FEBRUARY 9, 1972

EPA HEARINGS ON PROPOSED EMISSION CONTROL STANDARDS FOR ASBESTOS - LOS ANGELES, CALIFORNIA, FEBRUARY 16, 1972 - STATEMENT OF F. H. ZIMMERMAN ON BEHALF OF THE ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

My name is Frank H. Zimmerman and I am Director of Corporate Safety and Environmental Health for the National Gypsum Company. I am here today representing the Asbestos Information Association/North America, which consists of 13 of the nation's largest miners, manufacturers and importers of asbestos and asbestos-containing products. The member companies of the Association are listed on a sheet which I have provided.

We support in general the position taken by the Johns-Manville Corporation in its presentation at the January 18 hearing in New York City, and also contained in the National Academy of Sciences document on asbestos, that at present the general public is not in danger from the minute amounts of asbestos fiber present in the ambient air. We also concur with the position that it is prudent and feasible to establish reasonable emission standards and controls that will protect the public and ensure that hazardous levels of asbestos will not develop in the community air in the future.

We therefore, in principal, support the proposed Environmental Protection Agency National Emission Standards on asbestos.

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Nevertheless, there are certain sections of the regulations which we feel require alteration or rewording, and on behalf of the Association, I would therefore like to recommend to the EPA the following changes.

With regard to Section 61.21 Definitions, we agree with the intent of the EPA in trying to establish definitions for visible emissions and particulate matter that would encompass all types of particulate emissions which might possibly contain potentially hazardous amounts of asbestos. Nevertheless, from a practical standpoint, there are difficulties in the definitions as written.

For example, in many asbestos using manufacturing operations, there are particulate emissions to the atmosphere which may be visible but which do not contain any asbestos. As Mr. E. M. Fenner of Johns-Manville pointed out in his testimony in New York, an example of such emissions could be from the sand preparation and drying operations in an asbestos-cement pipe plant.

In another example, a visible particulate emission might contain a very minute percentage of asbestos fiber, and would by visible only because of the non-asbestos particulate matter in the emission, yet the standards as written would not differentiate between such an emission and one of pure

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asbestos fiber from an uncontrolled plant or improperly maintained bag house.

To resolve this difficulty, I think it is essential to return to the basic intent of the EPA in establishing asbestos standards in the first place, and that was, of course, to protect the general public by reducing emissions of fiber into the ambient air consistent with the best available technology.

While it is always desirable when possible to restrict emissions of any nature from any source, industrial or otherwise, it is not necessary in order to be consistent with the purpose of these regulations to prevent the emission of non-asbestos containing particulate matter. Free asbestos fiber is the declared hazardous substance with which we are concerned, and the primary job of the EPA and the industry should be to keep asbestos emissions, not particulate emissions per se, at as low a level as is possible. As has been pointed out, not all potential particulate emissions from an asbestos manufacturing operation necessarily contain asbestos, and to require that the same strict controls be applied to them as are applied to asbestos emissions goes beyond the scope of the regulations.

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We are sure that it was not the intent of the EPA to present insurmountable obstacles to concernad and dedicated companies within the industry, but to ensure that uncontrolled asbestos emissions would be prevented. With this philosophy in mind, I would like to suggest the following solution to this problem.

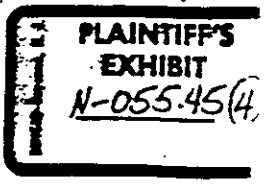
We suggest that the definition for visible emission be re-written as follows: "Visible emission" means, for the purpose of this subpart, any visually detectable emission of particulate matter containing free asbestos fibers in excess of the amount which would be emitted form a fabric filter device or other suitable collection installation, as described in section 61.23.

Such a definition would not be inconsistent with the intent of the regulations, and would in fact closely parallel the approach taken by the EPA in section 61.22, subparts (a-1) and (a-2); (b-2) (b-3) and (b-4); (c-1) and (c-2); and in (e-3).

In conjunction with this defintion change, we would also suggest that the definition of particulate matter in Section 61.21, subpart (h) be reworded as follows: Particulate matter means any material containing free asbestos fiber, other than uncombined water, which exists in a finely divided form as a liquid or solid.

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The wording "free asbestos fiber containing particulate matter" or "particulate matter containing free asbestos fiber" should be used throughout the Standard in place of the less specific terms "material" and "particulate matter."

