PLAINTIFF'S
EXHIBIT
GF-981

INTEROFFICE CORRESPONDENCE

DATE Dec. 23, 1971

TO Mr. W. Darrell
LOCATION New York

cc

FROM W. R. Holt
LOCATION Erie

SUBJECT: CLEVELAND MEETING ON EPA REGULATIONS

Yesterday, Wayne Page and I met in Cleveland at St. Luke's Hospital with Dr. Wright, head of the medical research division, and representatives of J-M, Raybestos-Manhattan, Panacon, and National Gypsum. Apparently, Dr. Wright is a consultant for J-M and will be testifying as one of their witnesses at the New York hearings. We arrived early and were allowed to sit in on the morning discussion, which was how J-M was going to present their case. Attached is a copy of a rough outline of what the J-M testimony will concern. On the back of the page you will see that Dr. Pundsack, who is heading up the J-M effort, will try to put into perspective fibre dynamics, the natural occurrence in the atmosphere of fibre, and the fact that fibre is not indestructible. He plans to testify, after Dr. Wright. They also are asking Corbett MacDonald, who is a Professor of Medicine in Montreal, to testify as an individual witness. Also attached is a very preliminary write-up of Dr. Wright's proposed testimony.

It is J-M's position that they wish to testify, as J-M, on those items they feel are important. They are willing, however, to include others in referencing their testimony, if the others are in agreement with the J-M testimony. In the group discussion in the afternoon, it was felt that every company should not get up and give the same information, but that they might get up and say they agree with the J-M position and in addition, they would like to emphasize certain points. It would be my recommendation that this would be the procedure that GAF should use.

It is Dr. Wright's position that the best he can do is to raise issues, and the main point he feels, from his own studies and survey of the literature, is that the health problem is exposure-time related, and since there really isn't any scientific exposure data, it is very difficult to say at this time just what the standards should be, although we are in concurrence that emissions should be controlled to some degree.

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The schedule of meetings is as follows:

December 29 - AIA to meet in New York to establish their position.
January 3 - List of witnesses for January meeting should be in hands of EPA.
January 4 - J-M meeting in New York to put together their final presentation.
January 8 - Written testimony must be in hands of EPA.
January 18 - EPA hearings commence in New York.
February 1 - EPA hearings in Kansas City.
February 15 - EPA hearings in Los Angeles.
March 6 - This is 90 days after December 7, last date for any individual to make written comments on proposed regulations.
Approximately June 7 - Final standards must be published and become law at that time.

My recommendations:

1. We should attend the AIA meetings to participate in the decisions on what they are going to do. It was recommended at our meeting yesterday that AIA monitor all three hearings, and perhaps hold themselves available for rebuttal if necessary, of New York testimony.

2. We should attend the J-M meeting to learn just what they are going to say.

3. We should testify, as CAF, on some very important points which are more or less specific to us.

   #1 Most important is he handling of the tailings pile. If the regulation goes in as now written, it would appear that both the J-M California mine and our Vermont mine would have to be closed about June of 1974. This certainly would be a much more severe blow to us than to them, because their operation is quite small. Wayne asked J-M if they would testify and recommend that the tailings pile question be set aside pending new technical know-how and similar legislation in Canada. While they personally sympathize with our problem, they said that they would not be able to say anything like that. I believe that we certainly should say it and in the way of a constructive alternative, suggest something in the way of dust suppression treatment of the tailings pile.

   #2 I recommend that we agree that roadways not be made out of tailings in the future, but that we ask to have stricken the apparent requirement that all roadways currently made from tailings be covered. Again, dust suppression treatment could be suggested.

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#3 Tailings discharge - I am not sure whether or not you can control the dust in discharge in the next 2½ years. If we feel that we cannot, we certainly should take a position on this requirement.

#4 The only thing I saw in the recommendation which would affect the Erie Plant would appear to be that they would require a bag dust collector on all forced air discharges. This would include our millboard dryer and our #1 machine hood. I pointed this out to J-M and they agreed to include it in their testimony. However, it would be well to re-emphasize this point, inasmuch as we do not feel that there is a problem and the filtering of wet exhaust streams is very difficult.

My observation is that the industry has been very lax in not being more involved in this matter, and I do not feel that we can count on any but J-M to testify at these hearings.

One other item was mentioned, which was that in the OSHA regulations, the only thing standing between us and a 2-fibre per millilitre maximum is a fellow by the name of, I believe, Marcus Key, (Wayne has exact name and address.) Wayne sent him a telegram from the meeting and I believe we certainly should follow this up with a letter, hopefully giving him something to hang his hat on and hold the present regulation at 5 fibres per millilitre.

