Asbestos Pipe Makers Want Ban on Use Lifted

By DIANE LEVICK

Manufacturers of asbestos-cement water pipe, which the state has banned effective Oct. 1, have asked the state health commissioner to lift the ban, a state health official said Friday.

The General Assembly in its lpast session banned future use of the pipe, which under certain corrosive water conditions is believed to release asbestos fibers. The law that passed left it to the discretion of the state's health commissioner to lift the ban if he or she deemedd the pipe not to be a health hazard.

Denver-based Johns-Manville Corp. and Pennsylvania-based CertainTeed Corp., manufacturers of asbestos-cement pipe, have petitioned the state Department of Health Sservices to lift the ban, Richard Woodhull, head of the department's water supplies division, said Friday.

A public hearing has been tentatively set for 10 a.m. Oct. 15 in the state Capittiol for the pipe manufacturers to present evidence on why the pipe shouldn't be banned, Woodhull said.

Wyatt McCallie, counsel for Johns-Manville, said Friday the legislature, in passing the ban, wasn't voicing any stand on whether the asbestos-cement pipe is a public health hazard. The legislation, he said, was aimed at having the state health commissioner determine that point.

McCallie said the pipe manufacturers' position is that "there's simply no evidence to support the idea that ingested asbestos is a hazard to health."

Inhalation of asbestos fibers has been shown to cause cancer.

While the manufacturing firms themselves will participate in the state's October hearing, the Asbestos Cement Pipe Producers Association won't be allowed to by the state, said association Director of Public Affairs John Welch. The state has taken that position because the association doesn't itself manufacture the pipe in question and therefore won't suffer financial loss because of the ban, he said.

The financial impact of the Oct. 1 ban for Johns-Manville, said McCallie, will be "fairly small" because sales of asbestos-cement pipe in Connecticut have come to a virtual standstill. In the lpast few years, sales have only averaged about $100,000 a year, he said.

"We're much more concerned with the principle of unscientific attacks on a product," said McCallie.

McCallie said Johns-Manville will also oppose proposed state regulations concerning asbestos-cement pipe already in use, slated for a Sept. 16 hearing in Hartford. That proposal would require special acidity-alkalinity testing of water in all systems using asbestos-cement pipe to guard against deterioration of the pipe and release of asbestos.

The state shouldn't adopt such regulations for corrosion control if they only apply to that one kind of pipe, he said.

McCallie admitted his company's concern is that water utilities will hesitate to buy pipe which requires such procedures.

Commission votes to buy asbestos pipe

By Michael Kranish
Ledger staff writer

LAKELAND — The City Commission voted 4-3 Tuesday to buy six miles of asbestos water pipe, breaking a deadlock that occured when questions were raised about possible health hazards.

Commissioner Allan Boring was the swing man when an unscheduled vote was taken over the pipe requisition, which had been defeated 4-2 and 3-3 in recent meetings. Boring had been absent for six weeks due to heart trouble.

To avoid any possible health hazard, the water will now be treated with zinc polyphosphate to reduce the chance of pipe deterioration. An Environmental Protection Agency official said the treatment should correct any possible adverse health effects.

When the requisition first came before the commission in July, the EPA official said asbestos could be a health hazard if ingested in sufficient quantities. The official, Leland McCabe, chief epidemiologist of the EPA's Cincinatti office, also said high asbestos readings had been obtained in previous tests of Lakeland's water.

But Water Superintendent Tom Williams insisted asbestos pipe posed no public health hazard. On Tuesday, he told commissioners he learned earlier that morning that a 1978 test showing high incidentes of asbestos fibers in the water was based on false samples. He said there is now question about whether a problem ever existed.

Four new samples were taken last month by the Polk County Health Department, of which three were found to be within acceptable levels. But one sample, taken at Lakeland Highlands Junior High School, had 5.3 million fibers per liter — far above the unofficial acceptable level of 300,000.

Williams said there is no immediate danger at the school. He said the sample was high because the school was closed during summer and water had collected at the tap and the problem could be remedied by flushing the lines.

The four approving commissioners based their vote largely on a letter from the Atlanta office of the EPA, which said asbestos is less risky than the other two available water pipes made of ductile iron or polyvinyl chloride. Although asbestos has some possible adverse health affects, the letter said those should be corrected with proper chemical treatment of the water.

