

MEMORANDUM

To : D. Kennedy

Date: Sept. 19, 1991

Subj: Banning of asbestos containing
products including roof coatings:
Meeting with EPA officials on 9/19/91

Allen Griffin
Ken O'Reilly
John Hardy
Bruce Guild
Cliff Patenaude

EPA
EPA
Bird
Bird
Bird

Bird markets roof coatings and cements that contain asbestos in the finished product. We are required by law to meet Stage III effective dates. We do not have any products that fall into the Stage I and II categories. A copy of page 18 of the "Inspection for Compliance with Section 6 of the TSCA" is enclosed.

Please note the requirements to retain records, labeling of all stock-on-hand, inventory of stock-on-hand, disposal of all remaining stock-on-hand, invoices of all commercial transactions, etc., as outlined on page 18.

Cliff Patenaude

cc: ~~J. Hardy~~
B. Guild
J. Forgit

Cliff Patenaude

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INSPECTION REPORT

Inspection for Compliance

with

Section 6 of the TSCA

(40 CFR, Asbestos; Manufacture, Importation, Processing,
and Distribution in Commerce Prohibits)

(name)

(city)

(state)

(inspection date)

Office of Pesticides & Toxic Substances
Air Management Division
Environmental Protection Agency

Inspection Report prepared by _____ Date _____

Inspection Report reviewed by _____ Date _____

Attachments: 1. EPA Form 7740-3 (12-82) _____
2. EPA Form 7740-1 (12-82) _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

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This is a report of inspection for compliance with the requirements of 40 CFR Part 763, Subpart I - Prohibition of the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products; Labeling Requirements.

The Location reported on herein was selected under the Neutral Administration Scheme.

The location reported on herein was selected under the For Cause Inspection Scheme, the cause being:

Manufacture prohibitions
Importation prohibitions
Processing prohibitions
Distribution in Commerce prohibitions
Labeling prohibitions
Recordkeeping requirements
Disposal of remaining stock requirements
Tips or Complaints
(combined with _____)
Other Regulatory Agency request _____

Name and Address of Facility

Telephone

Facility Representative

Date of Inspection

Inspector

Opening Conference

Upon arrival at the Facility at _____ A.M./P.M., the inspector explained the purpose and scope of the inspection and presented credentials to:

The Notice of Inspection Form (EPA 7740-3) was presented and acknowledged by:

Facility Background (address, locations, no. of employees, etc.)

Persons attending (name, title, telephone number)

Summary of Findings

MANUFACTURE AND IMPORTATIONS PROHIBITIONS

§763.165 After August 27, 1990, no person shall manufacture
paragraph (a) (____) or import (____) the following asbestos-
containing products, either for use in the United
States or for export:

S
T
A
G
E
I

- A/C corrugated sheet _____
- A/C flat sheet _____
- asbestos clothing _____
- flooring felt _____
- vinyl/asbestos floor tile _____
- new uses of asbestos _____

§763.165 After August 25, 1993, no person shall manufacture
paragraph (b) (____) or import (____) the following asbestos-
containing products, either for use in the
United States or for export:

S
T
A
G
E
II

- automatic transmission components _____
- clutch facings _____
- commercial and industrial asbestos friction
products _____
- sheet and beater-add gaskets (except specialty
industrial gaskets). _____

§763.165
paragraph (c)

After August 25, 1993, no person shall manufacture (____) or import (____), including as part of a motor vehicle, asbestos-containing disc brake pads for light-, medium-, and heavy-weight vehicles, and drum brake linings for the following uses in the United States or for export:

S
T
A
G
E

- (1) As original equipment in 1994 or later model year motor vehicles, _____

or

- (2) As aftermarket replacement parts in brake systems designed for use with non-asbestos replacement parts. _____

II

§763.165
paragraph (d)

After August 25, 1993, no person shall manufacture (____) or import (____), the following asbestos-containing products, either for use in the United States or for export:

S
T
A
G
E

- disc brake pads for use in light-, medium, and heavy-weight vehicles, _____
- drum brake linings manufactured, imported, or marketed for use as aftermarket replacement parts in brake systems designed for use with asbestos-containing friction products _____
- A/C pipe _____
- A/C shingle _____
- brake blocks _____
- commercial paper _____
- corrugated paper _____
- millboard _____
- non-roofing coatings _____
- rollboard _____
- roof coatings _____
- specialty paper _____

