

RECEIVED



NEWS &

October 31, 1980

NOV 3 1980

UCC-CALIDRIA
NIAGARA FALLS, N. Y.

NOTES

CONGRESSIONAL OFFICE NEARING
COMPLETION OF PROJECT ON DETERMINING
CANCER RISKS FROM ENVIRONMENT

RECEIVED

DEC 22 1980

J. J. SHORTSLEEVE

In 1979, Congress' Office of Technology Assessment (OTA) initiated a project on "Assessment of Technologies for Determining Cancer Risks from the Environment." The project covers four principal areas:

- . Assessment of the estimates of cancer risk from different exposures.
- . Assessment of cancer testing technologies.
- . Assessment of extrapolation techniques.
- . What is "unreasonable risk" ?

PLAINTIFF'S EXHIBIT

UC-2236

For first part of the assessment, OTA engaged the assistance of two internationally recognized experts, Sir Richard Doll and Richard Peto from the University of Oxford. On Oct. 8, a workshop to review work to date on this portion of project was conducted by OTA. As would be expected, the shortcomings and deficiencies of the 1978 HEW-sponsored study on estimates of cancer related to the workplace were emphasized. This particular study has been severely criticized on an international scale and referred to as "scientific nonsense." At the workshop, the results of the work by Doll and Peto were discussed. Their conclusion was that one to two percent of cancer is due to occupational exposure to asbestos with four percent of all cancers being caused by occupational factors.

It will be recalled that the Estimates Paper received wide coverage in the news media (and has been subsequently referred to extensively by federal agencies) when it was initially cited by then HEW Secretary Joseph A. Califano, Jr. The study specifically stated that numbers of cancers attributable to asbestos "represent about 17 percent of all cancers detected annually in the United States," with at least 20% of all cancer in the United States work-related. AIA/NA responded to the Estimates Paper in an open letter to Califano concluding that the projections set forth were scientifically unsupportable.

In a reply to the Association dated Dec. 27, 1978, Califano stated: "The authors of this report are preparing a manuscript

ASBESTOS INFORMATION ASSOCIATION

1745 Jefferson Davis Highway, Crystal Square 4, Suite 509
Arlington, Virginia 22202 • (703) 979-1150

UCC 004582

for publication in a refereed scientific journal. We welcome your comments and criticisms at this stage in the preparation of the manuscript; the study will of course be the subject of peer review."

On Sept. 12, 1980, AIA/NA inquired by letter to Department of Health and Human Services Secretary Patricia R. Harris as to "when the 1978 Estimates Paper will be published for peer review." Concern was expressed that, even though it had been the subject of severe criticism over the past two years, the paper continues to be cited as an authoritative reference. By letter of Oct. 7, the National Cancer Institute responded as follows: "The role of occupational factors in cancer incidence is undergoing further study. The contributors to the September 1978 manuscript have decided not to publish the report in that form." On Oct. 9, NCI was requested to advise in what form the report will be published and when and if it would be subjected to peer review. NCI responded by letter of Oct. 20 stating that, "There are no firm plans at this time for the contributors to the September 1978 report to update their document. Please feel free to write us again in 4 to 6 months for new information."

It is expected that OTA's project will be completed in Jan. 1981 and a final report submitted to the Congress. This report should provide a significant contribution toward determining in a realistic and reasonable manner the degree of cancer risks from the environment.

TO COMPENSATE ASBESTOS VICTIMS CALIFORNIA LAW ESTABLISHES FUND

Legislation creating a fund to help compensate victims of asbestosis was signed into law Sept. 22 by California Governor Edmund G. Brown, Jr. The measure is designed to provide disability benefits for workers disabled by asbestosis whose employers fail to provide compensation or cannot be located.

Bill establishes a \$2.6 million fund in the state treasury known as the Asbestos Workers' Account. Account is to be replenished by liens authorized against employers who fail or refuse to provide compensation.

Measure makes it state policy that compensation for victims of asbestosis is to be paid promptly "and not subject to delays of litigation to determine the responsible employer." To qualify for benefits a worker must show that he or she was exposed to asbestos, suffers from asbestosis resulting from the employment, and be entitled to compensation as otherwise provided by law.

An asbestosis victim who meets above tests may apply for benefits from the account if responsible employer cannot be found or refuses to pay within 30 days after a claim is filed. Existing law does not have that 30-day feature. New law includes a "sunset" provision by which it could become inoperative on Dec. 31, 1985, unless reauthorized by the legislature. The statute takes effect on Jan. 1, 1981.

