

November 6, 1979

TO: BOARD OF DIRECTORS

SUBJECT: RECOMMENDATIONS OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

At the June 1979 Meeting of the Board of Directors you asked that the Asbestos Study Committee review two areas of concern to Institute Members. These areas were: (1) An ongoing response to the EPA's Office of Toxic Substances concerning voluntary action programs and regulations on asbestos in friction materials, and (2) An industry group's suggested Asbestos Health Hazards Compensation Act. You asked that the Committee review these two items and then make recommendations to the Board of Directors.

The President of the Institute, after the June Meetings, asked to re-organize and expand the Committee. Mr. Jim Armstrong of the Bendix Corporation was asked to serve as Chairman of the Committee and additional participation was asked of three Active Members. Mr. Armstrong accepted the Chairmanship of the Committee. Additional members were added from (1) Nuturn Corporation, (2) H.K. Porter Company and (3) Thiokol Corporation. The re-organized Committee met at the Institute Office on October 25, 1979.

COMMITTEE NAME CHANGE

After discussion at the October 25, 1979 meeting, it was resolved that the Committee name be changed to Health and Environmental Affairs Committee. In addition, based on discussion at that meeting, a Member of the Committee volunteered to draft suggested duties and responsibilities of the Committee within the areas discussed.

INSTITUTE ONGOING RESPONSE TO EPA'S OFFICE OF TOXIC SUBSTANCES

One of the concerns expressed at the June Meetings was that the Asbestos Information Association was not representing friction materials manufacturers in the areas of concern to our Members. Subsequent to our meeting, several Asbestos Information Association Members formed an ad hoc Committee for friction material manufacturers for the express purpose of responding to the EPA's Office of Toxic Substances. This ad hoc Committee had not been formed as of early June 1979. As the make-up of the ad hoc Committee was similar to that of the FMSI Committee, it was recommended that in responding to EPA initiatives in the Toxic Substances Control area that the Institute work with the AIA ad hoc Committee. This will avoid duplication of effort, and harmonize efforts by essentially the same individuals. Where the Institute Committee disagrees with the ad hoc Committee or

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believes there is additional information that will bolster the position of friction materials manufacturers, it will directly send that information to or discuss the question with the Office of Toxic Substances.

SPECIFIC RESPONSE AT THIS TIME

The Institute will adapt a response on population exposed, exposure routes and the like which was intended as a critique of an IIT Research Institute report. It will redraft wording on this and send it to the Environmental Protection Agency. In the meanwhile, the Institute is cooperating with the AIA's ad hoc Committee in gathering data on labelling and training questionnaires requested by the EPA. The Institute Committee therefore recommends that Institute response to the EPA's Office of Toxic Substances Control be coordinated with the AIA's ad hoc Committee on friction materials, formed by the same FMSI members for this specific purpose.

FEDERAL ASBESTOS HEALTH HAZARDS COMPENSATION ACT

The original Federal Asbestos Health Hazards Compensation Act was known as the Fenwick Bill. It had been suggested and advocated by asbestos industry producers including Johns-Manville. Based on discussions with various parties it is apparent that the so-called Fenwick Bill initiative is dead. I had been advised that prior to the Fenwick Bill's demise that "friction materials, automotive" was removed from the category of manufacturers which had the high assessment rate. This was the Class I responsible party and was similar to manufacturers of building materials. "Friction materials--automotive" had been moved to a Class II category by the industry group, which would have reduced the assessment to 10% of that which was originally proposed for friction materials manufacturers.

The same asbestos industry producers are now supporting Senator Hart's Bill. There are three major deviations from the earlier Fenwick Bill and they are: (1) This would operate under State compensation boards as is now the practice; (2) Claimants would receive a certain formula surcharge in their benefit payments over regular compensation awards; and (3) Awards would be funded by charges against the "responsible party." The major problem will be determining and assessing the responsible party. This would be determined by the hearing officer based on the evidence provided by the employee, the employer and other involved parties. In this particular case, it would be possible that a claimant working for a friction materials manufacturer could allege that the asbestos producer was also a responsible party.