Our next suggested change in the standards is with regard to Section 61.22, subparts (e-1) and (e-2) regarding the prohibition of the spraying of any product containing asbestos on any portion of a building or structure or in an area directly open to the atmosphere. We realize that this section of the regulations was designed primarily to deal with the problem of the use of asbestos-containing spray fireproofing compounds in high rise building construction.

Those of us in the industry who have followed the course of the spray fireproofing controversy over the past two years can well understand the EPA's decision to prohibit this particular use of asbestos and we cannot disagree with it. However, the regulation as worded would also ban the use of a number of asphalt-asbestos spray roofing and foundation compounds and adhesives that we feel do not fall into the same category as the fireproofing compounds. These asphalt spray compounds contain an average of around 5 per cent asbestos fiber locked solidly in the asphalt binder. They are applied in a manner which could not conceivably create any emissions of free asbestos fiber to the atmosphere.

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A member company of the Asbestos Information Association which manufacturers these products contacted a number of reputable testing laboratories in the Cincinnatti area to run a series of fiber counts on the application of these asphalt-asbestos compounds. When the process was explained to the testing laboratories, they replied that they did not see how any free fiber could be released during application, and concluded that it would be essentially a waste of time to run the tests.

Accordingly, we recommend that Section 61.22, subparts (e-1) and (e-2) be reworded so as to eliminate products of this nature from the proposed ban. This can be accomplished in two ways. Either the proposed ban in (e-1) and (e-2) can be made specific to spray compounds in which water is the liquid agent, or else subparts (e-1) and (e-2) can be totally eliminated, and subpart (e-3) slightly reworded so as to apply to all asbestos-containing spray compounds.

Without going into detail, the Association would also like to express its agreement with the position of Johns-Manville with regard to Section 61.22, subpart (c-1) and Section 61.09 on source reporting, and we would also like to see some clarification from the EPA on the definition of a "source."

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We would like, however, to suggest a wording change for Section 61.22, subpart (c-1) that is somewhat different from that recommended by Mr. Fenner. We feel that this paragraph should be reworded as follows: Emissions, in direct forced gas streams, of particulate matter containing free asbestos fiber resulting from manufacturing or fabricationg operations shall not contain free asbestos fiber in excess of the amount which would be emitted if such forced exhausts were treated in fabric filter installations etc.

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Our final suggested change in the regulations is with regard to the prohibition on visible emissions from mine tailings dumps. As was expressed by Mr. Fenner of Johns-Manville at the New York hearing, the control of tailings dump emissions is the one requirement in the regulations with regard to mining operations that the industry at this time does not know how to meet. As the EPA is well aware, the industry has been working on this problem for a number of years without finding a suitable solution, nor are we confident of being able to discover one within the two year waiver period allowed under the law. We would therefore like to recommend to the EPA the following three point plan to deal with this problem.

1. The prohibition on tailings dump emissions should be deleted from the regulations for the present.
2. An industry program should be set up with EPA guidance and approval to discover a suitable method for controling these emissions.
3. When a method has been developed, the prohibition on visible tailings dump emissions should then be reinserted in the regulations.

I realize that this approach to the problem is somewhat unorthodox, however, there are several points which speak in its favor. Of prime importance is the medical evidence

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with regard to the lack of asbestos health hazards in the vicinity of chrysotile asbestos mines. Dr. Hans Weill of Tulane University will speak directly to this aspect of the situation in his presentation. Secondly, the asbestos mines in this country are few in number and, for the most part, located in areas far from any large population centers. Thirdly, as I stated before, the industry does not know how to solve the problem at this time and is skeptical about its chances of doing so in the near future.

This last point is of considerable importance to those companies that are faced with the practical problem of meeting the mining regulations. No matter how well controlled the asbestos mines in this country are at present, it is reasonable to assume that additional funds will be required to comply with the regulations. If a company feels that it will end up closing down its mining operations in two years because of the tailings dump problem, it may very well decide not to spend the money needed to comply with the other requirements of the regulations, and instead close down operations immediately. This is a situation which I am positive none of us would like to see occur.

We feel that this proposal, though somewhat unusual, is not unreasonable in light of the industry's willing acceptance of the vast majority of the proposed regulations, our past

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cooperation with the EPA in health matters, and our avowed determination to do all that is necessary within the limits of technical feasibility to control asbestos emissions into the ambient air. We hope that these things will be taken into consideration by the EPA when evaluating our proposal.

In conclusion, I would like to once again express our continuing recognition of the need for effective emission controls, and our general support of the EPA National Emission Standards for Asbestos.

Thank you

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