



INTERNAL CORRESPONDENCE

MINING AND METALS DIVISION

4625 ROYAL AVE., P. O. BOX 579, NIAGARA FALLS, NEW YORK 14302

To (Name) Messrs. R. E. Byrne, Jr.
 Division G. L. Dickson
 Location J. L. Myers
 W. C. Thurber

Date July 18, 1975
 Originating Dept. - TECHNOLOGY DEPARTMENT
 "Calidria" Asbestos
 Answering letter date

Copy to File Subject Amchem Products, Inc.

Attached is a draft of a response to an asbestos-health inquiry from Amchem Products, Inc. I talked to Mr. Ellis by phone along the lines described in the draft and he seemed quite satisfied. He pushed very hard, however, to get it in writing. Your comments and suggestions are requested.

H. B. Rhodes

H. B. Rhodes ✓

HBR:pcr
 Encl.

BC: JLM
 WCT

Is it necessary to clear this with our Law Department? If so, it would be appreciated if WCT would send it in to RFXF.

Thanks.

H. B. R.

H. B. Rhodes

A 19494

HBR:pcr



AMCHEM PRODUCTS, Inc.

AMBLER, PENNA. 19002

PLEASE REPLY TO
P. O. BOX 9695
PHILADELPHIA, PA. 19131

June 30, 1975

Union Carbide Corp.
Metals Division
P. O. Box 579
4625 Royal Avenue
Niagara Falls, New York 14302

Gentlemen:

We would appreciate having comments on the potential health hazard of "Calidria" asbestos when incorporated as a thickener in adhesives and coatings. We believe the presence of minor quantities of Calidria in a compounded product would not present a hazard to the user of that product, but we would appreciate having your reasoning and opinion on this question.

Yours very truly,
AMCHEM PRODUCTS INC.
Foster Division

W. P. Ellis,
Director of Research

WPE:nfl

~~255 628-1235~~
Foster Div. - Phila.

RECEIVED

JUL 03 1975

UCC-CALIDRIA

A19405

Mr. W. P. Ellis
Director of Research
Amchem Products, Inc.
Foster Division
P. O. Box 9695
Philadelphia, PA 19131

Dear Mr. Ellis:

This is in response to your letter of June 30 and confirms our telephone conversation of July 16, 1975. As we discussed, asbestos has received a great deal of adverse publicity in the last few years and has been the subject of a number of government regulations. A balanced picture of the current situation published by the Asbestos Information Association is attached for your general information.

One important reason for much of the asbestos-health controversy is the long time periods, typically 20-50 years, for asbestos related diseases to develop. This, combined with the fact that low levels of asbestos fibers occur naturally in the environment, makes it difficult to define accurately a dose-response curve and say with absolute certainty what exposure levels are safe.

About four years ago, the National Institute of Occupational Safety and Health reviewed the available asbestos data in great detail and recommended a maximum occupational time-weighted average exposure level of 2 fibers/cc. longer than 5 μ . This recommendation was incorporated into the OSHA regulations and, after a delay to allow asbestos users to achieve compliance, goes into effect on July 1, 1976.

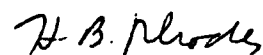
At about the same time, the National Academy of Sciences reviewed the problem more broadly in terms of potential environmental hazard and concluded that the general public is at present in no danger from the small amounts of asbestos fibers now in the air and water. Due to the uncertainties in the dose-response curve, however, they did recommend that regulations be promulgated to keep the levels from increasing.

Your particular inquiry was directed to possible hazards to the user from small quantities of "Calidria" asbestos incorporated as a thickener in adhesives and coatings. For this end use, the asbestos would be wetted with a substantial excess of long-lasting binder. Under these circumstances, it is reasonable to expect that any fiber release would be so slow that fiber concentration changes would be indistinguishable from the natural background.

There are two possible exceptions to this that should be noted, spraying and sanding. If your products are applied by spraying, it is possible to generate fiber levels above background but still within the 2 fibers limit during the actual spraying operation. The same is true when asbestos contained in a resin binder is sanded or abraded.

