Bulk Asbestos (or raw asbestos): any quantity of asbestos fiber of any type or grade, or combination of types of grades, that is mined or milled with the express purpose to obtain asbestos. The term does not include asbestos that is produced or processed as a contaminant or an impurity. Asbestos is a group of naturally occurring, inorganic, highly fibrous, silicate minerals, which easily separate into long, thin, flexible fibers when crushed or processed. Included in the definition are the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite; and actinolite.

End Product: the product subcategory that is either shipped from the reported site or imported into the United States.

Generic Name: a term that describes the coded product subcategory better than the subcategory name given on the form. If the product subcategory name on the form is adequate, use it.

Importer: a person or facility importing asbestos, in bulk form or as part of a mixture or article, into the customs territory of the United States. This definition includes:

- The person liable for the payment of any duties on the merchandise, or
- An authorized agent on his behalf (as defined in 19 CFR 1.11). Importer also includes, as appropriate:
  - —The consignee;
  - —The importer of record;
  - —The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or
  - —The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition, the customs territory of the United States consists of the 50 states, Puerto Rico, and the District of Columbia. When two or more persons meet the same definition of "importer" for the same shipment, the principal in the transaction, not his agent or agents, should report.

Note.—If reporting company purchased in the United States an asbestos product that originated outside the United States, do not report as an importer.

For reporting purposes, there are several classes of importers:

- —An *Importer of Bulk Asbestos* imports bulk asbestos into the customs territory of the United States. Imported bulk asbestos is declared to the United States Customs Service upon entry as Tariff Schedule of the United States, Annotated, (TSUSA) numbers 518.1110–518.1160. Importers need report information only to the extent that the information is in their possession.
- —An *Importer of Asbestos Mixtures* imports asbestos mixtures into the customs territory of the United States. Imported mixtures include, but are not limited to, merchandise declared to the United States Customs Service upon entry as Tariff Schedule of the United States, Annotated, numbers (TSUSA Number) 518.2–518.5, or other TSUSA Numbers that may pertain to asbestos mixtures.
- —An *Importer of Article(s) Containing Asbestos Component(s)* imports an article that contains one or more asbestos components.

Miner and/or Miller of Asbestos: a person who either mines or mills asbestos. Mined or extracted asbestos-containing ore is further milled to produce bulk asbestos. Milling involves the separation of the fibers from the ore, grading and sorting the fibers, or fiberizing crude asbestos ore.

Primary Processor of Asbestos: a person who processes bulk asbestos to makes an asbestos mixture or a product that contains asbestos. A primary processor who make an asbestos mixture and then processes the asbestos mixture at the same site to make a different end product should report production of the final end product. Primary processing includes the mixing or repackaging of raw asbestos fiber.

Product Subcategory: the type of asbestos mixture or the type of end product listed and numbered on the form.

Secondary Processor of Asbestos: a person who processes an asbestos mixture that is then incorporated into that person's end product. Secondary processors use asbestos mixtures that are made at a site other than the site being reported. For instance, asbestos millboard may be purchased by a secondary processor, who could cut that millboard and incorporate it into an appliance.

Appendix B

How To Compute Summaries of Monitoring Data—Instructions and Worksheets

These instructions describe how to compute the arithmetic mean and standard deviation of the TWA values for each category of employees counted in column 4 of part H of the form. It is probably easier to compute the figures by working through one line at a time. For example, a primary processor who has employees working in the fiber introduction area should locate all monitoring data for those employees, and work through question 10 before beginning computations for the next production work category for that end product. A worksheet is attached to these instructions; after completing it, transfer your computations to part H of the form.

I. To compute the "mean" for the TWA values for a production work category, first list all of the TWA values for employees counted in the category. Do not include non-detectable TWA values in the following calculations.

For example, assume the following TWA values (listed in column A) for a production work category:

No.	TWA values	Squares of column (A)
1.	1.00	1.00
2.	1.50	2.25
3.	0.50	0.25
4.	1.75	3.06
5.	1.25	1.56
	6.00	8.12

After listing the TWA values in column (A) on the worksheet, square each value and enter the *square* in column (B) on the worksheet. The squares are used later to compute the standard deviation. Sum both columns.

II. Next, determine the number (N) of values. In this example, N=5.

III. The "mean" is the sum of the TWA values in column A divided by the number of values (N).

In this example:

$$\text{Mean} = \frac{\text{Sum of TWA Values}}{N} = \frac{6.00}{5} = 1.20$$

IV. To calculate the "standard deviation" of these values, first compute the "variance" according to the following formula.

