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APR 21 1975

January 14, 1974

Mr. Norman J. Hearn
Union Carbide Corporation
One California Street
San Francisco, California 94111

Dear Norm:

Further to our conversations on the California Act relating to the spraying of asbestos, I have enclosed for your discussions with CMA a draft letter documenting the technical position of the asbestos industry in this matter and proposed amendments to the recently enacted law requesting additional exemptions based upon demonstrably low levels of airborne asbestos dust.

The information contained in this letter basically represents the position of member companies in the Asbestos Information Association/North America and, therefore, when this matter is formally submitted to the California Legislature it might possibly be under the aegis of AIA. However, I would request that you advise me on the best way to handle this matter.

You may wish to keep Mr. P. J. Garty of Johns-Manville's San Francisco office apprised on this matter. He is quite familiar with the background on initial legislation.

If you need anything further, please let me know.

Very truly yours,

"ORIGINAL SIGNED BY
W. C. THURBER",
W. C. Thurber

WCT/es
Enclosure

bcc: Mr. R. H. Mereness
Dr. H. B. Rhodes

P. S. You may also wish to get in touch with Wilson Harvey, General Manager, Flintcote, Los Angeles (213-583-3011). He was instrumental in getting the original exemption on cold cut back asphalt added to the Marks Bill.

WCT

1 copy
AL Harvey
RT Vanc
3/27/75

UCC 010045

Gentlemen:

Reference is made to California Senate Bill No. 2419 which was passed into law on September 26, 1974. This act, which is added to Chapter 10.3 commencing with Section 25910 of the Health and Safety Code, prohibits the spraying of any substance containing any amount of asbestos after July 1, 1976, in or upon any building or other structure during its construction, alteration or repair, with the exception of cold process cutback asphalt roof coatings. In addition to the present statutory exemption of cold cutback asphalt roof coating, we believe that there are other applications which should also be exempted from the statute. These proposed additional exemptions will in no way jeopardize the health of the citizens of California and will, at the same time, protect the employment of workers in the California asbestos and related industries.

The spraying of asbestos has received substantial publicity as a health hazard, primarily as the result of extensive use of sprayed-on asbestos as a fire proofing and insulation material. Industry has recognized that this practice which involved materials containing 10 to 80% asbestos and little or no permanent binder was hazardous and accordingly it has been discontinued.

However, it is our firm belief that various materials containing small quantities of asbestos can be applied safely by spraying with no significant hazard either to the occupational worker or the general public and further that such spraying can be done in total compliance with Section 5208 of the General Industry Safety Orders for the State of California dealing with asbestos and the EPA National Emission Standards for Hazardous Air Pollutants. Those applications which we propose for exemption generally involve the spraying of paints and coatings where asbestos is a minor but important constituent added to give critical properties to the material. These coatings are applied wet as a slurry or liquid thus precluding the generation of airborne

asbestos fibers in excess of established California and Federal regulations. Specifically, we would propose that the following additional exemptions be added to the existing statute:

1. Water-based interior texture sprays containing as sprayed a maximum of 3% by weight of chrysotile asbestos and a minimum of 2% by weight of water-soluble starch, soya protein, polyvinyl alcohol, or equivalent binder.
2. Latex-based interior and exterior coatings containing as sprayed a maximum of 5% by weight of chrysotile asbestos and a minimum of 3% by weight of vinyl, acrylic, vinyl-acrylic, or equivalent polymer binder.
3. Resin-based laminating and/or coating materials containing as sprayed a maximum of 12% by weight of chrysotile asbestos and a minimum of 6% by weight of polyester resin, alkyd resin, epoxy resin alone or in combination with coal-tar, or an equivalent resin binder.
4. Asphaltic-based coatings containing as sprayed a maximum of 15% by weight of chrysotile asbestos and a minimum of 40% by weight of cutback asphalt or emulsified asphalt binder.

Supporting data from a variety of representative industrial operations in each class are provided in Tables I - IV. These data indicate that in no instance does the airborne concentration of asbestos fiber exceed either the time-weighted average or peak concentrations specified in Section 5208 of the General Safety Orders even for the lower level standard to be invoked on July 1, 1976.

Exhibit I attached provides additional information relevant to this proposal. This information was excerpted from the Federal Register (v. 38 No. 66, April 6, 1973, p. 8821 - 8822) and is part of the EPA background information included with the promulgated National

Emission Standards for Hazardous Air Pollutants. This material clearly indicates the undesirability of and enforcement problems associated with an absolute ban on asbestos spraying.

Adding of these exemptions to the present statute will assure the continuing economic viability of those segments of the mining, milling, and formulating industries involved with asbestos while protecting the health of the workers and the general public. We should further note that this proposed amendment is fully supported by the Asbestos Information Association/North America. This organization consists of twenty-two member companies and associations which represent three-quarters of the asbestos mining, milling, manufacturing and importing industries of the United States. The AIA/NA has worked closely with State and Federal agencies to develop sound safety and health regulations for the asbestos and related industries.

We would be pleased to further discuss this proposed amendment to Chapter 10.3 of the Health and Safety Code with you at any time.