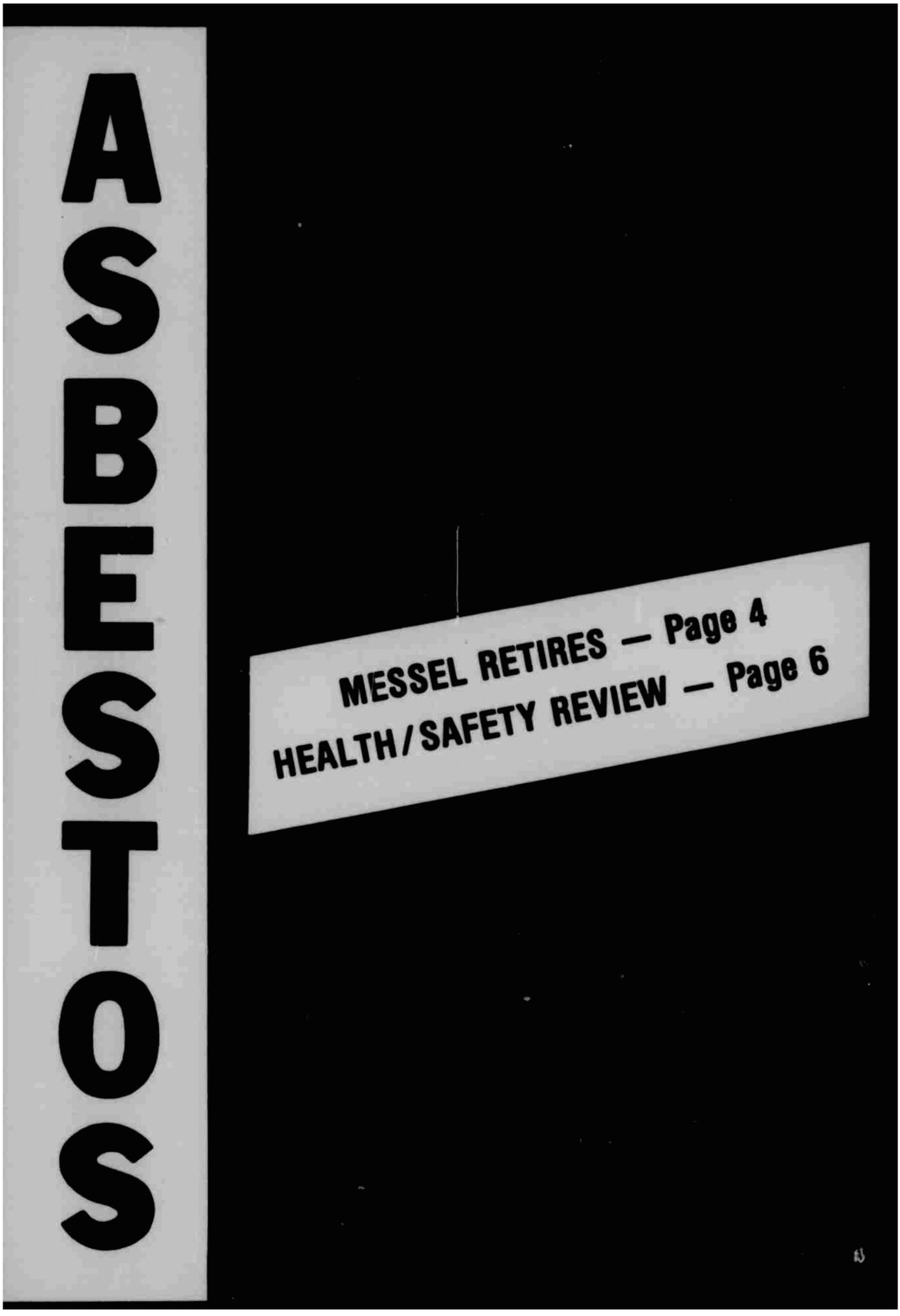


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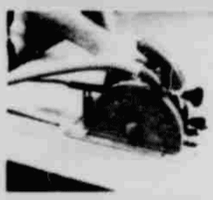
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ASBESTOS

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Michael J. Messel Retires Is Succeeded by Jean Dupere



After more than 43 years in the asbestos industry, 25 of them with Lac d'Amiante du Quebec Ltee and Asarco Inc., *Michael J. Messel* has retired as President of LAQ and a Vice President of Asarco.

Mr. Messel joined Lake Asbestos of Quebec Ltd., Black Lake, Quebec, as General Manager in 1956 and was elected President in 1964. He also had been an Asarco Vice President since 1974 and Chairman of Capco Pipe Company, Inc., since 1977. Prior to joining LAQ, Mr. Messel was a mines engineer with Asbestos Corporation Ltd., U.S. Technical Director for Saint-Gobain-Pont-a-Mousson Company, Manager of Vermont Asbestos Mines and Manager of the Ruberoid Gypsum Mining and Manufacturing Company.

He will remain a Consultant and a Director of LAQ and Capco. Both companies are subsidiaries of Asarco.

Mr. Messel joined Lake Asbestos the same year that ground was broken for the Black Lake mill. In fact, dredging of the Black Lake had just begun. The ore reserves were located beneath the 500-acre lake. The only way to reach the ore was to move the overlying 55-billion gallons of water and 30-million cubic yards of mud and silt. To accomplish this feat, a new "lake" was made, the Becancour River was diverted by digging a new channel, two dams were constructed to control flow and protect downstream farmland and resorts and nearly two miles of Canadian Highway No. 1 were relocated. The company rightly credits Mr. Messel with playing a leading role in the development of a new mine, mill construction, building a worldwide marketing organization and effectively administering a profitable operation.



Jean Dupere has succeeded Mr. Messel as President and Chief Executive Officer of Lac d'Amiante.

Mr. Dupere joined LAQ in 1978 as Executive Assistant to the President. He subsequently was named a Director in 1979 and Executive Vice President in 1980. Prior to joining the mining company, he was with Byers, Casgrain & Associates, a law firm in Montreal.

The election of Mr. Dupere was announced by *Thomas C. Osborne*, Chairman of LAQ and an Executive Vice President of Asarco.

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Occupational Health & Safety 1980-81 Asbestos Review

Introduction

Because of the usual space limitations for a journal the size of ASBESTOS, the following pages cover only the highlights of events which occurred the past year in the occupational health and safety arena, relating the incidents to the Asbestos Industry where appropriate. For background information covering past happenings, it would be well to consult prior Review Issues of ASBESTOS. For any of our U.S. or Canadian readers who wish additional data, we suggest you contact Bob J. Pigg, Executive Director for the Asbestos Information Association/North America, 1745 Jefferson Davis Highway, Arlington, Virginia 22202 — Telephone: (703) 979-1150. To those of our readers who desire details on governmental regulations in countries other than North America, we invite you to contact this Magazine to obtain the name and address of the proper information source.

Moratorium & Presidential Oversight

On January 29, 1981, President Ronald Reagan issued a memorandum to several federal agency heads ordering them to delay the effective dates of their agencies' regulations for at least sixty days and to refrain from issuing any new final rulings for the ensuing two months. The pre-presidential order called for a review of "midnight regulations" by the newly-formed Task Force on Regulatory Relief. (During the last month of the Carter Administration, the Executive Branch regulatory agencies issued more than 150 final regulations.) Those regulations which are shown to have the effect of lessening rather than increasing the regulatory burden may be exempted from the freeze. [Federal Register (FR) of 2/6/81]

On February 17, 1981, President Reagan issued Executive Order 12291 on Regulatory Management, providing for presidential oversight of the regulatory process. The order requires all new and existing regulations to undergo a cost-benefit analysis. Where alternative regulatory approaches are present, the alternative involving the least net cost to society must be chosen. Under the new order, every federal regulatory agency must determine whether a rule it intends to propose or issue is a major rule, i.e., one having an annual impact of at least $100-million or as likely to result in major increases in costs or prices or having significant adverse effects in areas such as competition, employment and productivity. [FR of 2/19/81]

Regulatory Relief

Vice President George Bush, Chairman of the Cabinet-level Task Force on Regulatory Relief, issued a letter dated March 25, 1981, to some 100 labor organizations, businesses, trade associations, state and local governments and academic groups, requesting input of instances in which

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specific regulations could be changed in order to increase benefits or decrease costs, thereby generating greater net benefits overall. Responding comments on asbestos industry issues were submitted by Thomas A. Dougherty, President of the Asbestos Information Association/North America (AIA/NA). The correspondence briefly outlined the current status of regulation of the asbestos industry and the continuing uncertainty posed by outstanding proposals for further and stricter regulations. Mr. Dougherty cited the various actions by the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC), emphasizing that, while asbestos is one of the most regulated substances in the United States, the most threatening to the industry is the cumulative effect of numerous proposed regulations by the federal agencies. He pointed out that the existence of such proposals has, over recent years, caused such uncertainty that new capital investment has been discouraged and marketplace disruption has already occurred for many asbestos-containing products. In closing, Mr. Dougherty expressed appreciation to the new administration for seeking the industry's input and expressed the association's willingness to work closely with government officials to seek a comprehensive solution to a number of outstanding asbestos issues.

Presidential Export Orders

President Carter's Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions" was signed January 4, 1979. It requires federal agencies undertaking major actions to assess the effects of such actions abroad, including the possibility of preparing environmental impact statements for major actions significantly affecting the global commons i.e., that area outside the jurisdiction of any nation (land, air, water). Proposed regulations were published by EPA in November 1979, with final ruling effective February 13, 1981. [FR's of 11/29/79 & 1/14/81]

On January 15, 1981, shortly before leaving office, former President Carter signed Executive Order 12264, establishing a hazardous substances export policy. The order would have required that importing nations be notified concerning products which are regulated as hazardous substances in the United States. On February 17, 1981, President Reagan signed Executive Order 12290 revoking Mr. Carter's action. President Reagan's reason for the revocation was "to ensure that the Export Administration Act of 1979 is implemented with the minimum regulatory burden. [FR's of 1/19/81 & 2/19/81]

Occupational Safety and Health Administration

New Labor & OSHA Heads

Following confirmation via an 80-to-17 vote by the U.S. Senate, Raymond J. Donovan was sworn in as Secretary of Labor by Vice President Bush on February 4, 1981. Secretary Donovan had been Executive Vice President of Schiavone Construction Company, Secaucus, New Jersey.

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By unanimous consent of the Senate, Thorne G. Auchter was confirmed March 16, 1981, as Assistant Secretary of Labor for Occupational Safety and Health. The first OSHA administrator to come directly from industry since the agency began operation in 1971, Mr. Auchter was Executive Vice President of the family-founded Auchter Company, Jacksonville, Florida. He also had served as Special Events Director in Florida for Mr. Reagan's campaign for the Presidency. In his answers to the series of questions posed during confirmation hearings, Mr. Auchter stated the targeting of inspections to focus on individual workplaces with the poorest safety and health records would be one of his goals. In addition, a system is under consideration for the scheduling of health inspections where large numbers of workers are exposed to highly toxic substances. He wants labor-management committees to take over many government inspections of workplace safety and health. In an interview with The Wall Street Journal, Mr. Auchter said he may establish pilot projects in construction, manufacturing and other industries involving both unionized and non-unionized companies. He has asked an OSHA labor-management advisory group to suggest ways the agency could oversee such voluntary inspections.

Cost Benefit Analysis

Radically departing from OSHA's past approach to government regulation, Mr. Auchter announced his agency will re-examine all existing worker health regulations with an eye to subjecting them to cost-benefit analysis. Designed to weigh benefits to worker health against costs of compliance, this approach has, for years, been advocated in the courts by regulated companies—but vigorously fought by organized labor. The Washington Post quotes Mr. Auchter as saying: "Cost-benefit analysis is an important tool in producing efficient regulations. It is a way to make sure we choose the regulatory alternative that offers society the greatest net benefit." He also said OSHA should become more objective in order to equally serve employers and employees.

