403 6-AF

L-1-126
MAY 1965

U.S DEPARTMENT OF LABOR

Washington

RECORDS AUTHENTICATION CERTIFICATE

I HERE[redacted]EST, That the annexed copy, or each of the specified number of copies, of each document listed b[redacted] true copy of a document in the official custody of the Department of Labor.

[redacted]py of pages 396 to 407 of the March 16, 1972 Asbestos Dust [redacted]aking hearing official transcript.

SIGNA[redacted]FFICIAL TITLE	DIVISION AND BUREAU	DATE
[redacted] Tech[redacted]mation Spec.	Docket Office / Technical Data Center/ Occupational Safety & Health Admin.	8 June 79

[redacted]EBY CERTIFY, That Daniel Marsick who signed [redacted]egoing attestation, is now and was at the time of signing (title) [redacted]ical Information Specialist and has legal custody [redacted]fficial records of the United States Department of Labor therein [redacted] and that full faith and credit should be given to his act as such.

IN WITNESS WHEREOF, I

J.J. Lafranchise

duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this 8th day of June 19 79

J J Lafranchise

Authentication Officer
Department of Labor

PLAINTIFF'S EXHIBIT
WV-04768

PLAINTIFF'S EXHIBIT
11157.0

GPO 942-641

WV-04768

BLATT & FALES
ATTORNEYS AT LAW
1611 ALLEN STREET
BARNWELL, SOUTH CAROLINA 29812

SOLOMON BLATT
IRA FALES 1894-1965
WALTER BEDINGFIELD
MILES LOADHOLT
J. TERRY POOLE
RONALD L. MOTLEY
TERRY E. RICHARDSON, JR.
THOMAS W. WEEKS

TELEPHONE
803/259-3322
P. O. BOX 398

November 13, 1978

Mr. Dan Marsick
United States Department of Labor
Room S-6212
200 Constitution Avenue, N. W.
Washington, D. C.

Re: 1972 Goldberg Asbestos Standards Hearings

Dear Mr. Marsick:

Our office, through Barry Castleman, Environmental Consultant, previously corresponded with you respecting certified copies of excerpts from the Goldberg hearings which you kindly complied with. Inadvertently, however, pages 396 through the completion of the testimony of E. A. DeSalvo (beginning on page 407) were not forwarded to us although it was requested. Please provide us with certified copies of same at your earliest convenience. This request, of course, is made pursuant to the Freedom of Information Act.

Yours truly,

Ronald L. Motley

RLM:ssp

We have made some rough calculations as to the cost of compliance with the proposed rules and the Advisory Committee Report. Keeping in mind that each plant has certain peculiar problems all its own, it is our best estimate that compliance with the proposed rules will result in an average per-plant expenditure of $200,000 or with six plants, a total capital investment of $1,200,000.

Even with this expenditure we view at least three operations within our plants that under the five fiber test will require the employee performing the job to wear a respirator. In addition this does not estimate the additional annual operating cost that would be required to administer the program. To meet the requirements of the Advisory Committee Standard, we estimate the capital cost would be double that required under the proposed standard for a total of $2,400,000.

However, and I wish to emphasize this as strongly as I can, we do not at this time feel that even with this expenditure we will be able to comply with the two-fiber standard. The technology has not been related to cover all of the situations in or around asbestos cement pipe plant.

Again such an expenditure does not include the increased operating costs that necessarily flow from the Advisory Committee's standards. It is clear, though, that these costs will be substantially greater than under the

proposed standard which is set forth in the written material adopts many of the positions espoused by the Advisory Committee report. By our proposed standard, we are submitting Certainteed to most of the expenditures set forth above.

We sincerely ask that the Labor Department not now consider going to a two-fiber standard and thereby increase these costs to what may be an intolerable level. Certainteed is a diversified manufacturer and our management will not commit capital funds to one segment of our business to the detriment of other segments of our business competing for the same dollars if the expenditures can not be recovered and may not even preserve the life of that division.

If there is any doubt about the future of cement management will have to divert funds.

Our management has indicated it will commit the dollars necessary to engineer to a five-fiber standard to the extent that is technologically could be done. They have considered but not committed to the expenditure of any funds if the standard is set at two fibers.

I wish to emphasize Certainteed's position that it can not continue in the asbestos cement pipe business if a standard is promulgated which includes product labels and/or the nonasbestos waste disposal systems.

We feel strongly that any label on our finished product, particularly pipe, to be used for drinking water

transmission would immediately make it unsalable.

Municipalities subject to political pressures would not take a chance on a product so labeled. There is no evidence that ingestion of asbestos fiber in any way is harmful. However, all the public and the public officials will see when they see the label is the word "cancer" and the "No-Sale" sign will go up.

Whereas, in asbestos pipe cement the asbestos is bound into the product and then after leaving the plant it seems more than a little drastic to label the pipe in such a manner as to make it unsalable.

