

PUBLIC HEARING

before

ASSEMBLY SPECIAL COMMITTEE ON ASBESTOS HAZARDS

(Created Pursuant to Assembly Resolution No. 75)

Held:
November 7, 1984
Jersey City State College
Jersey City, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joseph V. Doria, Jr. (Chairman)

ALSO PRESENT:

Assemblyman Nicholas LaRocca
District 33

Leonard J. Colner, Research Assistant
Office of Legislative Services
Aide, Assembly Special Committee on Asbestos Hazards

New Jersey State Library



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ASSEMBLYMAN JOSEPH V. DORIA, JR. (Chairman): Good afternoon. We are going to begin the hearing now. Hopefully, the other Committee members will be here. As I understand it, there is a problem on the Turnpike, a lot of traffic and a lot of holdups.

I would just like to introduce, from Hudson County, Assemblyman Nick LaRocca, who represents District 33. He will be sitting in with us today. We also have a representative of Senator Tom Cowan, Mr. Frank McGrath, sitting in. Assemblyman Felice, Assemblyman Otlowski, and Assemblyman Hollenbeck said they were going to be here today. Hopefully, they will get here as we go through the hearing to participate in the discussions we are going to have.

At this point, I would like to call the first speaker, Mr. George Johns, from the New Jersey Society of Architects. Mr. Johns, please have a seat. Thank you for coming. Why don't you make your statement, and then we will ask questions.

GEORGE R. A. JOHNS: Well, basically what I have to say is that, as architects, we were informed of the asbestos problem many years ago when, I think it was Commissioner Marburger, announced at a meeting that all asbestos would be removed from all schools. Of course, that came about from the problems with Johns Manville and the extensive lawsuits over many years.

At that time, the Facilities Planning Section of the Department of Higher Education -- and that was about four years ago -- started seminars which they ran at least twice a year, or more, where they thoroughly apprised the design professionals of what the problems were, what types of testing and things had to be done on the product, and who the known bidders were that we knew about at that time. At that time, we appointed one partner in our office who was responsible for that work.

Initially, we thought that the position of the State of New Jersey -- which was different from New York and other states -- required substantial removal of asbestos, rather than allowing encapsulation as other states did. We first thought that was a very hard approach because it was very expensive. After that, we were in the business of removing asbestos, and it became very clear that it was

the right thing to do. You can encapsulate, and it certainly protects, let's say, students. It certainly protects the students in the classrooms, halls, etc., but it does not protect, over the years, the workmen, the electricians or plumbers, who constantly have to do repair work in schools. There are leaky roofs, there are all sorts of things. So, total protection, although it was more expensive, was the best way. Funding in the various districts was a hard problem. Essentially, that is where the problems came about. When there is a question of funding -- and it is difficult with all the other problems boards of education have -- they put off the problem of asbestos. I would say it came about principally because of all the other problems they have and not being able to fund it, or not wanting to face that big expenditure. We have done jobs costing over a million dollars, although that is not typical for a typical school district. We have done these jobs right here in Jersey City.

The other thing that happens on the safety standards is-- We feel that to date we have had no problem with the rules and regulations, as long as you enforce those rules and regulations. The problem has been with workmen on the job. Right after the inspector leaves, because it's hot, and they're working in confined spaces, they want to remove the respirator, remove the suits, and, of course, then they are not protected. That can be solved with better education of those people -- some of them require the education in other than English -- better testing of those people, and, of course, more inspections.

The one other comment I would like to make is, often, as long as the funding is there, there is no problem with the trained administrator of a school district in this State taking care of having the asbestos removed, and many have done this, those who have faced up to the problem. The problem increases when board members get involved with the problem. They are really not doing their job, which is taking care of the funding, and letting the professionals do their jobs.

That's about it.

ASSEMBLYMAN DORIA: Okay. I have one or two questions. Last week, we had Richard Goldstein, M.D., Commissioner of the New Jersey

State Department of Health, at our first hearing, together with Commissioner Cooperman and Commissioner Rodriguez. At that time, one of the things I asked was-- Originally, New Jersey had only allowed the removal of asbestos. However now, under the guidelines established under the draft of the proposal by the Governor's Task Force, encapsulation will be allowed. You seem to say that originally you felt that removal was too drastic, but then you began to agree with it. How do you feel about the concept of encapsulation versus removal, since it seems that encapsulation -- covering of the asbestos -- will be allowed, in addition to removal, depending upon the safety conditions in a specific instance?

