PLAINTIFF'S EXHIBIT

CAP-1700

AIA NORTH AMERICA

NEWS & NOTES

August 31, 1984

PLANS FOR AIA/NA'S NINTH INDUSTRY-GOVERNMENT CONFERENCE SEPT. 18-19 FIRM

As announced (N&N June & July), the Association will conduct an industry-government conference on Sept. 18-19, in conjunction with its 14th annual meeting and third quarter board of directors meeting scheduled for Sept. 19. Conference and meetings will be held at the Twin Bridges Marriott Hotel, Arlington, VA. Over 90 persons have registered to date.

Program for the conference is now firm. The conference begins with a reception and dinner on Tuesday, Sept. 18. Dr. Edward J. Burger, Jr., Director, Institute for Health Policy Analysis, Georgetown University Medical Center, will be the dinner speaker. Dr. Burger will focus his remarks on the timely and important issue of causation and financial compensation for occupational disease and disability. Speakers at breakfast and lunch on Sept. 19 will be Deputy OSHA Head Patrick R. Tyson and Nancy Harvey Steorts, Chairman, Consumer Product Safety Commission, respectively.

During the conference on Wednesday morning, Sept. 19, guest speakers include: Jim E. Lapping, Director, Safety and Health, Building and Construction Trades Department, AFL-CIO; Wilfred Penney, Director General, Asbestos Information Centre (United Kingdom); Gary J. Nash, Director General, Minerals & Metals Strategy Branch, Energy, Mines and Resources, Government of Canada; Dr. Jacques Dunnigan, Director General, Institute for Research and Development on Asbestos, University of Sherbrooke, Quebec; and Dr. Malcolm Ross, U.S. Geological Survey.

The industry-government conference is a major event in the Association's work year since it affords an opportunity for a meaningful update and exchange of information on a number of areas affecting the asbestos industry. Wednesday's speakers will cover: current status of plans for further regulation on asbestos; overview of international events concerning asbestos; labor's views on asbestos regulation in construction industry; an assessment of the asbestos and substitutes issue; and a review of mineralogy and health during the past decade.

AIA/NA President John L. Myers will serve as conference chairman. Inquiries to the Association's Executive Director are encouraged.

ASBESTOS INFORMATION ASSOCIATION

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OSHA REVISES ASBESTOS SPECIAL EMPHASIS INSPECTION PROGRAM

On Jul. 23, the Occupational Safety and Health Administration (OSHA) issued OSHA Instruction CPL 2.60A which revises the agency's current National Emphasis Program (NEP) for programmed health inspections of establishments where asbestos is used, stored or processed. The original NEP for asbestos, initiated on Oct. 1, 1983 (N&N Oct. 1983) is cancelled.

CPL 2.60A states that OSHA has decided to continue its compliance presence in industries where the greatest exposure to asbestos is most likely to be present. Until this revision, the program had been based on a list of industries with a previous history of violations of the asbestos standard. The assumption was that industries cited for past asbestos exposures would be the most likely targets for potential overexposures. Experience has shown the agency that this procedure was not effective in identifying the potential overexposure to asbestos as it had assumed. Under the revised program, it is planned that all worksites where asbestos is used, stored, or processed, including those in the construction and maritime industries, shall be scheduled for inspection.

OSHA Regional Administrators are to ensure that each Area Director develops an asbestos establishment list made up of all establishments identified as using, storing or processing asbestos. To develop such a list, Area Directors are to use whatever sources of information are available to the degree that they are reliable. Examples of such sources listed in CPL 2.60A are local knowledge, past inspection reports, trade journals or newspapers, nonformal complaints, other government agency referrals, news photographs, or any other report, without regard to whether or not a violation is alleged or indicated.

Each Area/District Office of OSHA is to schedule a total of 10 asbestos NEP inspections for the fiscal year. Establishments are to be chosen for inspection with the use of a random number table. If there are 10 or fewer establishments in a district, all of the listed establishments are to be scheduled for inspection. All inspections scheduled must actually be conducted, even if they carry over into the next fiscal year.

When an inspection cannot be conducted because an employer refuses entry, the instruction requires that a warrant be sought in accordance with the current procedure for handling such refusals. Only if the court refuses to issue a warrant or if the OSHA Regional Solicitor declines to apply for a warrant should such an establishment be replaced by the next establishment prescribed by the random number table for inspection.

Finally, if it is not discovered until the OSHA inspector arrives on the site that the establishment is not using asbestos and none is to be found on the premises, the inspection is to be terminated immediately. Such terminated inspections need not be replaced as one of the 10 required inspections.

