PLAINTIFF'S EXHIBIT

UC-3703

UC 14.9.2

UNION CARBIDE

INTERNAL CORRESPONDENCE

MINING AND METALS DIVISION

P. O. BOX 579, NIAGARA FALLS, NEW YORK 14302

To Name
Division
Location

Mr. W. C. Thurber
UCC Metals Division
38th Floor
270 Park Avenue
New York, NY 10017

Copy to

Messrs. R. E. Byrne, Jr.
J. L. Myers
T. P. Norris
R. L. Schult
File

Date: October 30, 1975

Originating Dept.: "Calidria" Asbestos

Answering letter date:

Subject: American Institute of Timber Construction - EPA Letter

This is in response to your request for followup on the above noted subject. Tom Norris has talked to the Institute and they admit that the letter was an overenthusiastic response by one of their people to the initially proposed EPA regulations. They are not particularly enthusiastic about sending out a retraction but have agreed to test any formulations containing asbestos submitted by member companies on their own merits.

Tom has been in contact with Weyerhauser, Georgia Pacific, and Borden with this message and finds a real interest in looking again at RG-244. (The substitute, Cab-O-Sil, apparently gave serious sag problems.) These companies still have their own toxicology hangups, however, and Tom has promised the usual dust counts and OSHA discussion. We have agreed to provide these.

Tom does not feel that it will help at this point to press the Institute for a written retraction. He will, however, send them a note confirming the agreements reached at his meeting with them. This at least makes it more difficult for them to change their position when the samples come in. We will wait and see how things progress before taking any further action from this end.

H. B. Rhodes

H. B. Rhodes

HBR:cjb

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

February 26, 1975

Mr. W. C. Thurber
Product Manager - Asbestos
Union Carbide Corporation
270 Park Avenue
New York, New York 10017

Dear Mr. Thurber:

This is to acknowledge receipt of your letter of February 18, 1975, containing comments on the proposed rules published in the Federal Register, 39 FR 38064 (40 CFR Part 61). We are assembling all the comments received on this issue so we can make the necessary changes for the promulgation.

We sincerely appreciate your prompt attention in submitting comments.

Sincerely yours,

Jack R. Farmer
Chief
Standards Development Branch

RECEIVED
'75

UNION CARBIDE

February 18, 1975

Mr. Jack Farmer
Emission Standards and Engineering Division
Environmental Protection Agency
Research Triangle Park
North Carolina 27711

Dear Mr. Farmer:

We want to thank you very much for meeting with us last week and providing us the chance to discuss the points raised in our letter of December 5 in more detail. We would also like to take this opportunity to provide the figures relative to our business and the potential impact of the proposed regulations thereon that were covered in general terms at the meeting.

It was stated in our December 5 letter that Union Carbide emphasizes specialty rather than commodity asbestos products and that in 1973, 90% of our customers purchased less than 50 tons each. The 1974 figures now available show the same general picture. The crucial point relative to the present discussion, however, is that over 1000 tons of proprietary specialty products went to 166 users, only two of which used more than 50 tons each. These users are widely scattered in large and small towns throughout the United States except the Plains and Rocky Mountain regions. They are mainly caulk,, adhesive, sealants, and plastics manufacturers who would appear to fall within the scope of paragraph 61.22c parts 7 and 8. As far as we know the main source of asbestos related waste with any significant potential to generate dust is the empty product bags. These are generally disposed of with other solid plant wastes.

We note on page 119 of the background document for the proposed amendment (EPA-450/2-74-009a, October 1974) that:

> "For a disposal site to comply with standard, the capital investment cost would be $9500 and the operating cost would be $5000/year."

Application of these figures to the 166 geographically-separated users noted above gives an investment of $1,577,000 and an annual cost of $830,000. These numbers do not include additional costs for in-plant handling and packaging or take into account the problems involved in trying to find a contractor who is willing to take on the complications relative to disposing of these small amounts of asbestos waste. While this is undoubtedly an oversimplification, we feel it is a useful approximation of the order of magnitude and scope of the problem assuming

the proposed regulations are promulgated in the present form.

As we discussed at the meeting there is precedent in the present regulations to grant relief to small sources of emissions. Thus paragraph 61.22d, Demolition has a cut-off point at "apartment buildings having more than four dwelling units". Further, the quantity of "friable asbestos material" that corresponds to this point is defined in the Background Document for the proposed amendments as "...friable asbestos materials used to insulate 80 meters (ca. 260 feet) of pipe on the removal or stripping of more than 15 square meters (ca. 160 square feet) of friable asbestos material used to insulate..."

If it is assumed that the 160 square feet of "flat" insulating material is 3 inches thick, the total volume allowable would be 40 cubic feet. This is the basis for the 40 cubic feet per calendar quarter exemption point proposed in our letter of December 5, 1974. There is no rigorous basis for the selection of the calendar quarter time period other than the fact that the quantity of waste generated by the 166 locations described above will be far smaller than that generated by the demolition and renovation of the exempted dwelling units throughout the United States.

It was suggested at the meeting that it might be more direct to put the 40 cubic foot limit on a pound basis and possibly to even base things on the quantity of asbestos used rather than on the amount of waste generated. Magnesia-asbestos insulation varies somewhat in density but 15 lbs./ft.^{3} is a representative figure. Thus 40 cubic feet would correspond to a total of 2400 lbs./year of waste (50 lbs./week). It should be noted that this is a factor of 4 smaller than the Central Shop Fabrication of asbestos-cement building products which is the smallest of the sources proposed to be covered in the revised regulations.

A cut-off point based on asbestos usage has the obvious advantage of clear-cut definition. It has the disadvantage that different processes generate different amounts of waste. The problem facing the users of concern in this letter, however, is mainly one of disposal of the emptied asbestos bags. We have not made a statistical study of the residual asbestos in empty bags but estimate it will average less than 0.5%. For a plant using 50 tons per year of asbestos, this would correspond to only 500 lbs. per year of friable asbestos waste.

Let us again express our thanks for the opportunities to meet with you. If we can be of any help please do not hesitate to let us know.

Very truly yours,

W. C. Thurber
Product Manager - Asbestos

WCT/es
bcc: R. G. Beverly
H. B. Rhodes