Mayor Carrie Oldham changed her vote to favor asbestos pipe, saying because of the EPA's letter she now feels it is the safest of the three. Commissioner George Burt changed his vote from yes to no, but offered no explanation for the switch.

As they have since July, Carl Dicks and Larry Turnipseed favored asbestos and Peggy Brown and Curtis Walker opposed it. Walker said he was not against asbestos, but was opposed to having the city subsidize the extension of water service into the county. The commission agreed to review the rate schedule so water service in the county is self-sufficient.

Technically, the commission voted to allow the administration to use its discretion in buying whatever type of pipe it wanted. City Manager Youkey and Water Superintendent Williams, however, made it clear they would favor asbestos pipe. Williams originally said he favored asbestos pipe because it was cheaper ($600,000) than the same amount of ductile iron pipe ($1 million).

Youkey told the commission Tuesday he "couldn't care less" what type of pipe the city bought, but said he wanted to use what the EPA found to be safest. Citing the EPA-Atlanta letter, Youkey said he would "obviously" buy asbestos pipe.

UCC 004592

Expert says task is impossible to 'zero-engineer' all asbestos

By JOHN BURGESON

NEW HAVEN — Dr. Robert N. Sawyer, the consultant who recommended that the city scrap its plan to remove asbestos from Roosevelt Elementary School, was the keynote speaker at Wednesday's Comprehensive Asbestos Seminar, which took place all day here.

Sawyer, a nationally respected authority on the problem of asbestos in school buildings, said that it would be impossible "to zero-engineer for asbestos exposure" as the substance has been widely used in the construction industry.

The seminar, attended by about 400 persons from industry and various state, federal and local agencies, was sponsored by the Interagency Regulatory Liaison Group formed to coordinate the regulatory efforts of various federal agencies such as the Environmental Protection Agency, the Occupational Safety and Health Administration and the Consumer Product Safety Commission.

Sawyer emphasized the problem of incompetence in asbestos removal efforts, both in determining the extent of the problem and the actual removal procedure. Asbestos, a fibrous mineral that was used primarily as a fire and heat insulator, until 1973, is harmful when its minute particles flake into the atmosphere and are inhaled.

He said that insulation samples taken for structures suspected of containing the substance should only be analyzed by trained personnel using a polarized light microscope, in which the characteristic crystaline structure can be identified.

Sawyer emphasized that proper procedures must be followed during the removal. These include covering interior walls and floors with plastic sheets, wetting down the area to reduce the amount of airborne dust and requiring workers to use air masks.

He explained that asbestosis, one of several lung diseases caused by inhalation of asbestos particles, is progressive, meaning the disease continues to develop even after the victim is removed from asbestos exposure.

He pointed out that cigarette smoking "acts in a synergistic fashion" with asbestos exposure to increase the likelihood of developing lung malignancies 90 times. "There wouldn't be an asbestos problem if everyone stopped smoking," Sawyer said.

He said the danger of the substance is due largely to its aerodynamic properties. "A particle released from a height of three meters will remain airborne for four hours," adding that the smallest asbestos particle will remain airborne inside a room for over three days before settling to the floor.

Sawyer is currently the head of the Division of Preventative and Occupational Medicine of the Yale University Department of Health Services. He is the author of numerous articles on the topic of asbestos, including the U.S. Environmental Protection Agency handbook "Asbestos-Containing Materials in School Buildings: A Guidance Document."

Developments in the Québec asbestos industry

At a time when there are many new attacks on the use of asbestos, often for personal or political ends, the Québec government is continuing to try to advance the participation of the province in the asbestos industry, and of the industry in its markets.

In May 1980 the province reached an agreement (formalized later) in principle with the Turner and Newall group, to buy the group's Canadian interests. These include les Mines d'Amiante Bell, Thetford Mines; Atlas Turner, Montreal; and Turner Building Products, Mission, BC. The first is the long established mining operation in Québec, the others are fibre processors and producers of asbestos cement. The deal would cost $35.5-million.

The province has long wanted an asbestos mine, but the negotiations for the acquisition of la Société Asbestos (Asbestos Corp) have been protracted and difficult. It has also been the intention to increase the amount of asbestos processing carried out within the province, so as to benefit local employment and economies.

The two producers of asbestos cement (one of the most important asbestos products) will allow Québec to triple the domestic processing of asbestos in three years, from 3% to 9%.

