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BALTIMORE COUNTY DEPARTMENT OF HEALTH
DIVISION OF AIR POLLUTION AND INDUSTRIAL HYGIENE
MARYLAND AVENUE AND HILLEN ROAD
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

May 18, 1973

Honorable William D. Ruckelshaus
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Ruckelshaus:

We in Baltimore County have followed the development of National Emission Standards for Asbestos with great interest, and last November we sent you critical comments on a working document which we had received. We are pleased to see that a demolition regulation has been reinserted in the Stadards finally promulgated. But while we are happy to see that EPA has now promulgated Asbestos Standards, we find that in nearly every source category these Standards are weaker than the original proposed Standards of December 1971.

EPA's proposed regulations would have prohibited visible emissions from dumps and storage areas near asbestos mills. The final version omits all dumping restrictions and says that measures taken to comply with Bureau of Mines and Occupational Safety and Health Administration Regulations will prevent dumps from being major sources of asbestos emissions. We are convinced that the mill dumps will constitute a significant fraction of mill emissions to the ambient air especially at mills which are fitted with properly designed fabric filters. Water spray and burying techniques are available to reduce or remove hazards from these dumps. We are also disappointed that the regulation makes no mention of asbestos dumps near manufacturing facilities.

Secondly, the promulgated Standards do not cover fabrication operations, such as building construction and ship repair. Unfortunately, these "minor sources" are actually very common, and involve the health and safety of over three million shipyard and construction workers and millions more who live near fabrication sites. One man who developed mesothelioma was a 30-year-old bookkeeper who grew up within several blocks of the Brooklyn Navy Shipyards.

Another area of concern is with the word "friable" asbestos which never appeared neither in the original nor the two versions of intermediate proposals which we have studied. The term has a rather vague meaning and the failure to define it in this set of Standards will create unnecessary difficulties in the enforcement of the Standards. Since many hold that 85 percent of asbestos used is in "locked in" products, this effectively

removes many areas of asbestos use from controls. A cement shingle, for example, is non-friable, yet in demolition it is sure to break apart and cause dust. We do not believe the word friable belongs in these regulations. A provision requiring continual wetting down during demolition of those asbestos materials not required to be removed prior to demolition would certainly be worthwhile in any event.

We are not in agreement with allowing small fractions (up to 1% dry weight) of asbestos to be intentionally added to "enhance the effectiveness" of certain sprayed materials. It is even questionable whether naturally occurring trace amounts in some products should be tolerated, since as you know, equivalent quality asbestos-free products have been commercially available since Boston and Chicago banned asbestos sprays in 1971.

I hope you will take these points into serious consideration, and amend the regulations accordingly.

Very truly yours,

Donald J. Roop, M.D., M.P.H.
Deputy State and
County Health Officer

DJR/BIC/mav

encl: 11/6/72 letter; W.Phillips to Wm. D. Ruckelshaus

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November 6, 1972

Mr. William D. Ruckelshaus, Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Ruckelshaus:

Recently we received a Draft of the hazardous air pollutant standard, as revised for final clearance in Washington. We are very disappointed with the ways in which the originally proposed asbestos standard has been weakened: especially, the deletion of regulations governing construction and demolition, major sources of urban airborne asbestos.

FABRICATION

The standard for occupational exposure to asbestos recently promulgated by the Department of Labor is supposed to result in "substantial control of atmospheric emissions from fabricating operations" (e.g., construction) as it requires "use of the following work practices when the operations would produce or release asbestos fibers in excess of the occupational exposure limits" [emphasis ours]:

1. "Fitting of hand-operated or power-operated tools with exhaust ventilation and dust collection systems." [authors' emphasis]

Comment: Only tools which would give rise to a time weighted, 5 f/ml 8-hour exposure come under regulation. A power saw used 1-2 hours per day would almost certainly require no dust controls, although it might generate substantial bursts of asbestos fiber emission.

2. "...ventilating to reduce airborne entrainment of unbound, asbestos-containing cement, mortar, coating, grout, plaster, or similar material."

Comment: The uncontrolled ventilation of a work area to the ambient air is displacement of a workroom contaminant at the expense of ambient air contamination. This is an example of where additional air pollution regulations are needed, not the reverse as the Draft claims.

3. "Wetting of asbestos-containing products prior to handling, ...except where wetting would impair the usefulness of the products." [emphasis ours]

Comment: This is a plea for safe housekeeping masquerading as a regulation. Based on our experience with the construction industry, we expect this clause to effect minimal control of asbestos emissions from construction.

Lastly, it is claimed that duplication of enforcement efforts by EPA and OSHA would be wasteful of EPA resources. It is not mentioned that every state in the union has an air pollution agency funded by and responsible to EPA. States and local subdivisions could effectively deal with asbestos emissions from construction if they were armed with a federal law, just as many state industrial hygiene agencies are employing the Occupational Safety and Health Act. We would welcome such additional authority here in dealing with hazardous air pollutants.

DEMOLITION AND REPAIR

"Comments" given as reasons for EPA recommending that the standard be stripped of regulations applying to demolition and repair:

1. Difficulty of enforcement.

Comment: Same as last comment on Fabrication, above.

2. Improbability that compliance is technically feasible.

Comment: Contradictory with "mechanism 2" below.

3. Endangerment of public health by forcing continued use of deteriorated structures beyond the time at which demolition would normally be carried out.

Comment: We seriously question whether modern building contractors and road builders would be deterred by having to carry out demolition without causing visible emissi[on]s of asbestos fiber. We also reiterate that Section 112 of the Clean Air Amendm[ents] of 1970 requires the EPA Administrator to establish a standard for hazardo[us] pollutants "which in his judgment an ample margin of safety to protect th[e] public health." We do not believe the EPA can tolerate visible emissions of as[bes]tos and still be in conformance with Section 112. It is important to control d[e]molition as we are now entering an era in which this will become a significant source of urban asbestos if not controlled.

"In the absence of the proposed regulation, a number of mechanisms would still be available to limit asbestos emissions generated by repair and demolition operations." [emphasis ours] These are as follows:

1. Spray applied fireproofing and insulation materials will be banned by this proposed standard partly because of the emissions they would later cause in demolition.

Comment: These materials were used only since 1958 and have already been banned by numerous state and local governments due to the extreme hazard attendant upon their use. It is unlikely that restrictions on the use of sprayed asbestos in construction will have significant impact on demolition emissions until at least thirty years hence. In the meantime, a great many buildings made with sheet asbestos insulation are going to be torn down.

2. "Reduction in asbestos emissions can be expected to result from the implementation of local demolition regulations, for example that of New York City which requires the use of "...adequate wetting to lay dust..." .

Comment: If New York City is protecting the health of its residents by such an asbestos demolition regulation, how can the EPA decline to extend such regulation, which it lauds, nationwide! In other words, even if a no-visible-asbestos-emissions law were deemed unrealistic, why not at least propose a weaker law which EPA would consider realistic?

3. "In the case of repair operations, the Department of Labor regulations for exposure should provide a moderate degree of atmospheric emission control through the specification of required work practices."

Comment: See above comments on the effect of Labor regulations on atmospheric emissions.

In summary we do not feel that the proposed EPA standard on asbestos complies with Section 112's requirement to provide "an ample margin of safety to protect the public health." We hope the final form published will look more like the original than the Draft just sent to Washington.

Very truly yours,

William L. Phillips, Director
Division of Air Pollution and
Industrial Hygiene
Bureau of Environmental Services

WLP/BIC/mav
cc: Jean J. Schueneman, Director
Division of Control Programs Development, EPA

Don R. Goodwin, Director
Standards Development & Implementation Division, EPA