OSHA Instruction CPL 2.60A is applicable to both the construction and maritime industries as well as general industry.

House Approves Superfund Reauthorization

On Aug. 10, the House of Representatives passed H.R.5640, a bill that would reauthorize the Superfund program for five years with an additional $10.2 billion in funding. The present Superfund, a $1.6 billion program authorized in 1980, is due to expire next year. Entitled the Superfund Expansion and Protection Act of 1984, H.R.5640 was approved by a 323 to 33 vote over the objections of some Republican legislators and administration officials who claimed that it was motivated mainly by election year politics.

Before the final vote on the measure, several provisions were removed to make the bill more acceptable to opponents. The House voted 208-200 to delete a controversial federal cause of action provision which would have permitted private companies to be sued in federal court for personal injuries alleged to result from exposure to hazardous waste. It was believed that companies named as defendants in such suits could have been held liable even if they were not negligent.

By a vote of 200 to 159, the House also rejected a proposed amendment that would have set aside up to 12 percent of the $10.2 billion fund to compensate victims of exposure to hazardous waste. Offered by Rep. Elliott H. Levitas (D-GA), the amendment would have authorized compensation for medical compensation and lost wages. Critics of the Levitas amendment said that it would provide a boon to lawyers by encouraging them to file claims for compensation of victims while diverting money from the basic purpose of the Superfund, which is to clean up hazardous waste sites. Opponents also charged the amendment would have created a costly new entitlement program for a potentially massive number of claimants.

The House did adopt provisions which would require all new underground storage tanks that contain hazardous substances other than petroleum to have both an inner and outer shell or some comparable means of secondary containment. States are prohibited from setting up underground storage tank regulatory programs that are less stringent than the federal program. In addition, provisions were approved to regulate underground pipe connected to aboveground tanks, pipelines, surface inpoundments, pits, ponds, lagoons, and basins.

Other changes adopted by the House include providing at least $30 million annually, beginning FY 1986, for the Agency for Toxic Substances and Disease Registry to prepare toxicological profiles of wastes; clarifying "how clean is clean" language; directing EPA to inventory federal sites at which hazardous waste has been handled; and authorizing EPA to enter into settlements for the cleanup of hazardous waste sites with responsible parties agreeing to pay 80% of the costs.

Senate action on a Superfund reauthorization is progressing at a slower pace, with action on a bill, S.2892, still at the committee markup stage. The administration, which initially opposed renewing the fund, now states it supports an extension of the program, but wants Congress to wait until next year to act when the current program expires.

USC OFFERS AIRBORNE ASBESTOS SAMPLING COURSE

A five day course on "Sampling and Evaluating Airborne Asbestos Dust" is being offered by the University of Southern California's Institute of Safety and Systems Management on October 15-19, 1984. The objective is to enable participants who complete the course to use sampling and evaluation equipment so as to professionally collect and analyze asbestos dust samples.

The course treats asbestos sampling and evaluation techniques in detail. The theory and explanations given in lectures are applied in a "hands-on" laboratory to reinforce each major concept. Subject areas to be covered are: identification procedures, sampling equipment and sampling procedures; calibration procedures; the microscope; filter preparation and mounting; and sample evaluation.

Tuition for the course, which also carries a credit of 2.8 C.E.U.'s, is $650.00. For information, or to register, contact:

University of Southern California
Institute of Safety & Systems Management
Director, Extension & In-Service Programs
University Park, MC 0021
Los Angeles, CA 90078-0021
Telephone: (213) 743-6523/6524

HOUSE APPROVES FY 1985 OSHA, NIOSH, MSHA BUDGETS

On. Aug. 1, the House of Representatives approved H.R.6028, an appropriations bill that allocates $219.6 million to the Occupational Safety and Health Administration (OSHA), $66.7

million to the National Institute for Occupational Safety and Health (NIOSH), and $150.5 million to the Mine Safety and Health Administration (MSHA). With the exception of MSHA, the amounts represent increases over the present year's agency budgets. A reduction of nearly $1 million for MSHA reflects a reduction in the number of authorized positions in the agency due to a lower than expected number of mines available for inspection.

