

FACSIMILE MACHINE

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Total Number of Pages Including This Cover Sheet 4

Comments or Special Instructions
BOB - ATTACHED ARE COMMENTS FROM OPPT
I AM STILL WORKING ON PESTICIDES OFFICE + OGC
VERY SORRY ABOUT THE DELAYS.

Fax Sent By MATT GILLEN Date 5/9/95

To: Matt Gillen
 From: Andrea Yang
 date: May 3, 1995
 subject: comments and suggestions for NIOSH "take home toxics" report

Attached please find the Chemical Management Division's comments on the "Workers' Home Contamination" Report.

p.69 TSCA

The current regulations under TSCA address neither take-home lead nor PCBs.

p.70 Asbestos

Two EPA asbestos regulations may be relevant to hazards protecting workers' families from asbestos hazards.

The Asbestos Model Accreditation Plan, 40 C.F.R. Part 763, Subpart E, Appendix C represents the minimum national standards for the training and accreditation of professional asbestos contractors. Accreditation for the disciplines of inspector, worker, and supervisors must contain information on personal protective equipment, use, storage and handling of non-disposable protective clothing. Worker and supervisor courses must also encompass personal hygiene with specific attention to asbestos abatement area entry and exit procedures and the potential for family exposure.

40 C.F.R. 763.121 , the Asbestos Worker Protection Rule also applies to hazards of take home toxics. This rule extends OSHA-like protection to state and local government workers who conduct asbestos abatement activities and who are not otherwise covered by OSHA regulations. This regulation prescribes full-scale decontamination procedures for abatement actions that are not of small-scale, short duration. In addition, all workers must wear protective clothing, which must be handled appropriately in order to avoid the spread of asbestos fibers.

Residential Lead - Based Paint Hazard Reduction Act of 1992

"... These include the development of a health based standard for definition of lead-contaminated household dust, development of..."

Table 16 Federal Laws Relevant to Workers' Family Protection

Residential Lead-Based Paint Exposure Act of 1992

Section 15 U.S.C §2682 (a) and (c)(2)and(c)(3)(Sec 402 of Title IV) may be considered relevant to take-home exposure under the following rationale.

While 15 U.S.C §2682 (Sec 402 of Title IV) does not explicitly refer to hazards to workers' families of take-home lead, in (a)(1) the Environmental

*Insert A
on p. 6*

Protection Agency is directed to "...promulgate final regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited, and that contractors engaged in such activities are certified. Such regulations shall contain standards for performing lead-based paint activities, taking into account reliability, effectiveness, and safety."

(c)(2) of this section also orders a "Study of Certification" which states that "The administrator (of the EPA) shall conduct a study of the extent to which persons engaged in various types of renovation and remodeling activities in target housing...are exposed to lead and create a lead-based paint hazard on a regular or occasional basis..."

(c)(3) also goes on to require the regulations created out of subsection (a) above to be amended using the results of such a study. Should the study under (c)(2) reveal hazards to the health of families of workers involved in lead-based paint activities, then the EPA would be obligated to create training and certification requirements to reduce or eliminate risk of injury to these families.

Table 13**Studies on PCBs**

Additional studies on dioxin which may have relevance to take-home toxicity are currently being conducted by EPA's Office of Research and Development.

From: GARY TIMM (GTIMM)
To: MGILLEN
Date: Tuesday, April 25, 1995 12:38 pm
Subject: Worker's Home Study Report

Charlie Auer asked me to review excerpts from the Worker Home Study Report. The section of interest to us was the paragraph on TSCA on pages 69-70. This section refers to TSCA's information gathering ability. I believe we should also add the following:

" In addition, through sections 2604 and 2605 of TSCA, EPA can regulate the manufacturing, processing, use, distribution in commerce, and disposal of new and existing chemicals, respectively."

With this change we concur with the report.

CC: TTI, CAU