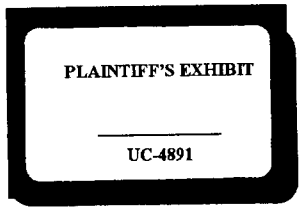
BEFORE THE
ROYAL COMMISSION ON MATTERS
OF HEALTH AND SAFETY
ARISING FROM THE USE OF ASBESTOS
IN ONTARIO

Phase I Hearings,
February 19, 1981

STATEMENT OF HARRISON B. RHODES, DR. ENG. SC.,
ON BEHALF OF THE
ASBESTOS INFORMATION ASSOCIATION/NORTH AMERICA

Good Morning Commissioners, Mr. Laskin, Ladies and Gentlemen. My name is Harrison B. Rhodes. I am a Technology Manager with Union Carbide Corporation, and I am appearing today on behalf of the Asbestos Information Association/North America. I am a member of the Executive Committee of AIA/NA, and Chairman of its Air Monitoring Committee. As requested in the Royal Commission's guidelines for these Phase I hearings, my statement will be a brief one, intended to summarize AIA/NA's written submission dated January 6, 1981.

AIA/NA is a non-profit organization representing about 50 companies in the United States and Canada that are engaged in the mining, processing, manufacturing and marketing of asbestos and asbestos-containing products. Although our offices are located in the United States, our members include several Canadian corporations. In addition, most of the asbestos used by our members is mined in Canada, and many of



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our members also manufacture and market asbestos-containing materials in Canada.

AIA/NA is committed to the safe production and use of asbestos, and supports appropriate government regulation to protect the health of persons working with this uniquely versatile and valuable mineral. To that end, we have participated actively in numerous regulatory proceedings concerning asbestos, both in the U.S. and in Canada.

In summary of our written submission, I would like to make two major points in my statement today. The first point concerns the process that the Royal Commission should follow in establishing health goals or standards for asbestos exposure. The second involves the need to adopt reasonable and cost-effective methods of achieving those goals, and to avoid unrealistic or unnecessary procedures.

I.

With regard to the first point, AIA/NA strongly urges the Royal Commission to establish asbestos-related health goals in a careful and measured fashion, and, in particular, to avoid the pitfalls of attempting to set goals which seek to create a society totally free from all risk.

The number of potential health, safety and other hazards we face in the modern world is very large, and any effort to provide "absolute safety" from each of these hazards will quickly run up against the limits of society's ability to

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respond. Warren Burger, the Chief Justice of the United States Supreme Court, made this point succinctly in his opinion in the Court's recent decision to strike down a U.S. occupational regulation for benzene, which, like asbestos, has been shown to cause cancer, but only at exposure levels well above those set by the current standard. The benzene regulation had been predicated on the "zero risk" philosophy I just described, and Chief Justice Burger had this to say:

> When the administrative record reveals only scant or minimal risk of material health impairment, responsible administration calls for avoidance of extravagant, comprehensive regulation. Perfect safety is a chimera; regulation must not strangle human activity in the search for the impossible.

In short, we believe that the Royal Commission's objective should be the identification of situations where asbestos exposure poses a <u>significant</u> risk, as the U.S. Supreme Court held in the Benzene Case. All of the available evidence should be examined in a detached, scientific manner, in order to reach sound conclusions about what types and levels of asbestos exposure present significant health hazards. In conducting such an inquiry, the Commission should avoid the temptation to base its conclusions on limited data, and should recognize that similar inquiries are currently underway in

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other arenas, including several different U.S. agencies, the United Kingdom, and Europe.

A full and objective scientific analysis, coupled with consideration of the efforts of other governmental bodies, will help ensure that your conclusions reflect a consensus in the international scientific community. AIA/NA is prepared to assist you in any way we can. We are confident that such a process will disclose that there is no substantial evidence of a significant health risk to workers in occupational environments complying with a 2 fibers/cc standard -- the standard that currently prevails just about everywhere in the industrialized Western World.

II.

At this point I would like to move on to the second part of my statement, concerning the need to adopt reasonable, cost-effective methods of eliminating significant risk situations. As you know, there is a broad range of control methods available to reduce significant risks, ranging all the way from self-help programs aided by labels and warnings, to the drastic step of a total ban. In our view, your task is to develop a program which is both (i) fine-tuned -- in the sense that it recognizes that different exposure situations may call for different regulatory responses, and (ii) cost effective -- that is, avoids unnecessary or needlessly expensive control procedures.

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Those points are perhaps best explained by way of example from our experience in the U.S. As you may know, occupational health standards in the United States typically contain requirements such as engineering controls, exposure monitoring, medical surveillance, and related recordkeeping. These requirements are designed for use in manufacturing industries involving fixed worksites, predictable or controlled environments, and relatively steady employment patterns. These kinds of requirements can prove to be very burdensome and counterproductive, however, when imposed on construction and other operations involving non-fixed worksites, high turnover rates, and constantly changing exposure conditions.

Because about three-quarters of all U.S. asbestos-related production is consumed in the construction industry, AIA/NA developed an alternative regulatory approach for these operations, relying primarily on work practices as the most effective means of providing work environments free from significant risk due to asbestos exposure. In brief, our proposal calls for the classification of asbestos-containing products into three categories: (A) products which will not release more than 2 fibers/cc under any reasonably foreseeable circumstances; (B) products which will not release more than 2 fibers/cc when certified work practices are used; and (C) products not falling into either of the first two categories. Our proposal calls for no regulation of Category A Products, requirements that

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certified work practices be used when working with Category B products, and normal regulation of Category C products. Our approach not only guarantees worker protection through requirements that are easily monitored and enforced, but also creates strong incentives for manufacturers to develop safer products and work practices.

Since February 1980, when we first made the proposal available to various U.S. agencies, the concept of using certified work practices in lieu of monitoring and other traditional industrial hygiene requirements has been endorsed by the Occupational Safety and Health Administration's Advisory Committee on Construction Safety and Health, and, just last month, by a special two-agency construction industry task force made up of representatives of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health. Because of these developments, we are very hopeful that future revisions to the U.S. asbestos standard will include the cost-effective regulatory approach of relying on certified workpractices in place of other requirements which are of little value in construction and similar worksites. A copy of our Proposal, as well as several booklets which describe the types of workpractices on which employers and employees can rely to minimize asbestos exposure, are appended to our written submission.

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I hope that this example helps to demonstrate that if we are careful enough, we can develop reasonable regulatory requirements and avoid needless frustration and expense. AIA/NA is committed to achieve this objective for all situations where asbestos exposure poses a significant risk.

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That concludes my statement. Before taking your questions, I would like to express on behalf of AIA/NA my appreciation for the opportunity to appear before you today, and my hope that we can be of some assistance in this and future hearings. I would be happy to attempt to respond to any questions concerning AIA/NA's written submission, including the appendices. Thank you.

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