MR. JOHNS: I think that decision was made, initially, from the same point I came from, because it is cheaper. You are not making that decision for lives; you're making that decision because it is much cheaper to encapsulate. Naturally, when you are faced with all of the problems that you have encountered after you have worked for a district for 20 years or more— They have a lot of funding problems, and to add a major expense to those at a time of higher teachers' salaries and all of the other things, I think is a mistake.

ASSEMBLYMAN DORIA: The second thing is, obviously we are not just dealing with schools in this instance.

MR. JOHNS: No.

ASSEMBLYMAN DORIA: We're dealing with all State buildings. You mentioned the problem of training. Assembly Bill 1820, which the Governor just signed, and which I introduced, basically establishes new guidelines for the training and licensing of asbestos removal workers. As an architect who has had an opportunity to work with asbestos, have you seen this bill?

MR. JOHNS: No, I haven't seen it.

ASSEMBLYMAN DORIA: I was just wondering what your opinion was of the procedures to be developed. Do you feel that this problem of asbestos is a larger problem than we have faced so far, or do you feel it is being blown out of proportion?

MR. JOHNS: I think when the funding is not provided, and a district cannot cope with its problems, that doesn't give the

administrator a chance to take care of it because he really doesn't have a way of funding it. That brings in board members and certain politics, and other things that throw the thing out of proportion. The districts had many years to take care of it, but they did not want to address the problem. Then you get the public involved, and the next thing you are down in Trenton.

ASSEMBLYMAN DORIA: Are there any other questions or comments? Yes, Assemblyman LaRocca.

ASSEMBLYMAN LaROCCA: Mr. Johns, do you have any definite opinions or suggestions as to what the board employees, or the ordinary employees on the staff, or sometimes city employees, or what have you, can do about any of this work?

MR. JOHNS: No, not city employees, certainly not.

ASSEMBLYMAN LaROCCA: Well, many times there is a close relationship between them, I mean, the unprofessional employees of the board itself, maintenance men for instance?

MR. JOHNS: No, absolutely not. I think, as so often happens, they do certain construction, more in some districts than in others, but not in a specialty such as this. They have more than enough to do, without any question.

Just to add to that, because people are always looking at whose responsibility it is, let me assure you that the innocent people in this particular situation are in Facilities Planning. Facilities Planning held the seminars, put out literature, insisted on this, did it all before anyone was interested, and, of course, they did it with a limited number of people. When the problem comes up, who gets the onus? Boy, if that isn't unfair, I don't know what is unfair.

ASSEMBLYMAN DORIA: Just to follow up on Assemblyman LaRocca's question, one of the things I want to ask the CWA about, which is the Communications Workers of America -- they will be at our hearing next week -- and, also, the Department of Health, is, there have been some studies done of maintenance workers in various State facilities, such as health facilities, where the Department of Health went in and reviewed the conditions of a number of individuals. It was determined that a number of them were suffering from the first signs of

asbestosis because they had been doing this type of removal without any proper training or proper equipment, especially the ventilating systems and the safety precautions that should exist. This is something I think we have to look into more carefully because there is a great deal of danger there.

MR. JOHNS: Yes, there is. You know, obviously there were very bad conditions in some of their own places, and they just went in and scraped the asbestos off. They just made the condition worse, certainly worse for themselves, and for others. That's terrible.

ASSEMBLYMAN DORIA: That is a problem I think we will have to bring up at our next hearing when we have some representation from the CWA. We will also talk to the Department of Health again.

Okay, Mr. Johns, thank you very much. We appreciate your comments.

MR. JOHNS: Thank you very much.

ASSEMBLYMAN DORIA: At this time, I would like to call Mr. Greg Bressler, Director, Office of Facilities Planning and Construction, Department of Higher Education.

GREGORY W. BRESSLER: Good afternoon, gentlemen. Thank you for the opportunity to meet with you today. I have not prepared a formal presentation on behalf of the Chancellor; however, I do bring you his greetings. Primarily I am here to respond to any questions the Committee might have regarding higher education and asbestos.

ASSEMBLYMAN DORIA: I have a number of questions, Greg. Has a survey been done of all the State higher education institutions' buildings to determine the extent of the problem, or the lack of a problem, in the area of asbestos?