We certainly do not quarrel with the desire to dispose of or confine loose asbestos fibers but we have not figured out how you put ten to twenty tons per day of asbestos into plastic bags.

It can be done but the cost would be prohibitive. We feel asbestos scrap and waste, including asbestos dust can be disposed of in quantity only in a land-fill where the waste can be covered each day and will present no danger to anyone.

Removal of the land fill would be by any conventional dump and enclosed trucking method. The scrap and waste in which the fibers are found in other words in pipe scrap present no hazard and disposal of these should not be governed by this standard.

In conclusion, Certainteed would point to those areas in which we have the greatest concern--fiber count dust, and waste disposal, label, repeating Certainteed does not know whether the standard it proposes is technological or economically feasible but if we can have a realistic standard in the form presented here we feel we can have a real possibility of compliance.

Thank you very much.

EXAMINER GOLDBERG: Thank you, Mr. Leaman.

You are excused, sir.

Mr. Ball.

STATEMENT OF JOSEPH C. BALL, VICE PRESIDENT GAF CORPORATION'S BUILDING AND INDUSTRIAL PRODUCTS GROUP.

MR. BALL: I am Joseph C. Ball.

I am Group Vice President of GAF Corporation's Building and Industrial Products Group. I have been associated with GAF for 22 years and have been involved with asbestos products and their manufacture for all of those years.

GAF appreciates the opportunity to participate in your public hearings on the Proposed Asbestos Regulations. We want to cooperate in this important area and be certain in the writing of practical standards which protect the health of employees.

I would like first to give you a brief outline of GAF activities and policies.

GAF corporation is a world-wide company which manufactures and distributes a wide range of products in five related consumer and industrial market areas. The areas are Chemicals, building materials, photographic film and equipment, office systems and industrial products. The common bond uniting the product groups is chemical research and technology, from which GAF's "congeneric" nature evolved. Headquartered in New York City, we employ approximately 22,000 persons.

At its more than 70 manufacturing and processing plants throughout the U.S., GAF's policy is to operate in a safe manner consistent with sound business principles, and in compliance with all Federal, State and Local laws. Our prime objective has been and continues to be as stated in our company's management policy, "To provide a safe and healthful working environment for GAF employees that will minimize the occurrence of accidents and injuries to them."

Overall, GAF spent about $5 million last year and will expend in the neighborhood of $6 million this year on environmental control equipment. I cite these figures only to illustrate that my company is totally committed to the role of a responsible and concerned citizen.

The ever-changing and sometimes conflicting

regulations of the many agencies operating in the health, safety and environmental control fields necessitate our having a full-time staff of professional safety and environmental control fields necessitate our having a full time staff of professional safety and environmental engineers to update and modernize our equipment and facilities to meet standards. This effort also includes research in those areas where there is presently no technology to combat certain problems. Our Corporate Health & Safety Department is responsible for formulating, developing and coordinating a complete health and safety program.

The GAF Building, Flooring and Industrial Products Divisions utilize asbestos in the manufacture of a number of products. These products consist of the following: (1) asbestos cement products, consisting of siding, roofing, flat sheets, canal buildheading and simulated brick facing; (2) asbestos felt and millboard; (3) asphalt paints and pipecoverings; (4) vinyl asbestos floor tile and sheet flooring; and (5) asbestos fiber.

We employ 4,900 employees at 15 asbestos product plants and an asbestos mine. Our customers include many thousands of distributors, contractors and retailers. The proposed regulations may seriously affect their operations, as well as those of GAF. In addition, the above plants are supplied by several hundred vendors from whom we make purchases

amounting to over $30,000,000 yearly.

Since we will be submitting for the record, a detailed written statement, I will highlight our position as to the proposals.

GAF has, in past years, spent several million dollars on asbestos dust control and believes it will be able to comply with a five fiber standard, with the expenditure of an estimated additional $2.2 million dollars. However, this standard cannot be fully met for at least two years due to the time necessary to design, order and receive abatement equipment. If a further material reduction below 5 fibers is later called for, the progress would have, of necessity, to be considered slower. We believe that a standard substantially below five fibers cannot be generally achieved in this decade and that, if such a reduction could be accomplished, the cost would make questionable the economic feasibility of continued operations of certain of our facilities.

Exposure to and effects of asbestos have been studied for years by a number of eminent physicians. It has been concluded that the former 12-fiber limit and the two million particles per cubic foot standard were not adequate. They have not agreed, however, that it is necessary to go below the 5 fiber standard. We suggest that further medical study be carried out so that a consensus can be reached

as to the proper limit. At that time, if it is shown that a new time limit is required, it could be met with a realistic time schedule for achievement.