We hope that this will provide the information that you need. If there are any further questions, please let us know.

Very truly yours,



H. B. Rhodes
Technology Manager

HBR:pcr
typed 7/18/75

A 19497

UCC 016365

ORAL PRESENTATION BEFORE THE
CALIFORNIA STATE OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD

AUGUST 30, 1979

TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
(Asbestos)

Held in San Diego, California

on

August 30, 1979

John L. Myers
Union Carbide Corporation
Metals Division
Niagara Falls, NY 14302

420012

UCC 016366

My name is John Myers and I am employed by Union Carbide Corporation as Marketing Manager of its "Calidria" asbestos products. I have been involved with our asbestos business for 13 years. We produce about 30,000 tons per year of asbestos fiber from a mine and mill located in the King City area of California. We instituted air monitoring and medical surveillance programs with the startup of the plant in 1963 and have invested the necessary funds to remain in compliance with existing regulations.

We produce and market raw asbestos fibers for industrial use only. We do not manufacture any finished asbestos-containing products. Our interest in your proposal to change the "action level" for monitoring and medical examinations is because these changes can have a massive impact on the users of asbestos-containing products with little or no gain in worker protection.

The question of the appropriate "action level" to trigger monitoring and also medical examinations was discussed at the Standards Board hearing on April 26, 1979. At that time, there was general agreement among labor, industry and some state governmental representatives that an action level of 0.5 fibers/cc was reasonable, practical and enforceable. This level was based on considerations of worker protection, ability to measure, and an efficient allocation of professional resources. This level was adopted unanimously by the Board.

Soon after the Hearing and before the Board meeting to finally approve the new action level, Federal OSHA advised Mr. Vial by letter that the Board's action was - I am quoting - "unacceptable -- your asbestos exposure language will need to be identical to Federal OSHA" - close of quote. He quoted OSHA Program Directive #300-16 as the basis for his statement. California has a state plan approved "as effective as" the Federal regulation. There has been no change in the Federal Asbestos regulations which would require a change in the California regulations in accordance with section 18 of the Occupational Safety & Health Act. Following is a summary of an opinion from a Union Carbide attorney who specializes in OSHA matters. The complete text of his opinion is available to the Board. (Copy given to Hearing Recorder.)

He makes these points:

1. Program Directive #300-16 is an administrative interpretation only and has no regulatory or statutory authority.
2. California is under no statutory requirement to modify their regulations.
3. Failure to conform to such an Administrative interpretation does not provide the "substantial evidence" required under Section 18(g) of the OSH Act to sustain a withdrawal of certification.
4. The authority delegated to the Regional Administrator under paragraph 1953.4 (a)(2) relates to inconsistent interpretations of existing standards. It does not require standards which have been certified to be modified to conform identically.

To summarize, California is not required to change their present regulations to conform to the Federal wording. The choice is up to the Standards Board.

There are two basic reasons why the Board should retain the present action level of 1 fiber/cc.

1. One is the very large burden on resources to attempt to comply with, and enforce, an action level of 0.1 fiber/cc.
2. The second is the inability to measure the airborne concentration at this very low level.

Under your current standard, it is fairly easy for a knowledgeable employer or state compliance officer to determine if monitoring is required. If monitoring is required at a suspected level of 0.1 fiber/cc, virtually every place of employment where asbestos is present in any form or product must be monitored.

Brake repair shops provide a specific example of the scope of the problem. Airborne fibers can be released when brake linings are changed and reworked. But it has been shown that airborne asbestos concentrations can be controlled by training workers and using proper work practices. There are over 20,000 brake repair shops in California, the majority of which are service stations. If the proposed action level is adopted, all of these shops would be required to monitor or they could be subject to a citation and/or fine for non-compliance.

A conservative estimate for a simple initial monitoring is \$400. This times 20,000 shops is \$8,000,000, added to the operating expense of the brake repair industry in California. It would take an average of 2 man-days for trained personnel to conduct each test. Using 200 working days in a year, it would take the full-time activity of 200 trained technicians to monitor the brake shops in a one-year period. The people and equipment are probably not available - and what would be learned from this massive program? That brake shop TWA's are generally above zero and below 1 f/cc - this is already well established.