In this example:

$$(V) = \frac{1}{N-1} \times \left[\text{Sum of Column B} - \frac{(\text{Sum of Column A})^2}{N}\right]$$

$$= \frac{1}{5-1} \quad \frac{[8.12-(6.0\times 6.0)]}{5}$$

$$= \tfrac{1}{4}\,[8.12-7.2]$$

$$= \frac{.92}{4}$$

$$V = .23$$

V. Finally, the standard deviation (SD) is the square root of the variance.

In this example:

$$SD = \sqrt{V}$$

$$= \sqrt{.23}$$

$$SD = 0.48$$

The arithmetic mean is entered in column 5 on the form, and the standard deviation is entered in column 6 on the form.

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Worksheet

I. No.	(A) TWA Values	(B) Squares of Column (A)
1.		
2.		
3.		
4.		
5.		
Total	_____	_____

II. Number of TWA values (N) = _____

III. $\text{Mean} = \frac{\text{Sum of Column A}}{N}$

IV. $\text{Variance (V)} = \frac{1}{N-1}\left[\text{Sum of Column B} - \frac{(\text{Sum of Column A})^2}{N}\right]$

$= \frac{1}{\square}\left[\square - \frac{\square^2}{N}\right]$

$=$ _____

V. $\text{Standard Deviation (SD)} = \sqrt{V} = \sqrt{}$

$=$ _____

§ 763.77 Reporting secondary processing and importation of asbestos mixtures.

The following EPA Form 7710–37, Reporting Secondary Processing and Importation of Asbestos Mixtures, will be completed and submitted to EPA as required in §§ 763.65 and 763.71. Information must be reported on this form to the extent that it is in the possession of the respondent. Importers must report imported products only if the imported product is listed on this form.

(a) EPA Form 7710–37 (8–80)

BILLING CODE 6560-50-M

EPA

US ENVIRONMENTAL PROTECTION AGENCY

REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES

PART I – COMPANY INFORMATION

COMPANY NAME	FOR EPA USE ONLY	
ADDRESS (Street, City, State & Zip Code)	TECHNICAL CONTACT	TELEPHONE NO.
	IMPORTER: ☐ PRINCIPAL	☐ AGENT

PART II – SECONDARY PROCESSOR END PRODUCT(S)

From the list in Section I, enter the asbestos end product produced. Opposite each product, list the asbestos mixture that you process, and the quantity of each mixture that you consumed in 1981.

END PRODUCT(S)		ASBESTOS MIXTURE(S)		QUANTITY OF ASBESTOS MIXTURE CONSUMED	
CODE	GENERIC NAME	CODE	GENERIC NAME	QUANTITY	UNIT OF MEASURE

PART III – IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING ASBESTOS COMPONENTS

List the asbestos mixture(s) or article(s) that you import and the quantity of each item that you imported in 1981. Opposite each item, enter a description of the asbestos component in the mixture or article.

ASBESTOS MIXTURE(S) OR ARTICLE(S)		QUANTITY OF ASBESTOS MIXTURE(S) OR ARTICLE(S) IMPORTED		DESCRIPTION OF ASBESTOS COMPONENT(S) IN ARTICLE
CODE	GENERIC NAME	QUANTITY	UNIT OF MEASURE	

CERTIFICATION FOR CLAIMS OF CONFIDENTIAL BUSINESS INFORMATION

An authorized company official may claim any information reported on this form as confidential business information. To do this, the confidential information must be clearly circled with a red marker. In addition, an authorized company official must sign below to certify the truth and accuracy of the following four statements, which apply to all information that is claimed.

1. My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures.
2. The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent.
3. The information is not publicly available elsewhere.
4. Disclosure of the information claimed as confidential would cause substantial harm to my company's competitive position.

SIGNATURE OF AUTHORIZED OFFICIAL	DATE

EPA Form 7710-37 (10-81)

REPORTING SECONDARY PROCESSING AND IMPORTATION OF ASBESTOS MIXTURES

INSTRUCTIONS

This form is to be completed by persons who, in 1980, were secondary processors of asbestos or importers of asbestos mixtures or articles that contain asbestos components. See "Reporting Commercial and Industrial Uses of Asbestos", 40 CFR Part 763, Subpart D, for a full description of the reporting requirement and reporting schedule.

If additional space is needed, you should use additional copies of this form.

