

TESTIMONY OF

B. J. PIGG, PRESIDENT
ASBESTOS INFORMATION ASSOCIATION/
NORTH AMERICA

(July 15, 1986):

The Asbestos Information Association/North America (AIA/NA) appreciates the opportunity to appear at these hearings this morning. AIA/NA has already provided the Agency with substantial factual comments including testimony from six independent experts.

INTRODUCTION

This week, in conjunction with the Asbestos Institute (AI) of Montreal, Canada, we will be presenting three panels to discuss both policy and practical issues relevant to the EPA proposal.

This morning's panel includes representatives of the domestic asbestos industry: John L. Myers, Chairman of the Board of AIA/NA and President of KCAC, Inc., a miner of asbestos in the state of California; Joseph C. Jackson, President of the Association of Asbestos-Cement Pipe Producers; Richard Alexander of Monsey Corporation, a manufacturer of roof coatings containing asbestos; Alfred E. Netter, President of Supradur Corporation, a manufacturer of asbestos sidings and shingles; and Rita M. Grisham, Vice President-Human Resources of Nuturn Corporation, a manufacturer of asbestos friction products.

Later in the week, AIA/NA and AI will be presenting a panel of international representatives of the asbestos industry and a panel representing Canadian labor, Government and scientific sectors. In the latter two panel presentations, I and other witnesses will be discussing the inconsistencies between the EPA proposal and the considered regulatory judgments made by numerous international forums and most other nations of the world and the adverse impact an EPA ban would have on many other societies. This morning, however, we would like to discuss the adverse effects the EPA proposal would have in this country.

I. AIA/NA'S EFFORTS TO WORK WITH OSHA
AND EPA TO ASSURE SAFE USE OF ASBESTOS.

Although AIA/NA appreciates the opportunity to appear here this morning, we believe it unfortunate that this proceeding was ever initiated. As I will describe in detail in a few moments, we have strived hard and in good faith with numerous regulatory agencies, including EPA, to assist in the development of strict but reasonable regulations to assure safe use of asbestos.

The current proceeding reflects an unwillingness of EPA to engage seriously over the past three years in these discussions. Instead, the Agency has proposed an across-the-board ban that is both unwarranted and unwise. As a result, society is already being deprived of important uses of this valuable mineral because manufacturers and the public alike have been unduly alarmed about the possibility of draconian

regulations. We are thus here this week to urge EPA to act expeditiously to withdraw its proposal and, instead, work with all interested parties, to develop meaningful regulations, as reflected in AIA/NA's and AI's Counterproposal in Section IV of our written comments, filed on June 29, 1986.

AIA/NA is an association of approximately 40 companies in the United States and Canada. Our members include miners of asbestos in Canada and the United States, asbestos brokers, and manufacturers of products containing asbestos. Our members manufacture and market a variety of products, including asbestos-cement pipe, asbestos-cement sheet, asbestos-containing friction products for innumerable types of vehicles and machinery, asbestos-containing gaskets and roof coatings, and a number of products for specialized applications. Our members are both large and small, ranging from Fortune 500 companies to small, family-owned firms.

There can be no doubt that occupational exposures in the past have left an unfortunate legacy of disease that affects the public perception of asbestos. It is important, however, that any discussion of risks posed by asbestos recognizes the stark contrast between past practices responsible for the disease being seen now and the risks posed at the much lower exposure levels prevalent today. Too often, asbestos has been characterized as uniquely hazardous, when in fact dramatic improvements in control have lowered exposures in manufacture, installation and use of asbestos-containing

products to levels that pose risks no higher than those common in most workplaces.

Important to an understanding of the much lower exposure levels prevalent today is recognition that friable asbestos products are no longer marketed. Although friable products may still be encountered in demolition and removal activities and pose high risks if proper work practices are not employed, the asbestos-containing products marketed today contain asbestos in locked-in or encapsulated forms such that fiber release will not be significant if proper work practices are employed. Indeed, the great majority of the asbestos risks existing today are in demolition or removal activities where appropriate work practices and respiratory protection required under the OSHA standard and EPA Clean Air Act NESHAPs regulations are not being employed.

Throughout its fifteen-year history, AIA/NA has cooperated with EPA and with other government agencies by providing information and by meeting with government officials to encourage better, more effective regulation. Our posture has consistently been one of seeking reasoned solutions.

AIA/NA, for example, participated actively in the OSHA hearings and urged the Agency to consider a wide variety of regulatory improvements to reduce exposures. At the OSHA hearings, we recommended that the Agency establish a lower permissible exposure level, to be set at the lowest level feasible through engineering and work practice controls. Such a standard would lead to worker exposures at or below

the borderline of detectability using current measurement technology. We also supported issuance of a separate construction standard that would provide workers in such settings the same level of protection achievable in fixed manufacturing sites.

Beyond urging OSHA to tighten the permissible exposure level, AIA/NA suggested that OSHA include in its asbestos standard, for the first time, a requirement that workers exposed to asbestos receive special training, including employer provision of smoking cessation programs for asbestos-exposed workers designed to address the synergistic effect that has been found between asbestos exposure, smoking and lung cancer.

The new OSHA 0.2 fibers/cc standard is the tightest of any country in the world.