II

§763.165 The import prohibitions of this subpart do not
paragraph (e) prohibit:

- (1) The import into the customs territory of the United States of products imported solely for shipment outside the customs territory of the United States, unless further repackaging or processing of the product is performed in the United States: _____
- (2) Activities involving purchases or acquisitions of small quantities of product made outside the customs territory of the United States for personal use in the United States _____

PROCESSING PROHIBITIONS

§763.167 After August 27, 1990, no person shall process for
paragraph (a) any use, either in the United States (_____) or for
 export (_____), any of the asbestos-containing
 products listed at §763.165(a)

S
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A
G
E

I

- A/C corrugated sheet _____
- A/C flat sheet _____
- asbestos clothing _____
- flooring felt _____
- vinyl/asbestos floor tile _____
- new uses for asbestos _____

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§763.167

After August 25, 1993, no person shall process for paragraph (b) any use, either in the United States (_____) or for export (_____), any of the Asbestos-containing products listed at §763.165(b) and (c)

S
T
A
G
E

II

- automatic transmission components _____
- clutch facings _____
- commercial and industrial asbestos friction products _____
- sheet and beater add gaskets (except specialty industrial gaskets) _____
- asbestos containing disc brake pads for light-, medium-, and heavy-weight vehicles (_____) and drum brake linings (_____) for the following uses in the United States or for export:

(1) As original equipment in 1994 or later model year motor vehicles, _____

or

(2) As aftermarket replacement parts in brake systems designed for use with non-asbestos replacement parts. _____

§763.167
paragraph (c)

After August 26, 1996, no person shall process for any use, either in the United States (_____) or for export (_____), any of the asbestos-containing products listed at §763.165(d)

S
T
A
G
E

III

- disc brake pads for use in light-, medium-, and heavy-weight vehicles _____
- drum brake linings manufactured, imported, or marketed for use as aftermarket replacement parts in brake systems designed for use with asbestos-containing friction products _____
- A/C pipe _____
- A/C shingle _____
- brake blocks _____
- commercial paper _____
- corrugated paper _____
- millboard _____
- non-roofing coatings _____
- rollboard _____

S
T
A
G
E

III

C
O
N
T

- roof coatings _____
- specialty paper _____
- A/C pipe _____
- A/C shingle _____
- brake blocks _____
- commercial paper _____
- corrugated paper _____
- millboard _____
- non-roofing coatings _____
- rollboard _____
- roof coatings _____
- specialty paper _____

DISTRIBUTION IN COMMERCE PROHIBITIONS

§763.169 paragraph (a) After August 25, 1992, no person shall distribute in commerce, either for use in the United States (_____) or for export (_____), any of the asbestos-containing products listed at §763.165(a).

S
T
A
G
E

I

- A/C corrugated sheet _____
- A/C flat sheet _____
- asbestos clothing _____
- flooring felt _____
- pipeline wrap _____
- roofing felt _____
- vinyl/asbestos floor tile _____
- new uses of asbestos _____

§763.169
paragraph (b)

After August 25, 1994, no person shall distribute in commerce, either for use in the United States (_____) or for export (_____), any of the asbestos-containing products listed at §763.165(b) and (c)

S
I
A
G
E

II

- automatic transmission components _____
- clutch facings _____
- commercial and industrial asbestos friction products _____
- sheet and beater-add gaskets (except specialty industrial gaskets). _____
- asbestos- containing disc brake pads for light-, medium-, and heavy-weight vehicle and drum brake linings for the following uses in the United States or for export:

(1) As original equipment in 1994 or later model year motor vehicles,

or

(2) As aftermarket replacement parts in brake systems designed for use with non- asbestos replacement parts.

