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Here are Selected pages, Lawrie.
Barry

TESTIMONY OF THE SWISS ETERNIT GROUP
AT THE LEGISLATIVE HEARING ON THE
EPA'S NOTICE OF PROPOSED RULEMAKING ON ASBESTOS
(40 C.F.R. Part 763)

July 21, 1986

EPA Docket Control Number:
OPTS-62036

(Schurer)

OUR ORAL TESTIMONY TODAY WILL PROCEED AS FOLLOWS:

FIRST, DR. ULRICH GRUBER WILL DESCRIBE THE RECENT SCIENTIFIC EVIDENCE CONCERNING ASBESTOS-CEMENT PIPE ("A/C PIPE"). AS DR. GRUBER WILL EXPLAIN, THE CURRENT SCIENTIFIC EVIDENCE, AND EVEN THE EPA'S OWN ANALYSIS, WILL NOT SUPPORT THE CONCLUSION THAT THE MANUFACTURE OF A/C PIPE POSES "UNREASONABLE RISKS." MOREOVER, THE EPA'S RISK ANALYSIS OVERSTATES THE MINIMAL RISKS ASSOCIATED WITH A/C PIPE

PRODUCTION. THE EPA ALSO ASSUMES WITHOUT FOUNDATION THAT THERE ARE SAFE AND COST-EFFECTIVE SUBSTITUTES. THE EVIDENCE SUGGESTS THAT THE SUBSTITUTES IDENTIFIED BY THE EPA MAY POSE SERIOUS HEALTH RISKS AND ARE NOT AS EFFECTIVE. FINALLY, THE ILLUSORY BENEFITS ASSOCIATED WITH A PROPOSED A/C PIPE BAN WILL NOT OUTWEIGH THE COSTS ASSOCIATED WITH THE OVERNIGHT CLOSURE OF THE A/C PIPE INDUSTRY HERE AND ABROAD.

SECOND, THE EPA HAS PROPOSED A BAN ON A/C PIPE AND OTHER PRODUCTS BASED ON ITS APPARENT ASSUMPTION THAT A CONTROLLED USE OF ASBESTOS IN THE WORKPLACE IS NOT POSSIBLE. DR. BENNO SCHNEIDER WILL DESCRIBE FOR YOU THE SUCCESSFUL CONTROLLED USE PROGRAM THAT THE SEG HAS LAUNCHED IN ALL OF ITS GLOBAL AFFILIATES WHICH HAS RESULTED IN EXPOSURE LEVELS THAT CONFORM TO THE MOST STRINGENT INTERNATIONAL STANDARDS AND ENSURE THAT THE USE OF ASBESTOS DOES NOT POSE UNDUE RISKS TO HEALTH. THIS PROGRAM FOR CONTROLLED USE IS APPLICABLE TO THE SEG'S LATIN AMERICAN INSTALLATIONS AS WELL.

THIRD, I PLAN TO DISCUSS THE CONGRESSIONAL POLICY EXPRESSED IN TSCA TO SUPPPORT INNOVATION BY PROHIBITING THE UNNECESSARY IMPOSITION OF ECONOMIC BARRIERS. THE SEG HAS BEEN COMMITTED TO TECHNOLOGICAL INNOVATION FOR OVER A DECADE. AN IMMEDIATE BAN ON A/C PIPE MANUFACTURE, WHICH WE HAVE SHOWN TO BE UNWARRANTED FOR HEALTH REASONS, WOULD ERECT AN INSURMOUNTABLE ECONOMIC BARRIER TO CONTINUED TECHNOLOGICAL

INNOVATION ON THE PART OF THE SEG BY THREATENING THE BASES OF THE VOLUNTARY AGREEMENTS; AN IMMEDIATE BAN ON A/C PIPE MANUFACTURE WOULD ALSO THREATEN THE PHASE-OUT PROGRAM IT HAS INSTITUTED IN LATIN AMERICA. THE EPA'S INTENDED REGULATORY POLICY WITH RESPECT TO A/C PIPE IS OUT OF STEP WITH THAT OF THE REST OF THE WORLD. INDEED, WHEN THE SEG REACHED AGREEMENT WITH THE SWISS AND GERMAN GOVERNMENTS TO PHASE OUT ASBESTOS, THOSE GOVERNMENTS EXPRESSLY EXEMPTED A/C PIPE FROM THE PHASE-OUT COMMITMENT.

FINALLY, AN IMMEDIATE BAN ON A/C PIPE, WHICH WOULD RESULT IN OVERNIGHT CLOSURE OF THE DOMESTIC MANUFACTURERS, COULD WELL HAVE AN UNINTENDED EFFECT. MACHINERY MIGHT BE DUMPED FOR CHEAP PRICES IN COUNTRIES WHERE THERE ARE NO ACTIVE ENVIRONMENTAL AND OCCUPATIONAL REGULATORY BODIES. THIS WOULD RESULT IN A FORM OF IRRESPONSIBLE PRODUCTION WHICH IS SURELY NOT WHAT THE EPA INTENDS.

