PLAINTIFF'S EXHIBIT

UC-2516

METALS DIVISION

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To (Name) Mr. J. L. Myers
Division UCC - Metals
Location Niagara Falls, NY

Date November 15, 1979

Originating Dept. "Caltdria" Asbestos

Answering letter date

Subject AIA\NA Actions on Various Regulatory Initiatives

Copy to Messrs.
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~~J. W.~~ Whittlesey
File

As you are well aware asbestos is the subject of extensive regulatory activity by several governmental agencies. In several of these areas the proposed actions are precedent setting and could impact on Union Carbide significantly in areas beyond the asbestos business.

In view of the importance of these actions I plan to keep the above group informed of important developments as they occur. If there are any additions or deletions appropriate, please let me know.

The AIA\NA Executive Committee met on November 14 and took the following actions:

1. NESHAPS - Airborne Carcinogen Criteria

February 7, 1980 response deadline.
November 26, 1979 hearing in Washington.

The AIHC is preparing an extensive response. There does not appear to be much that the AIA\NA can add. The subject will be reviewed further, however.

The decision was made not to appear at the November hearing.

2. The New OSHA Initiative on Asbestos

The general consensus is that OSHA is preparing and will have no choice but to move on a rulemaking. An ETS is the favorite approach if they decide they can make it stick. A three to six month time frame is envisioned.

It was concluded that we must move ahead as fast as possible to prepare for this action. To this end, a "freedom of information" request has

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ACL Doc 17489 · Page 1 of 3 asbestosclaims.law/library/17489/1

been prepared and will be submitted immediately seeking the RTI Report and other documents in OSHA's possession. This follows a long series of attempts to obtain the report on a voluntary basis.

The actions of Dr. Ottoboni's OSHA Construction Advisory Subcommittee were discussed and active involvement and cooperation will be continued. The policy paper being prepared by CDP will be presented at their January hearing.

3. EPA - ANPRM

Response deadline December 17, 1979.

Kirkland and Ellis (hereinafter K&E) has reviewed the statutory requirements to supply information under Section 8 of TSCA. A memorandum will be issued soon. One key conclusion is that there is really very little long-term protection against public disclosure of confidential information supplied.

EPA contractors are now making widespread telephone contacts seeking information. It was recommended that each company designate a single person to handle these inquiries. It was also strongly recommended that information should not be supplied orally. Require the contractor to submit written questions and respond in writing. If possible, send a copy to AIA\NA so they are kept aware of what has been supplied.

A meeting will be held immediately with EPA to try to determine what information they have, what they really need, and to try to get an extension on the December 17 deadline. (Note: the meeting was held and was largely unsuccessful.)

The decision has been made that the AIA\NA will not attempt to generate large amounts of information for submission prior to the deadline. The response will stress the point that no health hazard warranting emergency action exists, that impacts can be very large, and that sufficient information for considered judgments must be developed. The legal requirements which bound their information seeking actions will also be stressed.

Methods to develop data in a coordinated way were discussed but no conclusions were reached.

4. TSCA - ANPRM

Response date December 17, 1979.

A similar approach as taken with EPA is planned here. One point that will be stressed is limits on TSCA's jurisdiction over materials of construction.

It was noted that special and general orders to supply information under the CPSC may be easier for the government than under EPA.

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ACL Doc 17489 · Page 2 of 3 asbestosclaims.law/library/17489/2

5. EPA - Water Quality Criteria Document - Asbestos

Response date December 31, 1979

This is a guidance document that has no direct regulatory status but could and probably will be incorporated into water quality regulations. It is also the first move by the EPA Carcinogens Assessment Group to examine asbestos risks and is likely to serve as a model for future estimates.

Initial response from our medical consultants is that the document has serious scientific flaws. An AIA/NA response examining the scientific validity of the criteria is planned. We do not intend to get into the controversy of what is asbestos and what mineral fibers should be included in the regulation.

The impact of this criteria can be much broader than asbestos since many mine and mill wastes contain large numbers of mineral particles which are actually asbestos or could be construed to be hazardous due to their "fiber" shape. (See recent report by Calspan.) Communication has been established with Mr. Ed Lantz, Chairman of the AMC Water Quality Control Subcommittee, and with Rich Miller who represents UCC on that subcommittee. It has also been learned that Johns-Manville is supplying technical and medical information to the AMC via Allen Overton. No action beyond mutual exchange of information is planned in this area.

6. The New Asbestos Health Hazards Compensation Act of 1979

The new Johns-Manville inspired bill was only discussed informally but is on the agenda for the Director's Meeting on December 12, 1979. My impression (also informal) is that there is very little enthusiasm for it among the several members present at the meeting. Guidance on the UCC position and appropriate stance at the Director's Meeting is requested.

Harrison B. Rhodes

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ACL Doc 17489 · Page 3 of 3 asbestosclaims.law/library/17489/3