MR. BRESSLER: Yes, a survey has been done. We started approximately three years ago with the Department of Health, with their personnel going through all the public higher education facilities.

We have primarily completed all of the senior institutions, the State colleges and the three universities, and we are finishing up with the county colleges. We have reports from the State Department of Health on eight of the senior institutions at this point in time, and we are awaiting receipt of the balance of reports.

ASSEMBLYMAN DORIA: What is the extent of the problem in those institutions that you have reports on?

MR. BRESSLER: We have approximately 50 buildings that have been identified by the State Health Department as containing asbestos, the sprayed-on ceiling type or the structural steel type applications.

ASSEMBLYMAN DORIA: So, what you're saying is, of the institutions that you have reports on, which are eight of the senior colleges presently-- When do you expect reports on the other facilities?

MR. BRESSLER: I don't have that information. Basically they come sporadically, if you will, from the Department of Health, given their available manpower and demand. These same personnel are also servicing the elementary and secondary school systems.

ASSEMBLYMAN DORIA: So, what we are talking about then is 50 buildings that we are aware of. What is the extent of the problem in those buildings? Is it a dangerous problem? Is it a minimal problem? Again, we know that asbestos per se is not necessarily dangerous to health; it is only when it is friable and airborne that it becomes dangerous. What is the extent of the problem in those 50 buildings out of those eight colleges?

MR. BRESSLER: Those buildings have been identified by the Department of Health as not constituting a significant health hazard. That is their terminology, not ours. Their recommendations on all of these buildings have been to implement an asbestos management program, which we have done, and continue to do. In a few instances, they have advised us, where our fiscal planning would allow, to schedule and accommodate removals. In those instances, we have done so. An example would be Trenton State College. Two summers ago, we removed asbestos from an 800-bed dormitory.

ASSEMBLYMAN DORIA: So, there is removal going on in those instances where the problem seemed to be more serious than the determinations that had been made.

MR. BRESSLER: There were a few based upon the Health Department's determinations. There have been a few other removals that have taken place, where the college has undertaken a renovation

project. It has been the Health Department's recommendation that when renovations occur, we schedule removal with the thought that the renovation may cause some physical damage which potentially could release the asbestos. Therefore, we have included that prior to doing any renovations.

ASSEMBLYMAN DORIA: Do we have any buildings in those eight schools that have serious problems which have not been handled, that we know of?

MR. BRESSLER: No. We have no identified buildings that have serious problems we must address.

ASSEMBLYMAN DORIA: What about Rutgers?

MR. BRESSLER: Rutgers has a number of buildings that have been identified, not only by the Health Department survey, but, years ago, by the University itself. Rutgers has a significant amount of staff expertise in this area, and has been aware of the situation. Again, neither their in-house staff nor the Health Department has recommended immediate removal in any of their facilities. There have been a few instances where the Department of Health has recommended over the long-range, as a prudent measure, that removal be considered, but they have not recommended that it be done immediately.

ASSEMBLYMAN DORIA: Actually, under the Federal law, removal would have to take place if the buildings were to be torn down, right?

MR. BRESSLER: Any building that contains asbestos must have it removed prior to demolition, yes.

ASSEMBLYMAN DORIA: So, eventually most of these will have to be handled one way or the other.

MR. BRESSLER: That is correct. We have a very long list of temporary buildings, however, at least in higher education.

ASSEMBLYMAN DORIA: What about the community colleges? Did you say they have not been surveyed, or that they are in the process?

MR. BRESSLER: They have been surveyed, but primarily there are a few that did not get included. They were scheduled to be done this summer. We did not get into those investigations because of the demand upon the Health Department's staff given the removals that were accommodated within the elementary/secondary sector.

ASSEMBLYMAN DORIA: Now, you have been totally reliant upon the Health Department. Have you called in any outside consultants to do any of this for you?

MR. BRESSLER: We are totally reliant on the Health Department.

ASSEMBLYMAN DORIA: Don't you think that maybe given the fact that the Health Department is under such pressure from so many other State groups, that it might be prudent to spend some money to get some outside consultants to finish the process of reviewing all of the schools and getting the information as quickly as possible?

MR. BRESSLER: The schools that have yet to be analyzed are the newer facilities, which should not have asbestos in them. However, as a safety check we are going to do those. If, in fact, we had not had any staff people available from the Health Department at all, we would have done just what you suggested, Assemblyman; however, given the situation, we do not have a real problem. We will now go back and finish them. In fact, we are continuing to do them.

