

HAZARDOUS SUBSTANCES ADVISOR

Monthly information report on Congressional and regulatory activity to control, monitor or eliminate hazards created by hazardous and toxic substances.

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ASBESTOS: GROWING CONCERN ABOUT ADEQUACY OF REGULATIONS

Even though various Federal and State authorities control certain exposures to asbestos, there is increasing concern that not enough is being done to protect human health from the hazards associated with asbestos fibers.

Currently, the Environmental Protection Agency (EPA) regulates asbestos fibers in the air and water; the Occupational Safety and Health Administration (OSHA) and the Mining Safety and Health Administration (MSHA) regulate workplace exposures; the Department of Transportation (DOT) regulates the commercial transport of asbestos; the Food and Drug Administration (FDA) regulates the use of asbestos by the food and drug industries; and the Consumer Product Safety Commission (CPSC) regulates consumer products containing asbestos.

Yet, there is increasing concern that because of limited mandates, technical difficulties, and other analytical constraints, these standards are not able to deal with the total asbestos problem. As a result, many population segments remain exposed to, and inadequately protected from, both direct and diffuse sources of asbestos.

In the past six months, several Federal agencies have announced plans to review present standards and/or investigate new ways to regulate exposure to asbestos fibers, which have been shown to contribute to increased risk of lung damage (asbestosis) and cancer of several human organs and sites.

EPA, CPSC JOINT INITIATIVE

On October 17, 1979, EPA and CPSC published in the FEDERAL REGISTER two Advance Notices of Proposed Rulemaking (ANPRM) regarding exposure to asbestos. In a joint statement preceding the ANPRMs, the two Agencies assured the public that the investigations and possible resulting regulations will be "co-ordinated, compatible and nonduplicative." Following is a summary of the two notices:

EPA to Use TSCA

It appears that EPA is setting the stage for asbestos to be the third substance regulated under the Toxic Substances Control Act (TSCA). The first two were polychlorinated biphenyls (PCBs) and chlorofluorocarbons.

Under TSCA, EPA expects to promulgate rules which will reduce and prevent human health risk from sources which are difficult to control through media-specific (e.g., air and drinking water) or source-specific (e.g., mining) regulation authorized under other Federal laws.

The Agency is considering three principal alternatives in its planning to promulgate rules to control the commercial and industrial uses of asbestos:

1. Not developing rules;
2. Promulgating additional rules under other Federal authorities;

3. Promulgating information-gathering rules and deferring a decision on rules for control until an evaluation is performed on the information that is submitted.

It appears that EPA will take the third alternative and will soon issue a reporting rule under Section 8(a) of TSCA to gather economic and exposure information. The Agency will also promulgate a rule under Section 8(d) of TSCA to require industry to submit unpublished health and safety studies relating to asbestos.

After this information is submitted, EPA will study the issue and determine the need for supplementary regulation of asbestos fibers.

It should also be noted that EPA previously published an ANPRM (44 FR 54676) under TSCA in which it announced that it's investigating the development of a rule to require surveys to determine whether asbestos hazards are present in public schools because of deteriorating insulation, and considering requiring appropriate corrective measures where it finds hazards.

CPSC Seeks End to Non-Essential Uses in Consumer Products

In its October 17, 1979, ANPRM, the Consumer Product Safety Commission (CPSC) noted that it's concerned that consumer exposure to asbestos from consumer products may present an unreasonable risk of injury and that some consumer products containing asbestos may present a substantial product hazard.

In the ANPRM, the CPSC solicited general information on the use of asbestos in consumer products, and described CPSC's regulatory approach to the problem; i.e., to initially seek the elimination of all non-essential uses of asbestos in consumer products from which asbestos fibers are released during reasonably foreseeable conditions of use, including misuse.

In determining whether a use of asbestos is essential, the Commission will generally consider a number of factors, including but not limited to the function performed by the asbestos in the product; the benefit derived from the use of asbestos in the product; and the availability, cost and safety of substitutes for asbestos.

OSHA MIGHT REVISE ASBESTOS STANDARD

The Occupational Safety and Health Administration (OSHA) says that new research on the health hazards of asbestos has prompted concern about the adequacy of its current workplace standard (29CFR 1910.1001).

Revision of the standard might include changes to the permissible exposure limit, and provisions for medical surveillance, monitoring, etc. In addition, a separate standard may be proposed for the construction industry.

The staff is conducting an analysis of the need for a new standard.

ASBESTOS EXPOSURE, CIGARETTES DON'T MIX

Two researchers have determined that workers exposed to asbestos who also smoke cigarettes are 90 times more vulnerable to lung cancer than similar workers who neither smoke nor handle asbestos.

Dr. Irving J. Selikoff of the Mount Sinai School of Medicine, New York, and E. Cuyler Hammond of the American Cancer Society made these findings after conducting an epidemiological study of 12,051 asbestos insulation workers from January 1, 1967, through December 31, 1976.

Death rates for lung cancer (per 100,000 man years, standardized for age) were as follows:

- 11.3 for men who neither worked with asbestos nor smoked cigarettes;
- 58.4 for men who worked with asbestos, but did not smoke
- 122.6 for cigarette smokers who had not worked with asbestos;
- 601.6 for those who both smoke cigarettes and worked with asbestos.

By itself, does asbestos exposure increase the risk of lung cancer? "The answer is yes," the researchers said. "But even four or five times the risk, when the base risk is low, does not result in many cases. On the other hand, smoking itself causes a major increase, and when that high risk is then multiplied manyfold, an immense increase is found; among asbestos workers, unhappily, one in every five deaths is due to lung cancer."

The newest data carry the asbestos-smoking interaction a step farther--to increased risk of death from asbestosis. They found that the asbestosis mortality for men who smoked a pack or more a day was 2.8 times as high as the asbestosis mortality for men who never smoked regularly. The researchers noted that smoking, with its own bronchitis, emphysema and fibrosis, adds an undesirable and sometimes unsupportable burden to the asbestos-induced pneumoconiosis.

The researchers also noted that mesothelioma, another asbestos-induced cancer, is not affected by cigarette smoking.

"The clinical course is clear," they said. "All workers known to have been exposed to asbestos in the past, whether in shipyards, insulation work, factories, construction trades, brake repair, maintenance work, or otherwise, should be advised never to smoke or, if they are smoking, to stop as soon as possible."