W. R. Holt

WRH:m

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2. A new § 1910.93a is added to Part 1910. The new § 1910.93a reads as follows:

§ 1910.93a Asbestos dust.

(a) The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400-450 [illegible] magnification (4 millimeter objective) phase-contrast illumination. Concentrations above 5 fibers per milliliter but, not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour for up to 5 hours in an 8-hour day.

(b) Engineering methods, such as but not limited to, enclosure, vacuum sweeping, and local exhaust ventilation, shall be used to meet the exposure limits prescribed in paragraph (a) of this section. Where such engineering methods are not feasible, or do not otherwise reduce the concentrations below those prescribed in paragraph (a) of this section, respiratory protective devices shall be provided and used in accordance with paragraph (c) of this section.

(c)(1) (i) When the limits of exposure to asbestos dust prescribed in paragraph (a) of this section are exceeded and when engineering controls required by paragraph (b) of this section are not feasible or do not otherwise reduce the concentration of asbestos dust below those prescribed in paragraph (a) of this section, the employer shall require the use of respiratory protective devices. The selection of respiratory protective devices shall be limited to those specified in the remaining subparagraphs of this paragraph (c).

(ii) The employer shall require that each employee test his respiratory protective device before each use in order to insure a proper fit according to the manufacturer's instructions. The employer shall further provide for effective training or supervision of employees in the testing of respiratory protective devices for fit before their use.

(2) For an atmosphere containing not more than 25 fibers per milliliter greater than 5 microns in length over an 8-hour average, or more than 50 fibers per milliliter over any period of 15 minutes, a reusable or single-use filter type respirator, operating with negative pressure during the inhalation phase of breathing, approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B), or a valveless respirator providing equivalent protection, shall be used.

(3) For an atmosphere containing not more than 250 fibers per milliliter greater than 5 microns in length over an 8-hour average, or more than 500 fibers per milliliter over any period of 15 minutes, a powered filter positive pressure respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B) shall be used.

(4) For an atmosphere containing more than 250 fibers per milliliter greater than 5 microns in length over an 8-hour average a type C positive pressure supplied-air respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 12 (Bureau of Mines Schedule 19B) shall be used.

(5) The employer shall establish a respirator program in accordance with the requirements of American National Standard Practice for Respiratory Protection [illegible]—1969.

(6) The respirators provided each employee shall be properly inspected, cleaned, repaired and stored.

(d) (1) When an employer has employees who are exposed to asbestos dust exceeding the limits prescribed in paragraph (a) of this section and the exposure results from the operations described in the remaining subparagraphs of this paragraph (d), the employer shall comply with the requirements of these subparagraphs relating to the operations involved. The requirements of this paragraph are in addition to those prescribed in paragraph (b) of this section.

(2) All hand- or power-operated tools which produce asbestos dust such as, but not limited to, saws, scorers, abrasive wheels, and drills shall be provided with local exhaust ventilation and dust collectors in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2—1971.

(3) Employees exposed to the spraying of asbestos or the demolition of pipes, structures, or equipment covered or insulated with asbestos shall be provided with respiratory protective devices in accordance with paragraph (c)(4) of this section.

(e) Asbestos cement, mortar, coatings, grout, and plaster shall be mixed in closed bags or other containers.

(f) Asbestos waste and scrap shall be collected and disposed of in sealed bags or other containers.

(g) All cleanup of asbestos dust and blowing shall be performed by vacuum cleaners. No dry sweeping shall be performed.

3. Section 1910.12 is amended by changing paragraph (a) in order to apply the emergency standard prescribed in the new § 1910.93a, which is published in this document, to construction work which is subject to the Act. The amendment is necessary in light of the rule of regulatory construction set forth in § 1910.5(c). As amended, § 1910.12 reads as follows:

§ 1910.12 Construction work.

(a)(1) *Adoption and extension of established safety and health standards for construction.* The standards prescribed by Part 1518 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards, under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed by this paragraph.

(2) The standards prescribed in § 1518.55(e) of this title shall apply in the case of the exposure of any employee in construction work to airborne asbestos dust.

* * * * *

Effective date. These amendments shall become effective immediately upon publication in the Federal Register (12-7-71).

(See 6(c) [illegible] Secretary's Order No. [illegible])

Signed at Washington, D.C., this 2d day of December 1971.

G. C. Guenther,
Assistant Secretary of Labor.

[FR Doc 71-17[illegible] Filed 12-6-71; 8:47 am]

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