Labor & Environmental Groups Unite

At a February 6th press conference in Washington, D.C., Howard D. Samuel, AFL-CIO Industrial Union Department President announced the formation of the OSHA and Environmental Network. Composed of industrial union and environmental groups, the new coalition will seek to counter threats to OSHA and environmental laws and will work to prevent and eliminate health threats in the workplace and in the environment. It plans to foster grassroots activities in the states and to seek legislative improvements in health and environmental safeguards. The coalition lists, among its goals, rapid promulgation of stalled proposals made by OSHA and EPA, more effective enforcement of existing standards, regulation of toxic chemical air pollutants and tighter controls on asbestos. According to Mr. Samuel, formation of the coalition did not require any compromises on the part of participating organizations since their common interests are greater than their differences.

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Transition Team Receives Recommendations

In letters to Richard Shubert, Director of the Transition Office, U.S. Department of Labor (DOL), both Organization Resources Counselors, Inc., (ORC) and the U.S. Chamber of Commerce recommended greater accountability and better management of OSHA's regional and area offices and suggested OSHA waive most penalties for generally non-serious, first-instance violations of standards. OSHA's purpose is not to serve as a federal collection agency but to promote better workplace safety and health, wrote the Chamber. Both groups called for better scheduling of inspections, more consideration to cost-benefit issues, a consensus approach and the need for performance standards to give an employer flexibility in compliance so long as basic goals of protection are met. Quoting from the ORC document, "It is our opinion that issues such as job displacement, walkaround pay, refusal to perform work and rate retention are not proper subjects for OSHA and serve only to distort industrial relations activities."

Asbestos Manufacturing Standard

A joint **NIOSH-OSHA Work Group* released, on April 17, 1980, its *report on workplace exposure to asbestos.* Principal findings and recommendations were that there is no safe exposure limit for asbestos; that all commercial and several non-commercial forms of asbestos cause disease; and that substitutes for asbestos should be used whenever possible. The group suggested proper medical testing and examination reporting procedures and recommended that asbestos workers showing respiratory problems should be afforded the opportunity to transfer to jobs where there is no exposure to asbestos, without a reduction in wages or benefits. In addition, asbestos products manufacturers should perform all sampling in all possible processes involving their projects to determine probable airborne asbestos levels—and the findings should be passed on to potential users of the products. The group reported that optical microscopy remains the most reliable and economically feasible method for determining airborne levels of asbestos, its lowest reliable detection limit being 100,000 fibers per cubic meter (0.1 fiber per cubic centimeter).

AIA/NA responded by issuing a statement emphasizing the work group had failed to justify the recommended twenty-fold reduction in the permissible exposure level. Attention was invited to the report's extensive use of epidemiologic evidence from worker populations exposed to asbestos at levels many times greater than those experienced in industry today. It was stressed the proposal is not based on scientific demonstration of the health-related value of such a reduction but rather only on the assertion that 0.1 f/cc represents the lowest level accurately measurable by optical microscopy. It was accentuated that AIA/NA supports reasonable regulations which protect workers from significant risks without needlessly impairing society's ability to deal with other hazards—and stands ready to assist all government agencies in achieving that goal. Similar responses were voiced by several asbestos manufacturers and some industrial

*NIOSH = National Institute for Occupational Safety and Health

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hygienists. Dr. Paul Kotin, Senior Vice President of Health, Safety and Environment for Johns-Manville Corporation, stated "We strongly challenge the statements that there is no safe level of exposure to asbestos and that a hazard warranting additional federal regulatory action exists in the current asbestos workplace environment." Dr. Kotin charged that the work group's conclusions "are not supported by the medical/scientific studies cited and the recommendations are unwarranted."

In November 1980 it was announced that OSHA is developing a *proposal to review the current standard* for occupational exposure to asbestos. The regulation would set a permissible exposure limit (PEL) for employee exposure to asbestos and affected industries would have the opportunity to implement control measures to achieve the limit for their operations in the most cost-effective manner. The agency is currently considering two alternative PEL's: a 0.5 f/cc, eight-hour, time-weighted average (TWA) with a 5 f/cc ceiling above which no employee may be exposed and a 0.1 f/cc TWA with a 0.5 f/cc ceiling. For each of these alternatives, other revisions to current provisions for engineering and work practice controls, hygiene facilities, medical surveillance, respirators, training, etc., may be included in the proposed regulations. Also under consideration will be whether or not to develop separate standards based on data associated with each specific asbestos mineral and whether or not to establish regulations for asbestos on the basis of the feasibility of compliance for different industries. [FR of 11/24/80]

Sectors affected, if the proposal becomes final, will include workers and establishments in manufacturing, retail trade, construction and service industries which produce or use asbestos-containing products; users of these products; establishments making substitutes for asbestos or asbestos-containing products; and the general public. Affected industries include the primary manufacturers of asbestos products; secondary fabricators in the automobile aftermarket, shipbuilding and repair, and elsewhere; and the construction industry. The asbestos substitutes which could be affected could include glass fiber; mica; graphite-carbon fibers; nylon; polypropylene; iron or polyvinyl chloride pipe; vinyl, aluminum or wood siding; and vinyl tile, carpeting and hardwood flooring. Indirect costs attributable to additional regulation hinge on the estimated impact of the use of substitute products and their likely consequences for health, safety and product quality.

In April 1981 the DOL published its first semi-annual regulatory agenda under the Reagan administration. Planned regulatory activities are grouped into five categories. The fifth consists of regulations under consideration but not yet proposed. The possible revision of the OSHA asbestos standard is in this category and may or may not include changes to the permissible exposure limit and provisions for medical surveillance and monitoring. [FR of 4/27/81]

Asbestos Construction Standard

Following issuance of a construction industry report by the *OSHA Advisory Committee on Construction Safety and Health,* a task force was formed in October 1980 by OSHA and NIOSH to study the report, examine ways to apply health standards to the construction industry and suggest

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implementation guidelines. The task force has now submitted its report. Among its major recommendations are: 1) future health/standards affecting the construction industry should be promulgated as separate standards; 2) construction work practices which are shown to prevent worker overexposure should be acceptable in lieu of exposure monitoring; 3) reportable information concerning a health hazard should be exchanged among employers at multi-employer worksites; 4) an OSHA/NIOSH task force should be appointed to develop procedures for standardized medical surveillance and recordkeeping programs for construction workers. Attached to the report as an illustration of work practice specifications were recommended standards prepared and submitted to OSHA by AIA/NA and the Association of Asbestos Cement Pipe Producers (See March 1980 ASBESTOS, page 10).

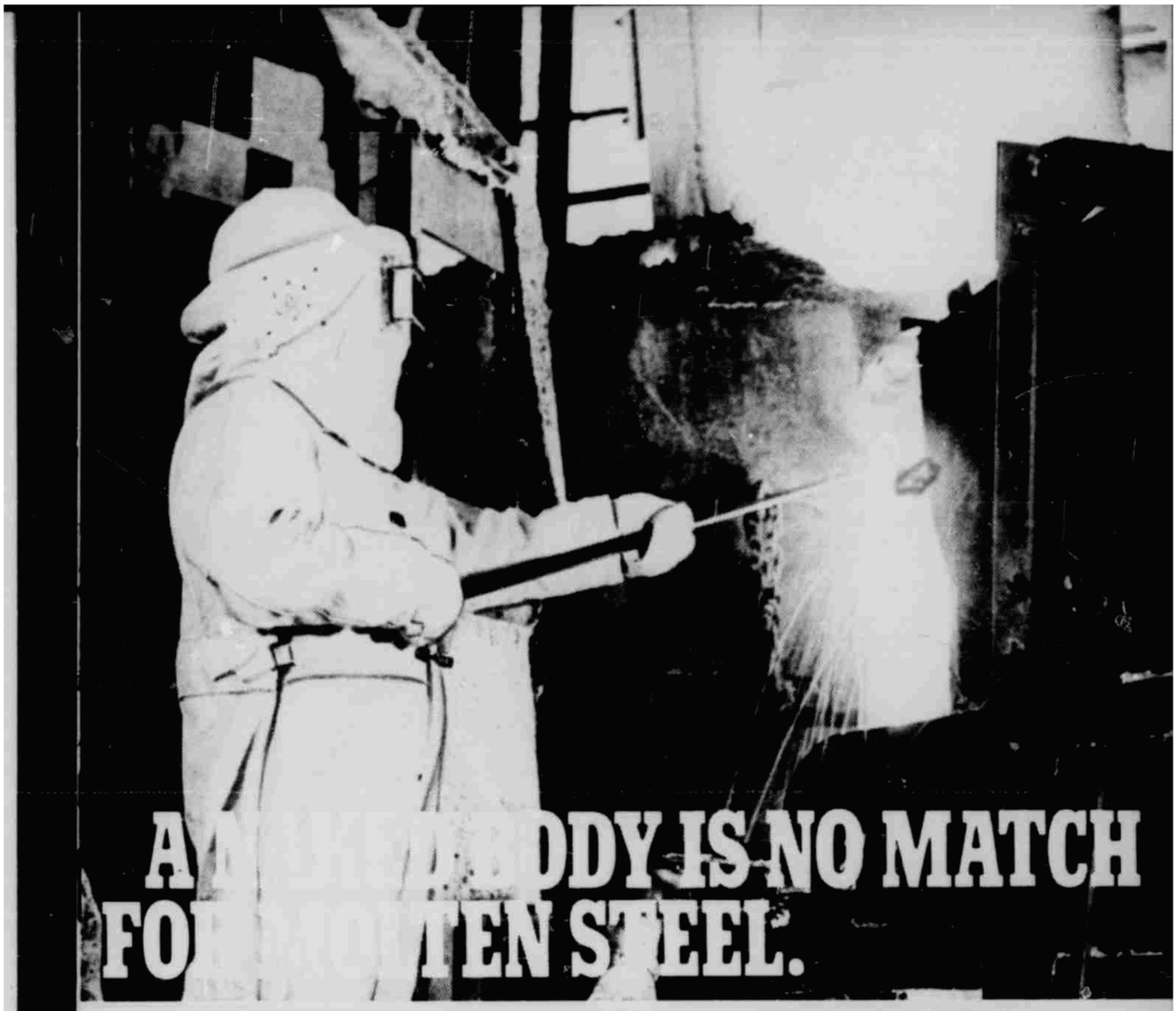
Generic Cancer Policy

In January 1980, OSHA published its generic cancer policy (Identification, Classification and Regulation of Potential Occupational Carcinogens), effective April 21, 1980, establishing a basis for carcinogen regulation on which individual substances can be regulated. Substances are designated either Category I or II, based on potency and known effects on humans employee exposure and medical records. In August 1980, OSHA named announced corrections to the permanent standard. For convenience, the correction document also includes amendments concerning access to employee exposure and medical records. In August 1980, OSHA Named 107 workplace chemicals for further study to determine if they pose an occupational cancer hazard. The action was the first step in implementing the generic cancer policy and represents the initial screening of over 2,000 substances. [FR's of 1/22/80, 6/27/80, 8/12/80]

Meanwhile, in an *important decision handed down* in July 1980, the U.S. Supreme Court upheld a lower court decision which invalidates the OSHA benzene standard. The lead opinion held that the OSHAct requires OSHA to determine, before issuing a permanent standard, that the regulation is reasonably necessary and appropriate to remedy a significant risk of material health impairment. The court disapproved the benzene standard because, in its view, OSHA failed to make the threshold determination. OSHA's position that there is no safe level of exposure to a carcinogen and that the burden was on industry to show there is a safety level of exposure was flatly rejected. In the 5-to-4 majority opinion, Justice John Paul Stevens wrote that OSHA standards erring "on the side of over-protection rather than under-protection" must be supported by "a body of reputable scientific thought." The decision casts doubt on the validity of OSHA's generic cancer policy and more than likely places on OSHA the burden of showing a significant risk of harm at the present 2 f/cc standard before promulgating a lower exposure limit for asbestos.