REVIEW OF ACTIVITIES REGARDING INDOOR AIR POLLUTION

It may be expected that increased attention during next few months will be focused on alleged need to control harmful effects of indoor air pollution. Quality of air in the nonworkplace was subject of recent study by General Accounting Office (GAO) and is also currently under investigation by National Academy of Sciences (NAS) in response to a contract with the Environmental Protection Agency. EPA's proposed rule in Federal Register of Sept. 17 to require all public and private elementary and secondary schools to identify friable asbestos-containing materials in school buildings is first formal initiative regarding this matter (N&N Sept.).

In its list of significant regulations under consideration published in Federal Register on June 30, EPA identified a rule under development which would "reduce/eliminate unreasonable risks of exposure to asbestos in commercial vessels and commercial buildings." Issuance of an advance notice of proposed rulemaking is projected for Apr. 1981.

On Sept. 24, GAO submitted a report to the Congress entitled "Indoor Air Pollution: An Emerging Health Problem." Report states that "Indoor air pollution is an emerging health problem which affects everyone. Federal efforts to deal with the problem have been ineffectual primarily because no one Federal agency has responsibility for the quality of air in the nonworkplace." Included among harmful pollutants "present in all types of indoor air environments" are: radon, carbon monoxide, formaldehyde, nitrogen dioxide, tobacco smoke and asbestos.

Federal efforts to encourage energy conservation have worsened indoor air pollution problem, according to GAO. Efforts to "button-up" homes, schools, and office buildings to decrease their energy use permits less air to enter or escape.

GAO specifically recommended that Congress amend the Clean Air Act to provide EPA with authority and responsibility for the quality of air in the nonworkplace. In the meantime, GAO recommended that EPA establish a task force which would:

- . Identify research activities of other Federal agencies and private institutions relating to indoor air pollution so that EPA's activities can be coordinated with them.
- . Compile available data on indoor air pollution and use this data to inform the public and other governmental organizations of the problem and available actions.

The NAS study is scheduled for completion in Dec. and focuses on fibrous building materials. It is understood that asbestos, fibrous glass, and rock wool will be examined for their contribution as contaminants to the indoor environment.

OSHA-NIOSH Task Force Considers Application
Of Health Standards To Construction

Page 4

OSHA announced, in a statement released Oct. 8, formation of a task force together with the National Institute for Occupational Safety and Health (NIOSH) which will examine ways to apply health standards to the construction industry. Group will review recommendations on the subject developed by the Advisory Committee on Construction Safety and Health through its Subgroup on Health Standards. The Advisory Committee's report was presented to Assistant Secretary (OSHA) Eula Bindham in May, 1980.

AIA/NA, together with the Association of Asbestos Cement Pipe Producers (AACP), testified before the Subgroup, as well as the full Advisory Committee, on several occasions suggesting a workable approach, based on the work practice concept, to the control of asbestos dust at construction work sites. In addition, on Feb. 7, 1980, a position paper, Recommended Standard for Occupational Asbestos Exposure in Construction and Other Non-fixed Workplaces, was submitted to the Subgroup and to Assistant Secretary Bindham by AIA/NA and AACP (NA, Feb.).

The work practice approach was incorporated into the recommendations of the Advisory Committee. Those recommendations addressed elements of existing OSHA health standards in turn. Some of these are permissible exposure limits, regulated areas, monitoring, medical examinations and records and employee training.

The report of the OSHA-NIOSH task force, expected before the end of the year, will serve as a guide for writers of standards for the construction industry. Report will also address whether OSHA should adopt a generic standard for the construction industry as an alternative to applying general industry health standards to construction. The Agency is on record as favoring a separate asbestos standard for construction.

OSHA task force members include Lucile Adamson, chairperson, Health Standards Programs; Don Cadle, Office of the Special Assistant for Construction; Ken Hunt, Office of Consumer Affairs; Allen Martin, Safety Standards Programs; and Munchi Rahman, Technical Support Services. NIOSH members of the group are Stan Reno, regional consulting staff (Denver), and Marty Ellichman, Criteria Documentation and Standards Development.

UPCOMING AIA/NA MEETINGS

Executive Committee next meets Nov. 11 at 9:00 AM in the Association office.

Regular fourth quarter meeting of AIA/NA board of directors is scheduled for Dec. 10 in the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, commencing at 9:00 AM. Associate members are invited to attend. Edward Klein, recently appointed Director, Chemical Control Division, Office of Toxic Substances, EPA, is expected to be luncheon speaker.