I have discussed brake shops because they are a well-defined entity, already registered in the state of California. A more difficult problem exists in the construction industry because of many more work locations, most of them constantly changing. We have not attempted to determine the cost or number of technicians which would be required for initial monitoring at a 0.1 f/cc action level in the construction industry, but they would obviously be very large.

Changing the initial monitoring action level to 0.1 would increase operating costs and require a massive mis-use of limited technical resources. And would worker protection be improved? We think little, if any at all.

The second reason not to change to a 0.1 action level regards the technical problems involved with measuring this concentration. With your permission I would like to have Dr. Rhodes discuss this aspect.

Response to Mr. O'Hara's Request for Comments on 5208 (j)(1), p. 8 of 11 -

John Myers - Union Carbide Corporation. We can continue to use brake shops as an example of the potential impact of the proposed change in action level for medical surveillance. A filling station is likely to have 2 or 3 mechanics

A20014

who handle brake repairs along with other general work. Larger specialty shops may have a dozen or more people who repair brakes with some frequency, and other workers could be in the general vicinity of the work. Let's assume there are only two mechanics in each of the 20,000 registered brake shops, or a total of 40,000 persons requiring pre-employment and annual medical examinations under the proposed regulations.

Dr. Clark Cooper, who supervises the joint union-employer medical surveillance program for the Western States Conference of the Asbestos Workers Union, has provided an estimate of \$60-75 per man for a minimum physical examination to satisfy OSHA requirements. This is on a large-scale contract basis conducted by well qualified personnel. Examinations of an individual or small groups, as would probably be the case for brake repair shops, would increase the costs to at least \$100 each. These costs do not include time spent away from the job to obtain the examination. At a very conservative \$50 each, for only 2 employees per shop, the medical examinations could cost \$2,000,000 annually. Using the higher unit cost and more workers per shop would increase the total cost by millions of dollars.

The construction industry is faced with the additional complications of a much larger and very transient workforce and many more workplaces, most of which change several times per year. Although this is clearly a potential cost burden, the fundamental question is not the cost, but what is really accomplished in terms of worker protection. Dr. Cooper will speak to this issue.

We believe that the present California level of one fiber/cc is reasonable and meets the California objective of a standard which is enforceable and makes a positive contribution to worker health.

We have been asked why a standard which has been administered by Federal OSHA in 26 states for seven years would now be a problem if adopted in California. The answer is very simple: although the Standard has been in effect for seven years there has been essentially no Federal enforcement in the asbestos product user areas that would be most seriously impacted by the 0.1 action level. Since California's industrial health activities are much more comprehensive, the compliance and enforcement problems described earlier would soon become clearly evident.

The statement on Federal enforcement is based on a summary of Federal asbestos inspections from October 1976 to January of 1979. In this 30 month period (that's 2-1/2 years), there were 17 inspections of the estimated 125,000 brake shops in the states where primary enforcement is by Federal OSHA. Seventeen of 125,000 - and 16 of these were the result of complaints. This means that one inspection may have been conducted to determine if the shop exceeded 0.1 fibers/cc - in 2-1/2 years.

Over 60% of the asbestos used in the U.S. is in some type of construction product and the U.S. Dept. of Commerce has estimated there are 430,000 construction workplaces and 3-1/2 million workers (this is based on a 1972 census). There were only 173 asbestos-related OSHA inspections of this type work location in the same 2-1/2 year period. It is clear that only a minute fraction of workplaces which may emit over 0.1 f/cc has been inspected. I want to emphasize that this information is not a criticism of Federal activities or the allocation of resources which Congress has made available to them. They have many statutory priorities and other commitments. We simply want to document the fact that, regardless of the reason, there has been essentially no enforcement of the 0.1 action level for monitoring and medical surveillance.

A20015

UCC 016369

Since this provision has not been enforced on a national basis there is absolutely no evidence that it is reasonable or workable. Why should California "follow the leader" and adopt a provision that in all probability will not be complied with or enforced.