H.R.6028 would prohibit OSHA from granting variances, interim orders, or letters of clarification to employers that would allow workers to be exposed to chemicals or other hazards in excess of OSHA standards, or for the purpose of conducting experiments in worker health or safety. The restriction was introduced by Rep. David Obey (D-WI), who cited OSHA's endorsement of a variance for the Dan River Company that would have permitted workers to be exposed to cotton dust at higher levels than permitted under the workplace standard. The variance is related to research on the causes of byssinosis. Obey also cited a 1983 agreement between OSHA and the Adolph Coors Corporation which permitted Coors to exceed permissible noise exposure limits at a facility while researchers studied exposed workers.

The bill would also continue several restrictions placed upon OSHA by earlier appropriations measures. These restrictions include: exempting farm operations that employ ten or fewer workers from OSHA requirements; prohibiting routine safety inspections for small businesses with low lost workday injury rates; precluding penalty assessments for first-instance nonserious violations and for small employers who have received consultation visits; prohibiting inspections at workplaces on the Outer Continental Shelf; forbidding the issuance or enforcement of standards that would restrict work activity associated with recreational hunting, fishing, and sports shooting; and prohibiting state plan monitoring visits at establishments that have had a state inspection within a prior six month period.

Funds approved for NIOSH include $8.7 million to support the activities of its Educational Resource Centers, and $1.5 million for industry-wide studies. With regard to MSHA, the appropriations bill continues last year's prohibition of funds to carry out the training provisions of the Mine Safety and Health Act for shell dredging or sand, gravel, surface stone, surface clay, colloidal phosphate or surface limestone mining operations.

A bill similar to the House measure was passed June 6 by the Senate Appropriations Committee but still awaits a vote by the full Senate. Any differences in the bills would have to be resolved by a conference committee of House and Senate members.

EPA Issues Effluent Guidelines For Inorganic Chemicals Manufacturing

In the Aug. 22 Federal Register, the Environmental Protection Agency (EPA) issued final regulations to limit the discharge of pollutants into navigable waters and into publicly owned treatment works by existing and potential new sources that manufacture certain inorganic chemicals. The regulations are required by the Clean Water Act (CWA) and under the terms of a consent decree issued as a result of a suit filed by four environmental groups in 1976.

According to the preamble to the rule, this round of rule-making aims for the achievement of the best available technology economically achievable (BAT) that will result in reasonable further progess toward the national goal of eliminating the discharge of all pollutants. At a minimum, BAT represents the best economically achievable performance in any industrial category or subcategory.

Starting with a review of all of the inorganic products listed under four groups of Standard Industrial Classification (SIC) code numbers (SIC 2812 - Alkalies and Chlorine; SIC 2813 - Industrial Gases; SIC 2816 - Inorganic Pigments; SIC 2819 - Industrial Inorganic Chemicals, Not Elsewhere Classified) EPA identified 124 chemical subcategories which could be subject to the regulation. Of these 124 subcategories, 106 were excluded from further study under the terms of the consent degree for one or more of the following reasons:

(a) The pollutant is not detectable in the effluent with the use of analytical methods approved pursuant to 304(h) of the CWA or other state of the art methods.

(b) The pollutant is present only in trace amounts and is neither causing nor likely to cause toxic effects.

(c) The pollutant is present in amounts too small to be effectively reduced by technologies known to the Administrator.

(d) The pollutant will be effectively controlled by the technologies upon which are based other effluent limitations and guidelines, standards of performance, or pretreatment standards.

Appendix B to the regulation lists the 106 chemical subcategories not subject to the regulation for one of the reasons listed above. Asbestos appears on this Appendix, and reason (c) is given as the basis for its inclusion.

Manville Bankruptcy, Damage Cases Still Intertwined and Still Unresolved

By Warren Brown
Washington Post Staff Writer

Two years ago today, Manville Corp. filed for protection under Chapter 11 of the federal Bankruptcy Code, saying its existence was threatened by a rising tide of damage suits by asbestos workers and their families.

Today, that bankruptcy case has taken on some of the characteristics of the asbestos-related diseases that triggered it:

It is long in development. After two years, there is still no end in sight that would provide compensation for the asbestos victims and remove the financial threat to the company's future.

It is complicated and costly, involving legions of lawyers, thousands of pages of court documents and, so far, $30 million in legal fees, paid by Manville.

Finally, the case isn't doing any good for the victims—one of the few points of consensus among the various parties involved.

"We've been Mickey Mousing up and down, like a yo-yo, since Day One on this thing," said George H. Cohen, a Washington lawyer representing the AFL-CIO in the case.

"This has been an excruciating process, which has yet to produce anything of benefit for the people who should really matter—the people with the cancers and other diseases" linked to inhalation of sharp, microscopic asbestos fibers, Cohen said.

