

PRESENTATION TO
AMERICAN ASBESTOS-CEMENT PIPE PRODUCERS ASSOCIATION
WASHINGTON WORKSHOP

BY

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I am pleased to be here today to discuss our activities in the Office of Pesticides and Toxic Substances (OPTS) regarding regulation of asbestos - in particular asbestos-cement pipe. I have had the opportunity to discuss our activities with a number of you in the past and many of my remarks today will be an update for you on the present status of our regulatory investigation with some insight into some of the control options that we are analyzing in detail.

As many of you are aware, under the Toxic Substances Control Act (TSCA), EPA is charged with the responsibility of regulating chemical substances that present an "unreasonable risk" to human health and the environment. EPA must reduce such risks by promulgating rules that are "least burdensome". These two concepts - unreasonable risk and least burdensome - are the cornerstones of all regulations that EPA might construct for chemical substances including asbestos.

Congress did not provide EPA with a precise definition of "unreasonable risk". Rather, it noted that such findings will necessarily be subjective and qualitative. Congress did specify, however, that in making judgments regarding risk EPA must consider the magnitude of the risks, the benefits of the substance to society, and the cost to industry and society in general for reducing or preventing the risks.

For some time now, EPA has been concerned about the risk to human health from the widespread use of asbestos. We are all aware of the extensive epidemiological data describing the health effects associated with various types of exposure to asbestos. All of

the scientific questions regarding the magnitude of risk under specific circumstances have not been answered - and probably won't ever be answered. Some will argue that epidemiologic studies have not demonstrated risks at low exposure levels or from certain sizes of asbestos or in certain pathways.

Nonetheless, the body of scientific evidence supporting the existence of risks at low and lower levels and for many different types of exposure continues to build. EPA cannot ignore this information. Further, because of the limitations of epidemiological studies, we must extrapolate from them if we are to meet our mandate and assume public health protection.

Therefore, we anticipate that our review of the health effects information will lead us to conclude that exposure to asbestos, even at low levels, presents substantial health risks. The next step is to determine whether the risks are unreasonable. In making this judgement, a key criterion will be the "reasonableness" of avoiding exposure to asbestos either through the use of suitable substitute materials and products or through technical methods for reducing the risks from the whole asbestos life cycle. The second major parameter EPA will consider in determining unreasonable risk from asbestos exposure is the impact on industry from transition to substitutes.

Comments also did not provide a precise definition for "least burdensome". Clearly, if EPA tried to single out the control alternative that totally minimized all impacts on industry and society from the myriad of control alternatives conceivable, the Agency would end up in a hopeless quagmire. Therefore, we

believe that this requirement can be satisfied relative to the regulation of asbestos by demonstrating that EPA has evaluated several practical control alternatives, and that it has adopted one that protects the public and the environment while not destroying industry, greatly impeding innovation, nor precluding society from the benefits of asbestos-containing products.

On October 17, 1979, EPA published an Advance Notice of Proposed Rulemaking (ANPRM) which many of you have probably read. Later I would like to discuss some of the issues and questions presented in that Notice. In addition, you may have recently read articles in the trade press concerning various elements of the Agency's approach and strategy. I will spend a few minutes discussing some alternatives that we are considering.

It is possible that EPA could ultimately conclude that all but essential uses of asbestos present an unreasonable risk. In pursuing this alternative, we are considering a total ban on the manufacture, processing, distribution in commerce, and export of all nonessential asbestos and asbestos-containing products, possibly including asbestos-cement pipe. The ban would become effective at some future date which would be selected on the basis of maximizing public health protection and minimizing adverse impacts on industry. Our preliminary estimate for this date is 1990.

If EPA adopted this approach it would probably be implemented through marking requirements and well-defined exemption process or a declining fiber use ceiling. The exemption process under consideration would define specific criteria for essential

uses. At a minimum the criteria would assure that "essential uses" are asbestos-containing products or uses which provide substantial societal benefits, presents relatively low exposures potential, lack reasonable substitutes, and would cause an excessive economic impact if eliminated. The exemption process would allow for a one-time only opportunity to request an exemption. The "window date" for exemption applications would probably occur 4-5 years before the ban becomes effective. Those applications meeting the criteria would receive a conditional exemption and would have to reapply the year before the ban to receive an actual exemption. Exemptions would be valid about 2-4 years.

Under the other implementation mechanism, the declining fiber use ceiling, EPA would set a base figure for the amount of available asbestos fibers mined in the United States or imported. This ceiling would be reduced by some fraction over time until the year of the total ban when the ceiling level which reflected essential uses only is attained. Under this option industry and the marketplace would primarily determine which uses are essential.

