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November 13, 1984

United States - Environmental Protection Agency
TS - 794
401 M Street - SW
Washington, DC 20460

Subject: Natural Resources Defense Council Petition to Prohibit The Use of Asbestos in On-Highway Brakes

Gentlemen:

The Friction Materials Standards Institute, Inc. (FMSI) is a trade association of twenty-two friction materials manufacturers in the United States, with associate Members worldwide. The FMSI has read the petition submitted by the Natural Resources Defense Council (NRDC) to the Environmental Protection Agency (EPA) for the purpose of prohibiting "the use of asbestos in brakes for new cars and trucks and in replacement brakes in existing vehicles."

We wish to comment at this time on certain sections of the petition. While we are not now taking a position for or against said petition, we believe it is important to submit the following comments. Should it be deemed appropriate, these comments may be supplemented at a later date by a more in-depth critique. We will refer to the sections as headed in the NRDC petition.

I - INTRODUCTION

The stated reasons for the submission of the petition do not appear to be based upon irrefutable evidence. Whether or not the occupational asbestos

standards and/or the national emissions standards are insufficient to protect against unreasonable risk posed by asbestos in brakes is highly debatable. Further, the availability of economically and technologically feasible substitutes for asbestos is an issue in which the friction materials manufacturers are deeply involved. The identification of such substitutes is a major ongoing program with the manufacturers, and is not a completed program at this point in time.

II - JURISDICTION

The FMSI concerns relate to in-plant regulations versus control of general public exposure to asbestos dust. While one agency has proposed to tighten worker exposure to asbestos, another is being petitioned to eliminate asbestos in friction materials. The disparity between these two situations could well create implementation and economic problems for friction materials manufacturers. If asbestos is to be regulated out of friction materials the manufacturers should not be saddled, in the meantime, with compliance to new tighter regulations of asbestos in the workplace. The industry must know which direction regulatory activity will take.

III - DESCRIPTION OF PETITIONER

No comment.

IV - CONTINUED USE OF ASBESTOS...POSES AN UNREASONABLE RISK TO HEALTH

The FMSI does not necessarily agree with the credibility of the conclusions drawn from the evidence presented on friction materials in this section. Therefore, the FMSI reserves the right to comment in detail on

this section at some future date.

V - SUBSTITUTES

Sufficient data is not available at this time on the substitute materials to state that they do not pose a hazard in the workplace environment or to the general public. We wish to cite a recent study by the (Canadian) Royal Commission on Matters of Health and Safety Arising from Use of Asbestos in Ontario, and an earlier paper on Non-asbestos Related Malignant Mesothelioma.

These comments follow:

> ...If the production of substitute fibres in the future should increase the exposure of workers to long, thin, durable fibres of dimensions similar to those we have found hazardous for asbestos, we cannot be sure that serious health consequences would not result. In the face of the existing evidence, we believe it would be risky to allow the exposure of workers to respirable fibres longer than 5 microns, with small diameters, of any material, if those fibres are likely to be very durable in the lungs.[1]
>
> It has been generally accepted now that the fibre which is carcinogenic is a durable long and thin fibre, the diameter of less than 1.5 micron and length of more than 8 micron appearing critical. A number of fibrous materials other than asbestos can appear in this size and shape and indeed have thus been established as cause of mesothelioma in animals, such as: glass fibres, aluminum oxide, tremolite, attapulgite, dawsonite, silicon carbide and potassium titanate.[2]

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[1]Report of the Royal Commission of Matters of Health and Safety Arising from the Use of Asbestos in Ontario (1984) Ontario Ministry of the Attorney General, Toronto

[2]Non-asbestos Related Malignant Mesothelioma - A Review of the Scientific and Medical Literature, Premysl V. Pelnar, MD, citing a paper by Stanton, Layard, Tegeris, Miller, May and Kent that appeared in the J. Natl. Cancer Inst., March 1977

The advantages of semi-metallic brake linings cited in Section V-A are not necessarily supported by test results generated by friction materials manufacturers. While certain of these claimed advantages may be true where the application generates high braking temperatures, they are not necessarily true for the average consumer.

Total endorsement of Section V-B of the petition is not appropriate, since friction materials manufacturers produce disc pads and drum segments for passenger cars and light to medium trucks, as well as brake blocks for heavy trucks. The claims made in Section V-B relate to brake blocks and cannot be endorsed for all product lines. Further, actual experience to date has proven that substantial processing modifications and new equipment are required for the asbestos substitute materials.

VI - A REQUIREMENT UNDER THE TOXIC SUBSTANCES CONTROL ACT...

No comment.

VII - CONCLUSION

No comment.

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An immediate ban on the use of asbestos in passenger car and truck brakes cannot be supported because of the importance of safe brake systems on the nation's highways. Brake linings are a safety related product. We stress consideration of these facts:

1. There are legitimate questions on the health hazards of the fibrous substitutes suggested for asbestos replacement in friction materials.

2. There are programs in place by industry to eliminate the use of asbestos in friction materials, and these programs realistically address health, safety, economic, performance, timing, and materials availability issues.

3. The industry must be given time to develop a total line of products which will meet all highway safety requirements.

We believe the industry will accept a properly planned program pointed towards the eventual elimination of asbestos in its products. We urge that EPA study the suggested substitute materials as well as the feasibility, economic impact, realistic necessity - if it exists, and timing requirements appropriate to the elimination of asbestos in friction materials before responding to the petition or proposing a ban on the use of asbestos in friction materials.

Respectfully submitted,

FRICTION MATERIALS STANDARDS INSTITUTE

E. W. Drislane
Executive Director