The Institute's Secretary wrote his Congressman for information and was referred to Senator Hart. Senator Hart has not made a copy of the draft available but from all appearances it is being drafted by an industry group with assistance from Johns-Manville. The Health and Environmental Affairs Committee stated that it will monitor activity in the compensation area, but suggests no action until a draft of compensation legislation is available.

EPA TOXIC SUBSTANCES CONTROL ADVANCED NOTICE OF PROPOSEDRULEMAKING FOR USE OF ASBESTOS FIBERS AND CONSUMER PRODUCTS CONTAINING ASBESTOS

About one week prior to the Committee meeting, the EPA released an advanced notice of proposed rulemaking (ANPRM) concerning exposures of users of asbestos products which included friction materials manufacturers. The Institute would answer some of the questions concerning the number of brake repair workers exposed, the routes, frequency and the duration of exposure by a letter which was originally intended as a critique of the IIT Research Institute report which had indicated that brake repair workers are subject to high exposure rates. In addition, the Institute response will refer EPA to information on exposure levels, fiber size, distribution and types in a paper prepared by Dr. Nicholson of Mount Sinai Hospital.

The Institute's reply to and concern with this ANPRM will be coordinated with the AIA's ad hoc Committee for friction materials. Along these lines there will be a meeting of this ad hoc Committee with EPA on November 16, 1979. The Secretary will attend that meeting.

The Institute's Committee believes that reasonable regulations in this area could be promoted by two approaches: (1) The Committee feels that there could be education of regulators by possible plant tours, review of members' slide programs or movies on training, by seeing asbestos in the finished product as compared to raw material, and examination of brake wear debris. The point was to show a hands on attitude towards the product which cannot be gathered by reading literature in this area. (2) If asbestos in the friction materials factory is not a health problem, substantiation of such a position with health and epidemiological reports on the workers should be provided to EPA.

As regards this last item, the Committee asks: Would the gathering and providing of such information help the Office of Toxic Substances in forming a reasonable position as regards asbestos regulations in the brake repair shop? Assuming that health information on factory workers over periods of time is positive, this could refute some of the allegations made by NIOSH, Mount Sinai and others. What are the risks for member companies and the Institute in providing such information? The Committee asks the following: (1) Will the Board of Directors and Membership cooperate in gathering and providing such information? (2) Will the Board of Directors recommend and help implement such a program? It was pointed out by Legal Counsel that all such data sent to the Institute can be subpoenaed to determine the party submitting the data. Among the reports mentioned at the Committee meeting were the Enterline report at one manufacturers plant and the Stanford Research Institute report at another facility. Also mentioned was a study on health of employees with 20-30 years experience at another brake lining facility.

As regards response to this ANPRM, the Institute Committee proposes (1) An immediate response on the number of brake repair workers exposed, exposure rates, and the frequency and duration of exposure; (2) Recommends coordination of a long-range response with the AIA's ad hoc Committee; (3) Recommends an education program for regulators by a hands on approach to the problem (plant tour, audio-visual aids now in use, etc.); and (4) Recommends providing the EPA's Office of Toxic Substances with health and epidemiological information concerning workers in friction materials factories.

November 6, 1979

ACTION

This Committee had been asked to make recommendations to the Board of Directors for courses of action to be taken. The directors are now asked to either indicate their support of the direction suggested by the Committee, or give their objections to or suggestions for change. The Directors are asked to indicate their support or other comments as regards: (1) Ongoing response to the EPA's Office of Toxic Substances Control coordinated with AIA; (2) The Committee position as regards a Federal Asbestos Health Compensation Act; and (3) Directions for any Institute response to the EPA's Advanced Notice of Proposed Rulemaking and in particular the gathering of health and epidemiological information by the members.

Responses from Directors will be gathered and forwarded to both the Committee and the Board of Directors.

EWD/lmc

E. W. Drislane
Executive Director

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

- | | <u>Approve</u> | <u>Disapprove</u> |
|---|--------------------------|--------------------------|
| 1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response. | ☐ | ☐ |
| 2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available. | ☐ | ☐ |
| 3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.). | ☐ | ☐ |
| 3.1 Will the Director's company cooperate in such an effort? | <hr/> | |
| | (Yes or No) | |
| 4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low." | ☐ | ☐ |
| 4.1 The committee is currently working on this response. | | |
| 5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute | ☐ | ☐ |
| 5.1 Will the Director's company cooperate in providing such information to the Institute? | <hr/> | |
| | (Yes or No) | |

Comments: _____

By _____

Date _____

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Approve Disapprove

1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response.