The mine. The operation of les Mines d'Amiante Bell in Thetford Mines adjoins the King Beaver deposit of la Société Asbestos. Production capacity is of the order of 70,000 tonnes a year. It is principally long fibre product of grades 4 and 5, with some 3 and 6. These grades are suitable for manufacture of asbestos cement. About 600 people are employed.

The underground mine and the improvements to the surface mill were reviewed in *Western Miner*, Nov'78 p15.

Sales in 1979 were of the order of $35-million; fibre went to developing countries (37%) and to the USA (21%) as well as other markets in UK and Europe.

Atlas Turner makes asbestos cement pipe and slabs; employs about 500 people; and had sales worth about $25-million in 1979. A program of modernization and mechanization is in hand, and one new product is asbestos slab for cooling towers of thermal or nuclear generating stations.

Turner Building Products is a smaller operation (about 40 employees) with 1979 sales of about $2.4-million. Asbestos cement slab product is sold through Atlas Turner.

La Société Asbestos. The Quebec government has expressed its intention to continue with attempts to take over the former Asbestos Corp, which includes the Asbestos Hill mine in Ungava.

The acquisition of the Bell asbestos operation, and its proximity to the Société Asbestos operation at Thetford Mines, could make it less necessary to take over Asbestos Hill (to which Bell is comparable in size). However, the Québec government has taken no decision about the possible exclusion of Asbestos Hill from the proposed Soc Asbestos takeover.

NON-TOXIC ASBESTOS FIBRE

At the 4th international conference on asbestos, Turin, May 1980, Professor Jacques Dunnigan presented information about a new asbestos fibre which is not dangerous to health.

Work at the University of Sherbrooke where an asbestos research program is continuing, had produced a simple method of transforming asbestos fibres so as to reduce very considerably the undesirable physiological effects while retaining the useful physical properties.

The research program has been operating for three years, financed by the National Research Council and the Québec government. Prof Dunnigan took charge of the program after he was elected director general of the Institut de recherche et de développement de l'amiante, established and funded by Québec and the AMAQ (Association de mines d'amiante du Québec).

A patent application has been made; and will be extended to 40 countries. Efforts are being made to obtain international recognition for the process and to establish industrial production technology. WM

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AIA NORTH AMERICA

NEWS & NOTES

September 30, 1980

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AIA/NA Industry-Government Conference Has Record Attendance

The Association's Industry-Government Conference held Sept. 17-18 at the Twin Bridges Marriott Hotel, Washington, D.C. was attended by over 190 persons. This was fifth such conference sponsored by AIA/NA and attendance exceeded that of any prior year. Conference was scheduled in conjunction with Association's Tenth Annual Meeting.

Two-day program included variety of topics of interest to asbestos industry. Panel discussions covered: asbestos and health; review of industry situation and perceptions by spokesmen representing mining, manufacturing and user interests, and current and prospective regulatory initiatives by federal agencies; and, assessment of issues affecting image of U.S. asbestos industry. Individual speakers from government, industry, news media, and Congress completed the program. (see news clips)

Proceedings of conference are expected to be available by end of year. Inquiries to AIA/NA's Executive Director are invited.

OSHA Concerned About Data To Support Rulemakings

OSHA Administrator Eula Bingham told reporters in Washington, D.C. meeting on Sept. 11 that the agency may look for legal means to require that all data on a hazardous substance is submitted to the agency during a rulemaking. Dr. Bingham said that Supreme Court's recent ruling on OSHA's benzene standard (N&N July) will require agency to gather "additional data" before setting standards to demonstrate that a significant risk exists which a proposed standard will reduce. "We will have to take harder look at data that is withheld from the agency," Bingham added.

According to OSHA officials, the agency as yet has taken no action and made no decision on seeking legal means to require submission of data. A Department of Labor attorney stated that both OSHA and NIOSH have subpoena powers under the Occupational Safety and Health Act of 1970. He noted, however, that the advantage of obtaining information might be outweighed by longer, more complicated rulemakings. The attorney also noted that under Feb., 1980 decision by the U.S. District Court for the Eastern District of Pennsylvania, OSHA has the authority to subpoena employer records that are relevant to the Secretary of Labor's function in promulgating standards.