WHO MUST COMPLETE EPA FORM 7710-37

1. Secondary processors of asbestos must complete Part I and II of the form. Each plant site or manufacturing facility must be reported separately. If you process bulk asbestos fiber to make any of your products at this plant site, then you are a PRIMARY PROCESSOR and you should report this plant site on EPA Form 7710-36.
2. Importers of asbestos mixture(s) or article(s) containing asbestos components must complete Part I and III of the form. If you import bulk asbestos fiber, then you should report all importation activities on EPA Form 7710-36.
3. Those who are both secondary processors and importers must complete Parts I, II and III of the form.

DEFINITIONS

1. Asbestos Mixture - means a mixture which contains bulk asbestos or another mixture. Section 2 below lists typical terms for asbestos mixtures.
2. Asbestos Component—means any asbestos mixture, including any finished product containing an asbestos mixture, which is incorporated into an article. Section I below lists typical terms for products made from asbestos mixtures and components. Some examples of asbestos components are: asbestos paper in a hair-dryer; asbestos-reinforced plastic cabinet of a television, asbestos textile that is part of a particular type of garment.
3. Secondary Processor of Asbestos—means a person who processes an asbestos mixture.
4. Importer of Asbestos Mixtures or Articles Containing Asbestos Component(s)—means a person who imports merchandise that contains asbestos into the customs territory of the United States. Where there are two or more "importers" for the same shipment, the Principal rather than the Agent should report if possible.

PART I COMPANY INFORMATION

Enter the name, address, and phone number of your company. Enter the name of the principal technical contact who is either responsible for the completion of this form, or has sufficient knowledge of its content to respond to questions posed by EPA. If you are reporting as an importer, check the appropriate box to indicate that you are either the Principal Importer or the Agent for the Principal.

PART II SECONDARY PROCESSOR END PRODUCTS

End Products(s)—Locate in Section 1 the name of the product subcategory that most specifically describes your end product. In this column, enter the code number for the end product you make and write in the generic name for the product. If you are reporting a product that is not listed, enter the code for "other" that is listed under the most specific general category of products and write in the generic name. Report each end product on separate lines. For example, if you make appliances and are reporting toasters, enter "114" and "toaster".

Asbestos Mixture(s)—For each end product, locate in Section 2 the name of the asbestos mixture that most specifically describes the asbestos mixture that you incorporate into the end product. In this column, enter the code number for the asbestos mixture and write in the generic name. If you incorporate more than one asbestos mixture into a single end product, then use as many lines as necessary to report all asbestos mixtures in the end product. For example, if you incorporate asbestos millboard into your toaster, your entries would be as follows.

End Product	*Asbestos Mixture*
114 toaster	03 millboard

Quantity of Asbestos Mixture Consumed—Opposite each asbestos mixture that is listed, enter the quantity of each mixture that you consumed in 1980. Specify the quantity according to the unit of measure listed in Section 2. If the unit of measure is not listed, report the quantity in short tons. If your records do not permit you to list the quantities consumed for separate end products, then report the total amount of each type of asbestos mixture and enter "T" (for total) next to the figure.

PART III IMPORTERS OF ASBESTOS MIXTURE(S) OR ARTICLE(S) CONTAINING AN ASBESTOS COMPONENT

Asbestos Mixture or Article—For each type of imported product, locate in either Section 1 or Section 2 the name that most specifically describes the product you import. Enter the code number and generic name for the imported product.

Quantity of Asbestos Mixture(s) or Article(s) Imported—For each product listed, record the total annual quantity imported in 1980. Specify the quantity according to the unit of measure listed in Section 2. If possible, or according to the unit of measure as reported to the U.S. Customs Service upon entry of the merchandise into the United States.

Description of Asbestos Components in Article—List all asbestos components in the imported article by entering the name of the asbestos component opposite the name of the article. If the reported product is an asbestos mixture listed in Section 2, then you should not complete this description.

SECTION 1 - TYPICAL TERMS FOR PRODUCTS MADE OF ASBESTOS MIXTURES

AUTOMOTIVE AND FRICTION PRODUCTS
101 Drum brake lining (light-medium vehicle)
102. Disc brake pads (light-medium vehicle)
103. Disc brake pads (heavy vehicle)
104 Brake block (heavy equipment)
105 Clutch facings (all)
106 Automatic transmission friction components
107 Friction materials (industrial and commercial)
108 Custom automotive body filler
109. Transmissions
110 Mufflers
111 Radiator top insulation
112 Radiator sealants
113. Other (specify generic name)

APPLIANCES
114 Appliance, industrial and consumer (specify generic name)

