R71-16 Asbestos

Explanation of Revision of Proposed Regulation

The regulation proposed and explained in Newsletter #24 on which public hearing was held is generally similar to the proposed final draft. A summary of the significant substantive changes follows:

I. The permit requirement of Part II have been restricted to manufacturing emission sources. This is in accord with the Agency testimony that presently it has inadequate staff to handle the permit load created by a blanket requirement. All manufacturers of asbestos products would have to obtain a permit by June 30, 1972.

II. Parts III and IV of the original proposal have been combined under one heading covering construction uses of asbestos products. A grace period, until March 31, 1972, has been added to the proposed ban on spray asbestos. In the interest of efficient enforcement the numerous restrictions on the spraying of non-asbestos fibrous material have been reduced to requirements for enclosure and for vacuuming. Also this section has been changed to make clear that these safeguards are required only when spraying of non-asbestos materials occurs in an area open to the atmosphere. This "open to the atmosphere" modification has also been added to the section controlling the cutting, trimming, fitting or stripping of asbestos-containing materials at a construction site. Part III now contains a "no visible emission" standard which must be met regardless of adherence to the required procedural safeguards. This should permit easier enforcement and tend to insure greater compliance with the safeguards.

The original proposal contained two regulations controlling the general application of asbestos-containing materials and the application of non-asbestos materials in air ducts or plenums. This has been altered to require that only asbestos-containing materials, used in any construction work, be so installed as to preclude emission of the fiber to the circulating air. There is little medical data available to prove or disprove the toxic effects of the multitude of non-fibrous construction material, although one such product, fiberglass, would appear to be biologically inert. The Board prefers to act on the safe side of health in regard to spraying operations, which can emit large quantities of fiber if uncontrolled. In any event such uncontrolled emissions constitute a nuisance dust and could be controlled on that basis alone. These reasons do not apply with equal force to the non-spray application of non-fibrous materials in construction.