Executive Committee will meet on Dec. 9 in Quality Inn commencing at 9:00 AM.

LEGISLATORS AND UNION CALL FOR PROTECTION FOR WORKERS IN OTHER COUNTRIES

The need for identical workplace health standards in every country and the U.S.'s responsibility as a catalyst for such a move was called for Sept. 29 by Sen. Howard Metzenbaum (D-Ohio), Rep. Andrew Maguire (D-N.J.) and the Industrial Union Department of the AFL-CIO. At a Capitol Hill news conference, Metzenbaum noted that "if we can participate in efforts to save the world's whales, then we can surely take action to protect our fellow human beings." Recognizing the danger of imposing U.S. standards on other countries, he nevertheless said that "we must act on what we believe is right -- and it is wrong for this nation's import policies to countenance the unregulated use abroad of chemicals that we consider too dangerous for use in our own country."

Group called for Congressional hearings to develop a national policy on problem and AFL-CIO released its report "National Stewardship: Unilateral International Regulation of Occupational and Environmental Hazards." That document set out a policy by which each country assumes responsibility (stewardship) for protection of its own citizens and those of other nations. Union report used governments' response to benzidine as a case history example of regulation.

Maguire and Metzenbaum pointed out that National Stewardship does not require complicated international agreements. Rather the AFL-CIO report endorses the use of unilateral actions by leading nations (and the U.S. is assumed to be a leader) to set the proper example with model legislation, or as one observer noted, to apply "peer group pressures" on non-complying nations to better protect workers.

In a world of hunger, illiteracy, and high infant mortality rates, Maguire conceded that questions might be raised about other countries' response to rules set down by an "international OSHA." He noted, however, that "economic conditions, in the strictest moral sense, do not dictate the need for standards -- these hazardous substances exist. And so, we must build upon international efforts and our own nation's regulatory structure" to handle the substances and their own health effects. That structure is "diffuse, bureaucratic and overlapping," he charged, because none of the 23 agencies dealing with the problem are playing a leading role.

AIA/NA COMMENTS ON EPA PROPOSAL TO REQUIRE RECORDING AND REPORTING OF SIGNIFICANT ADVERSE REACTIONS TO CHEMICALS

EPA's proposal, published in the Federal Register of July 11, 1980, would require businesses to keep records of allegations that a chemical is responsible for a "significant adverse reaction" to health or environment and in some cases report those allegations to EPA (N&N July). This rule issued under Section 8(c) of Toxic Substances Control Act (TSCA), requires companies to keep allegation records for up to 30 years for a complaint that a health effect might have been caused by company's chemical product.

AIA\NA, in comments filed with EPA Oct 9, endorsed those comments being submitted on proposal by Chemical Manufacturers Association (CMA). The Association agreed with CMA's conclusion that the proposed regulations "are likely to lead both industry and government to divert attention from other information that is genuinely important for EPA's TSCA responsibilities."

CMA's comments also addressed provisions within EPA's proposal for "automatic reporting." For example, the agency solicited comments on option to require a company to report to EPA automatically whenever three allegations are received in a twelve-month period for some chemical substance or whenever an allegation of carcinogenic effect is received. CMA opposed automatic reporting of allegations as being beyond the scope of TSCA.

On confidentiality issue, CMA commented on proposal's requirement that companies substantiate claims of confidentiality in advance. Such provision would "unnecessarily burden the industry's compliance with the proposed rules" due to resulting increase in administrative costs.

In its submission, the Association highlighted CMA's assertion that the proposal is unduly broad as it does not eliminate from the definition of "significant adverse reaction" well known, recognized reactions to a chemical. AIA\NA, referring to the wealth of data which has already been published on asbestos, pointed out that the imposition of "a massive new requirement for collection and reporting of unsubstantiated allegations about asbestos in the face of such a documented data base would unduly burden manufacturers without serving any useful purpose."

Environmental groups took stands sharply opposing those of industry on the proposal. Environmental Defense Fund, for example, expressed strong support for automatic reporting requirements and stated that scope of rule should be expanded to cover environmental effects other than those listed in proposal.