ASSEMBLYMAN DORIA: What about the independent colleges in the State? Have any surveys been done in those facilities? Obviously, under the law they are required to do a survey, but do you know if they have done any?

MR. BRESSLER: Well, they are not required to under the law. The law from EPA primarily deals with secondary and elementary schools. It does not include higher education facilities. So, the survey that we are undertaking is based upon the Department's initiative. We have no jurisdiction over the private institutions, so we are not doing anything in that sector.

ASSEMBLYMAN DORIA: So, you are not aware if anything has been done, or will be done, in that sector?

MR. BRESSLER: Well, I meet with the facilities people from those institutions periodically, and I have kept them abreast of what we are doing. They have done a number of assessments on their own, basically because they are concerned about their facilities. They are also hearing concerns from their faculties and student constituencies. I would think that each institution would have reasonably identified

the extent of its problem. But, again, it would be at the institution's request, and not because of this agency.

ASSEMBLYMAN DORIA: I guess there is no information available on that at this point?

MR. BRESSLER: We have not made any attempt to collect any.

ASSEMBLYMAN DORIA: When do you foresee that all of the information you have-- Is there any time line at all on, let's say, the community colleges, and the remainder of the reports on the State colleges coming into the Department?

MR. BRESSLER: I have been given some word from the Department of Health that the analyses have been completed and that we will have the remaining reports within a month or so. What will happen with the follow-through on a few county colleges is unknown at this point in time. Primarily this is unknown because of the impact of the proposed new policies that the interim report defined, and what that will mean in terms of moving out to initiate and implement these policies.

ASSEMBLYMAN DORIA: Are there any questions? Yes, Assemblyman LaRocca.

ASSEMBLYMAN LaROCCA: Yes, Mr. Chairman, through you, I get the feeling from what the Director has said -- and he is the Director of the Office of Facilities Planning and Construction, Department of Higher Education -- that it is being tackled in a haphazard manner, at least that is the way it appears to me, and it is subject to correction. This has to do with higher education. I would imagine that the colleges-- We only have, whatever it is, 15 or 20 colleges. It seems to me that it would be easy to make a list of these 15 or 20 colleges, that they could be examined, and that a program could be evolved where they would all be inspected. You rely a lot on the Health Department. Well, the Health Department and DEP have hundreds of other problems. If asbestos is the serious problem it is purported to be, and this is only higher education, it is not every single school district, why should it take so long? You are hoping that this is done, and maybe that is done. It would seem to me, business-wise, that here are "X" number of colleges. They need to be inspected; we need a

report on them. Then, get all those reports together and you can come up with something intelligent as the Director of the Office of Facilities Planning and Construction, so that this Committee can evaluate it properly.

The other phase is the new construction. New construction is being done; renovations are being done on dormitories. You should check these too, and there should be a check-sheet. How many colleges of higher education do we have?

MR. BRESSLER: Well, we have nine State colleges; we have three institutions that are at the university level -- Rutgers, UMDNJ, and NJIT.

ASSEMBLYMAN LaROCCA: Well, it is not a large number; that is all I meant. It is subject to correction. I am not taking you over the coals; I am just speaking as a simple businessman. If you are charged with that, why can't it have a little more teeth in it? You heard the architect say that this thing has been going on for years and years and years. Everyone knows about asbestos, but everyone relies on someone else. This is either important, Mr. Chairman, or it's not important.

ASSEMBLYMAN DORIA: Go ahead, Mr. Bressler.

MR. BRESSLER: Back in the mid-1970's, prior to my tenure with the Department, the Department requested -- through all of its institutions -- that the institutions themselves come up with an analysis of the extent of asbestos conditions within their facilities. That was done and that information has been available. What the Department did -- and I think we did this somewhat unilaterally from other agencies -- was go to the Health Department and request that they bring their expertise in, their industrial hygienists, their lab personnel. That is the process I described to you which is underway.

We know, based upon facility personnel at each institution, where they feel the asbestos is, and the conditions which exist. Again, where any institution felt as though there was a problem, they have advanced with, in some instances outside personnel, and this precedes the process that I described, some removals. They occurred back in the late 1970's. However, three years ago when we instituted

this process with the Health Department, we basically reviewed the record that was available which included all of the campuses. Based upon what the Health Department, and what I felt would be the most serious conditions, we worked backwards from the most severe through what we felt to be the least severe. So, we do have a plan. We feel as though we are accommodating it in a reasonable and logical format. Again, it is contingent upon the availability of the Health Department's personnel, but they have looked at the records and they are confident that the information we have provided them is sufficient to allow them to schedule out, if you will, some of our inspections, so they can come up with some inspections on some of these critical elementary and secondary school situations.

