STATEMENT OF GARY NASH PRESIDENT, ASBESTOS INSTITUTE TO EPA, JULY 18, 1986

My name is Gary Nash.

I am president and chief executive officer of the Asbestos Institute, an organization which involves the active participation of representatives from the management of asbestos mining industry and labour. We are financed 1/3 by the government of Canada, 1/3 by the government of Quebec and 1/3 by the asbestos mining industry. Our purpose is to promote the safe use of asbestos.

At this time, I would like to introduce the panel. Mr. Gerard Docquier - National Director - United Steel Workers of America, for Canada, and Vice-President of CLC (Canadian Labor Congress). Mr. Clement Godbout - District 5 Director, Quebec and Atlantic provinces - United Steel Workers of America and Vice-President of the workers group at the recent ILO conferences. Mr. Roch Frechette - President of the National Committee on the Revitalization of asbestos mining communities and Mayor of the town of asbestos in Quebec.

Dr. Paul Gerin-LaJoie - President of Projecto Ltee, and former Vice Premier of Quebec, former president of the Canadian International Development Agency. (Similar to U.S. Agency for International Development and Order of Canada.) Dr. Daryl Fields, an economist with DPA group, a Canadian economics and management consulting group.

Mr. Docquier will be our first speaker this morning. I myself have a number of comments to make, which I will present as a concluding statement.

You heard yesterday and today the consequences of a ban of a/c pipe, sheet and other a/c materials in developing countries. To the extent that these countries follow the EPA approach and are deprived of cost efficient a/c products, EPA must take responsibility for the misery and death that will follow. (DDT on record - 25,000 deaths.)

Indeed, the climate of uncertainty endangered by your proposal has already caused governments, like Nigeria and Mexico, to put in abeyance water distribution projects that were to use a/c pipe. Because of these EPA caused delays, some of these terrible consequences that may accompany your proposal have already occurred.

Obviously, I am not here today to help you ban asbestos. I believe that your proposal is unjustified and lacking in scientific foundation. Whatever your motivation for this proposal, it is not concern about worker and public health and safety.

Based on the attitudes of the panel, you would have us believe that you, the EPA, have more technical competence than other countries around the world. Let's explore this further. For example, when the EC undertook its work, it had access to a wide range of medical, toxicological, biological and technical expertise from European Community. When the United Kingdom Health and Safety Commission undertook its review of asbestos, they had the involvement of highly respected scientists such as Sir Richard Doll, and Dr. Donald Acheson. Similarly, The Ontario Royal Commission had as one of its commissioners Dr. Fraser Mustard, a very distinguished scientist.

Let me contrast how this proceeding is being conducted with the way the Ontario Commission conducted its proceedings.

The Royal Commission was made up of these distinguished, independent academicians asked by the Ontario government to explore all issues related to Asbestos. Before reaching any conclusions -- tentative or otherwise -- the Commission held more than 100 days of hearings. All of the world's experts on the medical effects of asbestos were invited by the Commission to appear before it, and almost all did appear. In addition, persons involved in asbestos regulation in government testified.

The three commissioners each questioned each expert closely, and all interested parties were also allowed to cross-examine each expert and government official. The experts were each comprehensively cross-examined on all of their publications.

Only after this comprehensive inquiry did the Commission reach any conclusions -- and they did so in a well-documented three-volume report. You will hear next week personally from two of the three commissioners about their conclusions.

When you consider the results reached by this commission, I can understand why the chairman here is reluctant to proceed with, or allow formal hearings with cross-examination. For under those circumstances, EPA expertise would be cross-examined and no doubt prove to be an embarrassment to the EPA and the U.S. government.

Apart from the impact on developing countries, let's talk about the other human consequences of your proposal, as shown by testimony you have heard so far.

First, a number of witnesses have mentioned EPA's conclusions that substitutes are safer. We have seen EPA's reference document but have no idea who authored it or what his or her expertise might be. In any event, EPA's conclusion stands in direct contrast to the findings of many scientific studies, as

well as, the position of the International Labor Organization (ILO) and the World Health Organization (WHO) which are both greatly concerned about the potential effects from respirable substitute fibres.