The bankruptcy case currently is in legal limbo, put there by a tentative agreement among Manville and three of its insurers, who have agreed to pay the company $315 million to set up a fund that would help compensate asbestos victims. The agreement would settle a suit by Manville against the insurance companies.

The agreement is controversial because it also allows the insurers to use the fund to defend themselves against future asbestos-related lawsuits. Critics say that provision could drain the fund before many of the victims get a chance to draw on the money.

A hearing on the fairness of the insurance plan is scheduled Sept. 12 in the U.S. Bankruptcy Court for the Southern District of New York, where the Manville case is being heard.

Lawyers for asbestos victims and their families say court approval of the insurance plan would hurt chances of reaching a "consensual agreement" that would resolve the entire bankruptcy issue without litigation.

Litigation would be more costly and more time-consuming. In addition, it would further delay the day that anything could be done to help the victims in the case, all sides say.

"But we're not going to approve a trust concept that was supposed to be for the benefit of the victims, but that now seems to be more for the benefit of the insurers," said Robert J. Rosenberg, a New York lawyer representing the asbestos plaintiffs.

"If the court approves the Manville insurance plan, then, from our viewpoint, that would pretty much do away" with the company's overall reorganization plan that has been under consideration for about the last nine months, Rosenberg said.

Under that plan, a new Manville corporation would be created, which would be immune from future asbestos claims. A trust fund also would be established to pay the claims with cash and stock contributions from Manville and insurance company payments.

Rosenberg shied away from commenting on whether the insurance issue might explode into an all out, no-holds-barred legal battle among Manville, its commercial creditors, asbestos plaintiffs and several other groups involved in the bankruptcy proceedings.

"Anything is possible. . . . Everyone seems to want some kind of a consensual agreement," Rosenberg said. But at the very least, approval of the Manville insurance plan "certainly would mean a search for other alternatives" to reorganizing the company, he said.

Manville contends that once the details of its still-tightly-covered insurance plan are brought to light, all parties will realize that much room remains to reach an overall agreement without litigation.

"We were very near a consensual plan in the early summer. We still think that is possible. But we're waiting for the outcome of the fairness hearing" on the insurance question, said Curtis Linke, Manville vice president for corporate affairs.

Linke said Manville could reach a consensual agreement by Dec. 31, 1985. But that was not a prediction, he cautioned. Rosenberg said he believes Linke was wise in adding the disclaimer.

Denver-based Manville, formerly Johns-Manville Corp., is the Western Hemisphere's largest manufacturer of asbestos products. The company was financially healthy when it filed the bankruptcy petition two years ago. And despite a steep decline in profits to $31 million in the first six months of 1984 from $46 million in the same period last year, the company is healthy today.

But Manville said it could not endure the claims filed by or on behalf of people who had contracted asbestos-related diseases such as mesothelioma, a fatal lung ailment; lung cancer, usually fatal; and the debilitating asbestosis, a disease that scars the lungs.

The claims totaled 16,500 two years ago and were rising at the rate of 400 to 500 a month. When Manville's lawyers filed for bankruptcy, they predicted then that, if no relief were granted, the company would sink under the weight of $2 billion worth of liability in asbestos-related lawsuits. The company since has raised that projected figure to $4.8 billion.

The claims come mostly from shipbuilders who were exposed to airborne asbestos fibers during World War II. Other victims were exposed in the construction and railroad industries and in the direct manufacture of asbestos.

According to researchers at The Rand Corp., a California-based think tank and public policy research group, the rate of claims filed against Manville and other asbestos manufacturers picked up speed in 1978, largely because the asbestos-related diseases can take anywhere from 20 to 40 years to manifest themselves.

As of March 1983, some 24,000 asbestos-victim court cases had been filed against all manufacturers, and about 3,800 of those had been settled, usually without a trial, according to Rand researcher William Felstiner. The number of claims continues to grow at about 400 a month, Felstiner said.

But bankruptcy proceedings are holding back the rush of claims—at least for Manville as well as for Amatex Corp., a manufacturer of asbestos, textile and glass products in Norristown, Pa., and Chicago-based UNR Industries Inc., a steel fabricator that inherited its asbestos-related liabilities from Unarco Industries Inc. as the result of a merger.

UNR, which no longers makes asbestos products, filed under Chapter 11 in July 1982. Amatex filed in November of that year.

The three cases are independent, represented by three separate filings in three different jurisdictions. But they share a commonality of purpose.