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ASBESTOS INFORMATION ASSOCIATION

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Asbestos and Smoking Now A Matter of Litigation

A Missouri asbestos insulation firm has sued six major tobacco companies in first lawsuit of its kind in the U.S. Suit claims that smoking not asbestos is the primary cause of lung disease among asbestos workers (see news clip).

Above action was taken Sept. 17 in California Superior Court in Los Angeles and San Francisco by Standard Asbestos Manufacturing and Insulation Company, Kansas City MO. Company filed cross-complaints in some 10 cases involving large number of asbestos workers seeking damages for occupational disease.

John T. LaFollette, an attorney representing Standard Asbestos, said the action was taken because of "stronger and stronger" reports by doctors that lung cancers among smoking asbestos workers "are due primarily to smoking and not to asbestos." Cross-complaints are an attempt to bring the tobacco industry into existing lawsuits, and let a jury decide what portion, if any, of damages the tobacco industry must pay, LaFollette said.

There are more than 8,000 lawsuits pending against the asbestos industry, 25 percent of which are in California, from asbestos workers who claim their disease was caused by exposure, LaFollette said. "Some cases have been disastrous for the asbestos companies," he added, contending that the asbestos companies are "picking up the tab" for damages caused by smoking. LaFollette said that Standard Asbestos is not contending that asbestos causes no damage, but that "the great majority of disease is caused by (employees) smoking and not by asbestos."

OSHA Head Defends Agency Before House Subcommittee

At oversight hearing on OSHA activities conducted Sept. 16 by House Education and Labor Subcommittee, Dr. Eula Bingham, Assistant Secretary of Labor (OSHA), said there has been a "vast improvement in our national job safety and health program" in the past three to four years which has been "widely acknowledged in all but a few quarters."

While acknowledging that there is still much to done, Bingham said that the stability in top level management that has occurred during her tenure has resulted in OSHA being "more competent and better able to fulfill its responsibilities" in areas of standards-setting, enforcement, training, education, and employer assistance programs.

In terms of overall agency performance, Bingham noted that it was ironic that "criticism of OSHA has now shifted from ridicule about alleged impotence to charges that the agency is too tough - too forceful."

FIFTH CIRCUIT WILL DECIDE CHALLENGES TO OSHA CANCER POLICY

Challenges to OSHA's generic cancer policy will be heard by the Fifth Circuit Court of Appeals. The ruling, handed down by the Fifth Circuit Sept. 15, pertained to challenges to cancer policy raised by American Petroleum Institute. Rationale for Court's decision was based in part on fact that Fifth Circuit is already to be hearing appeal from Texas District Court in case by which American Industrial Health Council has challenged generic cancer policy.

As result of Fifth Circuit decision, other challenges to cancer policy, suits currently lodged in various circuit courts including those of AFL-CIO, United Steelworkers, Cast Metal Federation and Polyurethane Manufactuer's Association, are expected to be consolidated with that of American Petroleum Institute in Fifth Circuit.

Generic cancer policy, published in Federal Register of Jan. 22, 1980 (N&N Jan.) with effective date of Apr. 21, 1980, establishes basis for carcinogen regulation from which individual substances can be regulated. Substances are designated either Category I or II based on potency and known effects on human and animals.

Candidate list of 107 substances which are possibilities for subsequent regulation was published by OSHA in Federal Register of Aug. 12 (N&N Aug.).

WHITE HOUSE PROPOSES CREATION OF BOARD TO EXAMINE REGULATORY COSTS AND BENEFITS

Making recommendations on means "for most productively meeting the goals of health and safety regulations" will be one of the tasks of President Carter's proposed Economic Revitalization Board, according to an Aug. 28 White House announcement. Carter announced the proposed creation of the board as part of his proposed "economic renewal plan" to increase industrial productivity and fight inflation over the next decade.

According to the President, the board would be composed of "some of the best leaders from American labor, industry, and the public." Proposed co-chairman are AFL-CIO President Lane Kirkland and E.I. du Pont de Nemours & Company Chief Executive Officer Irving Shapiro. The board, Carter stated, would "address the long-range problems of balancing regulatory costs and benefits."

Senate Labor and Human Resources Committee Chairman Harrison A. Williams (D-NJ) applauded the Carter economic plan. Senate Republican Policy Committee Chairman John Tower (R-Texas) criticized the program, however, and said it fails to "address the problem of a growing federal deficit and excess government regulation."

