rently working on projects to obtain the necessary licensing.

Now the State has rescinded that order. By special notice the State will no longer require abatement contractors to show proof of a license in order to bid on State asbestos projects.

At the same time, John Conrad, president of Global Consumer Services, is attacking on another front. He has already paid the $1,500 filing fee with the U.S. Patent and Trademark Office to re-examine the patent.

Like many others in the industry, Conrad insists that the negtive air technology is virtually public domain. Insisting that a patent is only good until challenged, Conrad had asked others to join him in the re-examination action and help share the costs.

"There is a new U.S. Patent and Trademark Office procedure," he advised, "that allows businesses to challenge each other's patents without litigation, and although the process can be expensive for the challenged patent holder, the fee for requesting the re-examination is only $1,500.

"Re-examination, if you compare it with any legal procedure, is a bargain," Conrad said, "although it has its limitations. The requester, which would be a committee of contractors, has few chances to argue his or her side; most of the debate is between the patent office and the original patent holder. But if the evidence is strongly in favor of the requester, Natale's patent could be overturned and determined to be void."

If you are interested in participating with Conrad's move, you can get additional information by calling toll-free 800-233-6228.

FACT FILE #4

ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA)

Susan Vogt, the U.S. Environment Protection Agency's deputy director for Tax Substances, explained it at the Asbestos Abatement Council's recent World Congress. Furthermore, the EPA announced it with a series of public releases.

Still the heads wagged. They are all certain that litigation will fly as sure as friable fibers.

Still, EPA's effort is not entirely unprecedented. Confronted with Congress' demand for prompt regulations to flesh out the recently enacted Asbestos Hazard Emergency Response Act (AHERA), the agency wants to enlist interested groups in a form of "consensus" process.

What gets the wags shaking their head and looking for the emergence of the first lawyer is the immensity of the task. AHERA takes in more that 700,000 buildings in about 35,000 school districts. That's a lot of school boards and officials, teachers, students, contractors, design professionals, consultants, etc.

In the face of EPA's regulation making responsibility is the hard fact that school officials are starting to court the money it will take to abate the problem—and they don't like the totals. More and more, officials are leaning toward a procedure that will allow the asbestos to be maintained in place vs. the more expensive removal step.

Industry followers point to the unions, environmentalists, etc. who can be expected to take an opposite tack. For the most part, they want the asbestos removed and want little credence given to support any EPA leaning toward the idea that some forms of asbestos (ie., "white" or chrysotile asbestos) are not so dangerous as other forms.

"All forms of asbestos have the ability to kill," one union official said, firmly. "That means it should be removed."

With this kind of expected polarization, EPA's opting for a "consensus" set of regulations seems the most prudent course to follow. The question that many have is: what's the response of the side that doesn't get its ambitions reflected in the final regs? Does that side head for the nearest courtroom? Certainly, they'll have that right, although Vogt expressed a hope that combatants won't follow that course.

Congress caught on to the EPA's conduct in spurring school boards to take action against asbestos without providing the necessary guidance for the school board to follow. What resulted was a chaotic situation in which school districts took actions without knowing if they were correct, adequate, or even safe. There is mounting evidence that many of the removal strategies produced far more dangers than the existence of the asbestos in the first place.

As a result, Congress has mandated some very strict deadlines and is holding EPA's environmental feet in the fire so that asbestos activity can be carried out in an organized, safe, and efficient way.

Publication of proposals are set for April 20, 1987. These are to include: 1) inspection; 2) assessment; 3) response "using the least burdensome methods"; 4) implementation; 5) surveillance and reinspection; 6) maintenance; 7) transportation and disposal of wastes, and 8) the development of school management plans that can be approved by the states' governors.

By April 30, 1987, EPA must also come up with a model accreditation program for asbestos workers so states, only a dozen or so who have such plans now, may enact the program 180 days after the beginning of their next legislative sessions.

The eight rules must be in final form by Oct. 17, 1987. By Oct. 12, 1988, laboratory accreditation for air sampling must be completed, and by July 9, 1989 the schools must be ready to begin implementing the program.

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