

INTRACOMPANY CORRESPONDENCE

R-98 (Rev. 1-68)

**PLAINTIFF'S
EXHIBIT**

RMC-466

file



FROM:

J. Wallenta

TO:

C. R. Bent - Central Engineering / Richmond

COPY:

DATE &
SUBJECT:

1981 February 23

*Nasco
VSCA
ger*

In Mr. Piccioli's absence, again I ask your advice on the enclosed.

My first inclination would be to send back the card checking "Remove my name, etc.", as we have not produced asbestos shingles for approximately ten years or more and to the best of my knowledge do not use asbestos-containing products in our manufacture of asphalt shingles.

I would appreciate your comments and assistance.

Thank you again.

Joan Wallenta

Joan Wallenta
Secretary to:
F. J. Piccioli

/jcw
Enc.

*Steve, do you wish to
respond to this?
are we involved? should
we at least keep abreast?
I don't think Joan should!
CB*

*Sent letter
3/13/81
GR*

RMC0800280002507



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460
February 9, 1981

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES
TS-799

Dear Sir,

We have provisionally placed your name on our mailing list of companies that make, process or import Asbestos or Asbestos-containing products. The purpose of this letter is to alert you to a new proposal under the Toxic Substances Control Act (TSCA) for reporting certain information on Asbestos and also to ascertain if, indeed, the proposal does apply to you. The mailing list was compiled from public sources in EPA, trade associations, and Dun & Bradstreet.

If you do not belong on this mailing list and do not wish to receive further communication about the TSCA Asbestos reporting rule, please let us know by checking off the appropriate box on the enclosed, pre-paid card. If you are involved and do wish to receive further communication, please return the card with any address correction required.

Before giving the basic features of the reporting proposal, let me emphasize that it is only a proposal. There is no requirement to report anything at this time. We would encourage you to comment on it, in addition to returning the card, before March 27th. A short letter recounting the resources you would expend to complete the reporting insofar as it applies to your company would be a vital element in the Agency's getting a true picture of this proposal's impact on industry. Our office of industry assistance is tasked by statute to see that the Agency does get such meaningful, full-spectrum, pragmatic feedback on the costs and burdens of compliance - in advance of making a final rule. Hence, our concern to reach all, and especially the small businesses involved at the point of proposal - which is now!

In the attachment we have laid out the basic features of the proposed reporting rule for Asbestos. Included in the term "detailed information" are quantities of Asbestos used in various processes, employee exposure and monitoring data, waste disposal and pollution control information. The submissions would be used by the Agency to determine what regulatory action would remedy what amount of the adverse effects on health or the environment that are attributable to Asbestos. Also enclosed is a corrected version of page 8239 of the Federal Register Notice.

In hope that this letter and the enclosures make it possible for you to return the name-card as soon as possible and encourage some practical feedback, I am

Sincerely,

John B. Ritch, Jr.
John B. Ritch, Jr., Director
Industry Assistance Office

Enclosure

RMC0800280002508

BASIC FEATURES OF THE TSCA PROPOSED RULE FOR REPORTING ON ASBESTOS

+++++ WHO +++++ WHEN +++++ WHAT +++++

Group One:

Manufacturers (mining & milling).
 Importers of bulk form.
 Primary processors (making Asbestos-containing products or mixtures from bulk form).
 60 days after effective date of a final rule.
 * Form 7710-36. Detailed Information.
 --pp. 8, 10, 26, 28, 29, 30, 32, 34.
 --pp. 8, 11, 26, 28, 29, 30.
 --pp. 8, 12, 16, 26, 28, 29, 30, 32, 34.
 * If engaged in both, include Group Two activity.