MEETINGS AND SEMINARS OF INTEREST

. . . BNA's Seventh Annual Environment & Safety Briefing Sessions, Nov. 13-14, Shoreham Hotel, Washington, D.C., sponsored by the Bureau of National Affairs, Inc. Sessions will consider regulation of hazardous and toxic materials in workplace, environment and products. Speakers include: Steven D. Jellinek, Assistant Administrator for Pesticides and Toxic Substances, EPA; Anthony Robbins, M.D., Director, NIOSH; Benjamin W. Mintz, Associate Solicitor, OSHA; and Edward W. Warren, Esq., law firm of Kirkland & Ellis. Fee: \$275. (Environment Conference Secretary, BNA Education Systems, Suite 2-602, 1231 22nd Street, N.W., Washington, D.C. 20037; 800 - 424-8039 or (202) 452-4420.)

. . . Toxics Control Seminar & Hazardous Wastes Disposal Seminar, Dec. 1-3, Hotel Washington, Washington, D.C., sponsored by Government Institutes, Inc. Seminars will provide broad view of up-to-date information; how to manage toxics and hazardous wastes; and new disposal techniques. Speakers include: Marshall Lee Miller, Esq., Attorney (former Dep. Asst. Sec., OSHA); Richard J. Denny, Esq., Attorney (former Associate General Counsel, Toxic Substances, EPA); and Grover Wrenn, VP, Clement Associates, Inc. (former Director, Health Standards, OSHA). Fee \$230. (Govt. Institutes, PO Box 1096, Rockville, MD 20850; (301) 251-9250.)

McQueen reported improving in battle with cancer

Tough-guy actor Steve McQueen, fighting a rare cancer most doctors consider incurable, was reported improving with an unorthodox nutritional therapy at a hospital in Mexico, spokesmen said Friday.

The 50-year-old star of such action films as "The Great Escape" and "Bullitt," has lived longer than his previous doctors had predicted and "has recently shown signs of improvement," said Hollywood publicist Warren Cowan.

The treatment, developed by former dentist William Kelley of the International Health Institute in Dallas, consists of such factors as a regulated diet, nutritional supplements and lifestyle changes.

An institute spokeswoman confirmed the actor was at the Plaza Santa Maria Hospital south of Rosarito Beach in Baja California North. The facility is affiliated with the Dallas Institute.

No one involved would discuss McQueen's individualized treatment.

but besides vitamin and mineral supplements, the Kelley program apparently includes such things as enemas, fasting and mental exercises.

The American Cancer Society says it "does not have evidence that treatment (with the Kelley regimen) results in objective benefit in the treatment of cancer."

McQueen has a rare cancer called mesothelioma, which grows in the thin membrane between the lungs and the chest wall.

Once the tumor begins, said Dr. Daniel Simmons, a lung specialist at the UCLA Medical School, "it eventually fills up the whole space. It spreads into the lung and into the abdomen. It can be carried into the blood stream to any organ in the body."

"It is incurable — in fact, it's an untreatable tumor," Simmons said. "The tumors generally don't get any better. They just keep getting worse. We use the word 'relentless.'"

He said neither surgery, nor drugs, nor radiation has shown much effect.

About 785,000 new cases of cancer are predicted this year. Simmons said mesotheliomas probably will number only in the hundreds.

Simmons said considerable research shows a "strong correlation" between mesothelioma and exposure to asbestos, a fiber that has been widely used in insulation.

Recent findings concerning asbestos also implicate it in several other lung diseases, including lung cancer. It was widely used as an insulator on ships and much of the research concerned U.S. Navy shipyard workers.

Simmons said as many as 90 percent of mesothelioma cases seems to be associated with asbestos, but "near as we can tell, it can occur without asbestos exposure," although no other specific risk factors have been identified.

He said cancers traced to asbestos usually involve prolonged exposure, as with workers who handle it on the job. But he said even a brief exposure

to such sources as home-attic insulation conceivably could spark the disease decades later. And asbestos shows up in products ranging from floor tiles to automobile brake shoes.

McQueen held many jobs before coming to Hollywood 22 years ago — a merchant seaman, Marine Corps tank driver, mechanic, oilfield worker in Texas and a logger in Canada. McQueen is famous for his attraction to fast cars and motorcycles, which he raced competitively.

McQueen has been a heavy smoker, but researchers doubt there is a significant relationship to smoking in such cases.

Although the disease is considered incurable, with death usually following diagnosis by less than a year, publicist Cowan quoted Kelley as saying, "I believe that Mr. McQueen can fully recover and return to a normal lifestyle."

Dr. John Costanzi, director of the cancer center at the University of Texas Medical School in Galveston, said he was unfamiliar with details of the Kelley Institute. But, he said, "Some vitamin therapies and new forms of immunotherapy are excellent when they are used in conjunction with specific types of treatment. But I think most of us feel they should not be used in place of routine treatments."