One aim is to find a way to work out current asbestos-related liabilities while allowing the companies to stay in business. Another equally crucial goal is to allow the companies to emerge from Chapter 11 free and clear of any future asbestos-related claims that might be filed by people who were exposed to asbestos fibers before the court cases began, but who showed no symptoms of that exposure until after the cases ended.

Manville's position on the future claimants issue is clear: "Regardless of the details of any particular plan . . . there is the certainty that there will be an operating entity emerging from these proceedings," the company said in a July 16 memorandum to the court.

The new Manville "can and must be protected from the spectre of asbestos-related liabilities to be able to attract credit and capital . . . and to maintain and to attract customers, suppliers, and employes," the memorandum said.

The trust fund to be created under Manville's plan would be backed by about $100 million in cash and two-thirds of Manville's outstanding common stock offered at 100 percent of current market value at the time the proposal is approved.

There is much debate over how much money that arrangement would generate, with estimates in the court record ranging from about $833 million to $1 billion. But Cohen, Rosenberg and others—including attorneys for the nearly 300 asbestos-product companies still being hit with claims—say that the proposed Manville fund would not be big enough to provide fair compensation for the present and future asbestos victims.

In particular, critics say the Manville proposal leaves unanswered the fate of future claimants. The court, after much controversy, has sought to protect the interest of future claimants by appointing a special legal representative for them. The appointee is New York lawyer Leon Silverman, who led the government's investigation of Labor Secretary Raymond Donovan in 1981-1982.

Silverman is moving into deep, uncharted waters in his new job. "There are so many unknowns that have to be reconciled," Silverman said at the beginning of this month, when he stepped into the special representative's post. "The complexities are greater than any in my practice. . . . It certainly is one of the most complicated and, in a sense, one of the most innovative approaches toward mass product-liability suits," he said.

Irving Selikoff, director of environmental sciences and professor of medicine at the Mt. Sinai School of Medicine in New York, said he doesn't know about all of the legal ramifications of the case. Selikoff is largely responsible for the scientific research linking asbestos to severe illnesses.

"Between 1940 and 1980, some 27.5 million people were significantly exposed to asbestos," Selikoff said. "About 7.5 million of them have already died, many of them from a variety of causes—heart disease, cancer" and other causes that may or may not have links to asbestos, Selikoff said.

But he predicted that the remaining asbestos-exposed population will suffer "excess deaths of cancer" at the rate of 9,000 to 10,000 deaths a year.

THE WASHINGTON POST Sunday, August 26, 1984

A Quite Contrary View on Asbestos

By BILL KELLER

Special to The New York Times

WASHINGTON — Malcolm Ross would like to make something clear. He does not believe asbestos is good for humans. He agrees that exposure to the fiber can cause cancer and crippling lung disease. Asbestos, he says, is "bad news."

Nonetheless, Mr. Ross, a research mineralogist for the United States Geological Survey, does not believe the news is quite so bad as health scientists say it is. He argues that a scientific misunderstanding of asbestos has bred a panic among politicians and the public, which may lead to an unnecessarily costly effort to eradicate the substance from schools and other public buildings, where it was once used extensively for insulation purposes.

Even qualified by footnotes and modulated by Mr. Ross's soft voice, that view runs so contrary to the prevailing opinion that the geologist has become an object of suspicion and controversy. For the prevailing opinion is that asbestos is indeed dangerous and can cause cancer in even minute exposures.

Derision and Innuendo

The House Energy and Commerce Committee is investigating his influence in the Government's regulation of asbestos. Leading scientists at Federal health agencies have publicly derided his work. And there have been innuendos that he is overly sympathetic to the asbestos industry.

When Mr. Ross gave an interview recently, a Geological Survey public affairs official sat in, with a tape recorder running, ready to interrupt if the geologist showed signs of expressing a policy opinion.

In the Washington vernacular, Mr. Ross is "off the reservation," a maverick, a rogue.

The Geological Survey, a branch of the Interior Department, studies rocks, makes maps, calculates stream flows and mineral deposits, and assesses earthquake risk. For most of his 30 years there, Mr. Ross, who is 54 years old and is the son of a geologist, has found the agency to be a place where a scientist can toil happily over accretions of the past without often encountering the tremors of contemporary politics.

The last time passion spilled into his professional life, he says, was a conference in Houston in January 1970, where he and his peers examined the first moon rocks. Many geologists had theorized about the makeup of the moon, and careers were riding on those lunar samples.

