



USEPA TO Kirkland & Ellis(AIA/AI)
OPTS 62036 Asbestos Ban

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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, DC 20005

JUL 30 1986

Dear Mr. Warren:

The Environmental Protection Agency (EPA) continues to be very disappointed in the refusal of the Asbestos Information Association/North America and the Asbestos Institute [hereafter collectively referred to as "AIA"] to make their expert witnesses available for questioning at the legislative hearing on the Asbestos Ban and Phase Out Rule.

Stated below are questions raised by members of the hearing panel concerning written comments submitted on behalf of AIA by these experts. Responses to these questions will, among other things, assist the Agency in deciding whether it is necessary to grant requests for cross-examination. The questions refer to the comments of Doctors Bragg, Crandall, Crump, Davis and Rodricks.

We request that you respond to these questions within one week of receipt of this letter. Your response will be inserted into the transcript for the legislative hearing. Thus, a full transcript of that hearing will not be available until your response is received.

1. Are you aware of any additional studies on emission rates or concentrations from primary and secondary manufacturing plants other than those identified at pages 107-111 of Dr. Bragg's comments? If yes, please provide copies for the record.

2. What model inputs for stack height, vent gas temperature, vent radius and other parameters did Dr. Bragg use in the atmospheric transport model to estimate dispersion around the asbestos-cement pipe plant? (Bragg Comments at 112-113).

3. Does Dr. Bragg agree with OSHA's estimates for worker populations and worker exposure levels for general industry and construction (Tables 22-23 at 51 F.R. 22665)? Please provide specific reasons for disagreeing with any of OSHA's estimates.

4. Please provide the following references, which are not readily available to the general public, cited in the comments of Doctors Bragg and Rodricks.

Bragg: AIA/NA Correspondence (1986); Asbestos Institute, Memorandum, May 2, 1986; Farant (1984).

Rodricks: A/C Pipe Producers Association (1976); Axtell (1975).

5. What is the basis of Dr. Crandall's assertion that "virtually all of the benefits" of the proposed rule accrue to the current generation (Crandall at 12-13)?

6. What methodology does Dr. Crandall use to assign cost shares (Crandall at 15)? Please show his calculations.

7. On page 16 of his comments, Dr. Crandall states that EPA "never fully explains the procedures used to convert the PEM model outputs and the baseline estimates into estimates of consumer and producer surplus losses." What additional explanations, not already on the EPA record, would Dr. Crandall like EPA to provide?

8. Dr. Crandall suggests (Crandall at 26) that EPA's baseline projection model was not sufficiently disaggregated to produce an accurate forecast of asbestos use. Could he suggest an alternative way of calculating the growth rate component of the baseline projections?

9. In several instances, Dr. Crandall cites conversations with industry representatives as the source for some of his conclusions (Text at 26; Footnotes at 21, 22, 23, 27, 30, 31 and 32). Please have Dr. Crandall make available to EPA phone logs, or other summaries, of those conversations that state the basis for the industry representatives' conclusions.

10. What would Dr. Crandall suggest as the appropriate method or data base to use for forecasting asbestos demand in brake linings and pads (Crandall at 27)?

11. Dr. Crandall suggests (Crandall at 29-30) that producer surplus losses are underestimated because EPA did not consider specialized labor (or "other resources"). Can Dr. Crandall suggest:

- what these "other resources" are and provide any evidence of how they can be quantified
- which occupational categories are specialized labor and what evidence there is for this assignment?

12. Please show annotated calculations and the simplifying assumptions used by Dr. Crandall to arrive at the following numbers described at page 32 of his comments:

- total omitted producer surplus losses ranging between \$670 million and \$1.03 billion;
- total producer surplus losses, attributable to particular products, of \$228 million to \$329 million;
- EPA's underestimation of producer surplus losses of \$100 million or more.

13. Dr. Davis mentions in his comments that he is conducting an inhalation study on chrysotile fibers that should be complete by the end of 1986 (Davis at 8). Please provide preliminary results available at this time, such as results from intermediate sacrifices, other related preliminary reports or raw data.

14. Dr. Crump cites a 1986 study by Hughes, Weill and Hammad (Crump comments at 15 and 48). The study is to appear in the British Journal of Industrial Medicine (Crump comments at 99). Please provide EPA with the most recent copy of this study.

Thank you in advance for your prompt reply.

Sincerely,



David L. Dull
Chair, Asbestos Hearing Panel