Simmons was more skeptical. "I don't know of anything that shows there is any relationship between what somebody eats and the progression of tumors in the body."

Although Simmons doubted such treatment could help, he conceded, "It doesn't sound like they're doing any harm. And (since traditional medicine has nothing to offer) he may feel better being treated. Sometimes it's better to treat somebody, even if it doesn't do any good."

The Cancer Society points out that a Texas District Court issued an injunction against Kelley in 1969. The action enjoined him from practicing medicine without a license."

CA-D61 PASADENA STAR NEWS
(818) 252-5700

OCT 4 1980

Suggested Change In Rule For Asbestos Criticized

Asbestos manufacturers and some industrial hygienists are taking strong exception to the federal government's approach to reducing exposure to asbestos both in the workplace and the environment.

"We strongly challenge the (National Institute for Occupational Safety and Health and Occupational Safety and Health Administration) statements that there is no safe level of exposure to asbestos and that a hazard warranting additional federal regulatory action exists in the current asbestos workplace environment," says Dr. Paul Kotin, senior vice president of health, safety and environment for Johns-Manville Corp., Denver. The manufacturer's statement was in response to a joint NIOSH-OSHA work group's recommendation that OSHA's current workplace standard of 2 million fibers of asbestos per cubic meter of air should be reduced to 100,000 fibers per cubic meter.

Kotin, who says his firm is preparing a detailed response to the work group report, emphasizes there is a length of time from initial exposure to asbestos to the time the disease becomes evident. He argues that asbestos-related disease being discovered now is the product of "the past, when information was lacking as to the potential hazards of exposure." And he charges that the work group's conclusions "are not supported by the medical/scientific studies cited, and the recommendations are unwarranted. Projections or estimates by the regulatory agencies of future disease cases related to asbestos exposure are also in error," and have been repudiated by "leading scientific researchers worldwide," he claims.

The Asbestos Information Association, Arlington, Va., which represents asbestos manufacturers, underscores Kotin's criticism, saying the work group report "fails to justify the recommended twentyfold reduction in the permissible exposure level."

SEP 1980

Wanted: a sharper focus for research on cancer

15A-12 CHEMICAL WEEK
WEEKLY 1980

SEP 3 4 1980

operation that while cancer may not be reversible, the risk of cancer is reversible for people currently or previously exposed to carcinogens. Yet that opportunity carries with it a responsibility to take advantage of it, he says. "We have reached a point because of our success, where we can decide who should live and who should die. But that is a political, moral and ethical question, not one for the scientist."

Selkoff told his audience about his experience with two known carcinogens—one now regulated, one not regulated—to which society is "iron-bound by the legacy of the past," and must bear responsibility. The first asbestos has been in wide use for decades. Between 1890 and 1970, he said, 25 million tons of that mineral were used in structures that the society will have to deal with for decades more. The other, he said, is no longer tar, for which there still are no regulations. It was a suspected carcinogen for 200 years, he remarked, "and now it is proven." In determining how much exposure to them still continues, he says, "our record is not exemplary."

A no-risk society? Addressing those who fear that political pressure is pushing the government toward a no-risk society through regulations, Selkoff asserted that they were setting up a straw man. "I have yet to see an agency ask for absolute safety," he said. "U.S. policy is to control, not ban," toxic chemicals. And in setting standards for chemical exposure in the workplace, he said, "we should be doing the best we can, or state why we are not."

Selkoff feels that science and industry have a lot of catching up to do. "What we haven't done over the last 30 years is the legacy we face," he said. □

of ambient chemicals, possibly induced by the media with the best of motives, has led to distortion of research and public-health priorities," he explained. Consequently, he went on, a substantial portion of the total problem of determining the causes of human cancer has not been adequately researched. "It is surprising," Higginson added, "that there is an unwillingness to carry out certain basic life-style studies in contrast to testing a chemical in an animal as up to 10 times the cost."

An optimistic majority. Perhaps in part because of all the attention that the media have given during the past year or so to the thousands of man-made chemicals listed as known or possible carcinogens, the role of chemicals in the nation's cancer rate was one of the most talked-about subjects at the symposium.

Fear of ambient chemicals has led to a distortion of research priorities

One researcher after another spoke about the complex relationships between chemicals in the environment and their ability to trigger cancer or to cause it directly. And virtually all of them expressed optimism that long-term research into those relationships would lead to more effective control.

