

ANALYSIS: SCIENTIFIC ARTICLES LIKELY  
TO HAVE SIGNIFICANT IMPACT ON POLICIES

Recent scientific articles that downplay the risks of in-place asbestos and question the need for asbestos removal are expected to have a profound impact on federal policies regulating asbestos and are likely to provide asbestos manufacturers with a potent new tool in defending asbestos property damage claims.

Environmental Protection Agency Administrator William Reilly "has taken a personal interest" in the article published in Science last month, said Joseph Schechter, assistant chief of EPA's Hazard Abatement Assistance Branch. "It's gotten more press than anything I've seen in a long time."

The Science article has become a "big topic of conversation" among New York City officials debating a sweeping proposal to require phased-in inspections for asbestos of nearly all buildings in the city, said Richard Mendes of the city's Department of Environmental Protection. He suggested it could hurt prospects for the bill's passage.

Two of the authors of the Science article, which contained a section that specifically addressed federal asbestos policies, also published a similar article in the New England Journal of Medicine last year. The two, Bernard Gee of Yale University and Brooke Mossman of the University of Vermont, also participated in a widely publicized Harvard symposium that reached similar conclusions.

The scientific reports have not only caught the eye of Reilly, Schechter noted, but could affect legislation in Congress and the research effort getting under way by Health Effects Institute-Asbestos Research.

HEI-AR will conduct a literature review expected to be the most extensive ever, Schechter noted. The findings of Gee and Mossman -- that chrysotile poses less of a health risk than amphibole forms of asbestos and that airborne levels of asbestos in buildings generally are no higher than ambient concentrations -- are bound to be reflected in the HEI-AR review, he said. But it remains to be seen whether HEI-AR will take those same scientific studies reviewed by Mossman and Gee and reach the same conclusion that there is no need for removing asbestos from buildings.

'Not Justified'

Arthur Upton, the noted cancer researcher recently tapped by HEI-AR to head its literature review, coauthored a letter to the New England Journal of Medicine taking issue with Mossman and Gee's argument against asbestos removal. "It would be unfortunate if the article in the Journal, with its considerable prestige, was used as an argument against asbestos inspection and, where necessary, asbestos abatement," the letter said. "The abandonment of asbestos inspection and abatement is not justified," the letter from Upton and William Rom concluded.

Another letter to the Journal accused Mossman and Gee of presenting "the view of the asbestos industry" and questioned whether the two had a "conflict of interest." Orn Eliasson of Baltimore's North Parkville Health Center wrote, "It was not a coincidence that an attorney representing an asbestos manufacturer presented me with a copy of the article three days before I received my own copy of the Journal in the mail." Mossman and Gee did disclose their activities on behalf of asbestos manufacturers when they submitted their article, but the Journal chose not to disclose them.

The scientific journal articles likely will bolster the chances of asbestos manufacturers successfully defending property damage claims citing a "no damage" defense. Manufacturers have won several recent victories using the tactic.