


# REPORT ON MEETING OF A.I.A. SUBCOMMITTEE ON E.P.A. PROPOSED REGULATIONS ON EMISSION OF ASBESTOS

CLEVELAND, OHIO

DECEMBER 22, 1971

TO: P.S. Bettoli - S.B.B.
C.F. Bien - Linden
J.S. Clement - New York
W.A. Darrell - New York
L.J. Faneuf - New York
R.P. Fraser - New York
J.G. Hall - New York
H.J. Holloway - Linden
W.R. Holt - Erie
I.E. Matthews - Vermont
R. Van Buren - New York
P. Weiner - New York
R.J. Wilcox - New York

FROM: W.H. Page - Joliet

01-0217998

PERSONNEL ATTENDING:

| | |
|---|---|
| Edmund Fenner - | Director Environmental Control<br>Johns-Manville<br>Denver |
| Issac Weaver - | Director Environmental Control<br>Raybestos-Manhattan<br>Mannheim, Pennsylvania |
| Ivan Sabourin - | Legal Adviser<br>Johns-Manville<br>St. Johns, Quebec |
| S.A. Saverland - | Manager, Pollution Control<br>Panacon Corporation<br>Cincinnati, Ohio |
| Fred Pundsack - | Vice President<br>Research & Development<br>Johns-Manville<br>Manville, New Jersey |
| George Wright, M.D. - | Head, Medical Research Div.<br>St. Luke's Hospital<br>Cleveland, Ohio |
| Frank Zimmerman - | Director of Safety<br>National Gypsum Company<br>Buffalo, New York |
| T.H. Davison, M.D. - | Corporate Medical Director<br>Johns-Manville<br>Waukegan, Illinois |
| H.M. Jackson - | Director, Employee Relations<br>Johns-Manville<br>New York, New York |
| W. Robert Holt - | Plant Manager<br>GAF Corporation<br>Erie, Pennsylvania |
| Wayne H. Page - | Regional Manufacturing Manager<br>GAF Corporation<br>Box # 798<br>Joliet, Illinois |

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**CRITICAL DATES:**

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| December 29, 1971 | Meeting A.I.A. to decide action on proposed regulation. |
| —January 3, 1972<br>⊖January 17, 1972<br>×February 1, 1972 | Submit names of witnesses to testify at hearings. (15 days before hearing) |
| —January 8, 1972<br>⊖January 22, 1972<br>×February 6, 1972 | Must submit five copies of testimony to be given at hearings. |
| —January 18, 1972 | Hearing in New York |
| ⊖February 1, 1972 | Hearing in Kansas City |
| ×February 15, 1972 | Hearing in Los Angeles |
| January 4, 1972 | Johns-Manville Group to review their testimony. |
| March 5, 1972 | E.P.A. accept written comments until this date. |

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The meeting was held to review proposed emission standards and to determine if any objections should be made.

It was the consensus of the group that it was best to take the position that some controls were needed; that the group was willing to cooperate in this important area, where the proposed standards were practical and feasible and that the economic conditions permitted compliance; that on the points where we differ a statement as to why and to propose a constructive alternative with reasons why the alternate is better. Suggested changes were:

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| 61.09- | That the 30-day period be changed to 90 days to provide time for administration. |
| 61.20<br>61.22, (a), (3)<br>61.22, (f) | GAF requested that the reference to surfacing of roads be deleted. This applies only to GAF. The committee said that Dr. Selikoff had made specific statements that this was very detrimental and doubted if E.P.A. would delete it. It is felt that this item can be corrected, but only at considerable cost to GAF. This point should be covered by GAF. * |
| 61.21, (h) | Be changed to read essentially. Particulate matter means any asbestos containing material other than uncombined water ..... |
| (j) | Visible emission means.....for this subpart any asbestos fiber emission..... |
| 61.22, (c), (1) | Be changed as follows.<br><br>In direct forced gas stream containing particulate matter resulting from manufacturing or fabricating operations, these shall not be any visible emissions. |

* Mr. Bettoli has suggested that we propose a constructive alternative and I feel that this is an excellent suggestion. I would suggest that some wording such as mine roads surfaced with asbestos tailings shall be treated with water and/or chemical agents to control visible emissions for vehicle traffic.