But Dr. Irving Selkoff, a long-time cancer specialist at New York's Mount Sinai Hospital, said he is "pessimistic" about the future of cancer control. Noting unpublished figures from the National Center for Health Statistics showing that the cancer death rate in the U.S. has been increasing at nearly 1% a year, Selkoff declared, "We are not doing a good job with the information we already have."

A solvable problem? Selkoff maintains that "the scientist is doing his job" in defining the risk that various chemicals pose to people on certain jobs and in everyday life. "The discovery that the causes of cancer originate outside of the body was an important discovery," he says, because it opened the door to controlling the disease. "This means the problem of cancer is solvable," Selkoff says firmly.

He points with hope to the recent

Anti-cancer research could be much more productive if it were focused on the dangers in particularly risky environments, rather than being dissipated in intensive and repetitious testing of many thousands of individual chemical compounds. This call for a more selective approach by the world's major cancer research programs was sounded by two of the principal speakers in the four-day International Symposium on Cancer held last week in New York City's Grand Hyatt Hotel.

Dr. John Higginson, director of the International Agency for Research on Cancer (Lyon, France), observed that adequate evaluation of the thousands of chemical substances in any person's environment could be a logistical and technological nightmare. On the other hand, he said that his own field—epidemiology—is developing the techniques for evaluating the total risk posed by the particular combination of substances found in any given environment.

A sense of proportion. Dr. Richard Doll, honorary director of England's Imperial Cancer Research Fund, backed Higginson's faith in epidemiology as a way of determining the chief causes of current cancer incidence rates. Epidemiology can help scientists identify and "maintain a sense of proportion in the face of the myriad actual, or hypothetical, risks to which men and women are exposed," Doll told the estimated 1,000 people in attendance. And by doing so it can ensure that "a reasonable amount of effort is directed into the support of research in fields that are likely to have the greatest impact on human health," he said.

The symposium was presented by the Memorial Sloan-Kettering Cancer Center (New York), and was co-sponsored by the American Cancer Society and the National Cancer Institute, a branch of the U.S. Government's National Institutes of Health.

Higginson, who has been credited with being the first researcher to propose that 70-80% of all cancers may be caused by factors in the overall environment, contended that the risk from chemicals in the workplace may have been overstated. He said his position on the study of industrial and environmental carcinogens is often misinterpreted. "I have been concerned that excessive

Agency to attack unsafe world

By CHRIS GOLEMBIEWSKI
Staff Writer

Unseen chemical poisons in the daily environment pose the regulatory challenge of the 1980's, the head of the U.S. Consumer Product Safety Commission (CPSC) said Thursday.

Richard Gross said taking up that challenge, coupled with a get-tough litigation policy against makers of unsafe goods, will mark the maturity of his agency, a '70s offspring born in political turmoil.

DOZENS OF invisible dangers such as asbestos, lead and urea formaldehyde are contained in our household goods. "You don't check the chemicals in your paint or rug or ceiling. But we're all surrounded by hazards," Gross said.

A two-year research program is being launched to identify the worst flammable products in our everyday environment, he said.

"The U.S. has eight times the burn (accident) rate of the rest of the world, because we're so imbued in plastics. It will be difficult but not impossible to change our lifestyle," referring to the plastics in carpeting, furniture and clothing which quickly ignite and give off poisons when burned.

Despite the current economic recession and no matter who is elected president in November, the commission intends to continue vigorously regulating manufacturers, he said at the state's first conference on product safety at Kellogg Center in East Lansing.

THE CONSUMER movement is no less important in bad times, but there is a difference between optional economic regulation and safety regulation of industry, said the 31-year-old Harvard Law graduate.

Congress has mandated that reasonable regulation should be balanced with unreasonable illness, injury or death. "I think we can find that balance," Gross said.

With 30 million safety-related injuries

and 30,000 deaths a year in this country, "there is never a bad time to talk about safety. The parents of the seven babies who strangled in their Bassett cribs will never believe the manufacturer's profits are more important...

"I don't think our society will ever return to the caveat emptor ('let the buyer beware') philosophy," he said.

But the trusting buyer should have been wary in all too many instances, Gross lamented, citing a host of dangerous products from baby cribs to amusement rides, which the product safety commission has investigated.

CONSUMERS HAVE the responsibility to read instructions and know how to safely use a product. But the government should become involved when the unsuspecting consumer can't protect himself from danger, Gross said.

