

FRICTION MATERIALS STANDARDS INSTITUTE, INC., EAST 210 ROUTE 4, PARAMUS, NJ 07652

July 25, 1986

To: Officers and Board of Directors

Subject: Environmental Protection Agency (EPA) Hearings on the
Proposed Ban and Phase Out of Asbestos Products

At the Board of Directors Meeting in June, I was asked to attend the EPA Hearings on the Proposed Ban and Phase Out of Asbestos Products. This EPA proposal was published in the Federal Register on January 29, 1986, and the Institute's Board of Directors had earlier recommended that the Institute respond to the proposal, in harmony with earlier comments made to the Occupational Safety and Health Administration (OSHA) and EPA. Institute comments were prepared and mailed to EPA on June 13, 1986.

At the EPA Hearings on July 15, 1986, a panel of industry representatives testified as a panel coordinated by Mr. Bob Pigg of the Asbestos Information Association (AIA). There were individuals representing domestic mining (Myers), AC Pipe (Jackson), Coatings and Cements (Alexander), Roofing and Siding (Netter), and Friction Products (Rita Grisham of Nuturn).

Ms. Grisham testified that Nuturn (and predecessor companies dating back to 1941) employees had not demonstrated asbestosis/mesothelioma from workplace exposures, and that it did not consider the continued use of asbestos under controlled conditions to present an unreasonable risk in the workplace. While further testifying on the lower range of exposures necessary to be in compliance with the maximum levels permitted by OSHA, Ms. Grisham noted that there is still a need for asbestos, particularly in drum brake linings.

In other testimony, it developed that crocidolite is still considered necessary in the manufacture of asbestos cement pipe (AC Pipe). All others used chrysotile.

There was additional testimony to be given at other sessions of these hearings, including testimony by Mr. John Marsh of Raymark, and Dr. Chu, Dr. Krebs, Mr. Johnson and Mr. LeFevre of General Motors that advocated continuing use of asbestos in certain friction products.

In addition, there was to be testimony by Mr. Barry Castleman of the National Resources Defense Council (NRDC), who is a militant opponent of asbestos, which dealt in part with asbestos in brakes. Mr. Castleman sent the Institute a copy of that section of his comments that were in response to the EPA proposals which dealt with brakes. These were on pages 24-26 of the NRDC comments and were entitled: "Licensing Brake Repair Facilities."

In these comments, the NRDC "backs-off" of its advocacy of an immediate ban on asbestos in brakes, but suggests a facilities "licensing" approach. I am enclosing a copy of these NRDC comments as written for your information.

As I receive copies of comments and testimony relevant to the Institute's concern with asbestos in brakes, they will be forwarded.

E. W. Drislane
Executive Director

Copy: H.E.A. Committee

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Comments
of the
Natural Resources Defense Council
on the
Environmental Protection Agency's
Proposed Asbestos Mining and Import Restrictions
and Manufacturing, Importation and
Processing Prohibitions

51 Federal Register 3738
(January 29, 1986)

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June 29, 1986

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unbroken tradition of litigation over U.S. occupational asbestos standards; and, as we have seen in the past, it is impossible to predict which provisions of the new standard will be upheld or when those which are upheld will take effect.

B. Licensing Brake Repair Facilities .

In the petition to EPA in 1984, NRDC requested a ban on the use of asbestos in brakes. The brake repair problem is created by the presence of asbestos-containing brakes in vehicles which are presently in use and will eventually require servicing. EPA has indicated that it will take another five years before sufficiently developed substitutes will enable the Agency to ban asbestos in brakes and other friction products.⁵⁶ Further complicating the issue is the report that aramid fibers, now used as one asbestos substitute in brakes, may cause lung cancer by inhalation in rats.⁵⁷ Finally, despite a request to the manufacturer, we have not yet seen data on the extent of aramid fiber survival or modification under the conditions of brake wear.⁵⁸

Given the extent of the existing and foreseeable problems

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- 55 Asbestos Information Association/North America, et al. v. Occupational Safety and Health Administration, et al., Civ. No. 86-4422 (filed June 17, 1986, 5th Cir.); Building and Construction Trades Dept., AFL-CIO v. William Brock, Civ. No. 86-1359, (filed June 17, 1986, D.C. Cir.).
- 56 Proposed Asbestos Ban, 51 Fed. Reg. at 3749.
- 57 Letter from Charles F. Reinhardt, DuPont, to Environmental Protection Agency, Docket WH-557, April 4, 1985.
- 58 Certified letter from B. Castleman to Robert Nelson, Nuturn Corp., April 26, 1985.

from asbestos-containing and possibly from asbestos-free brakes, along with the recent commercial development of enclosed systems for brake servicing, NRDC now believes that a two-phased approach, rather than an immediate ban is warranted. As a first step, the most serious hazards to brake mechanics can be controlled by mandating the use of enclosed systems, and by requiring that only mechanics trained in the use of enclosed systems be licensed to perform brake repairs. If this is done, the complete elimination of asbestos in such products can be deferred for a time while substitutes are developed and evaluated.

A brake repair facilities "licensing" approach, which has been suggested to EPA in this proceeding by consultant Dr. Grace Ziem,⁵⁹ would follow the example of laws governing abatement of asbestos in buildings, such as those which have been enacted in Maryland, New Jersey, and other states. The brake repair work would only be allowed in establishments certified by government authorities. Such establishments would have to provide certified acceptable training programs for employees and use certified acceptable control systems and work practices. As part of their training, workers would have to learn about the dangers of asbestos and the proper use of approved technology and procedures.

Several enclosed vacuum brake repair systems are now offered by various manufacturers, though all may not warrant government

⁵⁹ Letter from Dr. Grace Ziem to Environmental Protection Agency, May 12, 1986.

certification as acceptable. A brochure on a GSA-approved system by Clayton Associates is attached;⁶⁰ this type of unit is already being used by a number of governmental bodies and other organizations which maintain fleets of vehicles.⁶¹ Control of worker exposure during vehicle servicing and filter change with the previously mentioned enclosed system by Clayton is complete, according to measurements reported by electron-microscopy.⁶² As for employee training, it has become standard operating procedure for mechanics employed by the state governments of Maryland and New Jersey.⁶³

NRDC believes that EPA has ample authority to impose such a licensing scheme under section 6(a)(5) of TSCA. That section provides that the Agency may issue requirements "prohibiting or otherwise regulating any manner or method of commercial use" of a toxic substance. While such a requirement would be addressed to workplace situations, other persons present in or near brake repair establishments would be protected against exposures resulting from improper handling of asbestos during removal and repair of brakes.

60 Att. V.

61 Governmental units using the Clayton enclosed brake repair system include the Ohio Department of Transportation, the Philadelphia Police Department, and the Maryland, New York, and New Hampshire National Guard. Personal communication with James Clayton, June 23, 1986.

62 Letter from Dr. Arthur Rohl, Mt. Sinai School of Medicine, to Clayton Associates, Inc., October 12, 1984, Att. VI.

63 Personal communication, Dr. Grace Ziem, June 23, 1986.