

**GUEST
EDITORIAL**

SENATOR STAFFORD ON BILL S.981

PLAINTIFF'S EXHIBIT

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The circumstances justifying AHERA pertain to non-school buildings as well.

By U.S. Senator Robert T. Stafford

In nearly two decades as a member of the Senate Committee on Environment and Public Works, I have participated in many efforts to provide a federal response to the dangers posed by a wide variety of toxic or hazardous substances. But rarely have I dealt with a substance that has demonstrated its danger to humans as clearly and unequivocally as asbestos.

Asbestos is another one of those substances we have encountered whose dangerous character was not apparent for some time after we began to use it. We do not know exactly how many children, women and men will die from exposure to



asbestos. Nor are we likely ever to learn precisely what that toll will be. But we do know that the death toll will be in the thousands at a minimum. Some specialists tell us the death toll will be in the hundreds of thousands.

We will never know the exact number because, like so many toxic substances, asbestos is a silent killer. It strikes down not only the women and men who worked with it, but also the children whose only exposure came from hugging their parents when they came home from work.

Thankfully, most workplace exposures have been brought under

some semblance of control, although we always must be on guard against accepting appearances over reality. In addition, the workplace is only one of the settings in which asbestos is encountered. And, virtually every encounter can be dangerous because there is no known threshold below which safety is assured. And, of course, there is no longer any serious scientific debate over the hazards of exposure to asbestos.

For that reason, in the 99th Congress I introduced two bills designed to respond to the hazards of exposure to asbestos fibers in buildings.

One of the bills, the Asbestos Hazards Emergency Response Act (AHERA), which addressed asbestos in schools, was signed into law on October 22, 1986.

Action on the second bill, which covered asbestos in federal and other nonschool buildings open to the public, was not completed before adjournment. I have, however, introduced that bill in the 100th Congress and I anticipate action on the legislation by the Senate early this year. (*Editor's note— as of press time in mid-January, Congress had not recommenced.*)

The circumstances justifying enactment of AHERA pertain to nonschool buildings as well. The deadly effects

of asbestos fibers are well known. The fibers, when inhaled, penetrate deep into the lung and can cause cancer, mesothelioma and other serious lung diseases 20 to 40 years after exposure.

In the past, the absence of standards and guidelines prescribing acceptable means to identify and protect against exposure to hazardous asbestos—that is, the kind that is easily crumbled, thus releasing fibers—has meant that hazardous conditions in too many cases have either been left unaddressed or dealt with in an irresponsible fashion.

Trained contractors who know how to carry out inspections and to design and implement appropriate corrective action programs have been in short supply. Unscrupulous operators have, in some cases, persuaded school authorities and building owners to undertake costly and unnecessary removal programs that exposed workers and others to the deadly fibers. In other cases, with the best of intentions, work has been poorly done because trained personnel were not available.

AHERA addresses these problems in school buildings by requiring the Environmental Protection Agency (EPA) to publish regulations prescribing procedures for inspecting and identifying hazardous asbestos and, once found, requiring actions to eliminate the hazards.

The new law also directs the EPA to set up a model accreditation program for those undertaking inspections or response programs; requires the states to adopt accredited programs, and prohibits anyone from doing response actions in schools unless they have been trained and accredited.

My new bill, S.981, dealing with nonschool buildings, seeks to build on those requirements started in AHERA. S.981 requires the EPA to develop regulations applicable to nonschool buildings that cover the same activities covered by AHERA. EPA is also required to establish a model contractor accreditation program for nonschool buildings.

All federally owned buildings must be inspected, and response actions that comply with the regulations must be carried out wherever hazardous asbestos is found. EPA is also directed to identify classes and categories of nonfederal buildings that will be put on a schedule to comply with the regulations. Because the federal government is so often a major offender in the field of the

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environment, it is my hope that the federal government will act as a pacesetter in this new effort.

So that there is no doubt about the potential for exposure to asbestos in nonschool buildings, let me observe that a 1984 EPA survey estimated that 20 percent of all commercial and public buildings—about 733,000 of them—contain easily crumbled asbestos. About one quarter of these, or 192,000 buildings, had sprayed or trowled asbestos, which is generally considered the most dangerous form. A new EPA report—mandated by AHERA—should provide more information.

The National Academy of Sciences has told us that “much of the more than 30 million metric tons of asbestos used in the United States since 1900 is still present in its original application and provides a potential for exposure.”

Of course, not all asbestos in buildings constitutes an imminent hazard. Asbestos that is intact can be safely left in place so long as a pro-

gram exists to keep it from becoming damaged or assures appropriate response actions once it is damaged.

The purpose of S.981 is to provide the users of federal buildings (and, over time, other buildings used by the public) with the same protection from exposure to asbestos that the nation has judged wise to provide to school children and school workers. It is my hope that the federal government will take the lead in this effort, but also that private owners of buildings used by the public will cooperate in this effort to protect all Americans from the deadly hazards of asbestos fibers.

Cooperation and voluntary action will save not only lives, but also time, money and energy. Americans have made it clear that they want the hazards of asbestos removed from their environment. In this rapidly developing, new sense of urgency, this nation's legislative and judicial systems are bound to respond to the public demand wherever voluntary cooperation fails to meet that responsibility. ■

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