Once entangled in its own political bickering, the commission activated in 1973 is going to narrow its focus and go after seriously dangerous products, Gross said. Manufacturers who balk at voluntarily correcting their products will be taken to court.

He cited the million dollar judgment against makers of the Bassett crib in which seven infants died. Infants' heads became trapped in an opening in the crib design.

Bassett officials were guilty of "absolutely unacceptable behavior" when they wrote to complaining parents, telling them "not to overreact" about a near-tragedy. Six more babies died before

the defect was reported to the CPSC, as required.

Now, the company must run paid ads about the recall of the dangerous crib style, post notices in baby clinics and mail letters to the parents of every live birth in America in the last 20 months. Some 80 percent of the 5,000 cribs have been returned by families.

BUT LESS than 20 percent of 30 million hairdryers containing cancer-suspected asbestos have been returned by buyers. The CPSC is trying to find out why, Gross said.

Citing another CPSC victory, beginning in January 1981, all lawnmowers made in the U.S. must have an automatic three-second pause when the blades become jammed, to try to prevent the loss of thousands of fingers, hands, toes and feet, he said.

The CPSC is also going after aluminum electrical wiring which pose fire risk, chain saws which cause 10,000 "horrible disfigurements" a year when they kick back, and home insulation containing formaldehyde.

A government study of formaldehyde is due in October Gross said, which shows it to be the "single most frightening case of a potential carcinogen" yet tested.

The CPSC may begin regulating some uses if the danger is confirmed, he said. About 8 million pounds of the chemical is used in U.S. products.

State and local involvement is vital in consumer education Gross said, adding that the federal government is readying \$2 million to help get the word out.

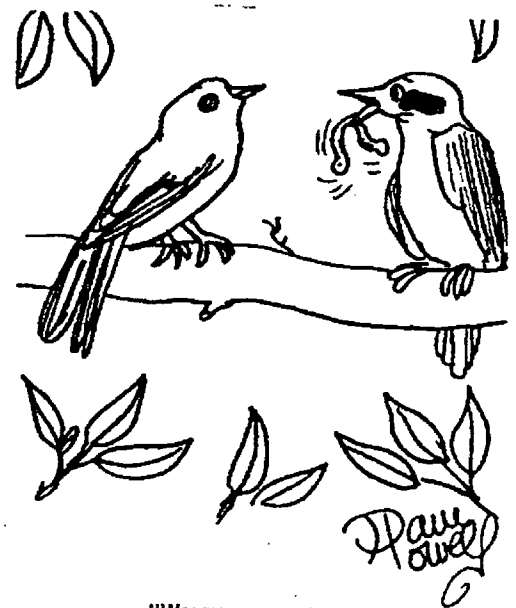
New Technique For Asbestos Alters Structure

Journal of Commerce Special

WHITMAN, Mass. — Pyro-Magnetics Corp. Thursday announced a technological breakthrough which has been confirmed by an independent testing laboratory that the company's unique high temperature melting system physically changes the dangerous crystalline structure of asbestos into an amorphous (glass-like) state. The company believes that the substance produced is both non-friable and non-carcinogenic. The company further stated that its new technology offers great potential in the treatment of a wide variety of hazardous waste.

12A-67 JOURNAL OF COMMERCE
DAILY 13.930

SEP 19 1990



"Worms cause what?"

CHEMTECH APRIL 1980

EAST LANSING STATE JOURNAL
EAST LANSING, MICH.

SEP 19 1990

UCC 004590

Calif. Asbestos Fund Established by Law

Provides Temporary Assistance

SACRAMENTO — Legislation establishing a special workers' compensation fund to provide temporary disability and medical care to workers suffering from asbestosis has been signed into law by California Gov. Edmund G. Brown.

The bill appropriates \$2,525,000 from the state's general fund to an "asbestos emergency account" in the unreserved fund, to finance the new program.

The purpose of the program, according to Assemblyman Art Agnos, D-San Francisco, author of the bill, is to provide temporary financial and medical assistance during the lengthy proceedings necessary to identify the employer responsible for paying workers' compensation benefits.

"Inhalation of asbestos fibers can cause a variety of occupational diseases," noted a report to the Legislature by a research staff. "Among these are asbestosis (asbestos pneumoconiosis), lung cancer, mesotheliomas (cancer of the pleural and peritoneal linings) and cancer of the gastrointestinal tract.

"These diseases frequently take many years to develop and occur most often among heavily exposed workers, although instances of asbestos-related diseases occurring after minimal exposure are known.

