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January 5, 1972

Mr. W. Darrell
Industrial Products

Paul Wetner
Legal Department

Messrs. Fassuliotis, Fraser,
Gedettis, Holt, Matthews,
Blen

BUREAU OF MINES HEALTH SURVEY/VERMONT

In regard to the above survey forwarded to me yesterday, I would like to make the following observations:

The Federal Metallic and Non-Metallic Mine Safety Act provides for findings to be made and orders issued under those findings. After an order is rendered, it may be appealed to the Secretary of Labor and Mine Safety Board of Review.

Since the above report has not been incorporated into an order, we are not at the appeal stage yet. However, I would recommend, as soon as possible, to ascertain the Bureau of Mines' intention as to it issuing an order.

We may also request that the Bureau give us additional time to make our own engineering survey before an order is issued. If this is not possible, we should make every effort to negotiate the contents of the order.

There is no doubt that the above survey is comprehensive. The Bureau as well as OSHA are under extreme public pressure when dealing with asbestos and will probably issue an order under this survey sooner or later. If this does occur, we may consider appealing the order at that time.

I am forwarding a copy of the survey to Mr. Fassuliotis for review in regard to safety at the plant.

If you have any questions, do not hesitate to contact me.


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EPA - OSHA - BUREAU OF MINES

In reviewing the various requirements of these governmental bodies, Messrs. Johnston, Gedettis and Darrell have arrived at the following conclusions.

1. Under EPA regulations the known technology would not permit us to prevent visible emissions from the tailings pile in the wet rock storage and processing. Also, since the regulation refers to ore dumps we wonder if the blasted rock in the quarry also must have no visible emissions from it when loaded into the dump trucks.
2. The matter of definition has to be cleared up in referring to particulate matter in that this should be asbestos bearing particulate matter.
3. We do not believe that there is any reasonable technology for preventing visible emissions from the roadways which are made from tailings and therefore we would have to have a 3" or 4" cover on existing roadways of barren rock. This would entail considerable initial expense, annual maintenance expense on the roads and an investment for a crushing plant to crush barren rock.
4. Under OSHA regulations which probably would be adopted by the Bureau of Mines, if tailings are defined as asbestos waste they would have to be disposed of in bags or sealed containers. At the rate of 1,100,000 tons per year this seems a little bit out of reach.
5. There may be some conflict between OSHA and EPA requirements relative to air discharge from the mill.

Since we do agree that control of dust is important, we feel that our testimony could only consist of the technical problems involved in complying, the possible over stringency of some of the regulations and the investment and operating costs which are involved. In consideration of this we think the following points may be of value in preparing our testimony.

1. The initial investment and expense, in consideration of the relatively marginal value of our deposit, can be so great that we could not afford to stay in business, although at this point we do not know what those investments and costs are. If this should develop the following could be some of the consequences.
 - A. Loss of employment to approximately 205 people, all of whom live in a small part of the State of Vermont and in an area where our plant is a substantial part of the economy. This includes loss of taxes to the various governmental bodies who rely on tax income from our mine, local merchants and suppliers.

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- B. If these regulations forced us out of business they probably would force out of business the only other real asbestos fibre producer in the United States, located in California and if this occurred then the U. S. would be completely dependent on foreign sources for its asbestos fibre needs.
- C. It seems to us that if the U. S. mines must adhere to these regulations for the safety of its citizens, then the U. S. ought not to import asbestos fibre from foreign countries who do not operate under the same environmental protective restrictions as the U. S. Government feels should exist in the U. S. The life and health of a foreign citizen should be as much of concern to us as the life and health of a U. S. citizen.
- D. The Bureau of Mines and OSHA have published specific dust counts which they feel, based on research, etc., are tolerable limits to people who work with asbestos, yet the EPA, who are concerned primarily with the total environment in the surrounding area have no published limits and yet state that there shall be no visible emissions. It seems to us that when the material, if there are any visible emissions, leaves the property the dust counts would be considerably lower than the limits which are acceptable for health purposes to Bureau of Mines and OSHA. There has been no study made of what harm our emissions may be doing to the people who live in the general locale.
- E. Because the total impact of EPA, OSHA, etc., may force us out of business, it would seem important that the standards used are known to be those standards which have to exist, or if they are too stringent it may develop that our mine shuts down and in a few years it is medically found that the standards could be considerably loosened.

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