Of Rock-Forming Minerals

In the mid-1970's, Mr. Ross said, he began reading studies of the health effects of asbestos, which falls within his speciality, rock-forming minerals. It bothered him, he said, that the health experts lumped together several types of asbestos that, to his eye, were clearly different.

Reviewing others' studies of asbestos miners, shipyard workers who sprayed asbestos fireproofing and handlers of asbestos insulation (he has done no field research of his own), Mr. Ross concluded that the most severe harm seemed to be associated with the blue and brown forms of asbestos. White, or chrysotile, asbestos, which makes up 95 percent of that used in this country, was less hazardous, Mr. Ross decided, especially considering that most people who do not work with it are exposed to it very little.

"Despite the wide dissemination of white asbestos in our environment — in schools, homes, public buildings, brake lining emissions and so forth — there is little evidence that the very frequent non-occupational exposures to this form of asbestos have caused any harm," he wrote in a recent report.

Costly proposals to remove the fiber from public buildings, he added, were the result of "propagandizing" of the notion that "one fiber can kill you."

Promoted His Findings

Mr. Ross might have aroused little attention, except that he went on to promote his findings, briefing officials at the White House, Congress and several Federal agencies over the past few months. According to those who have heard his presentation, he leaves the clear impression that he feels Federal regulators are going overboard.

"It would just be a matter of emphasis if you only looked at what he writes," said Dr. William Nicholson of the Mount Sinai Environmental Science Lab in New York City, a leading source of information on asbestos hazards. "But what he says at meetings is sometimes pretty wild — basically that there's little if any problem at all associated with chrysotile."

At the first signs that Mr. Ross was getting serious attention, there came strong rebuttals from health scientists and regulators.

"Highly Inappropriate"

A statement from the Federal Center for Disease Control in Atlanta said Mr. Ross's health analysis had been made "using many statistical manipulations that are highly inappropriate." The C.D.C. contended that Mr. Ross had not considered how long victims were exposed to asbestos, an important factor in latent diseases such as cancer.

Dr. Nicholson said Mr. Ross's conclusions might result from differences in fiber size unrelated to the chemical type of asbestos involved.

The Environmental Protection Agency agrees with these criticisms, as does the National Institute for Occupational Safety and Health.

Representative George Miller, a Democrat of California who has been a vocal advocate of strict regulations on asbestos exposure, said, "I hope the Administration would not allow the opinions of an individual with no background in public health to influence policy in this area."

Despite an occasional innuendo, no one has come up with evidence that Mr. Ross has any special allegiance to the asbestos industry, or any particular ideological bent. Most of his critics say that while Mr. Ross seems to be sincere, his reasoning gives succor to those who oppose asbestos abatement for non-scientific reasons, such as the avid watchers of the Government purse strings in the Office of Management and Budget, or companies worried about liability.

'Reputations Have Been Made'

His opinions have adherents, however, including the authors of a recent government health report in Canada, a leading producer of chrysotile asbestos. That study recommends asbestos abatement measures somewhat less strenuous than the Environmental Protection Agency is urging in this country. Mr. Ross also has some admirers among fellow geologists in this country, and among Government officials who, at least in private, worry that the asbestos alarm has gone overboard.

"A lot of money has been spent" in the fight against asbestos, said Martin S. Rutstein, chairman of the geology department at the State University of New York at New Paltz, who has been a co-author with Mr. Ross on asbestos subjects. "A lot of reputations have been made. How do you turn around and say that asbestos isn't the killer people have said it is?"

Officials at the Geological Survey say with some relief that Mr. Ross has finished his work on asbestos and is moving on. Their relief may be short-lived, since his next assignment is as politically charged as asbestos: He will be assessing the ravages of acid rain.

THE NEW YORK TIMES

AUGUST 22, 1984

Asbestos Curbs Disputed By the Geological Survey

The Washington Post

August 16, 1984

The Environmental Protection Agency, still plugging away on a rule aimed at controlling exposure to asbestos in commercial products, has encountered resistance from a new and unexpected source: the U.S. Geological Survey.

In a recent series of briefings for officials from the White House down to EPA regwriters, USGS officials have argued that the most common form of asbestos—chrysotile or "white" asbestos—is really not very dangerous at all.

The briefings represent an unusual lobbying effort by an agency that is not directly involved in health regulation.

Moreover, the USGS conclusions, based on a study by mineralogist Malcolm Ross, run directly counter to the findings of virtually every federal health-research agency, not to mention a host of medical specialists who have been tracking mounting cases of asbestosis and cancer among asbestos workers.