In January 1981, OSHA issued a notice listing deletions from the generic cancer policy to conform to the Supreme Court's benzene decision. The notice deleted the requirement that worker exposure to Category I potential carcinogens automatically be reduced to the lowest feasible

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level. With the deletion, exposure levels for Category I carcinogens would be set on a case-by-case basis in conformance with law. (FR's of 1/19/81 & 1/23/81]

Exposure—Medical Records Access

By notice in May 1980, OSHA finalized its rule requiring employers to make employee exposure and medical records available to employees, their designated representatives and OSHA, thereby enabling workers to play a more meaningful role in their own health management. Effective August 21, 1980, the ruling specifies conditions under which access is allowed. It applies to each general industry, maritime and construction employer who makes, maintains, contracts for or has access to employee exposure or medical records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents. Exposure records must be maintained for 30 years and medical records for the duration of employment plus 30 years. Under certain conditions, OSHA has a right of access to exposure and medical records provided it has made a careful determination of need and following appropriate safeguards to protect individual privacy. Certain sections of the asbestos manufacturing standard have been revised to conform to the new access ruling. [FR's of 5/23/80 & 8/15/80]

Via OSHA Instruction CPL 2-2.21A dated February 18, 1981, *OSHA revised the procedure* by which its inspectors check for compliance with medical examination requirements of the asbestos manufacturing standard. The revision is intended to cover situations in which the taking of air samples is not feasible. It requires a violative condition to have occurred within the previous six months from issuance of a citation.

Effective April 28, 1981, OSHA stayed its ruling concerning access to employee exposure and medical records with respect to the construction industry, except tht employers in the industry will continue to preserve exposure and medical records and make them available to OSHA and make employee medical records available to employees. Comments are solicited by June 12, 1981, on whether the stay should be continued pending consideration by the OSHA Construction Advisory Committee of the appropriateness of the access standard for the construction industry. The stay action stems from a challenge to the records access standard brought by the National Constructors Association on the grounds that OSHA had failed to consult with the Construction Advisory Committee and the standard posed certain practical compliance difficulties for their industry. [FR of 4/28/81]

Other OSHA Actions Of Substance

Identification & Labeling—Affecting both manufacturers and importers, in January 1981 OSHA proposed a hazards identification standard. Hazardous substances in the workplace and mixtures which contain the substances in amounts of at least 1.0% if noncarcinogenic and 0.1% if

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carcinogenic would mandatorially be labeled. A month later OSHA withdrew the proposed rule to permit it to consider regulatory alternatives which had not been fully considered. [FR's of 1/16/81 & 2/12/81] . . . . Via letter to Labor Secretary Donovan on February 4, 1981, the Chemical Manufacturers Association (CMA) had called for withdrawal of the proposal, citing it as enormously expensive, unsound and unfavorable. According to OSHA's own analysis, the initial cost of compliance would be $869-million. Six days later CMA proposed a voluntary hazards communication program aimed at protecting employees against chemical hazards in the workplace while preserving trade secrets on specific chemicals. The program, submitted to EPA, is presumably the industry group's attempt to fill the void left when OSHA withdrew its proposal. Basically the CMA program would emphasize worker training programs and chemical performance standards rather than the OSHA approach of using labels listing chemical makeup. The industry proposal seeks to assure that each employee knows the hazards of exposure to specific chemicals, knows the potential sources of exposure to the chemicals and knows and follows appropriate work practice and protective measures.

Walkaround Inspections & Compensation—In January 1981, OSHA published its final rule, effective February 17, 1981, requiring employers to compensate employees who participate in walkaround inspections and related activities. The requirement will protect the statutory right of employees to participate in inspections of their working conditions with the OSHA inspector and will facilitate walkaround participation, thus increasing the effectiveness of inspections toward promoting occupational safety and heatlh. Following President Reagan's memorandum requesting that all executive agencies postpone the effective dates of final regulations promulgated but not yet effective, OSHA deferred the walkaround pay regulation to March 30, 1981, to allow time for re-examination. The record developed during the comment period tended to show overwhelmingly the usefulness of employee representation during an OSHA inpection; however, the record did not adequately support the need for a walkaround pay regulation. On the contrary, it rather suggested that the vast majority of employers already do pay their employees who serve as walkaround representatives during OSHA inspections. OSHA further delayed the effective date to May 30, 1981, and then revoked the regulation as of May 29, 1981. [FR's of 10/31/80, 11/14/80, 1/16/81, 3/27/81, 5/29/81]

Noise Standard—OSHA established a hearing conservation program via an amendment/final ruling which includes requirements for exposure monitoring, audio-metric testing and training for all employees who have occupational noise exposures equal to or exceeding an eight-hour TWA of 85 dBA. The amendment covers all employees except those engaged in construction or agriculture and is the outgrowth of the proposed revision of the occupational noise exposure standard which was proposed in 1974. OSHA's existing standard for occupational exposure to noise specifies a maximum permissible noise exposure level of 90 decibels for a duration of eight hours, with higher levels allowed for shorter durations. The standards are expected to cost industry $254-million to comply. Initially to be effective April 15, 1981, OSHA has deferred the date to June 1, 1981, and

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then to August 1, 1981, to permit the analysis of numerous requests for interpretation, petitions for administrative reconsideration and petitions for administrative stay. [FR's of 1/16/81, 4/10/81, 4/18/81, 5/29/81]

Fire Protection Standards—OSHA replaced its fire protection regulations with performance-oriented final rules which reference voluntary standards as alternative means of providing worker safety. The format was adopted to give employers greater flexibility in providing worker safety and encourages technological development in safety engineering. The new ruling, effective December 11, 1980, provides general design and installation requirements for portable fire suppression equipment, fixed suppression and fire detection systems and local fire and emergency alarm signaling systems. It also provides specific criteria for fire brigade equipment and training. Certain portions of the standards relating to hazardous materials and means of egress have been amended to be consistent with the revisions to the fire protection requirements. [FR of 9/12/80]

Electrical Regulations—In an effort to simplify and update its former ruling, OSHA established final design safety standards for electrical systems, effective April 16, 1981, applicable to all workplaces except those in the maritime, construction and agricultural industries. OSHA determined that electrical hazards in the workplace pose a significant risk of injury or death to employees and that the regulations are reasonably necessary to provide protection from those hazards. The final rule places relevant requirements of the National Electrical Code into the text of the regulations, making it unnecessary for employers to refer to the Code to determine their obligations and unnecessary for OSHA to continue to incorporate the Code by reference. [FR of 1/16/81]

Small Business Pact—Memoranda of Agreement were signed May 16, 1980, between OSHA and the Small Business Administration regarding resolution of small business problems and flexibility in rulemaking. Smaller businesses have since OSHA's inception found it more difficult to comply with safety and health regulations than have their larger counterparts. OSHA states its purpose is to protect worker safety and health, not create heavy burdens for the small business sector. Some of the burdens of compliance can be lessened or eliminated by flexibility in applying regulations and special attention to the unique problems of small businesses without compromising the mission of the OSHAct. [FR of 5/27/80]

Laboratory Standards—OSHA is considering relieving laboratories of the responsibility for compliance with OSHA substance-specific health standards by development of an alternative laboratory standard or guidelines to protect laboratory workers against hazardous exposures to toxic chemicals. A notice in April 1981 raises the major issues which OSHA will need to address. Comments are requested at this early stage in the standard development process so the information to be submitted can be considered by OSHA before certain policy decisions are made and a proposal is drafted. Comments must be submitted by July 15, 1981 [FR of 4/14/81]

Warrants Without Notice—In a final ruling, effective November 3, 1980, OSHA is permitted to seek inspection warrants on an ex parte basis. In addition, the amended rule authorizes the Secretary to seek warrants prior to attempting entry of an employer's premises and sanctions regional agency non-legal personnel to seek process with the approval of the Regional Administrator and Regional Solicitor. [FR of 10/3/80]

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Environmental Protection Agency

New EPA Administrators

Anne M. Gorsuch is President Reagan's selection to serve as Administrator of EPA. Mrs. Gorsuch is a Colorado attorney, a former state representative and a member of the Reagan transition team. Her selection is supported by Senator William Armstrong (R.CO) and a coalition of business groups. . . . Also announced was the nomination of John W. Hernandez, Jr., Ph.D., to become Deputy EPA Administrator. He is a professor of civil engineering at New Mexico State University.

EPA Appropriation & Objectives

Under the Carter budget, EPA received a $364.7-million appropriation for environmental research, development and demonstrations during fiscal year 1981, although this may be cut in the present cost-slashing programs. The agency plans to support activities in air and water quality, drinking water, hazardous waste, pesticides, radiation, toxic substances and energy.

EPA Reviewing Asbestos Emission Standard

EPA recently awarded a contract to Research Triangle Institute (RTI) for a review of its National Emission Standard for Asbestos. Sources regulated by the current ruling include asbestos mills, roadways, manufacturing, demolition and renovation, spraying, fabricating, insulating and waste disposal. Primary purpose of the project is to determine if a need exists to review the current standard, initially issued April 6, 1973, and amended October 14, 1975, and June 19, 1978. Major elements of the review include control technology, emission sampling and analysis, health risks, enforcement and emission sources. RTI is scheduled to complete its work and submit a report to EPA by August 28, 1981.

Reporting/Recordkeeping Proposal

EPA issued a proposal which, if adopted, would require certain asbestos manufacturers, importers and processors to report quantities of asbestos used in various processes, employee exposure and monitoring data and waste disposal and pollution control information. Reported data will be considered by EPA in deciding if and how to regulate asbestos under the Toxic Substance Control Act (TSCA). AIA/NA reports it prepared comments for submission by the extended deadline of April 27, 1981. Via the February 1981 issue, this Magazine urged that comments be submitted by any firm which mines asbestos, imports or processes the fiber or manufactures an asbestos-containing product. [FR's of 1/26/81 & 3/31/81]

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Adverse Reaction Reporting

In July 1980 EPA published a proposal, under Section 8(c) of TSCA, which would require businesses to keep records of allegations that a chemical is responsible for a "significant adverse reaction" to health or environment and, in some cases, report those allegations. The rule would require firms to keep allegation records up to 30 years. In comments filed October 9, 1980, AIA/NA endorsed other comments submitted by the Chemical Manufacturers Association, highlighting the assertion that the proposal is unduly broad as it does not eliminate from the definition of "significant adverse reaction" well-known, recognized reactions to a chemical. Referring to the wealth of data already published on asbestos, AIA/NA noted that the imposition of a massive new requirement for collection and reporting of unsubstantiated allegations about asbestos in the face of such a documented data base would unduly burden manufacturers without serving any useful purpose. Several environmental groups, including the Environmental Defense Fund, took sharply opposing stands to those of industry. [FR of 7/11/80]

Hazardous Waste Regulations

On November 19, 1980, regulations governing the management of hazardous wastes went into effect across the United States. Under the Resource Conservation and Recovery Act (RCRA), EPA established a comprehensive *"cradle-to-grave" program* to manage the handling of hazardous wastes from time of production through the point of disposal. RCRA defines a hazardous waste, generally, as a solid waste which may cause increased mortality or serious illness or may cause substantial hazard to health or the environment when improperly managed.

