



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Edward W. Warren, Esq.
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, D.C. 20005

JUL 29 1986

Dear Mr. Warren:

This letter responds to requests you have made regarding the hearing on the proposed Asbestos Ban and Phase Out Rule on behalf of your clients the Asbestos Information Association/North America and the Asbestos Institute [hereafter collectively referred to as "AIA"] You have made the following requests:

- (1) a request to reconsider EPA's denial of AIA's original request for appointment of an Administrative Law Judge (ALJ) to preside at any cross-examination hearing that may be held or, in the alternative, to excuse from the hearing panel any EPA employees who participated in drafting the Agency's proposed rule or certain documents you have listed (July 14, 1986, letter from E. Warren, Kirkland and Ellis, to D.L. Dull, EPA);
- (2) requests to subpoena (or invite) specific witnesses (submitted with letters from E. Warren to L.M. Thomas, EPA Administrator, on June 29, 1986, and to D.L. Dull, EPA, on July 14, 1986);
- (3) a request for EPA to "identify by name and position, each person who provided 'facts' or participated in drafting" various EPA support documents (July 14, 1986, letter from E. Warren to D. Dull);
- (4) requests for EPA to place in its record all drafts of Agency support documents, every peer review of those drafts, and all data and calculations used to compute emissions from primary manufacturing facilities (submitted with the June 29, 1986, letter from E. Warren to L. Thomas).

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