EPA Proposes Identification and Notification Rule on Asbestos in Schools

EPA has proposed a rule to require all public and private elementary and secondary schools to identify friable asbestos-containing materials in school buildings. Proposal, published in Federal Register of Sept. 17, represents phase I of two-phase approach. Phase II, requiring control of perceived hazards through sealing or removal, is scheduled to be proposed this winter.

The rule, estimated by EPA to affect total of 44,000 public and private schools throughout the country, would require inspection of all areas of school buildings which may contain friable materials, grouping of similar materials into "sampling areas," extraction of bulk samples from each sampling area, analysis of these samples using polarized light microscopy, supplemented if necessary by X-ray diffraction, and determination of estimated percent asbestos content for each sampling area.

In addition, proposal contains three notification requirements. First, all schools must post notice that inspection, and, if necessary, sampling and analysis have been conducted. Second, in schools with friable asbestos-containing materials, officials must notify employees of methods to be used to avoid or reduce exposure to asbestos. Third, schools must also notify their parent - teacher association if friable asbestos-containing materials are found. All schools would be required to retain records of any inspection, sampling and analysis conducted pursuant to this regulation.

Decision to regulate regarding asbestos in schools was announced by EPA in Federal Register of July 6, 1979. Prior to that time, EPA maintained that its Technical Assistance Program established in March, 1979 to provide guidance and technical information on asbestos abatement to states and school districts, in conjunction with voluntary efforts from states and local school districts would be sufficient. EPA's decision to initiate mandatory rulemaking under Section 6 of Toxic Substances Control Act was based on determination that not all schools had adequately inspected for and identified their potential asbestos problems. EPA estimates 10,300 schools contain friable asbestos-containing material.

Comments on proposal are due Nov. 3, 1980. Final rule is expected in Feb., 1981. EPA will hold an informal public hearing in Washington, D.C. on Nov. 17. Requests to participate in hearing should be submitted to Gordon McCurdy, Office of Pesticides and Toxic Substances (TS-974), Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

The Education Department is conducting a complementary rulemaking which has been planned and coordinated closely with EPA. The Secretary of Education has been authorized under Asbestos School Hazard Detection and Control Act of 1980, signed into law by the President June 14 (N&N June), to administer federal grant and loan program to assist local education agencies in detecting and controlling asbestos hazards.

Although funds authorized by the Act have not yet been appropriated, Education Department has published proposal in Federal Register of Sept. 17, immediately preceding that of EPA, establishing procedures to make available federal monies to local and state educational agencies.

In addition, Act establishes task force composed of ten individuals-six representing specified government agencies and four representing organizations concerned with education and health. Duties of task force include advising Secretary on standards for identifying and correcting asbestos hazards in school buldings and on applications for grants and loans.

On Sept. 29, after being sworn in by Secretary of Education Shirley M. Hufstedler, ten-member task force held its first meeting.

Comments on Education Department's proposal must be received by Nov. 3, 1980. They should be addressed to Dr. Herman Goldberg, U.S. Department of Education, Room 2079, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

NEW WORKPLACE ASBESTOS STANDARD PROPOSED IN ONTARIO

Ontario Ministry of Labour, by publication in Ontario Gazette of Aug., 16 has issued proposal to set new provincial standard for occupational exposure to asbestos.

Proposal, under authority of Occupational Health and Safety Act, is highlighted by maximum TWA worker exposures of 0.5 f/cc for amosite, 0.2 f/cc for crocidolite and 1.0 f/cc for all others including chrysotile with ceiling levels of 2.0 f/cc, 2.0 f/cc and 5.0 f/cc respectively.

Included in proposal are provisions for asbestos control program to include engineering and work practice controls, monitoring for airborne concentration, medical examinations and maintenance of worker exposure and medical records.

Regulation is to apply to every employer at a workplace where asbestos is present, processed, mined, used, handled or stored and at which a worker is likely to inhale or ingest asbestos.

Appended to proposal are two codes which establish requirements, one pertaining to respiratory equipment and the other to measurement of airborne asbestos fibers.

According to Occupational Health and Safety Act, the regulations may be finalized sixty days after they are proposed or, in this case, on Oct. 15. AIA/NA, by letter to Ontario Ministry of Labour dated Sept. 29, has requested an additional 90 days with which to prepare comments.