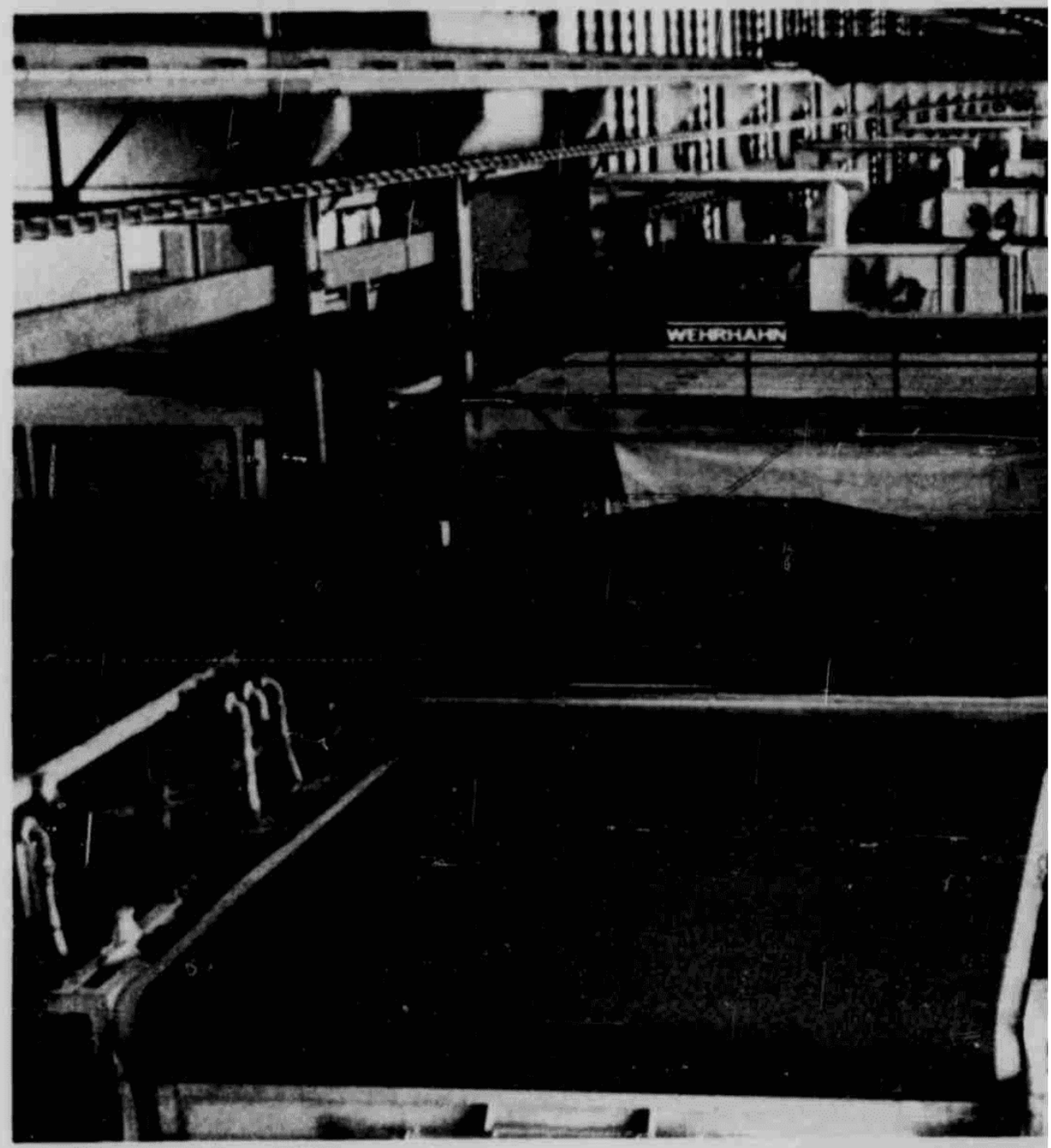
EPA issued an amendment, effective November 19, 1980, to clarify the operation of the special requirements for *hazardous waste generated by small quantity generators.* (Those who produce less than 1,000 kilograms of hazardous waste during a calendar month are generally excluded from the full regulation.) Another amendment issued the same day eliminates the distinction between accumulation for on-site and off-site treatment storage or disposal provided that within 90 days the waste is sent to a hazardous waste management facility that is either permitted or in interim status. [FR of 11/19/80]

On November 26, 1980, EPA signed an amendment, effective November 19, 1980, to provide that *a hazardous waste that is generated in a product or raw material pipeline* is not subject to regulation until it is removed from the pipeline in which it was generated—unless it remains in the pipeline for over 90 days after the pipeline ceases to be operated for the purpose of transporting products or raw materials. Such product or raw material pipelines are not determined to be treatment or storage facilities. [FR of 12/4/80]

Although asbestos was not listed as a hazardous waste in the rule as proposed December 1978 and officials of EPA's Office of Solid Waste (OSW) repeatedly indicated asbestos was not subject to the rules, the mineral was, nonetheless, ultimately listed as a hazardous toxic waste and

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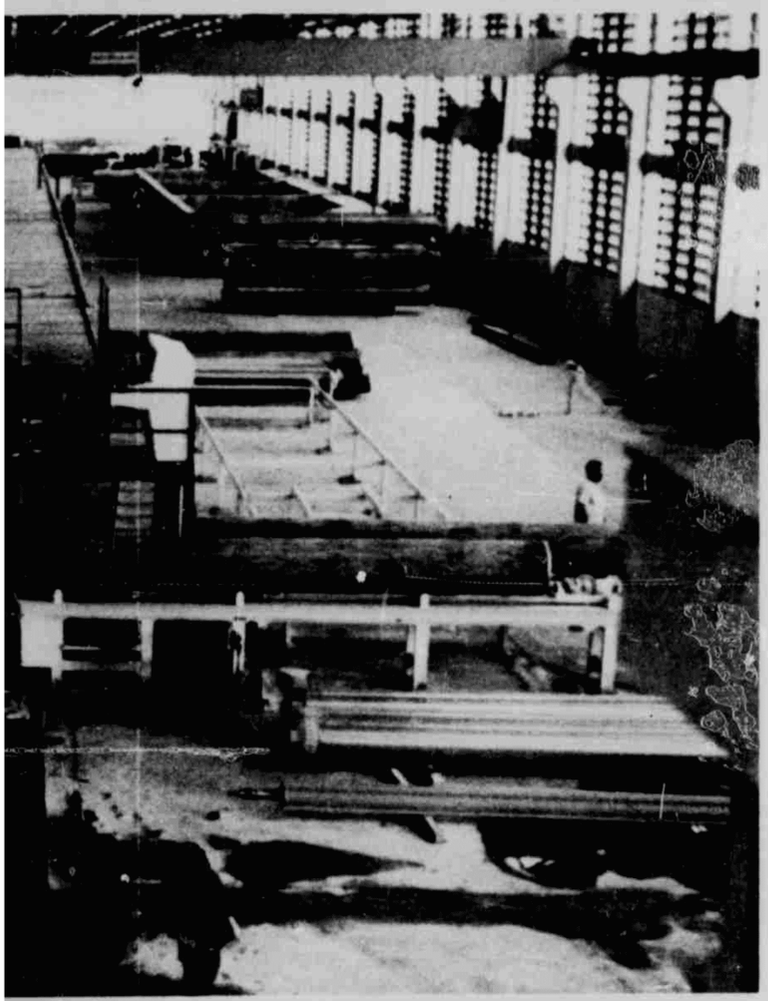
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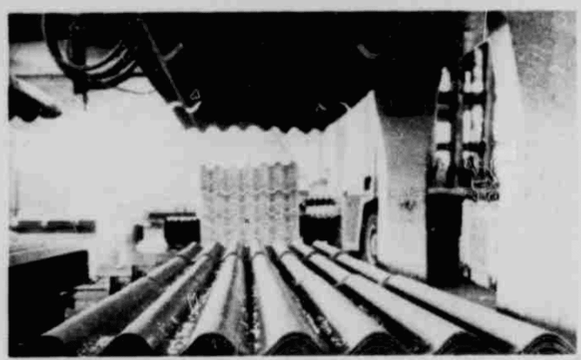
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assigned Hazardous Waste No. UO13. It was, however, interpreted by OSW to include *asbestos only as a pure material*, indicating that manufacturing process waste which contains asbestos is not to be regulated as hazardous waste. Although EPA considered the standard a final action, the status of the portion which concerned asbestos was denoted interim final. Consequently AIA/NA submitted comments to OSW, contending the listing of asbestos was substantively unjustified because disposal is already regulated under the National Emission Standard for Asbestos Program (NESHAP). As a result, asbestos has been dropped from the final list. EPA anticipates this is only a temporary deferral until the relationship of NESHAP and RCRA management standards is further investigated. AIA/NA advises it expects to cooperate with EPA officials in identifying and developing proposals likely to result in an efficient and reasonable approach. [FR's of 2/26/80, 5/19/80, 11/17/80, 11/19/80, 11/25/80, 12/4/80]

EPA Regulates Waste Piles & Facilities

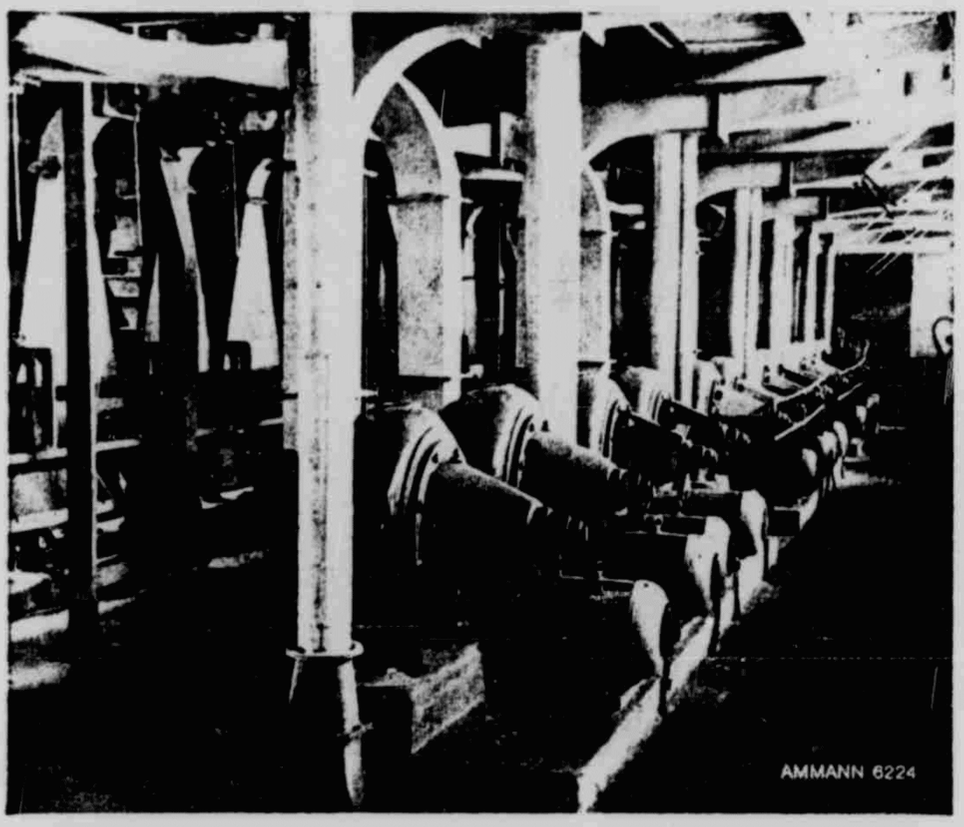
EPA adopted rules, effective October 13, 1981, to ease problems of *abandoned, unsafe, hazardous waste-dump sites*. The new rules order operators of every storage, treatment or disposal facility to make financial arrangements to assure that a site can be properly closed at the end of its useful life. Similar financial arrangements must be made to monitor and maintain sites for 30 years after closure. The standards require operators to carry $1-million-an-occurrence liability insurance against events such as fires and explosions and $3-million-an-occurrence insurance against pollution of ground water. [FR of 1/12/81]

EPA, in January 1981, proposed to amend its interim status "Closure, Tank and Waste Pile Standards for Owners and Operators of Hazardous Waste Facilities," promulgated May 19, 1980. The amendments would require notification of the local land authority of *hazardous waste disposal activities* and placement of a notice of such activities in the deed. The proposal is also concerned with periodic comprehensive inspections, controlling air emissions from tank facilities and inspecting waste pile containment systems. [FR of 1/12/81]

Effective January 26, 1981, EPA revised its hazardous waste regulations to *suspend entirely the annual report requirement for calendar year 1980* for hazardous waste generators and owners and operators of hazardous waste treatment, storage and disposal facilities. [FR of 1/26/81]. . . . On May 6, 1981, The Wall Street Journal reported the "Reagan administration intends to make major concessions to the chemical industry by easing regulations and reducing the cost of handling and disposing of toxic wastes. As part of the President's drive for regulatory change, the government wants to replace the Carter administration's expensive, blanket licensing procedures for all disposal sites. It proposes environmental controls that will vary depending on the 'degree of hazard' posed by the chemicals stored or disposed of at the sites and on the way they are handled. The change in strategy is precisely what the chemical industry has been advocating for several years."