§763.169
paragraph (c)

After August 25, 1997, no person shall distribute in commerce, either for use in the United States (_____) or for export (_____), any of the asbestos- containing products listed at

&

§763.165(d)

S
T
A
G
E

III

- disc brake pads for use in light-, medium-, and heavy-weight vehicles, _____
- drum brake linings manufactured, imported or marketed for use as aftermarket replacement parts in brake systems designed for use with asbestos-containing friction products _____
- A/C pipe _____
- A/C shingle _____
- brake blocks _____
- commercial paper _____
- corrugated paper _____
- millboard _____
- non-roofing coatings _____
- rollboard _____
- roof coatings _____
- specialty paper _____

§763.169
paragraph (d) A manufacturer (____), importer (____),
processor (____), or any other person (____) who
is subject to a ban on distribution in commerce in
§763.165(a), (b), (c) must within 6 months of the
effective date of the ban of a specific asbestos-
containing product from distribution in commerce,
dispose of all their remaining stock-on-hand of
that product, by means that are in compliance with
applicable local, State, and Federal restrictions
which are current at that time. _____

LABELING REQUIREMENTS

§763.171
paragraph (A) After August 27, 1990, manufacturers (____),
importers (____), and processors (____) of all
asbestos-containing products that are identified in
§763.165(a) shall label the products as specified
in this paragraph at the time of manufacture
(____),
import (____), or processing (____). This
requirement includes labeling all manufacturers',
importers', and processors' stock-on-hand as of
August 27, 1990. _____

§763.171
paragraph (b) After August 25, 1992, manufacturers (____),
importers (____), and processors (____) of all
asbestos-containing products that are identified in
§763.165(b) and (c), and disc brake
pads for use in light-, medium-, and heavy-weight
vehicles and drum brake linings manufactured,
imported, or marketed for use as aftermarket
replacement parts in brake systems designed for use
with asbestos-containing friction products shall
label the product as specified in this paragraph at
the time of manufacture, import, or processing.
This requirement includes labeling all
manufacturers' importers', and processors' stock-
on-hand as of August 25, 1992. _____

§763.171
paragraph (c)

S
T
A
G
E

III

After August 25, 1995, manufacturers (____), importers (____), and processors (____) of all asbestos-containing products that are identified in §763.165(d), except disc brake pads for use in light-, medium-, and heavy-weight vehicles and drum brake linings manufactured, imported, or marketed for use as aftermarket replacement parts in brake systems designed for use with asbestos-containing friction products, shall label the product as specified in this paragraph at the time of manufacture, import or processing. This requirement includes labeling all manufacturers', importers', and processors' stock-on-hand as of August 25, 1995. _____

§763.171
paragraph (d)

The label shall be placed directly on the visible exterior of the wrappings and packaging in which the product is placed for sale, shipment, or storage. If the product has more than one layer of external wrapping or packaging, the label must be attached to the innermost layer adjacent to the product. If the innermost layer of product wrapping or packaging does not have a visible exterior surface larger than 5 square inches, either a tag meeting the requirements of [§763.171(e)] must be securely attached to the product's innermost layer of product wrapping or packaging, or a label must be attached to the next outer layer of product packaging or wrapping. Any products that are distributed in commerce to someone other than the end user, shipped, or stored without packaging or wrapping must be labeled or tagged directly on a visible exterior surface of the product as described in [§763.171(e)] _____

§763.171
paragraph
(e) (1)

Labels must be either printed directly on product packaging or in the form of a sticker or tag made of plastic, paper, metal, or other durable substances. Labels must be attached in such a manner that they cannot be removed without defacing or destroying them. Product labels shall appear as in [§763.171(e)(2)] and consist of block letters and numerals of color that contrasts with the background of the label or tag. Labels shall be sufficiently durable to equal or exceed the life, including storage and disposal, of the product packaging or wrapping. The size of the label or tag must be at least 15.25 cm (6 inches) on each side. If the product packaging is too small to accommodate a label of this size, the label may be reduced in size proportionately to the size of the product packaging or wrapping down to a minimum 2.5 cm (1 inch) on each side if the product wrapping or packaging has a visible exterior surface larger than 5 square inches. _____

§763.171
paragraph
(e) (2)

Products subject to this paragraph shall be labeled in English as follows:

"Notice:

This product contains ASBESTOS. The U.S. Environmental Protection Agency has banned the distribution in U.S. commerce of this product under section 6 of the Toxic Substances Control Act (15 U.S.C.2605) as of (insert effective date of ban on distribution in commerce). Distribution of this produce in commerce after this date and intentionally removing or tampering with this label are violations of Federal Law."