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Discussion of other areas included:

61.13 — The secrecy aspect of process data. It was stated that this was common terminology and that it was felt that if data was classified confidential, past experience indicated it would not be disclosed.

61.22, (b), (1) — It was felt that JM and GAF should indicate that technology for eliminating visible emissions from tailing dumps had not been developed and that there is not any indication that this problem can be readily resolved. A maximum waiver would have to be requested.

The committee questioned if this reference would be eliminated by E.P.A. GAF would also have to devise technology to eliminate wind blown dust from discharge of conveyors onto pile.

I would like to point out that if Canadian emission standards continue to be less restrictive, it places GAF and other U.S. firms in an unfair competitive situation.

It was the consensus of the group that they would not oppose the ban on spraying of asbestos on buildings or structures as fireproofing. It was felt that the use of sprayed asbestos on boilers, etc., was permitted under 61.22, (e), (2), (3).

GAF is also affected in another area by this same paragraph, which is the wet rock storage pile and for which feasible technology is not presently available. This matter should be further discussed to review the possible solutions.

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Discussion of Testimony:

It was the consensus of the group and Mr. Fenner is to recommend to A.I.A. that this organization monitor all the hearings and that A.I.A. testify at the Los Angeles hearing as a sort of rebuttal for any testimony prejudicial to our case which was presented in New York or Kansas City.

Johns-Manville plans to testify at the New York hearing and a rough outline of their testimony is attached. It was suggested that other companies could simply state they were in accord with the Johns-Manville position or have the Johns-Manville witness testify they represented any company so requesting.

It was suggested that Johns-Manville could present the economic testimony and that Dr. Wright and Dr. MacDonald would present the health aspects.

I feel that GAF should testify especially on the tailings pile problem, the roadway problem, and the effect of competing with Canadian mines who are not under such stringent standards. It may be wise to coordinate any economic presentation to avoid duplication, but the effect it has on GAF is vital to our operations.

The proposed emission standards will affect the Vermont Mine, the Floor Tile Plants at Vails Gate, Joliet, Houston, and Long Beach, Erie 16th Street, Whitehall, the Mineral Fiber Plants at Bound Brook, Mobile, and St. Louis. The Building Products Plants producing paints and plastics, Joliet, Erie, Kansas City, Millis, Baltimore, Mobile, Minneapolis, So. Bound Brook, and plants processing asbestos felt, Joliet, Erie, Mobile, and proposed installations at Kansas City and Millis, will be affected.

In general, any operation which produces a visible emission of asbestos containing particulates must be ducted to a bag filter, with certain filter media.

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As specified, unless there is a change in the regulation, it will also mean that any forced gas stream would also have to be filtered or proof offered that the emission was less than it would be if it were filtered.

Several other areas of concern would be the fact that we have a fairly tight timetable:

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| December 7, 1971 | Preliminary regulation published. |
| June 7, 1972 | Final regulation to be published. |
| September 7, 1972 | Must be in compliance or have requested a two-year waiver. |
| September 7, 1974 | Final date of compliance. |

This means that a major engineering effort must be expended to determine the best technological means of resolving the emission problems confronting the various plants. The cost of compliance for the corporation will be quite high. Mr. Matthews has estimated the cost of complying at $250,000 without the tailing dump and roadways. I feel that this is very conservative and for us to bring the interior of the plants into compliance with current O.S.H.A. Standards of five fibers per milliliter.

I would estimate that the total cost at the other plants might be in the area of $500,000.

It is very important that we obtain some test data as soon as possible using the same memhane filter as used by E.P.A. and O.S.H.A.

Johns-Manville made a statement that the air from a bag filter properly maintained was 0.5 filter per milliliter.

fiber

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December 22, 1971

## OUTLINE JM TESTIMONY

Prepare testimony along lines given in Chicago.

