

6/82

HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

MEMBERSHIP REPRESENTATIVES:

Robert M. Tami	Carlisle Corporation
Carmen A. Morello	Thiokol Corporation
George J. Bohrer	H. K. Porter Company
Charles H. Borcharding	Abex Corporation
John O. Pearson	Raybestos-Manhattan, Inc.
David E. Stone	Bendix Corporation
James W. Armstrong	Bendix Corporation

COMMITTEE AND INSTITUTE ACTIONS IN SUPPORT OF THE MEMBERSHIP
SINCE THE JANUARY 1981 MEETING OF THE COMMITTEE

The following actions have been taken at the Institute Office based on Committee recommendations since the January 1981 meeting:

- The Institute advised the Membership on publications and services available which could be helpful in the occupational safety, health and environmental areas: BNA Occupational Safety and Health Reporter; BNA Chemical Reporter; Fishbein Occupational Health & Safety Letter; Employment Safety and Health Guide (CCH), Consultant listings, etc.
- The Institute released BULLETIN NO. 710 on "Asbestos and Current EPA Requirements Regulating Hazardous Waste Disposal". This included copies of the EPA notice on Identification and Listing of Hazardous Waste, and noted that asbestos had been "temporarily" removed from the list of hazardous materials as it was earlier controlled under regulations in the National Emissions Standards for Hazardous Air Pollutants (NESHAPS).
- The Institute released BULLETIN NO. 711 on "Material Safety Data Sheets". With that notice, it prophetically noted that there was movement in the state of California to make utilization of the "Material Safety Data Sheet" mandatory. The MSDS is now required in the new California regulations and is currently proposed as part of an OSHA hazards material identification and employee communication regulation.
- During the later part of the year 1981 legislative activity slowed down and so did the work of the Committee. In early 1982, activity restarted on a different front.
- A committee meeting was held on April 28, 1982 to address the following issues:

Issue

- Increasing workers compensation and third party litigation against members.

Resolved

- The FMSI President invited representatives of the Asbestos Compensation Coalition to address the full Institute membership at the June, 1982 meeting.

Issue

- Member companies having difficulty finding waste disposal sites.

Resolved

- The Board of Directors approve a request to the Federal Environmental Protection Agency for a listing of approved landfills for the disposal of friction materials waste and suggest the means for making this request.

Issue

- That the Health and Environmental Affairs Committee address issues relating to the Consumer Product Safety Commission.

Resolved

- Brake lining is not a "consumer product" in terms of the Consumer Product Safety Act. Under that Act, 15 U.S.C. #2052 expressly excludes from the definition of "consumer product" all "motor vehicle equipment", the latter including all replacement as well as original items. Brake lining is governed by the Motor Vehicle Safety Standards Act, 15 U.S.C. #1391 et seq., under which the recall method is orderly.

Regulatory Activities:

OSHA

No new activity has occurred over the issue of asbestos. OSHA does plan to issue an advance notice of proposed rulemaking during the later part of 1982. We are lead to believe the prime government concern for this action is to direct attention to the construction industry rather than a further effort toward friction materials.

There has been some state regulatory activity basically in California, Connecticut and New York directed at regulating hazardous substances including asbestos and employee right-to-know. Main impact of this movement is to require employers to have training programs which advise employees of the specific chemical hazards and safety procedures to prevent exposure.

NIOSH

In 1977 the Mount Sinai School of Medicine was awarded \$180,000 to investigate "Health Hazards in Brake Lining Repair and Maintenance Workers Occupationally Exposed to Asbestos". The work was to be completed in 1978.

The Institute provided input to Dr. Nicholson of Mount Sinai, in regards to production, brake application and work practices in the friction materials industry. The Institute was also asked to critique an early section on background history in early 1979. We critized it severely as not being representative of the industry.

In early 1980, the FMSI Secretary asked Richard Guimond of EPA's Office of Toxic Substances when the Nicholson report for NIOSH would be ready, and was advised it would be ready in about six months - making it July 1980.

The only document published to date is a NIOSH "Assessment of Asbestos Exposure to Mechanics Performing Brake Service Operations Including Recommended Procedures for Asbestos Brake and Clutch Servicing". NIOSH emphasizes that this is a "Draft" report. It was dated April 27, 1981.

In no place does this "Draft" report touch on the health effects of asbestos exposure in the brake repair shop. It repeated some of the inaccurate background and history statements of the early 1979 Nicholson draft. It is obvious that if this study is now complete, NIOSH did not get what was called for in the \$180,000 contract. If the health effects are not reported thereon, why? Can it be inferred that the results do not support the NIOSH position that there is a health problem in brake repair shops? If the results were negative, those results should also be part of the public record. The Asbestos Information Association has written NIOSH asking for the current status of this project. In early June, the FMSI also made a request for copies of the final report.

EPA

There has been a shrinkage of waste disposal sites and of waste management companies that will dispose of friction material wastes. Because this action is at a State level, it is difficult for the Institute to track the movements on available landfills and waste disposal sites. Since this is now becoming a significant problem, the Institute is advising the members to begin looking for alternate disposal methods.

A recent thrust at the Federal level is to assure the financial responsibility of waste generators who may be ultimately responsible for clean-up of waste disposal sites. There are now insurance coverage requirements for generators - to assure coverage for both sudden and non-sudden environmental impacts. There is great difficulty in establishing insurance premium rates for coverage of this type of unknown environmental impact. All materials - not just asbestos - must be of concern. With asbestos being inert, more concern is probably with phenol, formaldehyde, lead and some of the solvents used in the manufacturing cycle.

Respectfully submitted,

J. W. Armstrong
Chairman

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