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Congressional Superfund for EPA

On December 11, 1980, Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510; known as Superfund) to aid EPA in cleaning up toxic waste dumps and chemical spills. The legislation authorizes over $1.6-billion to be spent over a five-year period. Of that, 87.5% will come from a tax on those industries which operate the chemical feedstocks of hazardous waste; the remaining 12.5% of the fund will come from the U.S. Treasury. In the Federal Register of March 19, 1981, the U.S. Department of Transportation published a listing of hazardous materials as required by Section 306 (a) of Superfund. Asbestos is included.

In April 1981, EPA published a notice identifying the persons and facilities who must notify the agency, by June 9, 1981, of the existence of sites where hazardous wastes from industries, businesses, governments, hospitals and other sources are stored, treated or disposed. [FR of 4/15/81]

Indoor Air Pollution

The General Accounting Office (GAO) submitted a report to Congress in September 1980 which states that "indoor air pollution is an emerging health problem which affects everyone. Federal efforts to deal with the problem have been ineffectual primarily because no one federal agency has responsibility for the quality of air in the nonworkplace." Asbestos and tobacco smoke were among the harmful pollutants said to be present in all types of indoor air environments. Federal efforts to encourage energy conservation have worsened indoor air pollution problems, according to GAO, since efforts to "button-up" homes, schools and office buildings to decrease energy use permits less air to enter or escape. GAO recommended a task force be established by EPA to identify existing research activities relating to indoor air pollution and compile available data for distribution to other governmental organizations and the public. A similar study underway at the National Academy of Sciences, under an EPA contract, focuses on fibrous building materials and it is understood, according to AIA/NA, that asbestos, glass fiber and rock wool will be examined for their contribution as contaminants to the indoor environment.

EPA/Customs Import Proposal

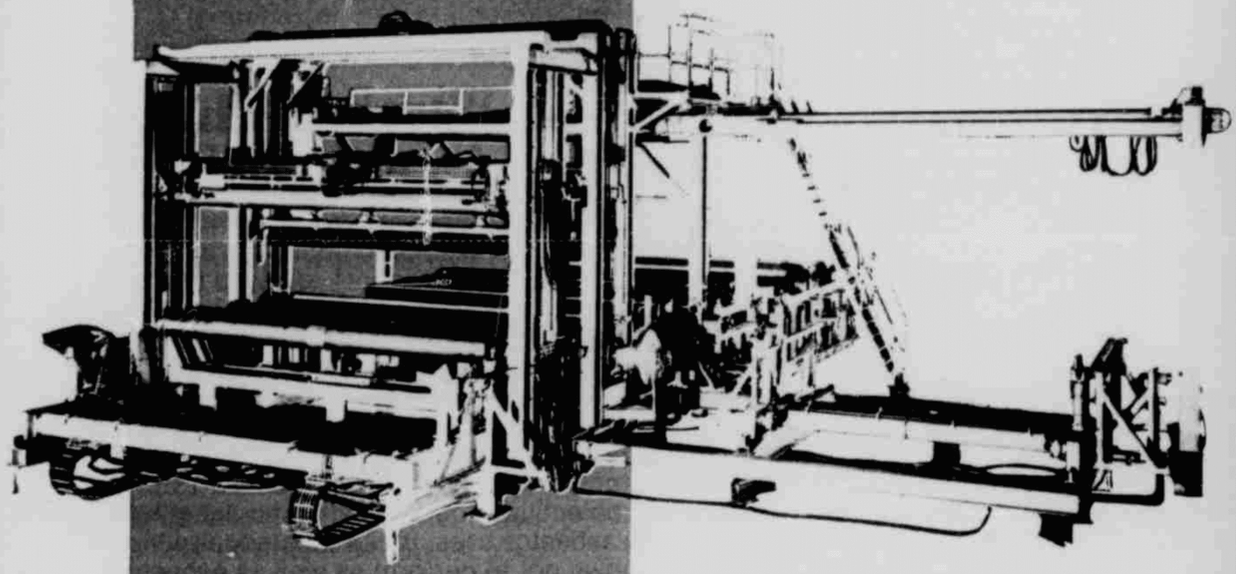
In December 1980, EPA and the U.S. Customs Service proposed a program to ensure that imported industrial chemicals meet the same health and environmental requirements as chemicals produced in the United States. Since no applicable rules have yet been developed for specific chemical substances or articles, it appears likely that raw asbestos fiber would be subject to the certification rule, if adopted. [FR of 12/1/80]

Export Notification Rule

EPA published a final ruling, effective January 15, 1981, requiring exporters of certain chemical substances and mixtures to give annual notice

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for every country to which a substance is exported. The notice, to be submitted to EPA by letter no later than seven days after accepting definite contractual obligation to export, must include name and address or exporter, name of chemical substance or mix, date of export or intended export, country of import and section of TSCA under which EPA is taking action. The agency would then pass the data on to the government of the importing country. AIA/NA initially interpreted the requirement applied only to raw asbestos fiber and not to asbestos-containing products. Reasons for this conclusion were assurances of EPA officials and an exemption in the regulation which read that "no notice of export will be required for articles." However, the association was later advised by an EPA official that some expansion of applicability may be determined by the agency. AIA/NA is closely monitoring this contingency and has been assured that industry input will be considered by EPA prior to making a final decision. AIA/NA states it will request the opportunity to review reports concerning asbestos submitted under these regulations to a foreign country in an effort to ensure only factual and objective data are included. [FR of 12/16/80]

Asbestos Substitute Workshop

A variety of products claimed to be alternatives to asbestos were highlighted at the National Workshop on Substitutes for Asbestos, sponsored last July by EPA and the Consumer Product Safety Commission (CPSC). The event included sessions on technical and economic aspects of substitutes for eight categories of asbestos products followed by sessions on the health aspects of substitute materials. The workshop was conducted, as planned, in spite of specific concerns and alternative suggestions expressed by AIA/NA. For example, product review counters for which space was provided for a dozen manufacturers of asbestos substitute materials were operated throughout one of the days, including product promotion via samples, displays and printed handouts. AIA/NA had also urged the inclusion of a concurrent discussion of asbestos products to ensure a balanced and objective program. Although substitute materials were identified for many asbestos uses, those substances which were available frequently were shown not to perform as well as asbestos and in many cases were much more expensive. Many participants pointed out that often asbestos is still the best, if not the only, product that will perform adequately. James F. Reis, Director of Asbestos Policy for Johns-Manville, mentioned the threat of unknown health effects of many substitute materials relative to all that is presently known about asbestos.

Asbestos in Schools

The Asbestos School Hazard Detection and Control Act of 1980 (HR3282/S1658) was signed into law by President Carter June 14, 1980, providing $172.5-million to detect and remove asbestos hazards in schools and directing the Attorney General (AG) to conduct an investigation to determine if the United States should or could recover expenditures under the bill from anyone determined by the AG to be liable. Reimbursement for asbestos removal is retroactive to January 1, 1976, if the degree

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of care exercised in the removal and disposal meet federal standards. . . . In September 1980, to implement the act, the Secretary of Education proposed regulations establishing procedures to make available federal grants to assist local educational agencies (LEA's) and state educational agencies in identifying asbestos hazards in school buildings and federal interest-free loans to LEA's to correct the hazards. . . . Also in September, EPA proposed a rule to require all public and private elementary and secondary *schools to identify friable asbestos-containing materials* in school buildings. The ruling would require inspection of all areas of school buildings which may contain friable materials, grouping of similar materials into sampling areas, extracting bulk samples from each sampling area, analyzing the samples using polarized light microscopy, supplemented if necessary by X-ray diffraction, and determining estimated percent of asbestos content for each sampling area. The proposal would require school officials to notify employees and parent-teacher associations if friable asbestos-containing materials are found and to retain records of every inspection, sampling and analysis conducted pursuant to the regulation. [FR's of 9/17/81, 1/13/81, 1/22/81]

An informal public hearing was conducted in November 1980 during which Ann G. Wylie, Associate Professor of Geology at the University of Maryland, *recommended* that both the EPA and the Department of Education *proposals be withdrawn* until an adequate justification of an imminent hazard can be established. She concluded that rules predicated on faulty assumptions can only aid in undermining confidence in government agencies and harm sincere, well-founded attempts to safeguard public health. . . . Via comments filed by AIA/NA, the association stated their submission was not because of opposition to EPA's proposed program but because the *technical support document* upon which the proposal is premised contains a *biased and unsubstantiated* EPA assessment of the risk of asbestos in schools. In addition the agency had sought critiques of its quantitative risk assessment from four independent experts, but failed to modity its assessment after receiving significant criticisms. AIA/NA urged EPA to revise its risk assessment in light of the serious deficiencies and to prepare a more balanced document or withdraw the assessment prior to rulemaking.

In March 1981, EPA contracted with PEDCO Environmental, Inc., to uncover *alternative approaches to asbestos abatement*. A recently-released draft interim report advised that a number of innovative techniques have thus far been discovered. Among them are maintenance of a negative-pressure atmosphere inside an enclosed work area; use of electrostatic precipitators; use of a ventilated booth mounted on a pneumatic or hydraulic lift; and use of high-pressure water spray for asbestos removal. . . . Meanwhile, via a grant program EPA enlisted the aid of the Senior Community Service Employment Program of the American Association of Retired Persons. Following training as *asbestos controi technicians* at the Battelle Institute, the participating members inspect materials and recommend corrective actions when asbestos is identified. They also are providing training for contractors and school officials in safety procedures, removal and enclosure methods and information on EPA-tested sealants and methods of application.

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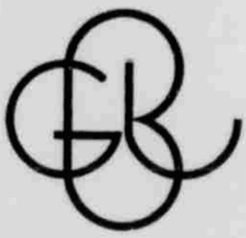
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School systems across the nation responded in various ways to the government's actions concerning asbestos in school buildings. Some felt that inspections were not necessary while others conducted inspection programs only to determine that although asbestos was present the exposure level was below federal standards. Some schools believed there probably was a problem but that it was not imminent and that no corrective action would be taken at present because such a project would be too costly, in spite of the federal loan program. Still others proceeded in varying degrees, with programs of removal, encapsulation, painting or coverings (drop ceilings or metal, canvas or vinyl encasements). In several cases, checks were made or schools closed only on the insistence of concerned parents.