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§763.171
paragraph (f)

No one may intentionally remove, deface, cover, or otherwise obscure or tamper with a label or sticker that has been applied in compliance with this section, except when the product is used or disposed of._____

GENERAL EXEMPTIONS

§763.171
paragraph (a)

Persons who are subject to the prohibitions [of §763.165, §763.167, or §763.169] may file an application for an exemption. Persons whose exemption applications are approved by the Agency may manufacture, import, process or distribute in commerce the banned product as specified in the Agency's approval of the application. No applicant for an exemption may continue the banned activity that is the subject of an exemption application after the effective date of the ban unless the Agency has granted the exemption or the applicant receives an extension under [§763.173(b)(8) or §763.173(9)]._____

§763.173
paragraph
(b)(1)

Application filing dates. (1) Applications for products affected by the prohibition under §763.165(a) and §763.167(a) may be submitted after August 25, 1989. Complete applications received after that date, but before November 27, 1989, will be either granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after November 27, 1989, will be either granted or denied by EPA as soon as is feasible._____

§763.173
paragraph
(b) (2)

Applications for products affected by the ban under §763.169(a) may not be submitted prior to February 26, 1990. Complete applications received after that date, but before August 26, 1991, will be either granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after August 26, 1991, will be either granted or denied by EPA as soon as is feasible. _____

§763.173
paragraph
(b) (3)

Applications for products affected by the ban under §763.165(b) or (c) and §763.167(b) or (c) may not be submitted prior to February 26, 1992. Complete applications received after that date, but before August 25, 1992, will be either granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after August 25, 1992, will be either granted or denied by EPA as soon as is feasible. _____

§763.173
paragraph
(b) (4)

Applications for products affected by the ban under §763.169(b) or (c) may not be submitted prior to February 26, 1993. Complete applications received after that date, but before August 25, 1993, will be either granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after August 25, 1993, will be either granted or denied by EPA as soon as is feasible. _____

§763.173
paragraph
(b) (5)

Applications for products affected by the ban under §763.165(d) and §763.167(d) may not be submitted prior to February 27, 1995. Complete applications received after that date, but before August 25, 1995, will be either granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after August 25, 1995, will either be granted or denied by EPA as soon as is feasible. _____

§763.173
paragraph
(b) (6)

Applications for products affected by the ban under §763.169(d) may not be submitted prior to February 26, 1996. Complete applications received after that date, but before August 26, 1996, will either be granted or denied by the Agency prior to the effective date of the ban for the product. Applications received after August 26, 1996, will be either granted or denied by EPA as soon as is feasible. _____

§763.173
paragraph
(b) (7)

The Agency will consider an application for an exemption from a ban under §763.169 for a product at the same time the applicant submits an application for an exemption from a ban under §763.165 or §763.167 for that product. EPA will grant an exemption at that time from a ban under §763.169 if the Agency determines it appropriate to do so. _____

§763.173
paragraph
(b) (8)

If the Agency denies an application less than 30 days before the effective date of a ban for a product, the applicant can continue the activity for 30 days after the receipt of the denial from the Agency. _____

§763.173
paragraph
(b) (9)

If the Agency fails to meet the deadlines stated in §763.173(b)(1) through (6) of this section for granting or denying a complete application in instances in which the deadline is before the effective date of the ban to which the application applies, the applicant will be granted an extension of 1 year from the Agency's deadline date. _____

RECORDKEEPING

§763.178
paragraph
(a) (1)

Inventory. Each person who is subject to the prohibitions imposed by §763.165 and §763.167 must perform an inventory of the stock-on-hand of each banned product as of the effective date of the ban for that product for the applicable activity. _____

§763.178
paragraph
(a) (2)

The inventory shall be in writing and shall include the type of product, the number of product units currently in the stock-on-hand of the person performing the inventory, and the location of the stock. _____

§763.178
paragraph
(a) (3)

Results of the inventory for a banned product must be maintained by the person for 3 years after the effective date of the §763.165 or §763.167 ban on the product. _____

§763.178
paragraph
(b) (1)

Records. Each person whose activities are subject to the bans imposed by §763.165, §763.167, and §763.169 for a product must, between the effective date of the §763.165 or §763.167 ban on the product and the §763.169 ban on the product, keep records of all commercial transactions regarding the product, including the dates of purchases and sales and the quantities purchased or sold. These records must be maintained for 3 years after the effective date of the §763.169 ban for the product. _____

§763.178
paragraph
(b)(2)

