

AHERA: SCIENCE HAD NOTHING TO DO WITH IT

Congress Moved Vigorously into the Asbestos Controversy in Response to EPA's Inaction So Science Had Little to Do with AHERA: Now EPA Must Conform to Congressional Specifications—and Dates

By Michael J. Bennett

Science had no more to do with the passage of the Asbestos Hazard Emergency Response Act (AHERA) than goodness did in Mae West's acquisition of her furs.

The principal finding of the law does reflect, though, many of the concerns voiced by scientific critics of the Environmental Protection Agency (EPA). It was the agency's 1982 regulation, which required schools to inspect for the presence of asbestos and subsequent refusal to issue detailed specifications for dealing with

the mineral, that led to passage of AHERA.

"As a result of this lack of regulatory guidance from EPA," the law states, "some schools have undertaken response action without knowing if their action is necessary, adequate or safe. Thus the danger of exposure to asbestos continues to exist in schools, and some exposure may have increased due to the lack of Federal standards and improper response action."

The words paraphrase the warnings of Dr. Robert N. Sawyer, the acknowledged authority on asbestos response programs, and Dr. Malcolm Ross of the U.S. Geological Survey. Ross' 1985 paper is still the definitive historical analysis of research into the health effects of asbestos. Neither does the law take into account an outpouring of scientific studies within the past two years.

The unfortunate result finds the United States as the only country in

the world still seeking an eventual ban on chrysotile or "white" asbestos, the type found in 95 percent of all buildings. But the law, at least, does recognize the fact that there were different types of asbestos. That may influence EPA's regulation of the mineral used in hundreds of thousands of public and commercial buildings as fire retarding, insulating and sound proofing material. That idea, however, upset representatives of environmental and union groups at a meeting called by EPA to announce its intention of developing the numerous regulations mandated under the law through a "consensus" or "negotiation" process involving all the affected interests. Indeed, William Borweger, safety and health director of the Service Employees International Union, which first petitioned EPA to issue detailed specifications and then sued the agency when it refused to do so, denounced the scientists who have proven the

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(Editor's Note: Michael J. Bennett often writes definitive articles on asbestos abatement for Asbestos Abatement Magazine, as well as other national publications. He is editor of a national newsletter on asbestos, and is currently at work on a book.)