In addition to practical and enforceable asbestos standards, the state of California has supplemented their activities with the Carcinogenic Substances Control Act, a registration provision, more restrictive repeat monitoring, a Carcinogens Control Unit, an active consultation program, and an experimental, voluntary labor-industry joint education program. We believe that the California overall program is easily "as effective as" and probably "more effective than" the Federal activities.

In conclusion let me state emphatically that Union Carbide is not opposed to monitoring and medical surveillance. We strongly support the need for both of these activities where significant exposures occur - or where they have occurred in the past. We have strongly supported California's limited asbestos education program and would support a more active program. We believe training and education are vitally important for improved worker protection and a safe working environment. We urge you to retain your present standards and not adopt changes that would make parts of them impractical to comply with and enforce.

Remember that it is your decision - you have no legal or statutory obligation to adopt the Federal OSHA language in your regulations.

A20016

UCC 016370



INTERNAL CORRESPONDENCE

METALS DIVISION

• P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) (See Attached List)

Date

July 14, 1977

Division

Originating Dept.

"Calidria" Asbestos Marketing

Location

Answering letter date

Copy to Messrs. R. E. Byrne, Jr.
T. P. Norris
H. B. Rhodes

Subject

Union Carbide and the State
of California

It has been suggested that we summarize our activities in the State of California, especially with regard to regulatory activities which concern asbestos.

For the past several years, we have spent an increasing amount of time and money to keep abreast of and, as necessary, influence legislation involving asbestos. Dr. Rhodes has handled and coordinated most of these efforts with customers, other asbestos companies, State legislators, various State departments, etc. Some of the work has been for the Asbestos Information Association, for which Harry is chairman of the technical subcommittee, but most of it has been as representatives of Union Carbide Corporation.

In recent months our activity has been in response to enactment of California's Occupational Carcinogens Control Act. One part of this Act provides for a massive education program. Union Carbide's "stature" and rapport with State personnel have been developed so effectively by prior activities that we were asked to participate heavily in the education program, even though our expertise is limited to asbestos. We have cooperated fully to perpetuate the status of Union Carbide and to maintain the opportunity to participate in any future legislation which may involve asbestos.

At the State's request, we "opened" our plant doors to their public relations personnel to develop a visual presentation of how we provide a safe working environment. They took about 200 pictures, which we converted into a 15-minute slide presentation. This has been presented at three State educational programs and will be presented at a fourth and final session in San Diego on July 19th (see Attachment I).

We originally declined an invitation to participate in a panel discussion on job-related cancer since we could not contribute information on any of the carcinogens except asbestos. However, it became apparent after the Los Angeles and San Jose sessions that most of the interest was about asbestos and asbestos industry representation was desirable. I accepted the State's invitation to be on the panel in Sacramento (see Attachment II) and prepared an opening statement (see Attachment III). I actively participated in the panel/audience discussion and also answered questions at a wrap-up session after the formal program was completed. I will be on both panels again in San Diego but Ed Fenner of Johns-Manville will probably take our place in the afternoon construction workshop.

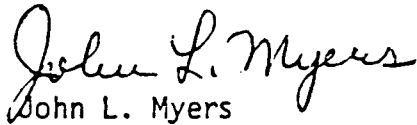
A20037

July 14, 1977

We have agreed to participate in additional asbestos education programs which the State may schedule in August or September. The State will send a letter to about 100,000 potential asbestos users in August. We assisted in drafting the letter and will review the final draft next week.

Attachment IV contains excerpts from program-opening speeches by the Director of the State Department of Health. This will give you an idea of how the State appreciates our efforts and the status of Union Carbide's name in California.

One purpose of this letter is to let you know who we know and the contacts which have been established in California. If we can be of any assistance to other Division or Corporate personnel, be it "introductions" or whatever, do not hesitate to contact Harry Rhodes or me.