I think we have a plan and I think we are advancing it. I don't think we are jeopardizing anyone. We have pushed for three years for a policy, and I think the State is now on the brink of not only having a policy which will be effective for the State of New Jersey, but a policy which is outstanding, and is leading this nation. I think we have been a very significant part of that.

ASSEMBLYMAN LaROCCA: Time-wise, when do you think there will be some kind of a physical report made to this Committee, at least a list of the colleges and what has been done -- a written report, in some fashion, which can be used as a guideline and, also, so we can keep checking on it?

MR. BRESSLER: We can provide you with a listing of the senior institutions, with the buildings, the extent of conditions--

ASSEMBLYMAN LaROCCA: (interrupting) And, the new construction too?

MR. BRESSLER: Well, with the new construction, I am not sure what the request would be. Other than the facilities which we finance with student revenues, we are doing very little new construction. The State of New Jersey is not funding new construction in higher education in and of itself.

ASSEMBLYMAN LaROCCA: So, it should be easy to monitor the new construction.

MR. BRESSLER: The new construction will not contain asbestos. That is precluded.

ASSEMBLYMAN LaROCCA: How will you check whether or not it contains asbestos? The architect has testified that these guidelines came into effect years ago, but the boards of education just went glibly on without paying any attention to them. I am afraid that on the higher education level the same thing may happen.

MR. BRESSLER: His reference was not to new construction, but was primarily to removal situations.

ASSEMBLYMAN LaROCCA: That's true.

ASSEMBLYMAN DORIA: I think Assemblyman LaRocca has hit on an important point. We would like to have information from you on those schools that you have information on, you know, the buildings that have been reviewed, and what schools have problems. We do not want to scare the general public. That is not the purpose of these hearings. However, we do want to make them aware that there are some problems. As you pointed out, the Task Force Report creates a much more stringent standard than any other state in the Union. I'm wondering, of the studies that have been done by the Department of Health of our facilities, how they compare to the new stringent standard that is going to be applied under the Task Force Report.

I agree with Assemblyman LaRocca. I think we should be moving much more quickly in trying to do these studies. I have a bill, A-1997, which provides money to do this. It will provide money to the institutions and to the Department so that they can try to move much more quickly on this whole idea of surveying, and then determine what the problems are and come up with removal projects.

Obviously there is a cost involved, and we are all well aware of that. However, I think we are also well aware of the fact that there is a need for us to be conscientious in protecting the health of the young people who use the facilities and the faculty members who have to teach in them. Unfortunately, many times schools do not want to rock the boat, so they are not going to look for a problem if there is no problem. However, we don't know if there is a problem in the sense that there may be asbestos somewhere. If it is friable and airborne, it becomes dangerous. I think we have to look at all of our abilities, our old abilities especially, and make some kind of a determination.

I think the Department has begun to move in the right direction, but I just think we should try to get this moving more quickly. I would appreciate it if you would pass this along to the Chancellor, and express our concern over the fact that there has not been faster movement in this area.

MR. BRESSLER: I will convey that to the Chancellor. We will submit a report back to the Committee detailing the extent and our time line to continue this particular analysis.

For your information, I think we have placed somewhat of a moratorium on removals, pending the outcome of the policy statement, because it is a significant change from the previous situation where the Department of health was making recommendations to either continue to manage or, in a few instances, to remove, where, in fact, we have done removals.

ASSEMBLYMAN DORIA: That makes sense because the interim report is there and within two months we will have the final report, so it isn't as though we are holding it up for a long period of time. Obviously, that is logical, and I think we can go with that. As I say, I know the Department of Health is overburdened. They are doing elementary and secondary schools and they are doing higher education facilities. They also have to do the State institutions. We still do not know the extent of the problem that exists in the State institutions, such as our prisons or, let us say, our mental institutions and the various hospitals we run. We are not aware of what the extent of that problem is. So, obviously, the burden on the Department is going to get larger and larger, and we are not going to be able to do the job quickly.