The U.S. unions have also all expressed their concern about substitutes in this proceeding.

What if the prudence and concern of scientific community about rushing headlong into substitute fibres is correct? What if EPA's assumptions about substitutes being safe are wrong? Well, I'm sure in your heart you know the answer. You and the EPA will have to take, at least, moral responsibility for what happens. Unlike asbestos product manufacturers, however, you will not be called upon personally to answer in court for the judgments you will have made.

Also, as you heard expert testimony from the auto industry saying there could be safety consequences from a wholesale ban of asbestos friction products, General Motors is concerned about auto and truck safety. You should be too!

If you were really concerned about asbestos health effects you would be devoting your attention to insuring safe handling of existing asbestos materials in buildings. So far your effects have done far more harm than good. You created an asbestos

removal industry, and a tremendous push to rip-out asbestos from buildings. Not only is such action unnecessary in most cases, it is clear that if proper work practices are not followed, children and building occupants will be put at risk as well as the so-called removal experts themselves.

The same selective concern about the effects of asbestos is shown in your treatment of the mining industry. EPA studies have shown the presence of asbestos fibres in many metallic and non-metallic mines in the U.S. Yet, the agency has chosen to ignore this fact. While you claim that the proposed rulemaking is designed to protect the general public and workers, you appear quite willing to make convenient exclusions and to ignore the many thousands of workers who may be at risk in what is the world's largest mining industry.

As mentioned earlier, Canadian workers have fought long and hard for clean working conditions. In this effort, they have had to fight largely against U.S.-controlled companies to achieve these ends. As you heard this morning, they have succeeded. At the same time, many original owners, who were largely responsible for former conditions in the mines, sold out and left. Unfortunately, it is our mining communities which must suffer the brunt of these past actions. For the record, I would note that there are some U.S. companies which have admirable records in industrial hygiene. I believe Asarco has a record to be proud of in Canada.

What does this mean for the ban you are considering? Canadian workers have fought long and hard for good working conditions. They have helped build a bright future for their children and other Canadians. With its proposed rulemaking, EPA is saying these efforts have not been enough. With all due respect, you don't know what you are talking about.

Obviously, your view that 'no safe level of exposure' goes too far. Asbestos is ubiquitous. It is found in the general atmosphere and natural water systems and in the soil. We all breathe thousands of fibres on average each day and drink millions more. Consequently, I seriously wonder about the quality of advice given, and unfortunately accepted by Mr. Lee Thomas, when he made the statement that the EPA rulemaking is a major new step towards eliminating any public exposure to asbestos. How will the EPA quell the public hysteria when Americans find out that they will be drinking and breathing asbestos for the rest of their lives, regardless of EPA's actions?

Will EPA try to regulate or ban natural environmental release of asbestos fibres into the water or air? Possibly you could start with the state of California, since virtually the whole state is situated on asbestos-bearing serpentine rock.

As you can see, I have strong feelings about EPA's approach to its asbestos rulemaking. I make no apology for that. The consequences of your actions are too tragic and too far-reaching and your accountability too minimal for me to feel otherwise.

In sum, I would say:

One: Let's have formal hearings with the opportunity for cross-examination, if you dare. I don't think your case can stand up to cross-examination such as occurred when our Ontario Royal Commission considered the same subject.

Secondly: It is essential that you issue a final rule and issue it promptly. The climate of uncertainty created by your rule is already having devastating consequences around the world.

Not taking a decision one way or the other has tragic consequences. On behalf of the people suffering from the uncertain climate associated with this rule around the world, I would research the EPA to act and to act promptly on this matter.

If your final rule resembles the one you proposed, I believe the U.S. courts will reject your action as unscientific and unjustified on health grounds. Let the record show that I predict that EPA will never come forward with a final rulemaking in its present form for the simple reason that it will be

embarrassing to the agency and the government of the United States.

As a final remark, I would like to quote a statement made by Dr. Irving J. Selikoff, in 1982 at the world symposium on asbestos. He said and I quote: "If properly controlled, asbestos need not be banned."