John L. Myers

/cjb
Attachments

A20038

PREVENTING ON-THE-JOB CANCER

A ONE DAY PROGRAM FOR EMPLOYERS, EMPLOYEES AND THE PUBLIC

Tues. 7/19
San Diego

Monday, June 13, 1977

Los Angeles Convention Center
1201 South Figueroa Street
Los Angeles, California

Speakers

Mario Obledo, Secretary
Health and Welfare Agency

Don Vial, Director
State Department of Industrial
Relations

Fred L. Ottoboni, PhD, Head
Occupational Cancer Control Unit
State Department of Health

Saturday, June 18, 1977

Student Union Building
San Jose State University
San Jose, California

Speakers

State Senator Arlen Gregorio
Chairperson, Senate Health and
Welfare Committee

Fred L. Ottoboni, PhD, Head
Occupational Cancer Control Unit
State Department of Health

Monday, June 27, 1977

Room 4203
State Capitol Building
Sacramento, California

Speakers

Jerome A. Lackner, MD, Director
State Department of Health

Fred L. Ottoboni, PhD, Head
Occupational Cancer Control Unit
State Department of Health

OBJECTIVE: To inform employers, and the public about the cancer-causing substances regulated by Cal/OSHA, the reporting requirements mandated by the Occupational Carcinogens Control Act, compliance with safety orders relating to cancer-causing substances and how to obtain free consultation.

SPONSORED BY: Occupational Cancer Control Unit, State Department of Health

IN COOPERATION WITH: Division of Industrial Safety, State Department of Industrial Relations

TOPICS: Morning Session

- * The Occupational Carcinogens Control Act: California's Approach to Job Related Cancer
- * The Cost of Prevention Versus Non-Prevention
- * Labor, Management and Medicine Look at Job Related Cancer
- * Employer Reporting: How to Do It

Afternoon Session

- * What You Can Do - Workshops Asbestos in Construction and Demolition Work
Asbestos in Brake Work
14 Cancer-Causing Chemicals
Laboratory Problems and Controls
- * What Others Are Doing: Industry, Labor and Health

Individual consultation for employers and employees will be available during the entire program.

Additional speakers include representatives from government, business, unions and health agencies.

IMPORTANT NOTE: There is no registration fee for these programs; however, registration is limited to 500. All attendees will be asked to sign in, if they wish to be placed on our mailing list. A separate table will be maintained for employers who wish to report under the provisions of the Occupational Carcinogens Control Act.

Registration will be from 8:30 to 9:30 a.m. The program starts at 9:30 a.m.

FOR FURTHER INFORMATION: Occupational Cancer Control Unit
State Department of Health

2151 Berkeley Way
Berkeley, CA 94704
(415) 843-7900, Ext. 306

OR

1449 West Temple Street
Los Angeles, CA 90026
(213) 620-4290

Toll Free Information after June 1: 800-772-3303

Or contact the nearest district office of the State Division of Industrial Safety

A20039

Agenda

- 8:30 - 9:30 A.M. Program Registration
- 9:30 A.M. Welcome and Statement of Program Objectives
- Larry Martz, State Department of Health
- 9:35 A.M. The Medical Advantages of Preventing On-The-Job Cancer
- Jerome A. Lackner, M.D., Director
 State Department of Health
- 9:50 A.M. The Occupational Carcinogens Control Act: "California's Approach
 to Job-Related Cancer"
- Fred Ottoboni, Ph.D., Head
 Occupational Cancer Control Unit, State Department of Health
- 10:15 A.M. Labor, Management and Medicine Look at Job-Related Cancer
- Pauline Bondonno, Moderator, State Department of Health
- Rex Cook, Secretary-Treasurer
 Oil, Chemical and Atomic Workers Local 1-5
- Jerome A. Lackner, M.D., State Department of Health
- John Myers, Marketing Manager, Metals Division
 Union Carbide Corporation
- Eddie Story, Business Agent and Secretary-Treasurer
 Asbestos Workers Local No. 16
- 11:00 A.M. Enforcement, Penalties and Compliance
- Art Carter, Chief, Division of Industrial Safety
 State Department of Industrial Relations
- 11:20 A.M. Employer Reporting: "How To Do It"
- Larry Andrus, Senior Engineer, Consulting Staff
 State Division of Industrial Safety
- 11:45 A.M. Lunch
- 1:15 P.M. What You Can Do - Workshops
- 1) Asbestos in Construction, Demolition and Industry
- Alan Tarbell, Engineer
 Doug Krause, Industrial Hygienist
 State Department of Health
- John Myers, Union Carbide Corporation
- 2) Asbestos in Brake Work