I think we have to begin to look at trying to come up with some other means by which we can deal with an assessment of what the problem may be, and then try to deal with the problem. Hopefully, we can do this as quickly as possible so that we do not find ourselves in a situation where we are exposing the general public, our students, our faculty members, and the people who work in the institutions to a danger that they should not be exposed to. I think everyone agrees on that. We do not want to scare people, but at the same time we do not

want people exposed to something that is dangerous. There are a lot of questions in this area and I think we have begun to clear up some of them.

Are there any other questions for Mr. Bressler? (negative response)

MR. BRESSLER: If I may, I would just like to applaud you, Assemblyman Doria, for your particular bill. It has now been signed into law and it is, from our point of view, a very sound step forward to provide sufficient requirements and training to upgrade the removal workers, not only to protect those workers, but to protect the public when removals are undertaken. I think that if you look at the interim report, it clearly defines that one of the biggest problems in this whole sector is improper removal. Primarily, this will result in a greater health hazard than the condition that was probably in existence before the removal was undertaken. I think your bill will advance safe removals. I also think it is very timely and necessary, and we from the Department of Higher Education applaud you.

ASSEMBLYMAN DORIA: Well, thank you very much, Mr. Bressler. We thank you for taking time out to come here, and for your information.

Is Adrienne Markowitz from the New Jersey Committee for Occupational Safety and Health here? (no response) Is Mr. Grogan here yet?

FROM AUDIENCE: He should be here momentarily. I just called the office and he is on his way.

ASSEMBLYMAN DORIA: Okay. He is probably stuck in traffic. Why don't we take a short recess until Mr. Grogan comes? And, we'll find out what happened to Adrienne Markowitz too, if we can. Is there anyone else who would like to testify so we can put your name on our list? (no response) Okay, then we will wait for Mr. Grogan, President of the New Jersey Building and Construction Trade Council.

(RECESS)

AFTER RECESS

ASSEMBLYMAN DORIA: We are going to call the Committee back to order now. I would like to thank everyone for waiting through the recess. I would also like to thank Jim Grogan, President of the New Jersey Building and Construction Trade Council, for being with us this afternoon to present his point of view.

Mr. Grogan has been actively involved in the area of asbestos and asbestos removal, and he represents one of the largest groupings of unions in the State of New Jersey, all involved in building and construction trades. Mr. Grogan worked very closely with me in developing Assembly Bill 1820, which I think is a landmark piece of legislation. I would just like to thank him for his support and help on that. I will ask Mr. Grogan to come forward to make a few comments, and then we will have some questions. Jim, thanks for being here.

JAMES GROGAN: Thank you, Assemblyman. Ladies and gentlemen, I am sorry for being late, due to traffic and pressing business. I have no prepared text; I am here to answer any questions you might have and to lend whatever expertise I can in terms of putting this asbestos problem in its proper perspective.

I just have a few brief statements. I know you are going to hear from a lot of different people throughout the State, whether it be architects, engineers, school boards, whatever. I understand there have been some talks already on the selection of contractors, the training of workers, and a study that will be needed about whether, in fact, in some schools, some of the asbestos should even be removed.

I think at the outset that the most important contribution for today's hearing that I can give you is the following: If there is asbestos to be removed in any school within this State, and it is removed improperly, you are going to do more damage to the health of the children in the school and to the workers who are doing the removal, and you are going to leave an everlasting effect on their health in terms of fibers being left in the school.

Some people think in terms of an overdramatization of the problem of asbestos. In addition to being President of the New Jersey

State Building and Construction Trade Council, I am an asbestos worker by craft. I have seen our particular workers die from asbestosis, mesothelioma, and other diseases directly attributed to asbestos. You will hear testimony from a lot of people -- and it is a fact -- that the latent period for asbestos to cause damage is anywhere from 25 to 30 years. We have had workers within the asbestos workers' local union that I came out of that had a high mortality rate at a low age. We have had, out of 119 members who have died in the last 18 years, 105 whose deaths were directly attributed to asbestos and the diseases that it causes. We are talking about a small local union of no more than 400 members. If you put that on any scale, or put it into any calculations by actuaries or doctors, you will see the high mortality rate that that involves.