To reduce risks from asbestos processed from now until the total ban, EPA could require labeling of all asbestos and asbestos-containing products. The labels would indicate asbestos content, form and related health risks. All of these ideas are still in early stages of discussion and we welcome your input through formal comments on the ANPRM, other correspondence, or discussion.

I would like to take the next few minutes to address several specific topics Mr. Jackson asked me to cover today.

The first deals with issues raised in the ANPRM. We recognize that the ANPRM asked many broad questions. We hoped to stimulate new thinking with it so we could have the benefit of a range of thoughts on all of these issues over the next several years. Relative to asbestos-cement pipe the questions on alternative types of pipes, possible change from asbestos to other pipe reinforcing fibers, health risk of substitutes, exposure data, and economic information are of principal importance. Clearly, there are alternatives to A/C pipe. What we want to know from you is what are the trade-offs and consequences of going in that direction, if that becomes necessary.

The second topic addressed the progress of our contractors relative to A/C products. EPA has contracted with the GCA Corporation to examine the life cycle of asbestos in commercial and industrial uses. Their analysis includes estimates of fiber releases from A/C pipe to air, water and land and an overview of available nonasbestos pipe substitutes. We have received an initial draft from GCA which has some source release data and substitute analysis for A/C pipe. We will be receiving a more complete draft within a month. We do not anticipate circulation of the report at the draft stage, but will make it available for review prior to proposing a rule.

EPA has also contracted with the Research Triangle Institute (RTI) to prepare an economic profile for the Asbestos Industry and to assess potential economic impacts of TSCA regulation on industry, consumers, and the overall economy. RTI has found it difficult to secure economic data on individual asbestos product/use categories primarily because most of the information is considered confidential and companies will not provide it to them. Very little work has been done specifically on the A/C pipe industry. Depending upon the outcome of ongoing efforts to collect information needed for these analyses, EPA may have to include certain A/C pipe questions in a Section 8(a) reporting rule and possibly consider other avenues for obtaining the information.

We expect a draft of the economic report several months from now. The third item concerns the status of EPA's Phase II documents and our coordination with extramural research. EPA is not preparing any Phase II documents per se. However, we are preparing a series of documents to support asbestos rulemaking. These include a risk assessment, economic analysis and summary support documents based on the two proceeding reports. These reports will reflect the latest findings and conclusions of ongoing research sponsored by the Office of Drinking Water (ODW), the Office of Research and Development (ORD), and the Office of Air Quality Planning Standards (OAQPS).

In addition, we expect proposal of a section 8(d) rule within a few weeks. The rule will require submittal to EPA of all

unpublished research, monitoring data, health studies, etc., which may be relevant to asbestos rulemaking. We will actively consider this information in developing our asbestos rules.

The fourth topic is the practicality of utilizing alternate regulatory options for A/C pipe control. If our only concern with A/C pipe was consumer risk from fibers in drinking water, corrosion control and pipe replacement programs would help prevent leaching of asbestos from distributor pipes into drinking water supplies and therefore protect the consumer. If our concern with A/C was solely occupational risk, stricter workplace standards would help. However, we still believe that evaluation of the total of these individual source specific regulations is necessary. Only then can we gauge whether the regulations adequately control the full range of problems presented by A/C pipe production, installation, maintenance and use. A more efficient and thorough control may be needed. We believe TSCA can provide such regulation along the lines of the control alternatives I previously discussed.

The final topic is our interface with the Office of Drinking Water on scientific issues relating to asbestos in drinking water and the potential regulation of A/C pipe. The Office of Pesticides and Toxic Substances is working closely with the Office of Drinking Water on analysis of asbestos in drinking water studies. There is still uncertainty regarding the link between cancer and ingestion of water containing asbestos fibers. However, both program offices agree that there may be a serious human health risk involved. Studies of asbestos workers show increased

incidence of peritoneal mesothelioma, gastric, kidney and colon cancer. These cancers may be the result of inhaled asbestos which is cleared from the respiratory tract and then swallowed. In rat studies, about $\frac{1}{3}$ of asbestos introduced to the animals was deposited on the surface of the respiratory tract, $\frac{1}{2}$ of the amount deposited at inhalation was found immediately afterwards in the gastrointestinal tract, nose and throat areas. The Federal government is now sponsoring animal feeding tests to determine the effects of ingested asbestos. Although conclusions are not presently available, regulatory action in EPA's various programs will obviously reflect a single Agency policy regarding hazards from the ingestion of asbestos.

I would like to take the opportunity to encourage all of you to provide us your data and input in this decision making process so that your views can be adequately considered.

If you have any questions about the regulatory investigation I will be glad to discuss them.