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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

13 APR 1973

OFFICE OF
ENFORCEMENT AND GENERAL COUNSEL

Mr. Thomas P. Feit, Manager
Construction Products Division
W. R. Grace & Co.
62 Whittemore Avenue
Cambridge, Massachusetts 02140

Dear Mr. Feit:

You have brought to our attention that our regulations limiting emissions of asbestos, beryllium and mercury, which became effective April 6, 1973, could cause substantial disruption in the building industry depending upon the definition of "existing sources." The regulations prohibit spraying of insulating and fireproofing materials containing more than 1% asbestos on structures, pipes and conduits. You advised us that many buildings are in the process of being sprayed with insulating and fireproofing materials containing more than 1% asbestos and many more are about to be sprayed. You also advised us that changing from one type of fireproofing material to another requires a number of approvals, e.g., architects and underwriters approvals, which inevitably will take several weeks or more to obtain. Therefore, if spray operations now in process or about to begin are not considered existing sources and thus given 90 days to comply with the 1% asbestos materials limitations, many construction jobs will have to quit for some weeks until necessary approvals are obtained and changeovers of equipment and materials are made.

In our opinion, fireproof and insulation spraying operations are in the nature of existing sources and should be treated as such. Therefore, as permitted under §112(c)(1)(B)(i) of the Clean Air Act and §61.05(c) of the regulations,

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spraying operations will be permitted 90 days to comply with the 1% asbestos material limitation. We believe that this 90 day period will be adequate to enable all spraying operations to convert to less than 1% asbestos spray-on materials and do not anticipate granting any waivers for spray operations beyond the 90 day period from the effective date.

If you have any further questions, please contact Dick Denney or Ed Reich of my staff.

Sincerely yours,

Deputy General Counsel

John R. Quarles, Jr.
Assistant Administrator for
Enforcement and General Counsel