J.B. Jobe gives this testimony

1. Recognize need for controls;
2. Discuss economics of industry in U.S.A.;
   a. Value of goods used - mining industry
      - mfg. industry
   b. Value of goods produced - mining industry
      - mfg. industry
   c. Number of people employed directly and payroll;
   d. Number of people employed indirectly and estimated payroll;
3. Discuss estimated cost of controls as required by proposed regulations;

Dr. George Wright gives this testimony

4. Place issue of health in perspective;
   a. Review background of health questions;
   b. Review epidemilogical studies;
      1. Knox-Poll studies;
      2. Newhouse studies;
      3. Silikoff studies;
      4. MacDonald studies;
      5. Others
   c. Place isolated cases cited in medical literature in perspective;
   d. Review animal studies;
      1. W. Smith,
      2. M. Stanton, NIH
      3. Gross
      4. Others

Ed Fenner gives this testimony

5. Address remaining testimony to specific points of proposed control regulations. On those points which we differ, state why and propose a constructive alternative with reasons alternative is better.

Corbett MacDonald could be invited as an independent witness

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**Recommendations:**

1. That GAF testify at the New York hearing and that the name of person to testify, probably Mr. Fraser, be submitted by December 29th.

2. That the testimony be prepared as well as suggested wordings for 61.20, 61.22 (a), (3), 61.22 (f), 61.22 (b), (1), 61.22 (c), (1).

3. That our testimony be coordinated with Johns-Manville to avoid repetition.

4. That test data using membrane filter be obtained at once in all our plants.

5. That engineering be started at once to design filter installations for our plants.



*Asbestos Information Association trial exhibit AIA-18: W. H. Page to Distribution on A.I.A. Subcommittee Meeting on…* Published by AsbestosClaims.Law
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6. Dr. Pundsack testify on following items:

a. Build-up of fiber concentration in air;
b. Fiber dynamics in air;
c. Consumption of fiber and changes in recent years;
d. Explain that fiber is not indestructible;
e. Asbestos gets in air from earth's surface. Serpintine is widely distributed.

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make the necessary reports, and recorded on the prescribed FRA form with a copy thereof placed in the locomotive cab.

4. At points where the crew of one carrier takes over control and operation of a run-through or unit train from the crew of another carrier, the train must be inspected to determine that the locomotive cab contains the prescribed FRA form, brake pipe leakage does not exceed 5 pounds per minute, and that the brakes apply and release on the car from a 20-pound service brake pipe pressure reduction. If the locomotive cab does not contain the prescribed FRA form, the train must be [illegible] in accordance with the present requirements of § 232.12 (a)–(h) [illegible] before it [illegible].

Several Associations of American Railroads, the United Transportation Union, and the Brotherhood Railway Carmen have requested a hearing, although not the same type. FRA will conduct a public hearing at 10 a.m., on January 18, 1972, in Room 2332, Nassif Building, 400 Seventh Street SW., Washington, DC.

The hearing will be an informal one and will be conducted in accordance with 49 CFR 211.25 by a representative designated by the Administrator. The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representative of the Administrator will make an opening statement outlining the scope of the hearing. Oral statements should highlight and summarize topics discussed and written comments filed pursuant to the notice published in the October 20, 1971, issue of the FEDERAL REGISTER, and should focus upon the contents of that notice. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

Interested persons are invited to attend the hearing and to present oral statements on the matters involved in this proceeding. These statements will be made a part of the public docket of the notice.

All communications concerning the hearing and notice should be addressed to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: Docket No. PB–5, 400 Seventh Street SW., Washington, DC 20590.

This notice is issued under the authority of section 9, title 45, United States Code, and section 211.31 of the regulations of the Federal Railroad Administration (49 CFR 211.31).

Issued in Washington, D.C., on December 10, 1971.