CONSTRUCTION PRODUCTS
115 Boiler and furnace baffles
116 Decorated building panels
117 A/C sheet
118 Flexible air conductor
119 Heads and vents
120 Portable construction building
121 Roofing, saturated
122 Roof shingles
123 Wallboard
124 Wall roofing panels
125 Other (specify generic name)

CLOTHING
126 Aprons
127 Boots
128 Gloves and mittens
129 Hats and helmets
130 Overgarments
131 Suits
132 Other (specify generic name)

FLOOR COVERINGS
133. Vinyl-asbestos floor tile
134 Asbestos-felt-backed sheet vinyl flooring

ELECTRICAL PRODUCTS AND COMPONENTS
135. Cable insulation
136. Electronic motor components
137. Electrical resistance supports
138. Electrical switchboard
139. Electrical switch supports
140. Electrical wire insulation
141 Motor armature
142. Other (specify generic name)

FIRE AND HEAT SHIELDING EQUIPMENT AND COMPONENTS
143 Arc deflectors
144. Fire doors
145 Fireproof absorbent paper
146 Heat shields
147 Molten metal handling equipment
148. Oven and stove insulation
149 Pipe wrap
150. Stove lining, wood and coal
151 Stove pipe rings
152 Sleeves
153. Thermal insulation
154 Other (specify generic name)

GASKETS
155 Sheet gasketing, rubber encapsulated beater addition
156 Sheet gasketing, rubber encapsulated compressed
157 Compressed sheet gasketing (other)
158. Metal reinforced gaskets
159 Automotive gaskets
160. Other (specify generic name)

MARINE EQUIPMENT AND SUPPLIES
161. Caulks, marine
162. Liners, pond or canal
163. Marine bulkheads
164. Other (specify generic name)

PAINTS, COATINGS, SEALANTS, AND COMPOUNDS
165 Asphaltic compounds
166. Automotive/truck body coatings
167 Buffing and polishing compounds
168. Caulking and patching compounds
169 Drilling fluid
170. Flashing compounds
171. Furnace cement
172. Glazing Compounds
173. Plaster and stucco
174. Pump, valve, Range, and tank sealing components
175. Roof coatings
176. Textured paints
177. Tile cement
178. Other (specify generic name)

TEXTILE AND FELT PRODUCTS (other than clothing)
179 Aluminized cloth
180. Rope or braiding
181. Yarn, lap, or roving
182. Wicks
183. Bags
184. Batting
185. Blankets
186. Carpet padding
187. Commercial/industrial dryer felts
188. Draperies
189 Drop cloths
190. Fire hoses
191. Ironing board pads and insulation
192. Mantles, lamp or catalytic heater
193. Packing and packing components
194. Piano and organ felts
195 Rugs
196 Tape
197 Theater curtains
198. Umbrella
199. Other (specify generic name)

MISCELLANEOUS PRODUCTS
200. Aerial distress flares
201. Acoustical products
202. Ammunition wadding
203. Asbestos-reinforced plastic products
204. Ash trays
205. Baking sheets
206 Blackboards
207. Candlesticks
208. Chemical tanks and vessels
209. Filters
210. Grommets
211. Gun grips
212. Jewelry making equipment
213. Kilns
214 Lamp sockets
215. Light bulbs (all types)
216. Linings for vaults, safes humidifiers, and filing cabinets
217. Phonograph records
218. Pottery clay
219. Welding rod coatings
220. Other (specify generic name)

SECTION 2 - TYPICAL TERMS FOR ASBESTOS MIXTURES

PAPERS, FELTS, OR RELATED PRODUCTS	
01 commercial paper	short tons
02. roll board	short tons
03 millboard	short tons
04 pipeline wrap	short tons
05 beater-add gasketing paper	short tons
06 high-grade electrical paper	short tons
07 unsaturated roofing felt	short tons
08 saturated roofing felt	short tons
09 flooring felt	short tons
10 corrugated paper	short tons
11 specialty paper (specify)	short tons
FLOOR COVERINGS	
12. vinyl-asbestos floor tile	square yards
13. asbestos-felt-backed vinyl flooring	square yards
ASBESTOS-CEMENT PRODUCTS	
14. A/C pipe and fittings	short tons
15. A/C sheet, flat	100 square feet
16 A/C sheet, corrugated	100 square feet
17 A/C shingle	squares
FRICTION MATERIALS	
18. drum brake lining (light-medium vehicle)	pieces
19 disc brake pads (light-medium vehicle)	pieces
20. disc brake pads (heavy equipment)	pieces
21. brake block (heavy equipment	pieces
22. clutch facings (all)	pieces
23. automatic transmissions friction components	pieces
24. friction materials (industrial and commercial)	pieces
TEXTILES	
25. cloth	pounds
26. thread, yarn, lap, roving, cord, rope or wick	pounds
OTHER PRODUCTS	
27 sheet gasketing (other than beater-add)	square yards
28. packing	pounds
29 paints and surface coatings	gallons
30. adhesives and sealants	gallons
31. asbestos-reinforced plastics	pounds
32. insulation materials not elsewhere classified (n.e.c.)	
33. mixed or repackaged asbestos fiber	short tons
34. other (n.e.c.)	