Group Two:

Importers of Asbestos-containing products or mixtures (solely).
 Secondary processors (making products using Asbestos mixtures or incorporating Asbestos-containing components solely).
 30 days after effective date of a final rule.
 --Self
 --Products made.
 --Mixtures bought.
 60 days after receipt of certified letter on selection
 * Form 7710-37. Identification only.
 --Self
 --Products made.
 --Mixtures bought.
 60 days after receipt of certified letter on selection
 * Form 7710-36. Detailed Information.
 --pp. 8, 24, 26, 28, 29, 30. [Mixtures]
 --pp. 8, 24, 26, 28, 29, 30. [Articles]
 --pp. 8, 20, 26, 28, 29, 30, 32, 34.
 [Secondary Processors]

DEFINITIONS -- EXAMPLES OF ACTIVITY

Asbestos Mixture = Asbestos fiber added and can be used or processed further or incorporated into other products.
 Asbestos-containing product = Asbestos-paper, Asbestos-cement sheet, Asbestos-reinforced plastic.
 = Automobile brake lining.
 = Vinyl-Asbestos floor tile.
 = Textiles.
 Primary Processor = Mixes & repackages different size fibers. Product is still bulk Asbestos.
 Secondary Processor = Formulates paint, mixing Asbestos-containing paint with other agents to impart special properties.
 = Fabricates Asbestos-cement sheet, cutting sheet to make an electrical switchboard.
 = Makes garments, cutting an Asbestos textile.
 = Makes auto hood insulation, incorporating Asbestos-felt as blanket.
 = Makes auto heating vent ducts from Asbestos-paper.

EXCLUSIONS

Small Business = Fewer than 10 employees. Applicable to all categories of activity and all requirements.
 Secondary Processors = Repair articles, repackaging Asbestos mixtures without modification or do construction.
 = Apply, assemble, install, erect or consume Asbestos products without modifying or fabricating the Asbestos products.
 Users = Do not distribute them in commerce as part of a product (cf. diaphragm in Chlorine mfg.
 Distributors = Sale activity for Asbestos products.

II. SUMMARY OF CURRENT WORKER EXPOSURES

16. This section requires you to report the eight-hour Time Weighted Average (TWA) for all employees at the reporting site for whom you have already determined a TWA. You should group all employees with known TWA's into the ranges of TWA values indicated on the following chart. For each group of employees, you will then determine the total person hours that those employees worked at the given TWA range. Persons who mine and mill asbestos will report summaries of measurements pursuant to the requirements of the Mine Safety and Health Administration (MSHA) (30 CFR 55., 56., 57.5-1(a)). Persons who mill, process, or import asbestos will report summaries of measurements pursuant to the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.1001). Do not estimate TWA figures for any employees. Report only known TWA values.

(ii)1. 8-hour Time Weighted Average (TWA)

For each range of exposure levels listed below:

Column 1 - enter the number of workers whose existing TWA falls within each exposure range. Where more than one TWA is available for a particular worker in the most current year, use the geometric mean of these values as the TWA for the worker.

Column 2 - enter for each exposure range the total number of hours worked in 1980 by the employees listed in column 1.

Column 3 - enter the total number of actual measurements (filters) that you used to determine the employees' TWA's that are reported in this chart.

(ii)2. Ceiling Concentration Levels

For each exposure level range:

Enter the number of workers for whom ceiling concentration levels of asbestos fiber were determined in 1980 pursuant to the monitoring requirements of MSHA or OSHA.

Enter the number of ceiling concentration measurements that were recorded in 1980.

(ii)1. 8-hour Time Weighted Average (TWA)

Average 8-hour TWA (fibers/cc)	(1) Number of Workers Affected	(2) Total Person Hours Per Year at TWA in 1980	(3) Number of Measurements Used (filters)
< 0.1			
0.1-0.5			
0.6-1.0			
1.1-2.0			
> 2.0			

(ii)2. Ceiling Concentration Levels

Ceiling Concentration Levels (fibers/cc)

	2.0-5.0	5.1-10.0	> 10.0
Number of Workers Affected			
Number of Measurements Recorded			