We are exposing young children at a much earlier age than the workers who go into the construction business, younger by at least 15 or 20 years. We are going to see, not only in this State but in this country, an epidemic of disease when we start calculating the ages of the children who are exposed to asbestos. I cannot stress strongly enough the importance of the selection of the contractors and the training of the workers. While it is better to have some particular rules and regulations, as are outlined, I am not happy about the amount of hours that are going to be required to train the workers. We, in representing workers, not only those who go through asbestos training, but carpenters, plumbers, and electricians, have training courses that go over a four-year period, with a minimum of 144 hours per year. This is normally done at night or in a vo-tech school, in addition to their on-the-job training.

What we see happening here in the State -- particularly last summer -- is everyone jumping into a new business, taking people, whether they be college kids or high school kids, and giving them a minimum amount of training, what the State gives them in a film, which is totally inadequate. We are happy to see this being addressed. One of the faults of workers today is, and it is just a human frailty, they can see asbestos, it doesn't hurt them, and they do not take the proper precautions with it. If you say something about a nuclear plant where

you can't see what is hurting you, everyone just freezes. Those workers have buttons on; they know whether they are getting millirems or what kind of damage is possibly being done to their bodies by the graph on the little tag they have on them. They, in turn, take the proper precautions.

It is unfortunate that when you see this material, you don't think it is harming you. The fibers you see, or that you might see children grabbing in hallways at schools, are never going to hurt anyone. It is the fibers that you can't see, the fibers you even need microscopes to see, that are so harmful. That is well-documented. If this State does not grasp the fact that there is no easy solution to removing this other than maximum training for the workers, and the safety of the workplace they are going to leave behind, you are going to see the same problem that occurred this summer reoccur, and reoccur, and reoccur.

This country moves -- and I support it -- on the profit motive. That is why we are all in our own particular businesses or positions. A contractor will go into business; he will take young college students or, as I said, even high school students, will give them no training at all, and no protection, and will not only expose himself and his workers, but will contaminate the schools that he leaves behind.

The proper inspection that should be given-- I will give you an example of what happened last summer. My statements are really not to put any segment of government down at all. We have been hit with a problem, and we are trying to deal with it. I am looking at it from the State government's position. We're trying to handle it. We had inspectors who, in fact, were out on school jobs, who had absolutely no training nor knowledge of what they were dealing with. They were entrusted with a tremendous responsibility. We have films which we have shown to both the Governor and the Commissioner of Health of a school right in Edison, New Jersey, where the workers, who were supposedly trained through the program that was in existence, in fact, came out into a schoolyard. They had no change trailer; they had no showers to change in. They were, in fact, taking off their

contaminated clothing in the schoolyard where kids were playing basketball during the summer. They not only exposed parts of the school that never had any asbestos in a particular hallway or a particular part of the building, but they were, in turn, exposing themselves and exposing the kids who were there playing basketball.

I'm sure you have heard horror stories already; there are many, and they are factual. The inspectors need a tremendous amount of training. I wouldn't -- and I don't believe you would -- trust an automobile mechanic to fix the carburetor on your car with 30 or 35 hours worth of training. I know I wouldn't. I don't know that a person in the automobile business would effectively know how to even take the carburetor apart, much less put it back together in that amount of time. Yet, we are dealing with a material where people think they can just put any worker in and have him take this material out and do it in the proper way. I am here to tell you that that is not the case.

The laws, and the regulations, as I see them being written, are a great step in the right direction, but all aspects of this asbestos problem have to be addressed in a way that State government, when it finds particular violations, first of all, must know what they are, and secondly, must be in a position to immediately stop those contractors, or those workers, who might be doing it improperly. There is such a thing as eminent danger in a lot of our laws in the State, and I believe that that is one way of enforcement.

We have school districts -- I can't blame them, I guess -- that want to keep it quiet that they have asbestos in their schools. They want to get it out as quickly and as quietly as possible, so that no one can see it. If they are affluent enough -- and this has occurred -- to be able to pay contractors to come to do it, they do not want anyone around. They don't want the PTA or the mothers and fathers to be upset by it. The things that happened this summer were atrocious, and I am here to tell you that they will continue if we do not put stringent regulations on how these things are going to be done.

I am not here to say that the workers need four years of training, but I am here to tell you that the amount of hours, as

outlined in the regulations, in my opinion, are not enough. Even if they were enough hours, the follow-up is the most important part of removing this health hazard from our public buildings. The follow-up has to come with a cadre of administrators who know what they are doing. We have seen problems in school districts this summer where inspectors from different departments within State government went into a school and approved it as being ready to open, when, in fact, I personally walked in there, put my hand up on top of a light, and took handfuls of asbestos off the light fixture. Again, if you can take it off and see it with your own eye, the health hazard is still there for those who are occupying that building.