A2004C

← Plant Slide Presentation

STATEMENT FOR A PANEL
AT CALIFORNIA'S PROGRAM FOR
"PREVENTING ON-THE-JOB CANCER"

(JLM, 6/23/77)

Thank you (Moderator) - We are very pleased to have the opportunity to participate in this education program to prevent on-the-job cancer. Cancer, or any other sickness or injury, cannot be prevented by talking about it; but communicating the facts and required safety precautions to employers and employees is a necessary first step.

Union Carbide has operated an asbestos ore processing plant in California since 1963. The plant is located near King City in the Salinas Valley, about 150 miles south of San Francisco. We beneficiate the ore from a chrysotile asbestos deposit located about 30 miles east of King City in the Diablo Mountains. We market asbestos fiber for industrial applications- we do not make any products from asbestos.

Safety is no accident and a safe working environment is the result of many factors. Two of the most important are knowing the hazard and knowing how to protect from it. At our asbestos plant we have provided medical surveillance for employees and conducted air monitoring since the plant doors opened in 1963. We have noted no changes in lung function or any other abnormalities which could be found by chest X-rays or pulmonary function analysis. Next month our King City medical surveillance program will be expanded to include sputum cytology. This examination is intended to detect cell structure changes which may lead to cancer development. Early detection would trigger appropriate action to prevent or minimize the chances for a cancer to become malignant. Although we have used sputum cytology for many years at our uranium mining operations, it has not been started here because of the limited availability of competent laboratory facilities. We have contracted with Dr. Saccamono,

A20041

the developer of the method, to examine our employees and he is in our plant this week to explain the program to all employees. He will make four presentations to cover all shifts and the program will be videotaped for future reference. We are proud of our asbestos plant in King City and have prepared a slide presentation which is intended to depict how you can work safely with asbestos. This presentation will be shown at 1:30 this afternoon in Workshop No. 1.

As a precautionary measure for customers, we have labelled our asbestos product bags as a potential dust hazard since June 1968, four years before the first Federal OSHA standards were promulgated to require this, air monitoring, medical surveillance and other safety precautions. We have provided free air monitoring for customers for several years and counsel them on the asbestos hazard, compliance requirements and related information.

Asbestos is an important raw material in many products and applications which give us a safer and healthier living and working environment. It cannot and should not be regulated out of existence based on unfounded or misconstrued medical and scientific evidence. A hazard does exist, but it has been blown out of proportion by a few individuals and groups. This has resulted in some regulatory action across the country that is unnecessary and an unfair burden to industry.

We support the California Asbestos Standard, Section 5208 of the General Industry Safety Orders; however, we have found that our customers do have some compliance problems, especially with waste disposal and the new registration requirement. We will work with the Standards Board to alleviate these problems without jeopardizing the intent of the regulations. Enforcement of Section 5208 should prevent asbestos-related disease and we hope that the Federal government and other states will follow California's lead in adopting effective legislation which is also practical and enforceable.

JLM:da1

A20042

DEPARTMENT OF HEALTH

4744 P STREET

SACRAMENTO, CALIFORNIA 95814



Speech of Dr. Jerome A. Lackner
Director
State Health Department
Sacramento Monday, June 27, 1977

EXCERPTS FROM "THE MEDICAL ADVANTAGES OF PREVENTING JOB-RELATED CANCER"

I wish to take this opportunity to thank those union representatives and business leaders who helped in this process. In the business community I particularly wish to thank Johns-Manville, B. F. Goodrich and Union Carbide because these firms have helped us in various facets of the program development, as have representatives of the California Manufacturers Association and the California Chamber of Commerce.