☒ ☐

2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available.

☒ ☐

3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.).

☒ ☐

- 3.1 Will the Director's company cooperate in such an effort?

Yes
(Yes or No)

4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low."

☒ ☐

- 4.1 The committee is currently working on this response.

5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute

☒ ☐

- 5.1 Will the Director's company cooperate in providing such information to the Institute?

Yes
(Yes or No)

Comments: _____

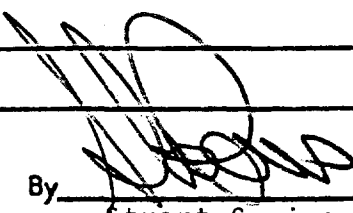
By G. A. Camgore

Date Nov. 13, 1979

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

- | | <u>Approve</u> | <u>Disapprove</u> |
|---|----------------------------|-------------------|
| 1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response. | (XXX) | () |
| 2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available. | (XXX) | () |
| 3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.). | (XXX) | () |
| 3.1 Will the Director's company cooperate in such an effort? | <u>YES</u>
(Yes or No) | |
| 4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low." | (XXX) | () |
| 4.1 The committee is currently working on this response. | | |
| 5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute | () | (XXX) |
| 5.1 Will the Director's company cooperate in providing such information to the Institute? | <u>YES</u>
(Yes or No) | |

Comments: _____

By 
Stuart Comins
P.T. Brake Lining Company, Inc.
Date November 12, 1979

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

- | | <u>Approve</u> | <u>Disapprove</u> |
|---|-------------------------------------|--------------------------|
| 1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response. | ☒ | ☐ |
| 2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available. | ☐ | ☐ |
| 3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.). | ☒ | ☐ |
| 3.1 Will the Director's company cooperate in such an effort? | <u>YES</u>
(Yes or No) | |
| 4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low." | ☒ | ☐ |
| 4.1 The committee is currently working on this response. | | |
| 5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute | ☒ | ☐ |
| 5.1 Will the Director's company cooperate in providing such information to the Institute? | <u>YES</u>
(Yes or No) | |

Comments: _____

By J. W. Green

Date 11-29-1979

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Approve Disapprove

1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response.

☒ ☐

2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available.

☒ ☐

3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.).

☒ ☐

- 3.1 Will the Director's company cooperate in such an effort?

Yes (See comments)
(Yes or No)

4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low."

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- 4.1 The committee is currently working on this response.

5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute

☒ ☐

- 5.1 Will the Director's company cooperate in providing such information to the Institute?

Yes (See Comments)
(Yes or No)

Comments: #3 Bendix would support it. However, it should be controlled effort, with a limited degree on what is covered.

#5- Bendix approves under the condition, that the studies represent a joint study with other members. Bendix would not go it alone.

By J. H. Messier, Bendix Corp.

Date Nov. 19, 1979

BOARD OF DIRECTORS BALLOT ON RECOMMENDATIONS
OF HEALTH AND ENVIRONMENTAL AFFAIRS COMMITTEE

Approve Disapprove

1. Coordinate Institute response to EPA with AIA's ad hoc committee of friction materials manufacturers, reserving right to disagree or supplement any response.

☒ ☐

2. Make no recommendation for action on asbestos compensation legislation until drafts of Senate or House legislation are available.

☒ ☐

3. Support a recommendation for "hands on" education of regulators (plant tours, audio-visual aids, etc.).

☐ ☒

3.1 Will the Director's company cooperate in such an effort?

NO
(Yes or No)

4. Endorse early comments to EPA in response to their ANPRM on numbers of repair workers exposed, exposure routes and duration which essentially says "When the population is high, the exposure is low; when the exposure is high, the population is low."

☒ ☐

4.1 The committee is currently working on this response.

5. Support providing EPA with health and epidemiological studies on employees of friction materials manufacturers through the Institute

☒ ☐

5.1 Will the Director's company cooperate in providing such information to the Institute?

Yes - To whatever
(Yes or No)
Extent this
information is
available

Comments: _____

By Donald L. Utter - Abex

Date 12/3/79