Each person who is subject to the requirements of §763.171 must, for each product required to be labeled, maintain a copy of the label used in compliance with §763.171. These records must be maintained for 3 years after the effective date of the ban on distribution in commerce for the product for which the §763.171 requirements apply. _____

(circle dates applicable to report)

ACTIVITY/REQUIREMENTS

<u>Activity</u>	<u>Effective Dates</u>		
	<u>Stage I</u>	<u>Stage II</u>	<u>Stage III</u>
Ban on Mfg., Import, or Processing (whether for US use or for export)	08/27/90	08/25/93	08/26/96
Labeling all stock-on-hand	08/27/90	08/25/92	08/25/95
Begin keeping records of all commercial transactions	08/27/90	08/25/93	08/26/96
Inventory stock-on-hand	08/27/90	08/25/93	08/26/96
Ban on distribution in commerce (whether for US use or for export)	08/25/92	08/25/94	08/25/97
Disposal of all remaining stock-on-hand	02/25/93	02/25/95	02/25/98
Maintain inventory records until	08/27/93	08/25/96	08/26/99
Maintain business & labeling records until	08/25/95	08/25/97	08/25/2000

FILING FOR EXEMPTIONS

Manufacturing/Importation/Processing			
-not before	08/25/89	02/26/92	02/27/95
-not after	11/27/89	02/26/92	02/27/95
Distribution in Commerce			
-not before	02/26/90	02/26/93	02/26/96
-not after	08/26/91	08/25/93	08/26/96

Note: EPA will consider applications submitted after filing date - to receive denial or granting before ban - applications submitted after closing date to receive denial or granting when feasible.

STOCK ON HAND AND LABELING VIOLATIONS

	<u>UNITS ON HAND</u>	<u>Labeled YES OR NO</u>
<u>STAGE I</u>		
Asbestos/Cement (A/C) Corrugated Sheet	_____	_____
A/C Flat Sheet	_____	_____
Asbestos Clothing	_____	_____
Flooring Felt	_____	_____
Pipeline Wrap	_____	_____
Roofing Felt	_____	_____
Vinyl Asbestos Floor Tile	_____	_____
 <u>STAGE II</u>		
Automatic Transmission Components	_____	_____
Clutch Facings	_____	_____
Commercial/Industrial Friction Products	_____	_____
Sheet Gaskets	_____	_____
Beater-Add Gaskets	_____	_____
Disk Brake Pads (LMV) (OEM)	_____	_____
Disk Brake Pads (HV)	_____	_____
Drum Brake Linings (OEM)	_____	_____
 <u>STAGE III</u>		
Disk Brake Pads (A/M)	_____	_____
Drum Brake Linings (A/M)	_____	_____
A/C Pipe	_____	_____
A/C Shingle	_____	_____

	<u>UNITS ON HAND</u>	<u>Labeled YES OR NO</u>
<u>STAGE III CON'T</u>		
Brake Blocks	_____	_____
Commercial Paper	_____	_____
Corrugated Paper	_____	_____
Millboard	_____	_____
Non-Roofing Coatings	_____	_____
Rollboard	_____	_____
Roofing Coatings	_____	_____
Specialty Paper	_____	_____

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PRODUCTION VOLUME DOCUMENTATION

AVERAGE PER DAY
FACILITY PRODUCTION
(INCLUDING UNITS)

STAGE I

Asbestos/Cement (A/C) Corrugated Sheet

A/C Flat Sheet

Asbestos Clothing

Flooring Felt

Pipeline Wrap

Roofing Felt

Vinyl Asbestos Floor Tile

STAGE II

Automatic Transmission Components

Clutch Facings

Commercial/Industrial Friction Products

Sheet Gaskets

Beater-Add Gaskets

Disk Brake Pads (LMV) (OEM)

Disk Brake Pads (HV)

Drum Brake Linings (OEM)

STAGE III

Disk Brake Pads (A/M)

Drum Brake Linings (A/M)

**AVERAGE PER DAY
FACILITY PRODUCTION
(INCLUDING UNITS)**

STAGE III CON'T

A/C Pipe

A/C Shingle

Brake Blocks

Commercial Paper

Corrugated Paper

Millboard

Non-Roofing Coatings

Rollboard

Roofing Coatings

Specialty Paper

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