Some of new regulation's provisions will become effective the day it is finalized by its being filed with the Registrar of Regulations. Other of its provisions, such as those for permissible exposure limits, monitoring and medical examinations, will come into force 90 days after the regulation is filed.

In another development within province of Ontario, Minister of Labour Robert G. Elgie has designated three member Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario. The Commission's terms of reference are as follows:

(1) To investigate all matters relating to health and safety arising from the use of asbestos in Ontario;

(2) To identify the relevant data related to asbestosis, mesothelioma and other diseases and health hazards of persons working with, or exposed to, asbestos in Ontario;

(3) To review the present basis for Workmen's Compensation Board awards as they relate to occupational health matters affecting workers exposed to asbestos, including any special programs dealing with the rehabilitation of such workers;

(4) To make such recommendations in relation to the above as the Commission deems appropriate.

Two public meetings are planned by the Royal Commission. The first is scheduled for October 31, 1980 at the Ontario Institute for Studies in Education Auditorium, 252 Bloor Street West, Toronto. The Commissioners will present overview of their inquiry which will be followed by session on health effects of asbestos, and another on Ontario government's "schools programme" for detecting and controlling asbestos.

A second public meeting is planned for early December. In addition, during February, 1981, the Royal Commission will hold public hearings.

Interested parties are invited to make written submissions to the Royal Commission.

MEETING AND SEMINARS OF INTEREST

. . . Industrial Health and Safety - Oct. 23-24, The Wisconsin Center, Madison, WI, sponsored by Department of Engineering & Applied Science, University of Wisconsin. Seminar will provide update on practices and standards with emphasis on carcinogens, lead, noise, dermatitis and waste disposal hazards at industrial plants. Fee: $170. (Engineering Registration, The Wisconsin Center, 702 Langdon St., Madison, WI 53706/(608) 262-6248.)

. . . Asbestos Seminar - Nov. 5-6, Holiday Inn Airport, 1406 Beers School Road, Coraopolis (Pittsburgh), PA, presented by Penn Environmental Health. Asbestos structure, pathogenicity, methods of measurement and federal regulations will be covered. Fee: $225. (Penn Environmental Health, 6938 Meade St., Pittsburgh, PA 15208/ (412) 362-4100.)

. . . Toxic Waste Disposal: A Rational Approach - Nov. 6-7, Dupont Plaza Hotel, Connecticut & Massachusetts Aves., Washington, D.C. presented by Interforum Group, Inc. Conference outline includes overview of EPA regulation, understanding legal liability and identification and assessment of environmental risks. Fee: $525. (Interforum Group, Inc., 68 William St., New York, NY 10005/ (212) 269-2240.)

INDUSTRY OFFICIALS QUESTION NEED FOR STRICTER WORKPLACE EXPOSURE LEVELS

Stricter standards for workplace exposure to asbestos, under consideration by federal agencies, are not necessary in light of scientific and medical evidence, asbestos industry speakers told an asbestos information conference.

"There is considerably more unassailable evidence, if you had to make a decision today, that the [existing Occupational Safety and Health Administration] two fiber per cubic centimeter of air level is safe," John A. McKinney, chairman of the board, Johns—Manville Corporation, contended.

But his remarks and those of other top executives of U.S. and Canadian industries, were not fully shared by U.S. government representatives at the 10th annual meeting of the Asbestos Information Association/North America, in Arlington, Va., Sept. 17.

McKinney was encouraged to "come forward" with the evidence by OSHA representative Robert L. Jennings, Jr., a special assistant to Administrator Eula Bingham.

"There is not one single study that we know of where a population exposed to below the 2 fiber level has been followed for 30 to 40 years, and the exposure well documented," Jennings said. Without the evidence, OSHA faces an "extremely complex" decision as to what the "public health response should be."

Jennings said that "serious questions" have been raised about the studies on which the two fiber standard was based, and that after 1975, the economic and technological feasibility of a stricter standard was studied.

He noted, however, that active work on a revised standard was delayed pending the completion of OSHA's generic regulation on carcinogens, released in January 1980 (Reference File, 41:7301). Recent court decisions, including the Supreme Court benzene ruling (8 OSHC 1586) and the U.S. Court of Appeals for the District of Columbia Circuit ruling on lead (8 OSHC 1810) also have delayed action on asbestos.

