

ASBESTOS INFORMATION ASSOCIATION

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March 22, 1984

HAND

William D. Ruckelshaus
Administrator
Environmental Protection Agency
Room W1200
1400 M Street, S.W.
Washington, D. C. 20460

Dear Mr. Ruckelshaus:

The Asbestos Information Association/North America (AIA/NA) views with increasing concern EPA's plans to ban various asbestos-containing products and, thereafter, to phase-out the remaining asbestos uses. Because AIA/NA considers such actions unwise and inappropriate, we respectfully request the opportunity for a full industry delegation, including counsel, to meet with you and your staff to discuss EPA's plans. At that meeting, we will urge that EPA reconsider its course and, at a minimum, postpone proceedings under the Toxic Substances Control Act (TSCA) until the completion of the Occupational Safety and Health Administration's (OSHA's) ongoing asbestos rulemaking.

In preparation for the requested meeting, I have asked our special legal counsel, Kirkland & Ellis, to summarize in the attached letter to Dr. Moore and Mr. Barnes the concerns we have, not only about EPA's legal authority under TSCA, but also about the wisdom and appropriateness of EPA regulating "life-cycle" asbestos exposures while the most important such exposures are currently the subject of a comprehensive OSHA rulemaking. Putting aside questions of EPA's legal authority, we would like to address the following issues in our proposed meeting with you and your staff:

- 1) Assuming worker "life cycle" exposures play a significant role in EPA's thinking, do tighter OSHA controls lessen the need for product bans and caps?
- 2) How does EPA plan to take the risk reduction measures likely to be achieved by OSHA into account in its risk estimation and risk benefit balancing under TSCA?

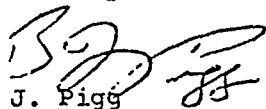
- 3) Should EPA refer its concern about "life cycle" exposures to OSHA under Section 9 of TSCA or simply defer to OSHA until completion of its proceedings?
- 4) Has EPA given consideration to how it might participate directly in OSHA's ongoing proceedings to achieve reductions in "life-cycle" asbestos exposures?
- 5) Has EPA calculated the risks to asbestos workers likely to remain after imposition of tighter OSHA controls and compared those risks with the "life cycle" risks posed by products competing with asbestos?
- 6) What alternatives, short of a ban, is EPA considering?

These issues, as well as concrete illustrations of how OSHA risk reduction measures might affect EPA's justification for banning asbestos cement pipe, are discussed in the attached letter.

A/NA wishes to stress that its request for a meeting with you and your staff comports with AIA/NA's long-standing policy of operating to the maximum extent possible with EPA and other regulatory agencies. It is our hope that, by continuing the spirit of cooperation and openness that have heretofore characterized our dealings with your staff, we may persuade EPA to consider its plans and, at a minimum, to postpone its "ban" and "appeal" proceedings until after the completion of OSHA's ongoing proceedings.

We will be contacting your office early next week to see if a mutually convenient date can be arranged for a meeting.

Sincerely,



J. Pigg
Executive Director

Attachment

:: Acting OSHA Administrator Tyson (w/Attachment)
Assistant Administrator Moore
General Counsel Barnes