I WOULD LIKE TO INTRODUCE DR. ULRICH GRUBER.

TESTIMONY OF DR. ULRICH GRUBER ON BEHALF OF THE SWISS ETERNIT GROUP BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JULY 21, 1986

MY NAME IS DR. ULRICH GRUBER. I AM PRESENTLY PROFESSOR OF SURGERY AT THE UNIVERSITY OF BASLE AND HEAD OF THE BASLE UNIVERSITY HOSPITAL'S TOXICOLOGICAL DEPARTMENT. DURING THE SEG'S PHASE-OUT PROGRAM, I SUPERVISE AND MONITOR THE SEG'S MEDICAL SERVICES. I RECEIVED MY M.D. FROM THE UNIVERSITY OF ZURICH IN 1955, AND IN 1958 AND 1959 I WAS AN ASSISTANT SURGEON AT THE PETER BENT BRIGHAM HOSPITAL IN BOSTON AND A RESEARCH FELLOW AT THE HARVARD MEDICAL SCHOOL. I HAVE BEEN AWARDED A NUMBER OF HONORARY TITLES AND I AM CURRENTLY A MEMBER OF THE SCIENTIFIC ADVISORY COUNCIL FOR THE SWISS EDITION OF JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION ("JAMA") IN SWITZERLAND. ADDITIONALLY, I HAVE BEEN A MEMBER OF EDITORIAL REVIEW BOARDS FOR EUROPEAN SCHOLARLY MEDICAL JOURNALS. I HAVE OVER 400 PUBLICATIONS AND FOUR SCIENTIFIC FILMS TO MY CREDIT.

IN MY CAPACITY AS TOXICOLOGIST AT THE UNIVERSITY HOSPITAL, I HAVE FAMILIARIZED MYSELF WITH THE CURRENT SCIENTIFIC LITERATURE REGARDING THE HEALTH EFFECTS OF ASBESTOS. I FREQUENTLY ATTEND INTERNATIONAL CONFERENCES AT WHICH SCIENTISTS, STUDYING THE HEALTH EFFECTS OF ASBESTOS EXPOSURE, PRESENT

(GRUBER)

SIMILARLY, THE RISK TO WORKERS FROM THE PRODUCTION OF A/C PIPE FALL WITHIN RANGES CONSIDERED ACCEPTABLE BY THE EPA AND OSHA. BECAUSE WORKERS ARE CONSIDERED BY MANY TO ASSUME RISKS VOLUNTARILY, WORKERS ARE GENERALLY ALLOWED TO BEAR RISKS SOMEWHAT HIGHER THAN THOSE BORNE BY THE GENERAL PUBLIC. HOWEVER, FROM THE DISCUSSION ABOVE, IT CAN BE SEEN THAT THE RISKS TO WORKERS ASSOCIATED WITH A/C PIPE PRODUCTION (10^{-3}) ARE THE SAME AS THOSE CONSIDERED BY THE EPA ACCEPTABLE FOR THE GENERAL PUBLIC IN THE CASE OF CERTAIN CARCINOGENS. MOREOVER, AS CAN BE SEEN BY REFERRING TO APPENDIX B OF ATTACHMENT 2, OSHA HAS SET A NUMBER OF STANDARDS TO PROTECT WORKER HEALTH WHICH TRANSLATE TO RISKS ON THE SAME ORDER OF MAGNITUDE (10^{-3}) AS THE RISKS TO WORKERS ASSOCIATED WITH A/C PIPE PRODUCTION. ADDITIONALLY, OSHA HAS SET SOME EXPOSURE STANDARDS TO PROTECT HEALTH WHICH ARE EQUIVALENT TO RISKS AT LEAST AN ORDER OF MAGNITUDE HIGHER (10^{-2}) THAN THE RISKS TO WORKERS IN THE A/C PIPE INDUSTRY. THUS, ASSUMING, ARGUENDO, THAT THE EPA'S RISK ANALYSIS IS CORRECT, THE ANALYSIS DEMONSTRATES THAT THE RISKS ASSOCIATED WITH THE PRODUCTION OF A/C PIPE FALL WITHIN RANGES CONSIDERED ACCEPTABLE.

IN ITS REVIEW OF THE HEALTH EFFECTS OF ASBESTOS AND ITS RISK ASSESSMENT FOR THE PROPOSED RULE, THE EPA HAS CHOSEN TO TREAT ALL ASBESTOS FIBER TYPES AND SIZES AS HAVING EQUIVALENT BIOLOGICAL ACTIVITY. THE EPA HAS ALSO NOT ACCOUNTED FOR THE RISK DIFFERENTIAL ASSOCIATED WITH EXPOSURES IN DIFFERENT