"Because of the long latent periods and the variability of the diseases which can result, it is frequently difficult to make a definite connection between specific occupational exposures and later diseases.

"Consequently, claims for workers' compensation frequently involve lengthy litigation because employment or exposure records must be located. During the time lagged between asbestos exposure and the onset of disease, these records may have been lost, employers may have gone out of business or there may be difficulty in locating them."

The bill, which becomes effective Jan. 1, 1981, declares

that workers submitting claims must take an independent medical examination. Gov. Brown called enactment of the legislation an example of a "new partnership between labor, business and government."

The director of industrial relations, under the bill, must take action to recover all money paid as advance temporary disability and medical benefits, once the responsible employer or insurance carrier has been determined.

Although the new law will " sunset" on Dec. 31, 1988, the director of industrial relations may continue any proceedings against employers and insurance carriers to recover benefits paid to workers prior to the termination date.

The awarding of benefits under the law does not preclude the filing of claims for damages against any person other than the employer and provides for reimbursement of the asbestos workers' account through legal action.

Another provision requires that workers submitting claims must take an independent medical examination.

Gov. Brown called enactment of the legislation an example of a "new partnership between labor, business and government."

G.A.O. Asbestos Insulating May Add Pollutant Risk

WASHINGTON, Oct. 1 (AP) — The same energy-saving methods that prevent winter heat loss and summer air conditioning from leaking from a home or an office may be sealing in pollutants, according to a report issued this week by the United States General Accounting Office. Those pollutants, it said, may increase the risk of respiratory illnesses and, in some cases, cancer.

The G.A.O. questioned the wisdom of the Federal Government's energy-saving program, which grants tax credits to those who insulate their homes and offices. It said that the average person spends about 75 percent of his time indoors; instead, the elderly, the handicapped and housewives are indoors even more.

"Efforts to button up homes, schools and office buildings to decrease their energy use permit less air to enter or escape," the G.A.O. noted. "Pollutants produced indoors are trapped and their concentrations increase. Therefore, the potential health effects of exposure to harmful pollutants indoors can be widespread."

One material qualifying for Federal tax incentives is urea formaldehyde foam insulation, vapor from which is known to irritate the eyes and respiratory tract and are suspected of causing cancer.

The office's report said such harmful substances as radon, carbon monoxide, nitrogen dioxide, and particulate pollutants are common indoors. Radon is a radioactive gas that is believed to seep out of some building materials. It is suspected of causing lung cancer in cases of prolonged exposure. Carbon monoxide can be introduced by gas appliances, heating furnaces, chimneys and vehicles in attached garages, according to the report. Nitrogen dioxide is given off by stoves and even residences.

Higher rates of respiratory illness in children, lung cancer, heart and lung disease also mentioned in the report as being pollutants common to the indoor atmosphere.

Of particular concern, according to the report, is urea formaldehyde foam insulation, which is used as an insulating material in walls and ceilings of many school buildings. Thousands of school children were exposed to the substance, which is now thought to increase the risk of cancer.

According to EPA, there are three effective long-term solutions to the fiber problem — removal, which is expensive, time-consuming, and sometimes risky; enclosure, which isolates the asbestos behind barriers like suspended ceilings but allows fiber fall-out to continue; and encapsulation, which is the most rapid, least expensive process (about one-fourth of the \$8-per-square-foot cost for removal) and not subject to physical abuse that would damage the seal-

Asbestos fibers are no longer a health hazard to the children in two schools in Franklin, Ohio.

The asbestos is still there, serving as insulation and fireproofing, but now it wears a new air-tight overcoat called Aduloid that prevents the fibers from escaping into the air the children breathe.

Aduloid is a sealant produced by Essex Chemical Corp., Clinton, N.J. Sprayed on as a liquid, it penetrates the asbestos and hardens into a tough surface that locks the fibers in place.

The process is called "encapsulation." Aduloid is one of the sealants that an independent research laboratory working for the U.S. Environmental Protection Agency recently tested and approved as asbestos encapsulants.

With these sealants, encapsulation now offers a last economical solution to the asbestos fiber problem in thousands of schools, public buildings, industrial facilities, and even residences.

According to EPA, there are three effective long-term solutions to the fiber problem — removal, which is expensive, time-consuming, and sometimes risky; enclosure, which isolates the asbestos behind barriers like suspended ceilings but allows fiber fall-out to continue; and encapsulation, which is the most rapid, least expensive process (about one-fourth of the \$8-per-square-foot cost for removal) and not subject to physical abuse that would damage the seal-