

bill relies on incomplete and inadequate federal laws. The measure also would allow for providing the state with summaries of the confidential portions of federal applications, she said. "My experience with the federal government has shown that summaries are nearly worthless for oversight of governmental review," Mellon told the panel.

Mellon and Rebecca Goldberg of the Environmental Defense Fund, in written comments, said Wisconsin should set up a committee to report yearly on the federal regulatory status and recommend ways to improve state regulation.

David Crosson of Monsanto told the committee that under current federal policies "plenty of people had access to information regarding our field tests." The company has done a dozen tests, none in Wisconsin, Crosson told BNA.

Crosson objected to what he called the bill's "excessive" state agency authority to release confidential information.

Crosson and Allen J. Dines, president of the Wisconsin Biotechnology Association, said notification is more appropriate than regulation. Dines, representing 20 companies carrying out biotechnology product sales or research in Wisconsin, said the safety record for field research is "impeccable." He said the state should be required to respect the federal interpretation of what is confidential, and that no information should be released until all disputed legal issues have been decided at the federal level.

"New laws in this area [should] be carefully crafted so as not to alter the delicate balance that encourages technological innovation," Dines said.

Three groups of tests of genetically engineered organisms have been performed in Wisconsin. In 1986, Agracetus of Middleton, Wis., tested disease-resistant tobacco. In 1988, BioTechnica International Inc. conducted Rhizobium tests on alfalfa in Pepin County, and Agrigenetics Advanced Science Co., Madison, Wis., tested insect-resistant tomatoes and viral-resistant tobacco.

Attorney Debra Schwarze for the Wisconsin Family Farm Defense Fund Inc. of Richland Center, Wis., said the first court challenge to the notification law if it is enacted could be over bovine growth hormone because the bill would exempt drugs, cosmetics, medical devices, and biological products for human use but not animal use. The University of Wisconsin is working on BGH.

Submitting written opposition to the bill were the Wisconsin Farm Unity Alliance; Wisconsin Resources Protection Council; Badger Safe Energy Alliance; Northern Thunder; Wisconsin Greens; St. Croix Valley Greens; Driftless Bioregion Network; Coulee Region Environmental Coalition; Alliance for Animals; Midwest Headwaters for Earth First; and Citizens for a Moratorium on Animal Patenting.

Asbestos

VOGT SAYS EPA STUDY OF 'PEAK' LEVELS COULD BE USED TO SET ASBESTOS STANDARD

Future rules on abating hazards posed by asbestos in buildings could be based on setting an "acceptable" level of exposure to airborne asbestos fibers, a top official handling asbestos issues at the Environmental Protection Agency suggested in a Feb. 17 letter.

Establishment of such a standard may depend on the results of a new study, which EPA hopes will assess building occupants' peak exposures to asbestos, according to Susan F. Vogt, EPA's acting deputy assistant administrator for pesticides and toxic substances.

"It is indisputable that an 'acceptable' air concentration level or 'action level,' combined with a short-term monitor-

ing protocol, would greatly simplify" asbestos-in-buildings regulations, Vogt said in a letter to the director of the new study. "It is possible that, depending on the level at which the action level were set, billions of dollars could be saved in abatement costs while providing essentially the same level of public health protection as is now being achieved" under federal asbestos-in-schools rules, she continued.

Vogt made the statements in a letter to Charles Powers, an official with the Health Effects Institute, who is in charge of a planned study on asbestos in buildings. The letter responded to a memorandum distributed by Powers summarizing discussions at a workshop held in the fall to plan the institute's new asbestos research project.

The institute is a non-profit organization based in Cambridge, Mass., which conducts research on air pollution issues. The asbestos-in-buildings study was called for by Congress in an appropriations bill enacted in August 1988 for fiscal 1989. HEI has been looking into how it would conduct such a study but has not yet agreed to carry out the research work, according to EPA officials.

Standard Would Reverse AHERA Position

A move by EPA to set a numerical standard for acceptable asbestos exposure in buildings would be a reversal of the position taken by the agency in 1987 when it wrote regulations to control asbestos exposure in schools (11 CRR 1165).

The regulations implemented the 1986 Asbestos Hazard Emergency Response Act. EPA and Congress now are examining proposals to extend asbestos controls to buildings other than schools.

The agency said in the preamble to the AHERA rule that there was no basis for setting an acceptable level of asbestos exposure. Such a numerical value would "provide a false sense of precision regarding the presence and severity of asbestos hazards and the appropriateness of a given response action," the agency said. Instead, the agency implemented a regulatory scheme based on visual inspections to assess potential asbestos hazards and a system for choosing response actions based largely on the judgment of trained consultants.

Representatives of former asbestos products manufacturers fought EPA's approach to the AHERA rule and strongly backed a proposal to establish an acceptable exposure level for asbestos in school buildings. Such a standard could be enforced by periodic monitoring of a building's air, they said. The industry representatives argued that, without such a standard, the AHERA rule would promote costly and unnecessary asbestos removal projects. The level of airborne fibers in most buildings is so low that it poses no threat to the health of building occupants, they said.

In refuting industry arguments on the AHERA rule, EPA also relied heavily on concerns about peak exposures. The agency argued that, even though asbestos exposure in buildings generally appears to be low, occupants may sometimes be exposed to relatively high levels of asbestos fibers. Such peak exposures could occur during episodic events, such as vandalism, accidents, or repairs, that disturb asbestos materials, EPA said. Periodic monitoring of a building's air would not reveal such high-level exposure incidents, the agency argued.

Peak Exposure Said Main Concern

In her letter to Powers, Vogt said EPA's main concern in the new study is peak exposure. "It has long been an article of faith in this field that the total exposure of building occupants is dominated by exposure to 'peak' levels of asbestos following episodic events," she said.

PLAINTIFF'S
EXHIBIT

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