



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 15 2008

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

William Turley
Executive Director
Construction Materials Recycling Association
P.O. Box 122
Eola, IL 60519

Dear Mr. Turley:

Thank you for your June 16, 2008, letter concerning asphalt shingles recycling and asbestos. You asked that the U.S. Environmental Protection Agency (EPA) evaluate whether its current regulations unnecessarily inhibit the potential recycling of asphalt shingles that may or may not contain asbestos.

The Office of Solid Waste appreciates your association's work to advance the recycling of construction and demolition (C&D) materials and, with you, supports the recovery and reuse of post-consumer asphalt shingles in a safe and protective manner. EPA's Resource Conservation Challenge (RCC) has identified Industrial Materials Recycling, including C&D materials recycling, as one of four national focus areas. As asphalt shingles represent a major component of C&D materials, OSW seeks to increase as much as possible the recycling and reuse of this material. The Agency recognizes the many benefits of recycling asphalt shingles, including resource conservation. For instance, the equivalent of approximately 10 - 40 million barrels of petroleum are buried every year by disposal of asphalt shingles in landfills. Through recycling, critical petroleum products are conserved, and valuable material is put back to productive use.

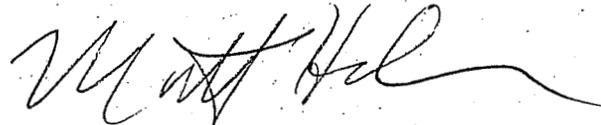
In your letter, you state that the presence of asbestos in a small percentage of asphalt shingles is problematic to recycling of the much greater volume of asphalt shingles that do not contain asbestos. From the data available to us, it is evident that the percentage of asphalt shingles that contain more than one percent asbestos entering recycling operations is extremely low. We also understand that asphalt shingle recycling operations utilize misters and other emissions control devices, which is likely to mitigate any health concern from these operations. Finally, we understand that the costs and logistics of extensive testing of shingles for asbestos,

required by some regulators to meet air standards, may be so burdensome in some areas as to prohibit the recycling of asphalt shingles.

In response to your request, we are currently working within the Agency to clarify how EPA regulations, specifically the National Emission Standard for Asbestos (asbestos NESHAP; 40 CFR Part 61, Subpart M), apply to facilities that recycle asphalt shingles. We expect that EPA will be able to provide you this clarification within 30 days. At the same time, I urge your members to work closely with state environmental agencies to understand any state requirements that may apply. Please note that all relevant employee health and safety regulations as required by the Occupational Safety and Health Administration (OSHA) must also be followed.

In the interim, if you need additional assistance, please feel free to contact Kimberly Cochran in the Office of Solid Waste and Emergency Response (Cochran.Kimberly@epa.gov; 703-347-8950).

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hale", with a long horizontal flourish extending to the right.

Matt Hale, Director
Office of Solid Waste

Cc: Steve Page, Director, Office of Air Quality Planning and Standards, OAR