PLAINTIFF'S
EXHIBIT
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Asbestos in schools opens Pandora's Box

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IF TODAY's school administrators were asked to update mythology, Pandora's Box would be lined with asbestos.

The new interpretation certainly wouldn't get an argument from administrators at two Rensselaer County schools.

The state Health Department's Division of Environmental Health Toxic Substances Unit recently reported random samples taken from ceilings at Tamarac Junior-Senior High School in Cropseyville and St. Joseph's School in Troy contained varying amounts of asbestos materials. In both cases, school officials must cope with the technological and financial problem this discovery unleashes.

Inhaling loose asbestos fibers has been linked to several lung diseases and cancer in people whose jobs subjected them to high levels of exposure. Because asbestos-related diseases take between 15 and 40 years to show up, scientists cannot presently determine if a "safe" level of exposure exists. Therefore, health and education officials are forced to view any asbestos contained in buildings as a health hazard.

But while officials, parents and environmentalists who have had to deal with an asbestos problem agree that a potential health threat should be removed, there are often conflicting views as to what exactly constitutes a clear and present danger, and on the best course of action. There are no rigid government regulations to follow.

Tamarac and St. Joseph's are typical examples of the mess created by versatile asbestos fibers. The Tamarac Junior-Senior High School, which is in the Brittonkill School District, was built in 1959-1960, with an addition constructed in 1970-1971. St. Joseph's, under the jurisdiction of the Albany Roman Catholic Diocese, was built in 1956.

Contractors used materials mixed with asbestos extensively for fire and soundproofing constructed in the period following World War II until 1973, when such materials were banned by the Environmental Protection Agency. (The EPA ban, however, did not extend to asbestos materials used for decoration until 1978.)

Meanwhile publicity over the dangers of low-level asbestos contamination has picked up in the last few years. In December, the Environmental Defense Fund, a coalition of lawyers and scientists, sued EPA in order to force government regulations requiring schools to detect and get rid of asbestos hazards.

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"The asbestos genie is out of the bottle. We're the first ones to really get hit hard by it, but it will occur all over."
— Anthony Smith, N. Y school official

Closing Pandora's Box

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EPA's response was a voluntary program: Two guidance booklets offering technical assistance on detecting and removing asbestos materials were mailed to every school district in the country. The program, which began in March, did not satisfy EDF, whose position on asbestos has been supported by the national PTA. And apparently, the New York State Legislature wasn't convinced either, because it passed a law which does, at the very least, require all state schools to survey for asbestos problems and report to the state Education Department by Oct. 15.

In accordance with the law, the state Health and Education Departments mailed out their own guidance documents which told school districts to call on local health departments if they needed assistance. The Rensselaer County Health Department received four requests, although Dennis Carroll, the county health technician in charge, says other schools may have conducted surveys and tests independently.

Carroll took samples from Tamarac and St. Joseph's in May. The state lab, deluged with samples from schools — as well as state-owned buildings — reported the results about two weeks ago.

The Tamarac samples range from material containing 50 percent asbestos, from a ceiling in the high school boys' locker room, to 2 percent found in a classroom ceiling. In addition, surplus material apparently used for the ceilings found stored in a drum labeled "asbestos," turned up a 90 percent rating. St. Joseph's sample, taken from a hallway ceiling, was reported as containing 40 percent of the carcinogenic fibers.

Aside from ordering Tamarac's girls locker room ceiling be tested, and searching out a legal place to dump the surplus asbestos, Ambrose Gorman, business director of the Brittonkill School District, admits that what the district plans to do is "still up in the air." Reading in between the lines of the federal documents, Ambrose says, leads him to believe the ultimate answer is to remove all the dangerous materials. But Ambrose says government officials say different.

"I had one person tell me the best thing you could do was leave it alone if it's solid," Ambrose said. A business man who had contracted to have an asbestos ceiling removed from his firm told him that because the techniques are not perfected, more fibers were released into the air forcing him to close the building for several weeks, Ambrose said.

Another method used to prevent asbestos contamination is encapsulation, which involves spraying with certain sealants to lock in the fibers. The materials in both Tamarac and St. Joseph's were painted over. In addition, Carroll reported that the asbestos materials found in the Brittonkill School were covered by an exterior layer which doesn't readily crumble if touched. However, he said, the underlying asbestos material, is "more friable," or crumbly.

How friable materials are is one measure of how easily loose fibers will be released into the air, and therefore is one standard used to judge how serious an asbestos problem a building has.

Ambrose says Brittonkill may possibly contract to have air samples taken. While such samples are not cheap, their cost is dwarfed by estimates of how much it would cost to go ahead with encapsulation or removal.

"It ranges from $2 per square foot for sealing, to $25 per square foot for removal," said Ambrose. The locker room ceilings alone are between 3,000 and 5,000 square feet.

At this point, says Ambrose, what he's most afraid of is making the wrong decision. "I would hate to have it on my conscience that I reacted to community pressure — right now there isn't any — and made the wrong decision."

Carroll, who is continuing to help the district assess the problem, sympathizes, admitting that the guidance documents "don't tell you much about what to do." The state says the 2 percent asbestos samples are too low to be dangerous, and whether or not the 50 percent materials are hazardous does indeed depend on the ceiling's condition, Carroll says. "They might be okay just watching it," he said.

But not everyone is so sympathetic.

"They just ought to get off the dime and do something," says Irv Landa, who has an eight-year-old son attending Tamarac Elementary School. Landa, a consultant for the state Health Department's Bureau of Health Care Standards, wrote school officials requesting an asbestos inspection months before the samples were taken.

Landa says the very least the district can do is find out how much it would cost and apply for state aid. A spokesman for the state Education Department said aid is availble to districts which must spend over $10,000 to correct asbestos-related problems. The amounts are based on the district's wealth.

But parochial schools are not eligible for state aid. And John Manning, assistant superintendent of the Albany Roman Catholic Diocese schools, says no decision will be made on St. Joseph's until the Diocese comes up with a plan to inspect all 77 schools. Meanwhile, he said, St. Joseph's ceilings appear to be in good condition.

"As far as corrective measures," Manning said, "I don't think there is a state plan because they (state officials) feel that by ripping it down you create more problems."