



ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

Sub file 75 473
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8(a)
Asbestos

PLAINTIFF'S EXHIBIT

DOW-851

21 November 1979

MEMORANDUM FOR: MEMBERS

Subject: Information Regarding Response to CPSC's and EPA's Advance Notices of Proposed Rulemakings (ANPRMs) as Published in the Federal Register on October 17, 1979

REF: A. AIA/NA Memorandum of October 18, 1979, Subj.: Notices Issued by CPSC and EPA Concerning Consumer Products Containing Asbestos and Commercial and Industrial Use of Asbestos Fibers; forwarding of

B. AIA/NA Memorandum of November 9, 1979, Subj.: Meeting of AIA/NA Board of Directors, December 12, 1979

Members will recall receipt of ANPRMs affecting the asbestos industry as published by the Consumer Product Safety Commission and Environmental Protection Agency in the Federal Register on October 17. These notices were forwarded by reference A. It was advised in reference A that the Association's Special Counsel for Regulatory Affairs (Kirkland & Ellis) was assessing the ANPRMs with the view of proposing a comprehensive response strategy for consideration by the AIA/NA, and that further information would be provided regarding possible response by members and the Association.

During the past several weeks, AIA/NA Special Counsel has been busily engaged on the EPA and CPSC Advance Notices of Proposed Rulemakings. On November 13, Special Counsel, together with AIA/NA representatives, met with EPA staff in an effort to narrow the scope and/or obtain an extension of time for responding to the EPA ANPRM.

As summarized in the enclosed letter to EPA by Ed Warren of Kirkland & Ellis, EPA was found to be completely inflexible as to any extension of the comment period without an unqualified

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commitment by the asbestos industry to submit voluminous and potentially confidential information to EPA on a crash basis. Since the Association could make no such commitment, the only alternative was to submit a follow-up letter to EPA restating the grounds presented at the meeting as to why an extension of time is necessary.

Although no meeting similar to the EPA meeting was held with CPSC, we have contacted CPSC requesting extension of its December 17, 1979 comment deadline. Ed Warren's follow-up letter to CPSC summarizing our request for an extension of its comment deadline is also attached for your review.

Special Counsel's advice is being provided in two installments. The first is a set of general guidelines which are set forth in the attached letter from Ed Warren to the Executive Director, AIA/NA. These guidelines are suggested for use by members in preparation of any response that may be submitted to CPSC and EPA. The second installment, a more detailed legal memorandum regarding EPA's and CPSC's information-gathering authority and related confidentiality issues. The latter information will be forwarded to members within 10 days and would also be helpful in preparation of any response to the agencies.

As noted in Ed Warren's letter to the undersigned, a draft Association response to CPSC and EPA will be submitted for consideration by directors at the December 12 meeting announced in reference B. It would be appreciated if copies of any responses submitted to CPSC and EPA by members were provided to AIA/NA.

Please advise if there are questions about any of the enclosed materials. In addition, Association members choosing to submit a response to CPSC and EPA should feel free to contact Special Counsel, Ed Warren, (202) 857-5018, for advice on specific issues of concern.


B. J. Pigg
Executive Director

Enclosures

bjp/ws

cc: Special Counsel, K & E (less encls)

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~~Sub file 75473~~

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21 November 1979

Asbestos
cc 1332-21-4

MEMORANDUM FOR: MEMBERS

Subject: Information Regarding Response to CPSC's and EPA's Advance Notices of Proposed Rulemakings (ANPRMs) as Published in the Federal Register on October 17, 1979

- REF: *
- A. AIA/NA Memorandum of October 18, 1979, Subj.: Notices Issued by CPSC and EPA Concerning Consumer Products Containing Asbestos and Commercial and Industrial Use of Asbestos Fibers; forwarding of
 - B. AIA/NA Memorandum of November 9, 1979, Subj.: Meeting of AIA/NA Board of Directors, December 12, 1979

1332-21-4

ST0073607

Members will recall receipt of ANPRMs affecting the asbestos industry as published by the Consumer Product Safety Commission and Environmental Protection Agency in the Federal Register on October 17. These notices were forwarded by reference A. It was advised in reference A that the Association's Special Counsel for Regulatory Affairs (Kirkland & Ellis) was assessing the ANPRMs with the view of proposing a comprehensive response strategy for consideration by the AIA/NA, and that further information would be provided regarding possible response by members and the Association.

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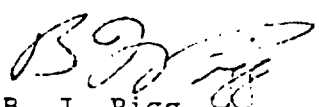
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Please advise if there are questions about any of the enclosed materials. In addition, Association members choosing to submit a response to CPSC and EPA should feel free to contact Special Counsel, Ed Warren, (202) 857-5018, for advice on specific issues of concern.


B. J. Pigg
Executive Director

Enclosures

bjp/ws

cc: Special Counsel, K & E (less encls)

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