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PLAINTIFF'S EXHIBIT

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ASBESTOS INDUSTRY FILES PETITION TO REVIEW EPA BAN

Washington, DC, Aug. 22, 1989 -- The Asbestos Information Association/ North America (AIA/NA), on behalf of its members, today filed with the Fourth Circuit U.S. Court of Appeals (Richmond, VA) a Petition to Review the Environmental Protection Agency's July 6, 1989, rule that would ban the future manufacture and use of asbestos products in this country.

B.J. Pigg, president, AIA/NA, said his organization initiated the legal action because, "We believe EPA's policy decision is an unfounded, politically convenient attack on an industry that greatly benefits the American public, an industry that currently manufactures vital industrial and consumer products under some of the most stringent safety standards in the world."

AIA/NA believes that current scientific evidence does not support EPA's ban of asbestos-containing products. "Such a ban is contrary to the international strategy for controlled use of asbestos, as adopted by the International Labor Organization and World Health Organization, and as followed by most nations.

No epidemiological studies to date indicate that low cumulative exposure to any form of asbestos or asbestos-containing products puts society at risk. Further, research shows that asbestos-containing products represent no significant health risk from inhalation because the fibers are bound into the products.

The products affected by EPA's recently announced three-phase ban over the next seven years include asbestos-cement pipe and shingles, and asbestos containing roof coatings, gaskets and brakes. As an example of the broad acceptance of asbestos-containing products, asbestos-cement pipe has been safely used in the U.S. since 1931 and accounts for about 38 percent -- or over 300,000 miles -- of pipe used to carry drinking water in every state.

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While EPA has banned asbestos-cement pipe, it has stated that it found no basis for terminating the use of, or removing, in-place asbestos-containing pipe, noting that the perceived risks are from inhalation during manufacture and installation and not from ingestion of water carried through the pipe.

Yet, EPA has no estimates of risks and costs associated with the substitution of PVC or ductile iron pipe for asbestos-cement pipe. The agency acknowledges, however, that manufacturing risks are equivalent.

In announcing the ban several weeks ago, EPA Administrator William Reilly noted that 3,000 to 12,000 persons may be dying annually due to workplace exposures to asbestos in the past.

"There is no doubt that asbestos has been a major occupational risk problem in the past, and we are not here to debate that point," said Pigg. "Those unfortunate deaths, however, are attributable to very high exposures many years ago, often in unregulated workplaces, to products containing asbestos that are no longer manufactured. The EPA ban, however, has nothing to do with those past exposures."

Noting that even with its exaggerated estimates of current asbestos exposures and the health consequences of such low exposures, Pigg said, "EPA can claim its ban will avoid but 15 cancers a year, theoretical cancers that, if they occur at all, will not occur for 30 to 45 years."

Should asbestos-containing products be banned, the substitute products that will benefit from lack of competition are more costly and less effective -- and in many cases pose health and safety risks themselves since they are not regulated nearly as comprehensively as asbestos, Pigg explained.

EPA staff has acknowledged that there are substantial health and safety risks associated with the use of asbestos substitutes. However, the Agency has neither quantified the magnitude of these risks nor considered whether such risks offset the claimed benefits of eliminating asbestos-containing products.

The potentially significant risks from less effective non-asbestos brakes is documented in the report EPA commissioned from the American Society of Mechanical Engineers. The Society's report found that, "the substitution of unqualified nonasbestos friction materials in the aftermarket poses the largest potential safety issue ... The use of unproven materials in existing systems could result in loss of vehicle controllability during braking."

The potential for health risks from use of fibrous substitutes for asbestos was acknowledged by the Agency in its own document, "Health Hazard Assessment of Nonasbestos Fibers." That document found that the fibrous materials expected to be substituted for asbestos were themselves potential carcinogens.

According to EPA's own estimates, only one percent of the rule's estimated benefits in asbestos exposure reduction will be achieved at one-fourth of the rule's cost in increased prices to consumers. Stated simply, even EPA can claim only that it will theoretically prevent two cancers at a cost of more than \$200 million. All told, EPA estimates that the ban will cost consumers \$460 million over the next 13 to 15 years.

"The tragic legacy of past exposure use is a fact that the asbestos industry must live with; the controlled use of asbestos in the future is a reality EPA seeks to take away from the American public who will benefit from that use," Pigg said.

Based on scientific fact as well as past product performance, AIA/NA believes that asbestos -- when properly handled -- remains an economically valuable and safe industrial raw material which should continue to be used in a variety of applications.

"The asbestos miners and product manufacturers who I represent are convinced that EPA has committed a serious error," he said, "and we are confirmed in our belief by the views of the experts in public health and regulatory policy.

"AIA/NA has great confidence that the Courts, upon hearing our objections, the expert testimony of both government and private sector witnesses familiar with current asbestos practices, and after weighing the comparatively low risk of using the numerous widely accepted asbestos-containing products of today as opposed to untested or potentially hazardous substitutes, will overturn this unnecessary ban.

"EPA's ban is tantamount to regulation without reason, restriction in the absence of risk," Pigg concluded.

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Editors Note: AIA/NA's legal action pertains solely to the production and installation of current asbestos-containing products, and not to friable asbestos products such as those being removed from schools and buildings.

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