In addition, I am extremely concerned with the possibility that a label will be required to be placed upon asbestos-containing products. I strongly urge that this be reviewed in light of the "locked-in" nature of the asbestos in many products and the deleterious effect a warning label would create with regard to distribution of these products in the market place. GAF does not oppose labels when they serve a legitimate purpose as shown by our long-standing practice of labeling bags of asbestos fiber, but I see no reasonable purpose to be achieved by a label on products in which the asbestos is thoroughly bonded. A warning label, in our opinion, would seriously affect the future marketing of a number of our products. Vinyl floor tile, for instance, is often sold directly to the consumer and contains approximately 17 per cent asbestos which is securely "locked in." There is no evidence of hazard related to the application or use of vinyl flooring and other "locked-in" products, nor in our judgment is there any potential hazard due to the nature of those products. A label on flooring in particular would be highly objectionable to the public, could be injurious to over one-half billion dollar resilient flooring industry, and might mean the loss of a great many jobs and possible

plant closings. Where there is no need, there should be no warning label.

It is important for you to have an understanding of the size and importance of the asbestos industry. Asbestos serves hundreds of essential uses and has brought safety from the hazards of fire to all of us. Asbestos constitutes a multi-billion dollar industry and provides the livelihood for many thousands of workers. It is a strong, durable, flexible and fire-resistant material. It is unique in the sense that no other material duplicates all of its useful qualities.

On the other hand, we do not question the potential adverse effect on health of this material when one is exposed for many years to significant concentrations of free fibers. In this regard, raw asbestos fiber should be controlled as well as any hazardous emissions from asbestos-containing products.

In conclusion, GAF does not oppose reasonable standards which are responsive to the problems and based upon all the facts. Our statement, which we are submitting for the record, has been assembled within a very brief time period since the emergency standard was enacted in December and subsidiary recommendations were published as recently as 2-1/2 weeks ago, when the Advisory Committee issued its Recommendations. Much more time is needed for study by

GAF and, in our opinion, by the Labor Department. GAF Corporation pledges its cooperation to the Department of Labor and requests that all the facts be considered before a permanent standard is enacted, and that each future stan[illegible] when enacted, will regulate only the problem areas and not needlessly penalize workers and industry through enactment of superfluous controls.

Thank you. We will be forwarding for the record a detailed statement the first of the week.

MR. DEGREGORIO: A few questions. Do I understand you correctly to say that you can control concentrations of asbestos fibers with engineering methods down to five fibers. Is that what you said?

MR. HALL: We think we can do that within two years at an expenditure in excess of $2 million. Down to fibers.

MR. DEGREGORIO: Could you explain briefly what is that permits engineering controls to bring concentrations down to five but somehow something stops so that you can not go any lower. Could you explain to us?

MR. HALL: Well, I can try to explain it.

I am not an engineer as I will--I do not consider myself an expert in this area. It is a matter of technology--engineering technology that reduces the criterion of fibers from a 12 or a 5 fiber limit down to two. In many plan[illegible]

in our plants that technology just does not exist and there is no way from what I am informed to achieve that within the foreseeable future.

MR. MCGREGOR: Now, if you can bring the concentrations down to five with engineering methods, it seems to me that if you supplement those technological controls with respirators and good housekeeping methods, you should be able to bring down the concentrations to two, is that reasonable?

MR. HALL: Let us say it is possible. The use of respirators will be necessary even though we get down to five fibers. There will be peak levels or there will be certain parts in the plant, certain locations in the plant where respirators will be necessary.

Getting down to the two fibers presuming that the technology will be developed, you get into an area of the economic feasibility of doing it. Now, if it costs us over $2 million to get down to five, I could not--I would not guess how much more it would cost to get down to two fibers, but I would suggest that we would have to consider very carefully the continuance of any operation that exceeded, for instance, in our three asbestos cement plants it is going to cost us over $2 million to get down to the five fibers.

Now, if it cost us six million times nineteen figure we would think very seriously about outstanding

that asbestos cement plant operation. This is particularly true in the mine. We have a serious problem at our Hyde Park Mine. We will have a very serious problem getting down to five. I cannot conceive, and my engineering people hardly can conceive that it will ever be possible to get down to two.

With that mandated, I am very certain that the probability of our simply shutting the mine down would be very good.

MR. DEGREGORIO: Thank you very much.

EXAMINER GOLDBERG: Thank you, Mr. Hall.

Mr. Disalvo.

STATEMENT OF E. A. DISALVO

VICE PRESIDENT, PANACON CORPORATION.

MR. DISALVO: My name is Elmo A. DiSalvo. I am vice president of Panacon Corporation of Cincinnati, Ohio and President and General Manager of Panacon's Philip Carey Company. Philip Carey has plants in Ohio, New Jersey, Tennessee, Illinois and Texas which provide jobs for over 1400 people, 30 per cent of whom are involved in asbestos products. These products represented 20 per cent of our $90 million total sales in 1971.

Dust surveys conducted in our factories have indicated that we are generally complying with the emergency standards of 2 fibers per ml, but that we have some problem