In the midst of all this controversy and emotionally-charged reactions, an industrial hygiene consultant suggested that *not all asbestos* found in insulation and building materials *presents all of the health hazards commonly believed*. Speaking at the 1980 American Industrial Hygiene Conference, James T. Schirripa, of Industrial Hygienics, Inc., stated his findings are drawn from his five-year study of a wide cross-section of structures in which asbestos was used. One-hundred tests were conducted at schools, office buildings, general work environments, ships at sea and in such specific areas as pharmaceutical packing rooms. The studies demonstrate for the areas examined a time-to-tumor risk of well over 100 years, a risk far smaller than previously believed. Mr. Schirripa said his analytical method indicates in a number of cases there can be more risk from removing asbestos insulation than with leaving it in place.

Consumer Product Safety Commission

Asbestos In Consumer Products

On December 22, 1980, CPSC issued a general order requiring manufacturers and importers of specified categories of consumer products to furnish information on the use of asbestos in the products, the form in which asbestos is present, purpose served by the mineral, marketing and use patterns, data on substitutes for asbestos and on any testing of the products for asbestos fiber emission. The final reporting requirement is limited to products made imported or labeled since January 1, 1977. Firms are required to report any changes in the information (or new uses of asbestos in the consumer products) within 30 days of the change for a one-year period following publication of the order in the Federal Register. The order expires December 22, 1981. Among the subject products are broilers, deep fryers, ovens and ranges, popcorn poppers, slow cookers, clothes washers and dryers, dishwashers, refrigerators, safes, kilns, safety boxes, filing cabinets, incinerators, electric barbecue fire starters, frying pans, grills, mixers, blankets and curling irons. Selected products will be tested for asbestos release and exposure and risk will be determined and appropriate regulatory actions recommended. CPSC and EPA are coordinating efforts in this area. [FR's of 12/22/80, 2/23/81, 3/4/81]

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Hair Dryers

Recalls of hair dryers containing asbestos paper exposed to the heated airstream continued the past year. Ten more firms undertook recall programs some of which addressed dryers used in beauty salons. The firms offered consumers either a refund, repair or replacement. This brings the total number of firms recalling hair dryers to 49 and the total number of products affected to some 22-million. In "Asbestos Facts 5," Johns-Manville wrote that a review of scientific evidence clearly demonstrates that hairdryers with asbestos-containing papers pose no health hazard to consumers as far as asbestos exposure is concerned—and a recall was not necessary. As recorded in the original research study made public two years ago (but not reported in perspective), emission of asbestos from hairdryers is almost non-existent. The finding was verified by a study conducted by the Canadian Department of National Health and Welfare, undertaken because of the hairdryer scare in the United States.

Exportation Requirements

CPSC issued a final ruling, effective September 8, 1980, to implement legislation concerning the exportation of products which fail to comply with an applicable Commission regulation. Exporters must notify and provide related information to CPSC at least 30 days prior to scheduled exportation. The commission must then notify the foreign government which is to receive the materials so that government would be able to make an informed choice concerning entry of the products. Eleven of the 22 comments submitted on the original proposal were from foreign governments, each expressing general support for the notification procedures. [FR of 8/8/80]

Costs & Benefits Assessed

Work by CPSC to develop clear public guidelines on how it assesses the costs and benefits of its health and safety regulations were discussed at a public meeting held March 1980. The commission is the first federal regulatory body to prepare such guidelines to simplify its rulemaking procedures and to clarify them for industry and consumers. The agency is required by the Consumer Product Safety Act of 1972 to evaluate its efforts in terms of the reduction of risk to consumers and the potential for increased cost to industry and consumers. Such assessment must be performed before issuance of a safety or health standard or ban. The staff believes it is often difficult to assign a monetary value to the potential loss of a life, physical impairment or to short-term or long-term illness. Therefore, it intends to express its estimate of risk in each assessment as a range of values rather than as one specific dollar estimate. Under the proposal, CPSC also will express the assessed economic impact of a regulation on an industry in terms of a range of costs rather than in one projected figure. [FR of 12/30/81]

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CPSC—It's Future

President Reagan has been asked by the Chairman of the Senate Consumer Subcommittee not to appoint a new Chairman of CPSC, pending congressional review and possible reorganization of the small, but controversial, agency. During congressional hearings, CPSC members urged a reauthorization of the agency for three years at budget levels adequate for the commission to fully carry out its mandate from Congress. Also stressed were the agency's accomplishments in recent years toward the prevention of deaths and injuries. . . . Two pieces of legislation are currently being considered by the Senate Commerce Committee and the House Subcommittee on Health and Environment regarding renewal of CPSC's independence for at least a year, although with an administration-proposed 30% budget cut for fiscal 1982, reduced staff and sharply limited powers for rulemaking and disclosures about dangerous products. Meanwhile amendments may be introduced to extend the agency for two years, to complelely abolish it or to put it into the Department of Commerce and substitute its five-member, bi-partisan commission with a single administrator. One of the amendments may propose to transfer the eight-year old agency's research on chronic chemical hazards to EPA.

Mine Safety and Health Administration

Revisions & Standards

In March 1980, the U.S. Mine Safety and Health Administration (MSHA) proposed rulemaking which invited *public participation* in the initial stages of its review of *safety and health standards* applicable to metal and nonmetal mining and milling. In October 1980, MSHA issued revisions to correct printing errors, style and related codification changes to improve clarity. Both the rulemaking and the revisions concern Parts 55, 56 and 57 of Title 30, Code of Federal Regulations. [FR's of 3/25/80, 6/6/80, 10/17/80]

In April 1980, MSHA and the Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, signed a revised memorandum of understanding outlining the two agencies' responsibilities regarding the safe and secure *storage of explosive materials* at mine properties. Included is coverage concerning training on storage and recordkeeping requirements. [FR of 4/15/80]

To assist industry in complying with the Federal Mine Safety and Health Act of 1977, MSHA issued a guide to *mechanical safeguarding* which will promote uniform guarding practices throughout the mining industry. The guide was developed because lack of proper guarding has continued to be the most frequently cited violation in metal and nonmetal operations. A copy of "MSHA's Guide to Equipment Guarding" is available from the MSHA Office of Information, Room 1237-A, 4015 Wilson Boulevard, Arlington, Virginia 22203.

A final rule, effective July 11, 1981, was issued by MSHA establishing minimum requirements for *mine rescue teams* for all underground mines in the event of an emergency. The standard sets forth requirements for

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number of teams and their availability, rescue equipment storage and maintenance, rescue notification plans and team member experience, health and training. It also provides for alternative mine rescue capability for small and remote mines or those with special mining conditions. [FR of 7/11/80]

Another rule proposed by MSHA would amend 30 CFR Part 23 which sets forth the requirements and conditions for approval of permissible *telephones and signaling devices* for use in mines. The amendment would delete a portion of the definition of "signaling device" because new developments in communications technology no longer require the design restriction included in the current definition. It would also add the requirement that all line-powered telephone and signaling devices be equipped with a standby power source. [FR of 8/22/80]

Violations & Penalties

MSHA issued a final rule, effective July 31, 1980, to implement its policy of holding *independent contractors* responsible for any violations of safety and health laws or regulations committed by them or their employees. The ruling requires mine operators to maintain a summary of information on each independent contractor present at the mine. Those independent contractors who do not voluntarily apply for an identification number will be assigned one on the first occasion that MSHA issues them citations or withdrawal orders. [FR of 7/1/80]

Criteria for identifying mines with a *pattern of violations* of mandatory safety and health standards were proposed by MSHA. If enacted, they would give the agency a strong enforcement tool for dealing with mine operators who show a serious and persistent disregard for safety and health. [FR of 8/15/80]

After careful review of suggestions from the mining community, MSHA proposed several changes in its *penalty assessment process.* The changes would include provisions to set a fixed minimum penalty of $20.00 for minor violations, exclude from the operator's history of violations any that are assessed a minimum penalty or any that are still under appeal, award greater "good faith" credit for timely efforts to correct violations, provide separate tables for determining the gravity of health standard violations and include independent contractors in the penalty point system by providing them with separate point scales. [FR of 11/7/80]

Violations of mine safety and health rules should be designated *significant and substantial (S&S)* if they are reasonably likely to cause injury or illness, if not corrected, according to new guidelines, effective May 11, 1981. They were developed by MSHA to comply with an April 7, 1981, decision of the Federal Mine Safety and Health Review Commission which requires changes in MSHA's practice of designating S&S violations. The anticipated injury or illness would have to be reasonably serious, i.e., one which generally causes lost workdays or restricted duty. Pending review of the application of the Commission's decision on violations of health standards, violations which involve overexposure to harmful airborne contaminants, toxic substances or harmful physical agents are to be considered S&S. If personal protective equipment controls a miner's exposure as an interim measure, the violation would not be designated S&S.

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Assistance Programs

MSHA reports that fatalities and injuries resulting in lost workdays decreased 32% at the 57 noncoal mines and mills which participated in the agency's *Program in Accident Reduction* during fiscal 1980. Under the program, MSHA assigns inspectors to work closely with individual mines and mills with unusually high injury rates toward investigating the causes of accidents and improving safety programs. . . . Another MSHA program in response to requests from the mining industry for consultative services is dubbed *Compliance Assistance Visits* whereby inspectors visit mines and mills at the request of the operators to alert them to violations of mine safety laws or standards. Nonpenalty notices are written to point out violations and hazards. Those elegible for the service include new operations not yet producing, inactive mines about to reopen and new facilities or equipment at operating mines.

Electric Shock Detection

The guesswork involved in trying to determine electric shock hazard areas of *trailing cables and splices* in the field by visual inspection alone may soon be a thing of the past for the mining industry, according to "Mine Safety & Health." A hand-held instrument capable of detecting and locating such hazard areas has been developed by MSHA. The device uses no batteries, is small enough to fit in a shirt pocket, can check both AC and DC systems and can detect leakage current at levels as low as one-fifteenth of those considered dangerous.

U.S. Department of the Interior

New Secretary Reviews Regulations

James Watt, who replaced Cecil Andrus as Secretary of the Interior, has ordered a full-scale review of the regulations of the U.S. Department of the Interior on surface mining to identify rules which are counterproductive and excessive and make specific recommendations for revision or elimination of burdensome regulations. Secretary Watt is calling for a balanced, environmentally-conscious development to meet energy and resource needs and appears interested in becoming involved in the development of a strategic minerals policy.

Kudos to the Mines Bureau

Four research developments by the U.S. Bureau of Mines are among 1980's 100 most significant new technical products, i.e., a two-stage, oxygen-supply system for miners in underground emergencies; individually worn air samplers that determine a worker's exposure to potentially harmful oxides of nitrogen; a new mine roofbolt cement and a new way to mix it; and a mining tool which is operated through a borehole from the surface to extract ore without placing men underground. For the third year in a row, the Mines Bureau has been among the recipients of these annual awards

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presented by the publishers of "Industrial Research/Development" magazine.

Asbestos Ingestion Study

A status report dated January 22, 1981, was issued by the National Toxicology Program on studies underway on the biological effects of ingested asbestos. The project is part of a commitment of the National Institute of Environmental Health Sciences (NIEHS) and is 10% funded by EPA. Following completion of the lifetime exposure phase of experiments at IIT Research Institute, "there was no indication of major differences in the mortality rate between the hamsters receiving the asbestos diet or the control diet." The contractor reported that a preliminary analysis of the hamster data indicates that no carcinogenic or cocarcinogenic effect was observed from histopathologic examination of tissues from female hamsters. Similar findings were reported from rat studies at Hazleton Laboratories. Final reports for public peer review are expected this month for hamsters and December 1981 for rats. The five tests materials used in the study were provided by the Mines Bureau under an agreement with NIEHS. Mines Bureau Report of Investigation RI8452 describes the preparation and characterization of the five materials. Copies are available free from Mr. William J. Campbell, Acting Research Director, U.S. Bureau of Mines, 4900 LaSalle Road, Avondale, Maryland 20782.

