The EPA's asbestos abyss

■ **Bray: Book blames Challenger disaster on asbestos in sealant. Page 2B**

This article is excerpted from The Asbestos Racket, *a recently published book by a free-lance writer who prepared a 1985 series of Detroit News reports that questioned federal asbestos regulations.*

By Michael J. Bennett

For EPA scientists and other employees in Crystal City, Va., an asbestos-removal project in their own office building was marked by troubling ironies.

It brought home the confusion and contradictions of the agency's shifting stance on what to do about old ceiling tiles, pipe insulation and other banned materials.

This is an "asbestos removal project which is . . . sloppy, shoddy, apparently illegal, and may be endangering the health — and ultimately the lives — of the occupants," Dwight Welch, president of a union local representing EPA professionals, wrote to agency administrator William Reilly at the time.

His warning, echoed by other insiders, reinforced an argument made for several years by critics who said EPA created an asbestos hysteria that did more harm than good.

In the early 1980s, the environmental agency took the position that "removal is the only 'permanent' solution" to avoid risks from cancer-causing asbestos fibers. In 1982, it issued a regulation requiring schools to inspect for asbestos and announce the results — which led to costly removal projects nationwide.

"Exposure to asbestos in school buildings poses a significant hazard to public health," the regulation said.

That was a mistake, the agency now concedes.

EPA's current guidebook on the matter emphasizes that "in-place management may often be a school's best asbestos alternative." In other words, leave it alone unless it's releasing fibers.

The turnabout came in 1990, the same year EPA workers in suburban Virginia voiced alarm about their own risks from asbestos disturbed during work on their leased office building.

EPA has "lied repeatedly to its employees over this asbestos removal work," union leader Welch wrote to administrator Reilly in November 1990 after a consulting firm's independent inspection of the $5-million project.

Welch, president of Local 2050 of the National Federation of Federal Employees (NFFE), criticized EPA officials overseeing the project as "scientifically illiterate and without conscience." He urged that project supervisors be fired for "their crimial disregard for human health and well-being."

He said EPA wouldn't take air samples at the

Please see Bennett/6B

Bennett: EPA's turnabout on asbestos: Just leave it alone

From page 1B

work site to make sure returning employees were safe from asbestos fibers. "They said that would be too dangerous, even with protective moon suits," the labor leader said.

Complaints also came from Kirby Biggs, an official of the American Federation of Government Employees, representing EPA's blue-collar workers and clerical staff.

"This is heartless ineptness," he said of the removal job. "The way EPA treats its own employees, I can understand why the public gives us grief all the time."

Behind the workers' personal fears was a larger concern among many EPA scientists that technical decisions — like those involving asbestos risks — were being made by political appointees and bureaucrats without expert advice.

"This place is just a welfare program for the upper middle class," according to Dr. Rufus Morison, chief shop steward of the NFFE. "How can they tell people what to do about asbestos when they don't now how to handle it themselves?"

J.W. Hirzy, former president of Local 2050, said only one EPA scientist — a chemist — has a job classification at the top level in the federal career service with an annual pay scale of approximately $61,000 to $73,000.

EPA had 15,615 employees as of May 1989, but no toxicologists, pharmacologists, biologists, climatologists or botanists at that top level — known as Government Service-15, or GS-15.

By contrast, the U.S. Geological Survey — with approximately 10,000 employees — has "hundreds of GS-15 scientists," according to Dr. Malcolm Ross of its staff.

"Somewhere along the line a decision was made to limit the number and caliber of scientists employed by the agency," Hirzy wrote of EPA in an environmental law journal two years ago.

"Rule writing was emphasized over scientific investigation. In effect mortgage bankers are requiring that asbestos be removed before approving loans secured by the property, because they're worried about property devaluation. In other cases, building owners are concerned about the expense of liability insurance or the cost of legal claims if an occupant of the building develops an asbestos-related disease."

The administrator titled his talk "Asbestos, Sound Science and Public Policy, Why We Need a New Approach to Risk." This is how he explained the new approach:

"EPA has been trying, especially within the last few years, to emphasize the importance of managing asbestos 'in place,' wherever possible. We've stressed the approach because the unnecessary removal of asbestos may actually pose a greater risk than simply leaving them alone, as long as the materials are undisturbed and unlikely to e disturbed.

"As is true with any hazardous substance, the mere presence of asbestos poses no risk to human health. Only when asbestos fibers are released into the air and breathed into the lungs do they become a health risk."

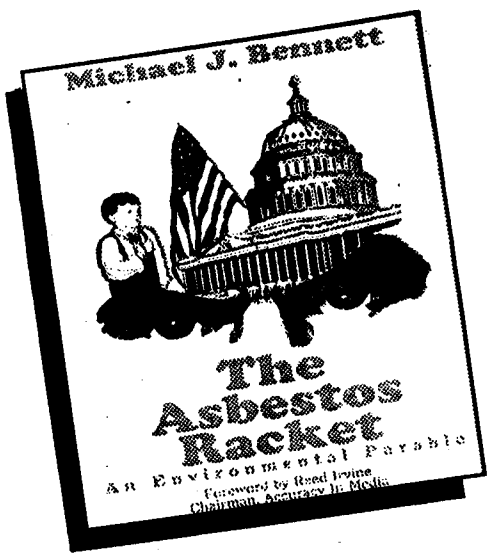
The agency had moved a long distance away from its 1982 regulation that "exposure to asbestos in school buildings poses a significant hazard to public health."

To make sure the new policy was heard, Reilly announced in his 1990 speech that assistant administrator Lew Crampton would conduct a "major management review of our asbestos communication effort."

A final draft of Crampton's report, circulating within the agency last summer, admitted EPA had "inadvertently contributed to the (public) confusion by issuing evolving messages over time."

In September 1990, three months after Reilly's direction-changing speech, the EPA released a booklet with this message:

"Removal is often not a building owner's best course of action to reduce asbestos exposure. In fact, an improper removal can create a dangerous situation where none previously existed."



About the author

Michael J. Bennett is a veteran journalist and political writer in Washington, D.C. A former reporter for The Boston Herald, he worked as a congressional fellow of the American Political Science Association.

Bennett also served as deputy information director of the federal Occupational Safety and Health Administration.

His 1985 series of articles on asbestos and environmental issues for The Detroit News was nominated for a Pulitzer Prize.

risk may be negligible or zero."

■ "Fact Two: Based on available data, the average airborne asbestos levels in buildings seems to be very low. Accordingly, the health risk to most building occupants seems to be very low."

■ "Fact Three: Removal is often not the best course of action to reduce asbestos exposure. In fact, an improper removal can create a dangerous situation where none previously existed."

■ "Fact Four: EPA only requires asbestos removal in order to prevent significant public exposure to airborne asbestos fibers during building demolition or renovation activities."

The booklet was released at a Friday afternoon briefing on Sept. 14, 1990. No reporters from the mass media were invited, nor were any from the specialized publications representing schools and commercial building interests.

The only guests were from newsletters serving the asbestos removal industry.

Just one newspaper, the Washington Times, reported the federal turnabout five days later under the headline "EPA Warns Against Asbestos Removal" after a tip from the author of this book.

■ **© 1991 by Michael J. Bennett. Published by the Free Enterprise Press, P.O. Box 1682, Bellevue, Wash. 98009. Reprinted with permission.**

BXTY 61330

CONFIDENTIAL

HWBUI0006572