The agency, however, is now in the final stages of preparing an advance notice of proposed rulemaking, and hopes to propose a new standard sometime in 1981, Jennings said. Because OSHA hopes to cover construction as well as general industry in a new standard, the proposal must be brought before the Advisory Committee on Construction Safety and Health, he noted.

Weight of Evidence

Johns-Manville's McKinney, stating that the "central issue" is whether asbestos fiber can safely be used in the future, contended that "if there is an attempt to write an unreasonable standard based on the evidence, we wouldn't have difficulty defeating it."

Stating that decisions must be based not only on available evidence, but on the "weight of the evidence," McKinney contended that studies which show asbestos is unsafe are flawed, and the flaws are documented.

Similar views were stated by Paul Kotin, Johns-Manville's senior vice president for health, safety, and environment, who stated that on the basis of accumulation of data, "there is no evidence to convince me that two fibers per cubic centimeter is a disease-producing level."

Yet another industry speaker defended the protectiveness of the existing OSHA standard and cautioned against setting a stricter standard because of "emotionalism."

M.E. Taschereau, president of Asbestos Corporation Limited, Canada, told conferees that lowering the two fiber level is "unnecessarily severe" and will be seen as an example for other western asbestos-using or producing countries.

Western world production and consumption of asbestos has remained "essentially flat" since 1973, Taschereau said. In 1969, total production amounted to 3.5 million tons, with 65 percent coming from non-Communist countries, mainly Canada, Rhodesia, and South Africa. By 1979, with a total production of 6 million tons, the amount coming from the western world dropped 30 percent, he said.

Lowering the standard in the U.S. would result in the asbestos industry becoming "more dependent on Russia," Taschereau said, adding, "The rest of the free world needs your responsible leadership."

Taschereau claimed that the western asbestos industry has been in a "holding pattern" for the past six years because of "a wave of negative publicity associated with health hazards." In the meantime, the chemical industry, which "has a vested interest in providing substitutes," is leading "politicians and journalists" to believe that safe substitutes already exist.

He contended, however, that there is enough medical information to permit the safe use of asbestos at the existing two fiber level.

PUBLICITY, NOT RULES, MORE DAMAGING TO INDUSTRY'S HEALTH, OFFICIAL STATES

The "real issue" in the future of the asbestos industry is not government regulation of working conditions, but the bad publicity surrounding use of asbestos, the chairman of the board of the largest U.S. asbestos manufacturer said September 17.

"I don't think the real issue in asbestos is regulation. That won't put us out of business," John A. McKinney said. "What will is statements to the media . . . unsupported rash statements," he charged.

McKinney said there is "talk" among the asbestos industry that federal government officials "know they can't regulate, so they will talk it [asbestos] down." He charged there is a "deliberate program to accomplish through the media what cannot be accomplished through regulation."

McKinney, a panel speaker at the 10th annual meeting of the Asbestos Information Association/North America (see related article in this issue), said there is a "general belief in public that if you come in contact with asbestos, you will get diseased," a belief he charged was fed by inaccurate reporting.

He charged that "anything" said about asbestos is reported, with the implication that conditions that existed years ago are unchanged. The implications are supported by "rash projections" of the expected numbers of disease cases, he said, with no reporting of "the fact that those projections are without basis."

The asbestos industry is "still suffering from the wide publicity" surrounding publication of a report in 1978 by Joseph Califano, Jr., then Secretary of Health, Education and Welfare, that asbestos cancers would account for some 17 percent of all cancers detected annually in the U.S. in the next 35 years (Current Report, September 14, 1978, p. 459).

Industry "must take the attitude that we are going to police ourselves," McKinney said. "If the weight of the evidence says we should do something, we will do it."

"Johns-Manville intends to do everything it can to remain in business," McKinney reported.

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THE JOURNAL OF COMMERCE

September 19, 1980

Landmark Civil Action

Asbestos Suit Aims At Tobacco Industry

Journal of Commerce Special

LOS ANGELES — In what is said to be the first lawsuit of its kind, the tobacco industry was verbally indicted for culpability in certain lung-related diseases.

The landmark civil suit was filed simultaneously in Los Angeles County Superior Court and in San Francisco Superior Court by the Los Angeles law firm of LaFollette, Johnson, Schroeter, & De Haas on behalf of Standard Asbestos Manufacturing and Insultaing Co., Kansas City, Mo.