Navy/Maritime Programs

Testing of workers exposed to asbestos *at various naval shipyards* around the nation continued the past year. (Refer to March 1980 ASBESTOS, pages 28 and 29, for background information.) The Puget Sound Naval Shipyard, Washington, was the first to complete the initial screening and retesting begun in March 1980. Under the retesting program, workers must return annually if they work in occupations with potential asbestos exposure, if they had abnormal findings in their tests or if they have a history of heavy smoking. Younger workers who smoke but who showed no problems in the tests will be tested every three years. Nonsmokers with limited asbestos exposure and no evidence of problems are to be retested every fifth year. Thus far the tests revealed clear-cut, asbestos-related disease not previously identified in just 1% of the cases. For chest X-rays, about 13% showed changes consistent with previous exposure to airborne asbestos. According to a Navy spokesman, in most cases the X-ray changes represent minimal pleural (lung lining) thickening, a benign condition.

In July 1980, it was reported that the Maritime Administration (MarAd), U.S. Department of Commerce, would file with the EPA its Environmental Assessment for the Control of Asbestos Hazards in MarAd programs. MarAd administers programs involving the use of asbestos, primarily for fire protection and thermal insulation. Based on the review, a *MarAd Asbestos Hazards Control Program* will be adopted to prevent or control exposure of agency and nonagency personnel to airborne asbestos fibers while involved in any MarAd statutory program. [FR of 7/17/80]

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Last month the U.S. Department of the Navy published a new instruction, effective April 22, 1981, covering environmental protection and implementing the procedural provisions of the National Environmental Policy Act. *Limited to environmental effects in the United States*, the policy mandates achieving beneficial uses of the environment without degradation or risk to health and safety; preserving important historic, cultural and natural aspects of our national heritage; achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved; and enhancing the quality of renewable resources. [FR of 4/22/81]

Asbestos Workers Union

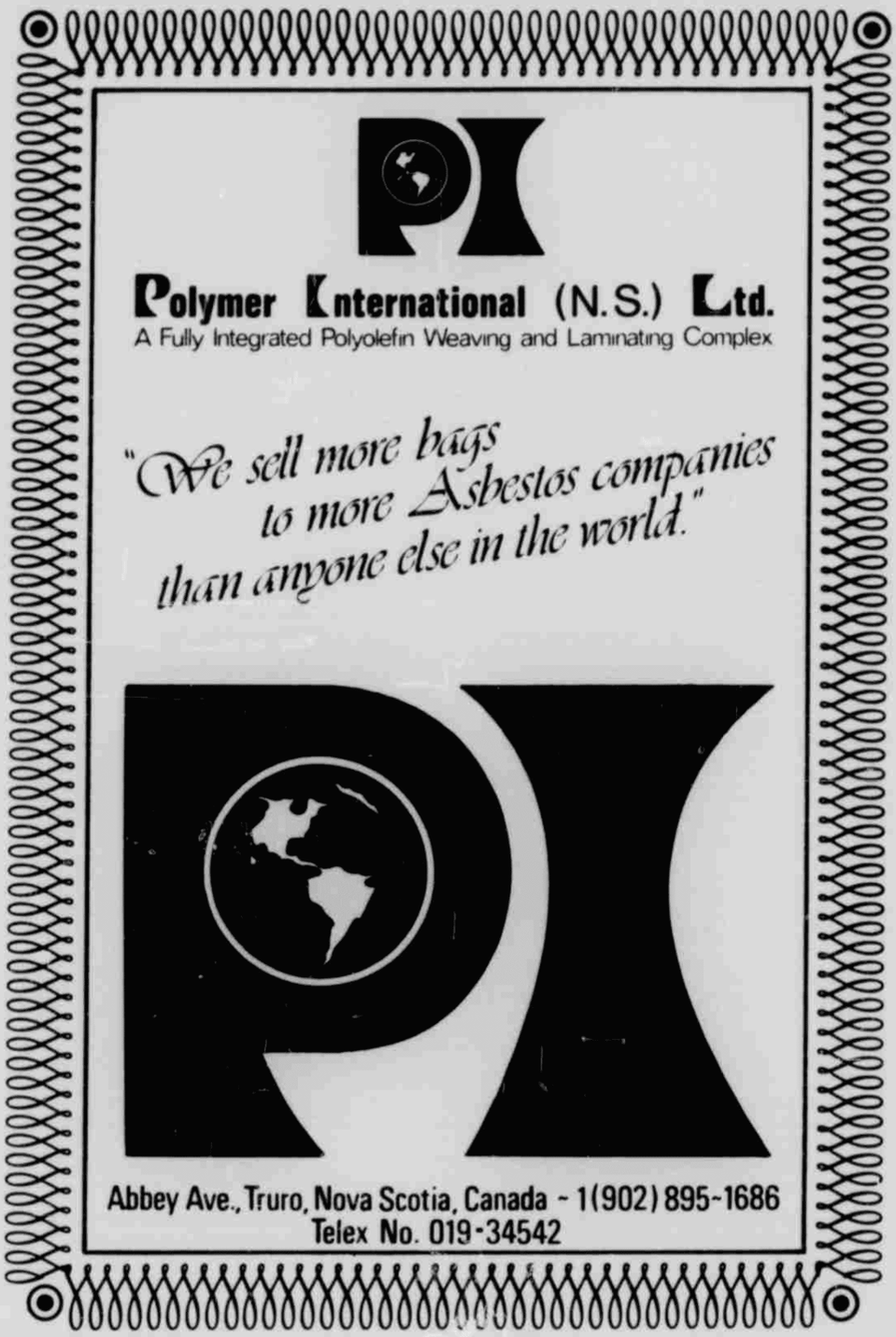
Andrew T. Haas, General President of the International Association of Heat and Frost Insulators and Asbestos Workers, reported the organization was about to launch an extensive program to conduct physical examination of asbestos workers. The *Early Cancer Detection Program*, undertaken with the cooperation of Dr. I. J. Selikoff and Mt. Sinai Hospital, will involve mass physical examinations and screenings by the Mt. Sinai staff at selected sites throughout the United States and Canada. One of the new procedures to be followed is a series of blood tests that will enable the detection of cancer signs at a very early stage. Some 20 examination sites have been established to date and the union is seriously considering the inclusion of several remote areas which will be visited by a mini-team with mobile equipment. The program is being limited to members who have 30 years experience at the trade and to other selected individuals.

At a conference held in Connecticut by OSHA, Health Hazards Administrator R. Steinfurth said that hazards for insulators in new construction have been reduced; however, *hazards in the removal of asbestos-containing material* are increasing. He estimated there are 500-million tons of asbestos material in the U.S. which must be removed. All too much of it is being removed by untrained workers. He said if the asbestos scrap is not carefully buried, and if documents are not filed indicating the location of the material, fibers might be released when the site is later excavated. Furthermore, he said, many removal and demolition sites are in crowded urban areas, which greatly compounds the risk.

The Scientific Approach

In a comprehensive interview which appeared in the QAMA Bulletin, a publication of the Quebec Asbestos Mining Association, Dr. H. B. Demopoulos stated that *the main causes of cancer are environmental, but of a personal rather than a community nature.* He said we all live in two environments—the general environment over which we have no control and the personal environment which we create through choice—diet, habits and life styles. Dr. Demopoulos, who is associated with the New York University (NYU) Medical Center and the International Study Center for Environmental Health Sciences, reported that in the United States there are 1,000 people a day who die of cancer, 35% of which will die because of smoking high-tar cigarettes and of drinking excessive quantities of alcohol. Another 45% of cancer deaths are due to excess calorie intake,

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over-consumption of dietary fats and cholesterol, obesity and nutritional deficiencies. He said that *less than 5% of the present deaths are due to occupational exposures which occurred in the past,* when the dangers were not known. He said that the asbestos, chemical, petroleum and other industries do deal with dangerous substances but they are under control and they have come under good control. There is no need for hysteria. He further stated that the only group which contends that asbestos is dangerous is really one major group in New York City—and that group did not use proper epidemiology. He said that group did not use case control studies and as a scientist he labels those studies as non-scientific and uncontrolled. He then referred to a study in which he was involved at the NYU Medical Center on trends of mesothelioma occurrences on Manhattan, an area which has the highest air pollution rate, as far as asbestos is concerned, compared with any other U.S. city. The survey showed a ratio of 0.86 mesotheliomas per 1,000 cases per year.

The American Medical Association (AMA) reported in December that *there is no definitive epidemiologic evidence that increases in cancer rates are related to high levels of environmental pollution* or contamination. Dr. R. J. Smith, who presented the report for the AMA Council on Scientific Affairs, said that although some 82 substances have been identified by NIEHS through epidemiological or clinical experience as proposedly carcinogenic, they account for no more than 5% of all cancers. That is far from the high figure claimed by some doctors that 80% to 90% of all cancer may be caused by environmental factors. The Council implied that in the rush to find cancer causes and cures, some sloppy research is being done and invalid conclusions are being drawn from animal studies and being applied to humans.

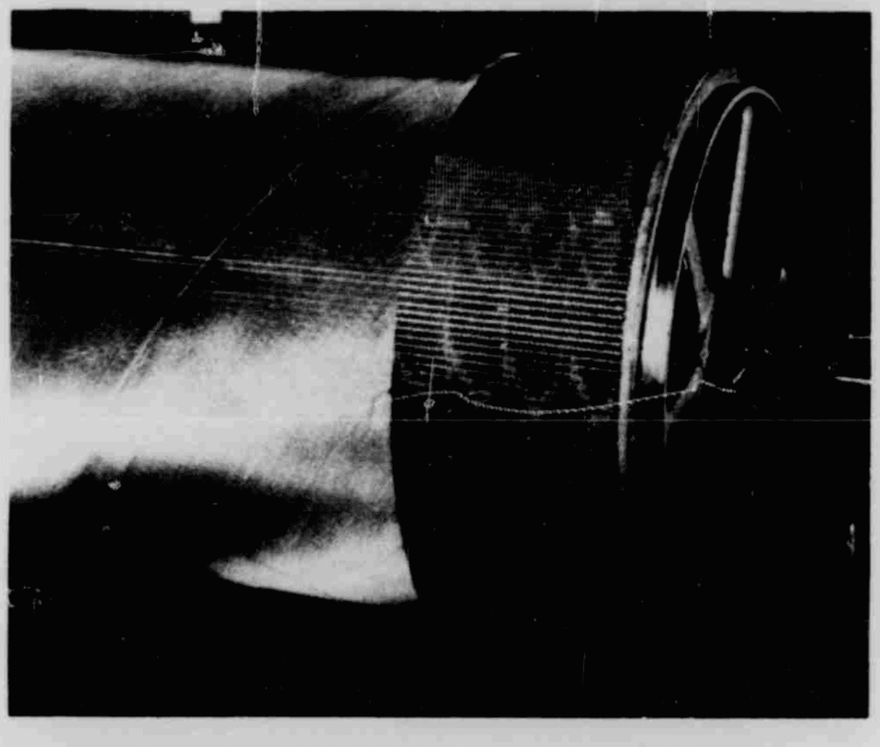
Some workers exposed to asbestos develop cancer, but others don't. Researchers at the University of California Institute (UCI) are trying to discover why and if there are ways to determine whether a worker has a high likelihood of developing diseases that asbestos is believed to cause before he is put on the job. The research team, working under a $450,000 grant from the Office of Naval Research, is trying to find biological markers which could be used as reliable indicators of *predisposition to cancer or sensitivity to asbestos.* Dr. B. D. Culver, a Professor of Community and Environmental Medicine at UCI and Director of the University of California Southern Occupational Center, said they have a fair amount of evidence that there is some relationship between the body's immune system mechanism and cancer. There also seems to be a genetic predisposition to cancer, he said.