I am gratified by a recent comment by Mr. John Myers of the metals division of Union Carbide, who is here today to participate in today's program. Mr. Myers said of the California program, with particular regard to asbestos:

"We are very pleased to have the opportunity to participate in California's educational program to prevent on-the-job cancer. Although we feel that the asbestos hazard has been blown out of proportion by many individuals and groups, we recognize that a potential hazard does exist in some applications and that appropriate controls must be effected. The State of California has done a very commendable job in this regard and we hope that the federal government and other states will follow their lead in adopting regulatory controls that are effective, yet also reasonable, practical and enforceable."

I must say that John and I disagree on the magnitude of the asbestos hazard and that I do not feel that it has been blown out of proportion. A20043

But I believe the fact that his industry and our government are working together to protect workers against asbestos dust hazards is far more significant than our differing perceptions of just how small or great the hazard is.

Let me add one further note in regard to Union Carbide. As a former smoker and tobacco addict, now reformed, I admire the company's action in banning smoking at the King City asbestos plant, south of Salinas in Monterey County. We know that smoking increases the risks of lung maladies among those people who work with asbestos and while I am always glad to

UCC 016377

DISTRIBUTION

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W. C. Thurber

A20044



INTERNAL CORRESPONDENCE

METALS DIVISION

P. O. BOX 579 • 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 143

To (Name) Mr. J. L. Myers
 Division UCC - Metals
 Location Niagara Falls, New York

Date November 8, 1979
 Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to Messrs.
 T. W. Carmody (w/attach.)
 T. D. Finnigan "
 R. F. X. Fusaro/J.J. Sibley "
 R. W. Rebholz "
 J. W. Whittlesey "

Subject AIA/NA Response to EPA's
 Advanced Notice of Proposed
 Rulemaking on Asbestos-Containing
 Materials in Schools

Attached is the AIA/NA response to the above-noted ANPRM. This response was largely developed by the law firm of Kirkland and Ellis, who have been retained by the AIA/NA as special counsel for regulatory matters.

As you are all aware, Union Carbide has never supplied product for the kind of friable, generally sprayed, products of primary concern in this rulemaking. Substantial amounts of our asbestos have, however, been used as a minor ingredient in certain types of mineral wool board used in ceilings and in sprayed, non-friable, decorative coatings.

Our principal concern in the present rulemaking is the introduction of the principle of retroactive industry guilt by association that has been proposed by the EDF petition. This principle has implications far beyond asbestos to any product which is judged to be toxic and could, therefore, if established, have a massive impact on Union Carbide.

In my opinion, Kirkland and Ellis have done a very capable job in addressing this issue but there are some points regarding the tone and organization of the presentation that make me a little uneasy. Although it is too late to change this response, K&E will be very much involved over the next two months preparing responses to the EPA and CPSC ANPRM's regarding new general asbestos regulations. Any comments you feel worth making on the present document would be appreciated.

H. B. Rhodes
 Harrison B. Rhodes

/rmm
 Attachment

UCC 016379

A20211



ASBESTOS INFORMATION ASSOCIATION

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

5 November 1979

COPY

Document Control Officer
Attn: Joni T. Repasch
Office of Toxic Substances, TS-793
U.S. Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

RECEIVED

NOV 1979

UCC-CALIDRIA
NIAGARA FALLS, N.Y.

Re: Document Control Number 61004

Gentlemen:

By notice in the Federal Register of September 20, comments were invited on EPA's Advance Notice of Proposal Rulemakings (ANPRM), "Asbestos-Containing Materials in School Buildings." This Association has reviewed the ANPRM and desires to submit the enclosed comments for the record.

The Asbestos Information Association/North America (AIA/NA) is an incorporated, non-profit organization of 55 firms in the United States and Canada engaged in the mining/milling or sale of asbestos fiber and in the manufacture or processing of asbestos-containing products. A pamphlet describing the work of AIA/NA is enclosed.

Sincerely,

B. J. Pigg
Executive Director

Enclosure

bcc: Executive Committee
Standards Advisory Committee

A20212