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SECTION 1 - TYPICAL TERMS FOR PRODUCTS MADE OF ASBESTOS MIXTURES

AUTOMOTIVE AND FRICTION PRODUCTS
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103. Disc brake pads (heavy vehicle)
104 Brake block (heavy equipment)
105 Clutch facings (all)
106 Automatic transmission friction components
107 Friction materials (industrial and commercial)
108 Custom automotive body filler
109 Transmissions
110 Mufflers
111 Radiator top insulation
112 Radiator sealant
113 Other (specify generic name)

APPLIANCES
114 Appliance, industrial and consumer (specify generic name)

CONSTRUCTION PRODUCTS
115 Boiler and furnace baffles
116 Decorated building panels
117 A/C sheet
118 Flexible air conductor
119 Hoods and vents
120 Portable construction building
121 Roofing saturated
122 Roof shingles
123 Wallboard
124 Wall roofing panels
125 Other (specify generic name)

CLOTHING
126 Aprons
127 Boots
128 Gloves and mittens
129 Hats and helmets
130 Overgarments
131 Suits
132 Other (specify generic name)

FLOOR COVERINGS
133 Vinyl asbestos floor tile
134 Asbestos-felt-backed sheet vinyl flooring

ELECTRICAL PRODUCTS AND COMPONENTS
135. Cable insulation
136. Electronic meter components
137. Electrical resistance supports
138. Electrical switchboard
139 Electrical switch supports
140. Electrical wire insulation
141 Motor armature
142. Other (specify generic name)

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153 Thermal insulation
154 Other (specify generic name)

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156 Sheet gasketing, rubber encapsulated compressed
157 Compressed sheet gasketing (other)
158. Metal reinforced gaskets
159 Automotive gaskets
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177. Tile cement
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188. Draperies
189. Drop cloths
190 Fire hoses
191. Ironing board pads and insulation
192. Mantles, lamp or catalytic heater
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207. Candlesticks
208. Chemical tanks and vessels
209 Filters
210. Grommets
211. Gun grips
212. Jewelry making equipment
213. Kilns
214 Lamp sockets
215. Light bulbs (all types)
216. Linings for vaults, safes humidifiers, and filing cabinets
217. Phonograph records
218. Pottery clay
219. Welding rod coatings
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SECTION 2 - TYPICAL TERMS FOR ASBESTOS MIXTURES

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01 commercial paper	short tons
02. roofboard	short tons
03. millboard	short tons
04 pipeline wrap	short tons
05. beater-add gasketing paper	short tons
06 high-grade electrical paper	short tons
07 unsaturated roofing felt	short tons
08 saturated roofing felt	short tons
09 flooring felt	short tons
10 corrugated paper	short tons
11 specialty paper (specify)	short tons
FLOOR COVERINGS	
12. vinyl-asbestos floor tile	square yards
13. asbestos-felt-backed vinyl flooring	square yards
ASBESTOS-CEMENT PRODUCTS	
14. A/C pipe and fittings	short tons
15 A/C sheet, flat	100 square feet
16 A/C sheet, corrugated	100 square feet
17 A/C shingle	squares

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19. disc brake pads (light-medium vehicle)	pieces
20. disc brake pads (heavy equipment)	pieces
21. brake block (heavy equipment	pieces
22. clutch facings (all)	pieces
23. automatic transmissions friction components	pieces
24. friction materials (industrial and commercial)	pieces
TEXTILES	
25. cloth	pounds
26. thread, yarn, lap, roving, cord, rope or wick	pounds
OTHER PRODUCTS	
27 sheet gasketing (other than beater-add)	square yards
28. packing	pounds
29. paints and surface coatings	gallons
30. adhesives and sealants	gallons
31. asbestos-reinforced plastics	pounds
32. insulation materials not elsewhere classified (n.e.c.)	_____
33. mined or repackaged asbestos fiber	short tons
34. other (n.e.c.)	_____

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