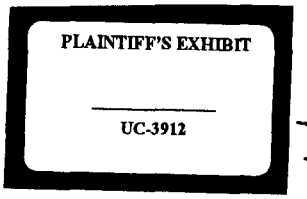
BCC: G. G. Gabrielson, Jr.
R. H. Mereness
J. L. Myers
W. B. Reitze
W. C. Thurber
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UNION CARBIDE CORPORATION · METALS DIVISION · P. O. BOX 579 · NIAGARA FALLS, N.Y. 14302 · TEL: 716-278-3376

March 18, 1977

The Honorable Walter J. Kozloski
30 West Main Street
Freehold, NJ 07728

Dear Assemblyman Kozloski:

We have very recently become aware of Assembly Bill No. A-3009 introduced by yourself and Mr. Flynn and wish to present information on some asbestos uses of which you may not be aware which would be regulated by the bill. It should be stated that there is no disagreement that the use of unbound asbestos coatings as installed in the Howell Township schools was a poor method of construction. Although the actual degree of hazard is not well defined and may vary considerably from building to building there are young children involved. It is clearly prudent to provide a mechanism to insure that such coatings are sealed or removed, as appropriate, by safe procedures as intended by your bill.

The problem arises from the fact that this type of sprayed interior ceiling coatings represents only a minor portion of the asbestos used in construction. Asbestos is generally an important ingredient in such common construction materials as tar paper, asphaltic roofing tars, foundation coatings, caulks, sealants, drywall (tape-joint) compounds, vinyl-asbestos floor tile, and linoleum roll goods. Commercial buildings often have an exterior coating of asbestos-cement sheet. Asbestos-cement shingles were widely used on dwellings for many years following World War II. All of these products differ from the spray-on coatings in that the asbestos is firmly bound in a permanent, strong binder. These bound products clearly are of the kind referred to by the New Jersey Department of Environmental Protection in their recently proposed regulation on spraying, i.e.:

> "Only the free asbestos fibers constitute a danger to health. It has been estimated that a majority (85-92%) of end-product uses have effectively immobilized the asbestos fibers by mixing them into a strong binding material, e.g., cement (EPA, 1976: Asbestos, a Review of Selected Literature through 1973, EPA-560/2-76-001)." (Emphasis added.)

As A-3009 now stands, it appears to give the Commissioner a virtual carte blanc to decide that any particular use represents a potential hazard and to order the designated material to be removed immediately. As an extreme example, the Commissioner could decide that the presence of tape-joint compound was a potential hazard and could order major repairs in most of the dwellings

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in the state. The same kind of thing could occur with most commercial buildings having flat roofs since such roofs generally contain asbestos in both the tar paper and the asphaltic coating materials.

We are aware that Article 4 contains the words, "... in accordance with reasonable rules and regulations adopted by the Department..." but "reasonable" is an ambiguous word, when applied to emotion-charged issues. It is not intended to imply that the Commissioner would act capriciously but his resources and access to pertinent information may be limited. He can also be subjected to pressures bordering on hysteria that could easily arise from allegations having little or no basis in fact. Considering the far-reaching consequences of his decisions under A-3009, it is suggested that it is desirable to limit the scope to unbound asbestos coatings of the type causing the concern in Howell Township. As a way to achieve this, it is suggested that a definition of "friable asbestos material" as used in the Federal EPA asbestos regulations be added to the definition section, Article 1. To quote from the Federal Register, Vol. 40, No. 199-Tuesday, October 14, 1975, page 48299:

> "Friable asbestos material" means any material that contains more than 1% asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure."

The words "friable asbestos material" would then be substituted for "asbestos" in the remaining portions of the bill. We believe that this would take care of the problem without imposing undue burdens of interpretation on the Director. We appreciate the opportunity to express these views and apologize for their lateness. If any further information would be useful, please do not hesitate to let us know.

Very truly yours,

Harrison B. Rhodes

Harrison B. Rhodes
Technology Manager

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