AIA/NA also worked actively with EPA in 1980, 1981 and 1982 to develop asbestos work practice and labeling requirements that could be established pursuant to the Toxic Substances Control Act to supplement OSHA control of asbestos use.

During these many meetings with EPA's staff AIA/NA voluntarily supplied EPA with much information about the industry, its products and its activities to control asbestos exposures in plants and in the use of asbestos-containing products. EPA's staff at that time, at our invitation, visited some of our members' manufacturing facilities. We also

gave the Agency considerable expert assistance in developing its Section 8(a) information collection questionnaire.

We urged the Agency to mandate safe work practices for asbestos and worked with OSHA and EPA in their development of materials for garage mechanics on safe use of asbestos friction products. We also urged EPA to develop, and even prepared a model scheme for, labeling asbestos-containing products.

II. THE LACK OF WISDOM OF AN ACROSS-THE-BOARD BAN.

In view of these cooperative activities, we were totally surprised and disappointed in the summer of 1983 when EPA announced, suddenly and precipitously before a Congressional committee, that it intended to propose an immediate ban on asbestos-cement pipe and asbestos-containing flooring and roofing, and to phase out all other asbestos uses.

Such bans would be virtually unprecedented and would run directly contrary to positions adopted, after lengthy deliberations, by the European Economic Community and the International Labor Organization. Each of these groups concluded that asbestos must be closely regulated, but not banned. As EPA discovered in a 1984 poll of nations around the world, virtually no nation believes an across-the-board ban is necessary.

Strict control -- but not across-the-board bans -- is strongly supported by the very environmental and health considerations underlying TSCA. Asbestos use today is limited

to a small number of products; for each such use, a combination of industry initiatives and government requirements has led to stringent controls. On the other hand, many substitute fibers that would inevitably be employed were asbestos banned have typically not been studied in depth and, almost without exception, are not regulated. The result of precipitous EPA bans would be increased use of uncontrolled materials. It is possible that substitution of other fibers for asbestos would increase, rather than diminish, risks to workers, and EPA has yet to assess seriously this possibility.

As the European Economic Community, the International Labor Organization and most regulatory authorities around the world have recognized, absolute freedom from risk is impossible. Although a ban on asbestos might eliminate some asbestos risks, it would not eliminate the risks of alternate materials. The aim of regulatory control must therefore be rational control to the lowest feasible level -- exactly the goal that should be achieved by any EPA TSCA regulations.

III. AIA/NA'S COUNTERPROPOSAL FOR MEANINGFUL REGULATION TO ASSURE SAFE ASBESTOS USE.

The asbestos industry is currently suffering great economic difficulties because of the tremendous uncertainty caused by continuing government-announced plans to issue new regulations in the absence of actual promulgation of such

regulations. This uncertainty makes it impossible for asbestos companies and their customers to plan for the future. We believe everyone would be better served by enactment of new, sound regulations that will both ensure even safer use and allow continued marketing of asbestos-containing products that are of great utility to the American public.

Accordingly, our written comments included a preliminary Counterproposal that will much more effectively protect human health than the EPA ban and phaseout approach. Although the accurate facts about asbestos use demonstrate that current exposures do not pose any significant or unreasonable risks, AIA/NA agrees with EPA that minimizing asbestos exposures is prudent. AIA/NA has for many years recommended safe work practices whenever asbestos products are used -- as should be the case for any chemical substance that poses health risks at high exposures.

Our Counterproposal thus includes a recommendation for imposition of additional work practice controls in new asbestos product installation activities, increased labeling of asbestos products, and promulgation of Significant New Use Rules so that EPA and the public are aware of, and assured that, any new application of asbestos is well-controlled. We look forward to the opportunity to flush out each of these proposals with the Agency, but I would like to elaborate on one portion of our Counterproposal today.

We recommend to EPA that it explore the feasibility of more effective work practice controls in brake repair work -- an area for which the Agency expresses great concern in its proposal. Although we do not believe significant risks exist in such activities today, we agree that some reasonable controls would further reduce exposures. More significantly, imposition of work practice controls in brake replacement and repair would provide significantly greater benefits than EPA's proposed asbestos phaseout for two important reasons.

First, the proposed phaseout will have no impact on exposures in replacement of already-installed asbestos products. By contrast, new control measures in brake shops would address the vast majority of the risks EPA believes exist in such operations.

Second, the EPA proposal would have no impact on reducing, and indeed would increase, exposures to other fibrous materials in brake operations. If, on the other hand, work practices were mandated for all brake operations, regardless of the fibrous material involved, then overall risks could be measurably decreased.

CONCLUSION

As demonstrated by AIA/NA's Comments, we have reviewed thoroughly EPA's proposal to ban and phase out asbestos. Because the proposal falls so far outside the international

consensus favoring safe use of asbestos, we asked several independent experts to explore in depth whether that proposal had any basis in law, fact or policy. We found it did not.

The mere presence of the proposal is causing significant harm to our members by unduly and without justification discouraging safe use of asbestos. Even more importantly, the presence of the proposal is harmful to society by de facto imposing both substantial economic costs and potential health and safety risks concomitant with increased use of substitutes. We thus urge EPA to act expeditiously to withdraw the proposal and move on to the more important task of exploring areas where additional controls may be appropriate.