JOHN W. INGRAM,
*Administrator.*

[FR Doc.71-18397 Filed 12-13-71;8:45 am]

## Hazardous Materials Regulations Board

### [ 49 CFR Part 173 ]

[Docket No. HM–93; Notice No. 71–28]

### TRANSPORTATION OF HAZARDOUS MATERIALS

### Class B Propellant Explosives in Fiber Drums; Notice of Extension of Time to File Comments

On November 6, 1971, the Hazardous Materials Regulations Board published Docket No. HM–93; Notice No. 71–28 (36 F.R. 21360), Class B Propellant Explosives in Fiber Drums. In response to a petition filed in accordance with 49 CFR § 170.25, the Board has extended the period for comments on this notice of proposed rule making from January 4, 1972 to February 22, 1972.

This extension is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 13, 1971.

ALAN I. ROBERTS,
*Secretary, Hazardous Materials Regulations Board.*

[FR Doc.71-18367 Filed 12-15-71;8:47 am]

## ENVIRONMENTAL PROTECTION AGENCY

### [ 40 CFR Part 61 ]

### NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

### Notice of Public Hearings

Section 112(b)(1)(B) of the Clean Air Act, as amended by Public Law 91–604, directs the Administrator of the Environmental Protection Agency to publish proposed regulations establishing emission standards for hazardous air pollutants together with a notice of public hearing. Such regulations for asbestos, beryllium and mercury were proposed in the December 7, 1971, issue of the FEDERAL REGISTER at page 23239.

Notice is hereby given of public hearings concerning the proposed hazardous emission standards to be held at the following dates, times and places:

January 18, 1972, beginning at 10 a.m., e.s.t., U.S. Customs Court Building, Courtroom No. 2, Room 101, 1 Federal Plaza, New York, NY;

February 1, 1972, beginning at 10 a.m., e.s.t., the Midtown Auditorium, Room 211, 1713 Baltimore Street, Kansas City, Mo;

February 15, 1972, beginning at 10 a.m., p.s.t., U.S. Courthouse, Room 1511, 312 North Spring Street, Los Angeles, Ca.

These hearings are intended to provide opportunity for interested persons to state their views or arguments or to provide information as to: (1) Whether asbestos, beryllium, or mercury, when emitted to the ambient air, may cause or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; and, if so, (2) what standards should be adopted to regulate emissions of such pollutants. The Administrator is required, under section 112, to establish standards at the level which in his judgment provides an ample margin of safety to protect the public health from any hazardous air pollutant, unless, on the basis of information presented at the hearings, he finds that such pollutant clearly is not a hazardous air pollutant. Accordingly, participants in the hearings are requested to identify specifically the portion of their presentations, if any, directed to the issue of whether the pollutant in question is or is not a hazardous pollutant, as defined in section 112(a)(1) of the Act.

Mr. William H. Megonnell hereby is designated Presiding Officer for the hearings. He will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

Persons wishing to make a statement at a hearing are requested to file a notice of such intention not later than 15 days prior to the appropriate hearing and, not later than 10 days prior to the appropriate hearing, if practicable, to submit five copies of the proposed statement to the Administrator of the Environmental Protection Agency, Attention: Presiding Officer, Hazardous Emission Standards Hearings, Rm. 17–70, 5600 Fishers Lane, Rockville, Md. 20852.

Dated: December 13, 1971.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

[FR Doc.71-18431 Filed 12-15-71;8:51 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 2, 21, 81, 87, 89, 91, 93 ]

[Docket No. 19213]

### DIGITAL MODULATION TECHNIQUES IN MICROWAVE RADIO

### Notice of Inquiry; Extension of Time for Filing Comments

In the matter of inquiry into the use of digital modulation techniques in microwave radio, the desirability of imposing restrictions on the use of such techniques, and the possible amendment of Parts 2, 21, 81, 87, 89, 91, and 93 of the Commission's rules and regulations relative thereto.

*Order.* 1. On September 15, 1971, the Commission released a notice of inquiry in this proceeding (FCC 71–910) designating November 15 and December 16, 1971, as dates for filing comments and



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