According to Ross, "brown" and "blue" asbestos, two less common forms of the heat-resistant mineral, are the real culprits in asbestos-related disease. Studies on miners of white asbestos, he contends, don't show any evidence that the substance causes unusual or uncontrollable health problems.

If well-founded, the theory could have broad implications for the EPA's regulatory efforts. About 95 percent of commercial asbestos products, from floor tile to water pipes, are manufactured from the white variety.

The Ross study, however, has been flatly rejected by the Centers for Disease Control, the National Institute for Occupational Safety and Health and the National Toxicology Program.

All of those agencies have declared that asbestos is a cause of cancer and a serious human health hazard, and in recent letters to interested members of Congress they took turns shooting holes in Ross' conclusions.

The CDC, for example, noted that Ross interpreted an Italian study as showing that asbestos miners had fewer lung cancers than the general population. While that was initially true, the CDC said, followup studies on the same group of miners found elevated rates of both lung cancer and mesothelioma, a rare cancer of the chest lining.

"It is not uncommon for persons who do not understand the concept of latency to make such a mistake . . . ," the CDC said of Ross' conclusion. "Asbestos-induced diseases are diseases of long latent periods ranging anywhere from 15 to over 30 years from first exposure."

Ross was on vacation this week and unavailable for comment, but USGS spokesman Donovan Kelly said the study was based on "a search of the literature."

"Asbestos is one of several hundred minerals we've been studying for years," Kelly said. "We don't do health studies. He's a mineralogist."

Nonetheless, Ross' foray into medical research apparently has been well-received by the Office of Management and Budget. EPA's asbestos proposal, which would ban about half of the asbestos products on the market, went to the OMB for review more than two months ago and hasn't been heard from since.

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LOW KEY ON THIS ONE

. . . The pending asbestos rule, meanwhile, has wedged Canadian officials into a somewhat uncomfortable position. Canada, a major supplier of asbestos to U.S. manufacturers, is opposing the EPA's efforts to ban or phase out the mineral in commercial products.

That means Canada, where about half of the asbestos-mining industry is nationalized, is playing the heavy on a sensitive environmental-health issue at the same time that it is trying to cultivate a national image of purity over another such issue, acid rain.

"As far as Canada is concerned, it's a trade issue," said Bruce Jutzi, an environmental affairs official at the embassy, who promptly referred calls to trade expert Paul LeFleur.

LeFleur confirmed that Canada was opposed to additional asbestos regulation "to the extent of it possibly harming trade." Canadian mines ship about $50 million worth of asbestos—the "white" variety—to the United States each year.

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Prudential Will Remove Asbestos From Building

By a WALL STREET JOURNAL Staff Reporter

NEWARK, N.J. — Prudential Insurance Co. of America said it will remove asbestos from its 52-story Back Bay office building in Boston at a total estimated cost of $25 million.

Prudential said the cleanup will start with the 18 floors recently vacated by employees who were transferred to Pennsylvania as part of a consolidation of its insurance service administration. A spokesman said the cleanup of the 18 floors will be completed by year-end.

The spokesman said asbestos will be removed from the remaining 34 floors later, taking into account "the practical considerations of (not) disturbing the tenants."

12A-128 WALL STREET JOURNAL
SOUTHWEST EDITION
DAILY 157,000

AUG 2 1984

Asbestos risks exaggerated, official says

By Randy Furst
Staff Writer

As a result of "hysteria" over asbestos, some building managers are improperly tearing the asbestos out of their buildings, contaminating construction workers and building employees and making matters worse, a state health official says.

Paul Ellringer, asbestos inspections supervisor for the state health department, said his department has conducted about 50 studies this year of asbestos removal from buildings.

In 25 percent of the cases, the asbestos probably did not need to be removed, in 50 percent of the cases the asbestos should have been sealed in instead, and in only 25 percent of the cases should the asbestos been taken out, he estimates.

Ellringer said there are 100 cases of improper asbestos removal each year in Minnesota. "A lot of contractors who do this type of work don't know what they are doing. And in a lot of cases they make the problem worse than what it was" by tearing the asbestos out, resulting in significant amounts of asbestos fiber exposure.

Exposure to asbestos, used extensively in buildings until the mid-1970s, can cause cancer and asbestosis, a respiratory disease.

The principal industrial hygiene engineer for the health department, cited an example of unneeded asbestos removal:

Early this year his office received a complaint from a suburban grocery store employee about asbestos dust in the store basement. Investigators found asbestos fibers in the air and all over the groceries.