The cross-complaint charges that various cigarette companies are in fact responsible, in whole or in part, for the injuries and damages that are being claimed by hundreds of plaintiffs in pending Los Angeles and San Francisco asbestos suits.

At a press conference, Dr. Alton Ochsner, head of the Ochsner Clinic, New Orleans, La., and said to be recognized as the leading authority in the United States on smoking and lung cancer, said:

"I am taking this opportunity to lend my expertise and my support to this legal endeavor. The tobacco industry is the principal cause of death in the U.S.

Dr. Ochsner added that in addition to causing lung cancer, the use of tobacco is responsible for heart trouble, strokes, aneurysis, emphysema, which he terms the most disabling of all diseases, and many other forms of cancer.

Comment Offered

Commercial Union, formerly the insurer of Standard Asbestos Manufacturing & Insulating Co., had this comment on the fact that the press conference was held:

"We believe the subject addressed . . . is of great importance to the entire business and financial community and particularly to the insurance industry."

The new lawsuit arose from prior court actions accusing the asbestos industry of responsibility for all lung damage which plaintiffs claim to have sustained.

Eight thousand asbestos suits are already on file throughout the United States; and 2,000 of these cases are presently on file in California. Some of these rate Standard Asbestos, and other asbestos manufacturing firms, as being solely responsible for the claimed lung diseases.

However, John T. LaFollette, counsel for the Kansas City company, says medical research has shown that many of the injuries of the type claimed by the plaintiffs are caused by cigarette smoking.

"Asbestos workers who smoke have approximately 92 times the risk of death from lung cancer as asbestos workers who do not smoke," Mr. LaFollette said.

"According to a report by B. A. Ellis, non-smoking asbestos workers appear to have no greater incidence of lung cancer than other non-smokers never exposed to asbestos. The non-smoking asbestos workers appear to have no greater incidence of lung cancer than other non-smokers in the general population."

Mr. LaFollette added that Standard Asbestos denies liability in the asbestos suits pending against it, but he stated that if the courts determine there is a legal responsibility, it should be shared by the tobacco industry.

"The tobacco industry is getting away with murder, not only in America's lungs, but also in America's courtrooms," Mr. LaFollette said. "But no more, not with this lawsuit."

Specifically named in the new suit are: The American Tobacco Co., a division of American Brands, Inc.; American Brands, Inc.; Philip Morris, Inc.; R. J. Reynolds Tobacco Co., Inc.; Brown and Williamson Tobacco Corp.; Liggett & Myers Tobacco Co., Inc.; Liggett Group, Inc.; Lorillard, a division of Loew's Theatres, Inc.; and Loew's Theatres, Inc.

"Without this cross-complaint, the asbestos industry is picking up the tab for all the lung damage caused by the tobacco industry," Mr. LaFollette added.

The cross-complaint states that each claimant is or has been a cigarette smoker and has "otherwise been exposed as a bystander to the products of smoking which caused and contributed to the purported injuries."

This suit is believed to be the first one to involve the tobacco industry in the thousands of asbestos lawsuits filed across the country.

EPA Seeks to Force Schools to Identify Asbestos Hazards

By a WALL STREET JOURNAL *Staff Reporter*

WASHINGTON—The Environmental Protection Agency wants mandatory inspections of all elementary and secondary schools in the U.S. to help identify potential health hazards from asbestos materials in the buildings.

The proposed mandatory program would replace a voluntary school inspection program the agency instituted last year, which EPA contends hasn't done an adequate job of pinpointing possible asbestos health harards. Some asbestos materials have been identified as cancer-causing.

Under the proposed rules released by the agency, all public and private schools would have to try to identify potential problem areas such as crumbling or cracked walls where asbestos insulation could release dangerous fibers into the air. Samples would have to be taken from such areas and analyzed in a laboratory. And school personnel and parents would have to be told about the results of the inspections.

The agency estimates that more than 10,000 public and private school buildings contain asbestos materials that could cause health problems. EPA also said that approximately 40% of the nation's school buildings weren't inspected at all under the earlier voluntary asbestos screening program or weren't adequately inspected to determine potential health hazards.

In the next few months, EPA expects to propose additional rules that would require school officials to fix possible asbestos hazards once they are found.

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