C. Linke, 2-28 June 12, 1979

Paul Kotin, M.D., 1-06

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MORENO TESTIMONY

As you requested, I have reviewed Hank Moreno's testimony on the OSHA standard for asbestos, given in March 1972. Although I can only surmise the reason Congressman Miller has asked for a copy of the testimony, I do have several comments:

1. On page 4, Mr. Moreno states that he first visited Manville Plant in 1949 and that "we were unaware of specific health hazards" at that time. Mr. Moreno personally may have been unaware of specific hazards to workers in asbestos-manufacturing operations, but Johns-Manville paid compensation for asbestos-related disease prior to 1949. And both John McKinney and I have stated in testimony to Congressional committees that industry did know about asbestosis as an asbestos-related disease prior to 1949.

2. A question almost certainly to be asked, then, is, since industry was aware of the risk to asbestosis why did it take almost 20 years to clean up Manville (the "high visibility of dust" in 1949 to dust counts of 30 f/cc in 1967, on page 5 of the Moreno document)? Granted, the development of effective engineering controls takes time, but Mr. Moreno states on page 6 that totally new equipment and processes were developed after a three-year concentrated program once the decision was made to reduce counts to 5 f/cc. I am afraid that the assumption will be made that, despite knowledge that workers directly involved with asbestos manufacturing were at risk to, and were in fact developing, asbestosis, no <u>urgency</u> was placed on developing controls prior to 1967.

Also, in his May 8 testimony, John McKinney emphasizes that Johns-Manville urged the Asbestos Textile Institute to undertake epidemiological studies on textile workers. Again, the assumption from reading copies of J-M testimony may be that upper management concern for potential health effects was not translated into rapid action at the plant level.

3. On page 9, reference is made to the field testing of products--but only in relation to performance, not in relation to possible health or environmental effects. In 1972, after all the Selikoff symposia and the numerous meetings being held with Mt. Sinai staff, this should have been a concern. It may be that the subject was not pertinent to Mr. Moreno's testimony, but I can find no reference anywhere else to such types of field testing being carried out at that time.

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4. On page 14 of the Moreno testimony the issue of economic disadvantage is discussed and the fact that foreign producers are not subject to strict environmental regulations, as in the United States. In support of this, Mr. Moreno gives as an example that "some of our own surplus equipment has been sold to a company in India." Was this J-M equipment truly "surplus" or was it outmoded and ineffective in dust control performance, in other words the machinery discarded after J-M developed new equipment and processes to control exposures? If the latter, J-M may be criticized for "exporting" a hazard.

5. As a general comment, the testimony is an example of one more instance where industry (as in the VCM/PVC situation) has taken the position that (a) a proposed standard is economically unfeasible, (b) a proposed standard is technologically unfeasible, (c) thousands of workers would be thrown out of work, and (d) there is a potential tragedy from unavailability of a particular product as a result. Yet none of these proves to be true after the standard is established, and the consequence is that industry loses credibility.

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