The store had hired a small contractor to remove asbestos insulation from concrete ceiling supports, after a state agricultural investigator had seen the asbestos and recommended the store owner check it out, Ellringer said.

Such insulation had been required in many buildings by insurance companies, to protect the building from collapse in case of fire. The asbestos insulation protected the supports from heat.

The contractor, following improper procedures in removing the asbestos, contaminated "the entire basement area," exposing his workers and store employees to significant asbestos levels, Ellringer said. In removing the asbestos, the contractor did not remove groceries from the basement.

Ellringer said the contractor removed the asbestos by scraping it off" without wetting it down with a special substance to prevent fibers from becoming airborne.

The store was fined $910, the contractor was fined $520 and both were issued citations by the Occupational Safety and Health Administration (OSHA).

The contractor said he followed the procedures of the state Department of Agriculture, Ellringer said, who in a letter to the agriculture department said this asbestos insulation should have been left alone.

Ivan Russell, state OSHA director, said he cannot release the grocery store's inspections report unless the Minneapolis Star and Tribune has the store's name. He also said OSHA cannot release the store name.

Ellringer said improper asbestos removal procedures occur in all types of buildings. Asbestos removal workers often "get significant asbestos exposure if it's not done properly," he said. "If they don't clean it up properly — and in a lot of cases they don't — people who go back to work there have asbestos exposure from the contamination that is lying all over their desks, walls and floors." He said the most hazardous fibers are not visible.

Sometimes, Ellringer said, it would be better to use special sealants that can be sprayed or rolled on, rather than taking the asbestos off.

Tony Restaino, asbestos coordinator for the U.S. Environmental Protection Agency office in Chicago, which offers guidelines to schools for asbestos removal, said yesterday that "in some cases" improper removal is a big problem.

"It is a pretty substantial problem because the contracts aren't specific enough in what should be followed to prevent the contamination of the school," he said.

"They (the contractors) may not put plastic on the floor. They may not put plastic on the walls. They may not seal off the air vents. They may not wet down the material adequately enough to prevent fibers from getting in the air. They may not have adequate shower facilities for the employees to clean themselves off to avoid contamination," Restaino says.

In addition, special protection is needed for the workers themselves when removing the asbestos.

From the turn of the century until World War II, asbestos was primarily used as insulation for hot water pipes, steam pipes and boilers. Then its usage was expanded to include building materials. From the 1960s to about 1975, asbestos was used even more widely, in floor and ceiling tiles, fireproofing main structural beams of buildings, and acoustical treatment of walls and ceilings. It also was used in building sidings and in the making of some pipe.

But as as the health hazards of asbestos became commonly known, Ellringer said, standards issued by OSHA (in 1973 and 1976), greatly limited the acceptable concentrations of asbestos in the air.

Asbestos causes three main diseases. Asbestos, combined with cigarette smoking, can cause cancer. A U.S. study found that workers who work with asbestos for 20 years and smoke, have a 50 percent chance of developing cancer. Asbestos also causes a rare form of cancer of the lining tissue of the lung and abdomen area, Ellringer said. And it causes asbestosis, in which the lung develops large amounts of scar tissue, resulting in a loss of lung capacity, he said.

"We don't have any problems with the asbestos" in buildings, if the asbestos is in good condition and in a non-friable form in which there are no fiber releases, Ellringer said. "But if it is in a deteriorated condition and friable, then we have a problem."

He said the issue of asbestos exposure is "a very controversial problem." Ellringer said that the primary exposures to asbestos now involve people who remodel or demolish buildings. He said there's no special licensing of contractors who remove asbestos

The EPA's Restaino said the agency has a list of contractors, but they are not certified. He said the list is a starting point, but people hiring them should check their qualifications and backgrounds.

He also said that of 1,673 public schools in Minnesota, 1,633 have been inspected, and 417 had some type of friable asbestos containing materials. Of that number, less than half, 212 schools, have had the problem abated, he said.

Among the state's 544 private schools, the EPA has information on 514, of which 184 showed friable asbestos and 62 schools have had the problem abated.

Ron Laliberte of the Minnesota Department of Education is the EPA asbestos coordinator for Minnesota.

He said that last year legislators voted to permit school districts to make a special levy for the removal of the hazardous materials, including asbestos.

"Before school districts must spend those dollars they need to get approval from the department of education on the method of removal and disposal of the hazardous materials," he said.

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