Johns-Manville Faces The Issues

After several years of sensationalism, half-truths and often unfounded statements from the news media, government and some public interest groups, the year 1980 marked a *turnabout approach* for Johns-Manville. In April 1980, the corporation published its first "Asbestos Facts" flyer to set forth its policy statement on the subject of asbestos and health. We quote, in part, from that first issue: "Asbestos is a useful mineral with many essential applications. In virtually all applications the asbestos is bound, locked in or encapsulated so that exposure to fiber is controlled and does

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not present a hazard to the health and safety of workers or the general public. Asbestos should continue to serve useful functions in our modern technological society and to play an important role in Johns-Manville's production of goods for that society. Believing as we do that proper handling and use of asbestos fiber and asbestos-containing products do not pose health hazards, Johns-Manville will continue to promote those non-hazardous products and uses and to defend them against unjustified regulation." Six *"Asbestos Facts" flyers* have thus far been printed and J-M advises it welcomes comments and requests for additional information. Last August J-M devoted its *tabloid titled "Today"* to asbestos to publish information concerning the characteristics of the mineral, the issues surrounding the product, J-M's position on the issues, scientific and other authoritative commentary, and a host of other data. Meanwhile, J-M corporate representatives have been *making presentations* about asbestos to the local community, are beginning to *meet with* representatives of *trade publications* and have issued a standing invitation to any and all *congressmen to tour* any J-M plant or mine. Another vital portion of the campaign is J-M's *new series of advertisements* appearing in the trade press which define the benefits of using asbestos wisely. *This Magazine commends Johns-Manville* for its forthright approach to the situation and hopes that those involved in industry, government and the public-at-large will seriously consider the facts and respond with logic and common sense rather than emoticnalism.

Next Issue/Part II—will cover smoking in the workplace, asbestos worker compensation, product liability and brief accounts of asbestos/health issues in countries other than the United States.

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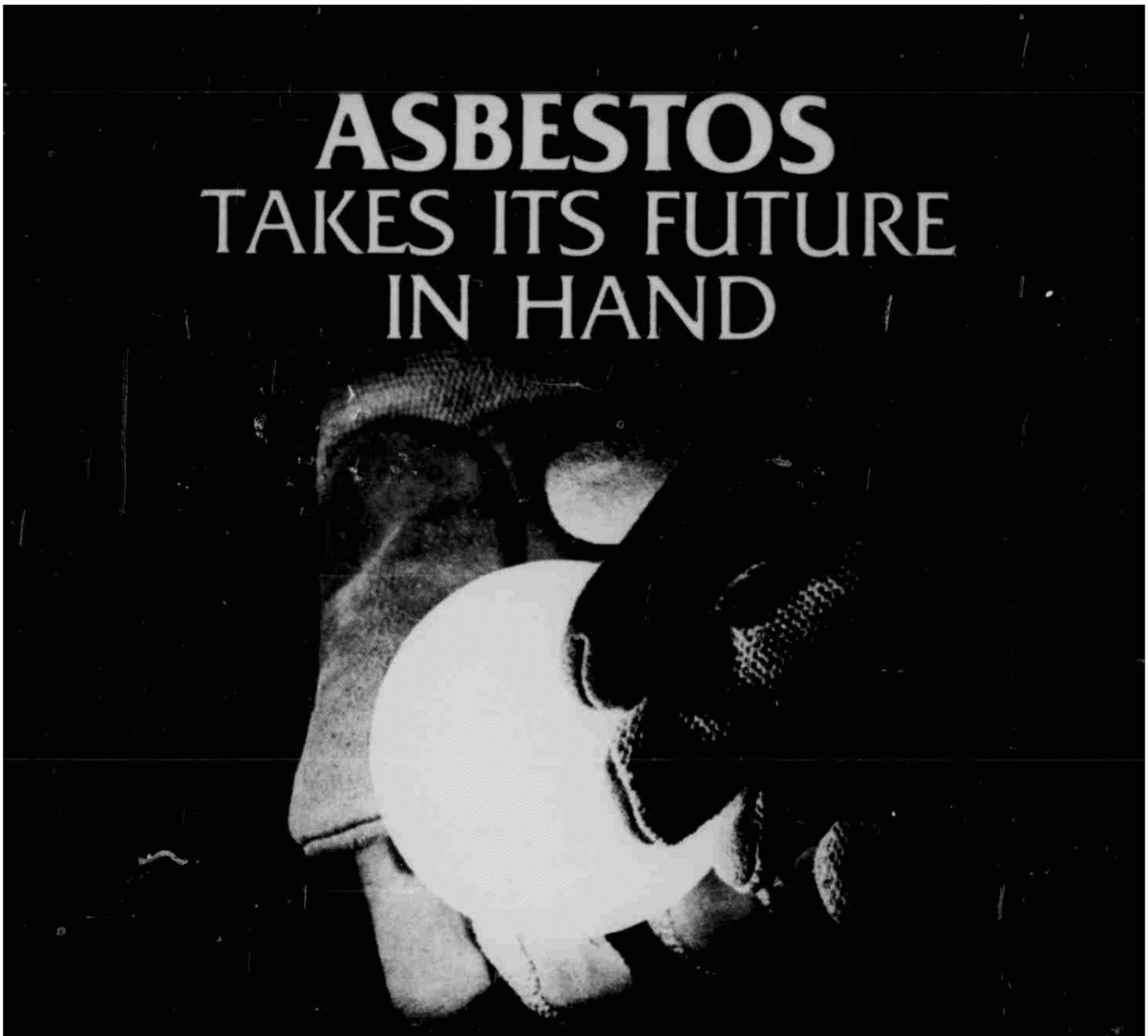
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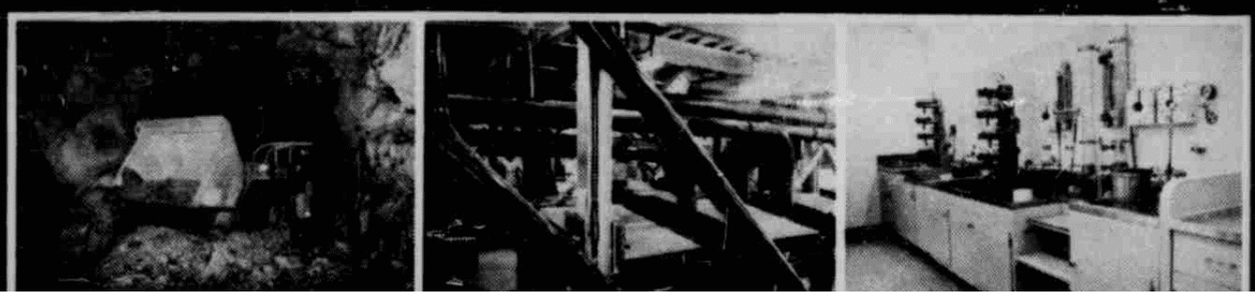
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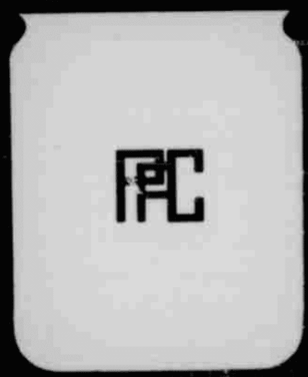
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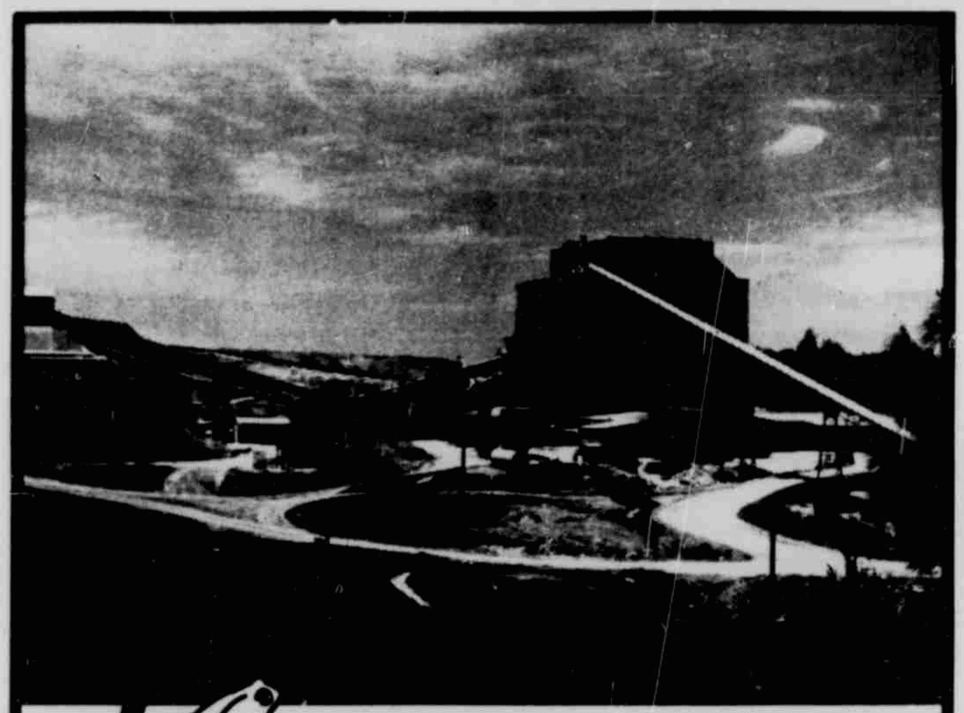
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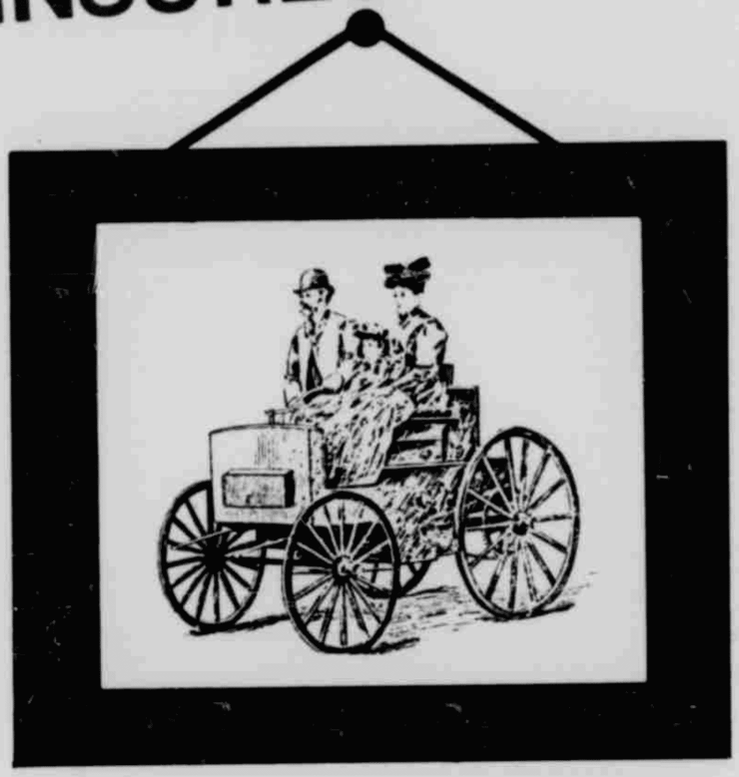
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