I will be prepared at future hearings to give written testimony, rather than just giving oral testimony as I am doing here today. However, I thank Assemblyman Doria and the rest of the people who are here. I thank Governor Kean and the people in the rest of State government who are finally taking an interest in what is going on. Sometimes we do not move fast enough, but at least this State is trying to do something at this juncture.

I stated first that improper removal creates more of a hazard, and it does. I think that is something that has to be looked at very, very carefully. Workers, as I said, at Edison High School, were going home in their own contaminated clothing. Before people in the Asbestos Workers Union that I came out of knew that it was a hazard, it was hidden by Johns Manville and the government of the United States for many years. They knew, going back as far as 1931, that it caused a health hazard. It happened to be a product that was necessary for our war effort. It happened to be a product that was of tremendous value for insulating steam lines. Unfortunately, most of the spray product that you see on ceilings is a combination of a fireproofing and a decorative product, and that is why it was put there. It was cheap; it was fast to put on. As I said, some of these hazards were well-known by the Federal government and, of course, the corporations which manufactured asbestos.

The time delay, or the latent period it takes to affect a human being, is one of the reasons that no one became really

concerned. I think we all know that if someone went into a school and the asbestos caused him to start sneezing and coughing, with his eyes tearing and everything like that, something would be done immediately. But, because it takes so long to cause ultimate death, everyone just sweeps it under the rug.

So, we are entrusted here in this State to come up with regulations that are viable and workable, and more importantly, enforceable. I compliment everyone that we are taking the right step, but I do not believe that the amount of training hours put into the regulations is really enough to properly train someone.

I am open to any questions at this point in time. As I said, I will be prepared at other hearings to have written testimony. I will be glad to have something typed and sent to you, Assemblyman Doria, and the other members of your Committee.

ASSEMBLYMAN DORIA: Mr. Grogan, we just want to thank you for coming here. I would like to go back to the point you emphasized and reemphasize it. From your experience, having been involved with the removal of asbestos and knowing the processes involved, you're saying -- and you can correct me -- that it is better to leave asbestos in a building than to remove it improperly or to have people who do not have the proper experience remove it. In the end, there will be a greater danger to the people using a building, not only schools, but now we are talking about all public institutions, such as mental hospitals and the various care facilities we have in the Department of Human Services in the State. Is that what you're saying?

MR. GROGAN: That is my feeling as a layman. I know that a doctor will disagree with me because there is a need for it to be removed. However, if it is going to be removed improperly-- You could have it removed from the ceiling here. You don't see it, but those fibers are going to be in the air and the occupants are going to be breathing them, even in a friable state, if the asbestos is high enough where the children or the occupants cannot get at it. While a doctor will disagree with me, I'm telling you that you are better off leaving it alone than exposing more children to many, many more fibers if you take it out and take it out wrongly.

ASSEMBLYMAN DORIA: One of the things we talked about earlier today was maintenance workers, people who are working in, let's say, a facility like a school, a higher education institution, or a hospital, who are involved with removing asbestos. What type of danger do you foresee for individuals who do not have proper training, but who are involved, let's say, on a daily basis with doing things like this?

MR. GROGAN: Well, they are in eminent danger everyday when they are being exposed to it. If they are near it, if they are touching it, whether it be in a boiler room where maybe a steam fitter will have to go because he has a steam leak, and he starts to rip it apart-- They are in constant danger with that. Even with what happened this past summer, there is a large segment in this State, believe it or not, who do not understand. Some people think it is being overblown. It is not being overblown when it is being taken out improperly. The people you mentioned are being exposed constantly. I will give you an example. I received a call from an attorney representing an individual who never had -- as far as he knew -- any asbestos exposure. He worked in a brewery here in the State of New Jersey; he loaded trucks. He came down with asbestosis. They got my name because I happened to work in this particular plant as an asbestos worker 20-some odd years ago. This fellow's exposure to asbestos was minimal. He worked in the warehouse. There was piping where maybe a tow truck would come along, they would lift the tow motor up, and they might hit the pipe. While his exposure was minimal, he is now in very bad health. I do not know the individual; I only had a call from his attorney a week and a half ago because I logged in at that particular plant, which we were required to do, and when he went back over some old records he happened to get my name, and he called me. Now, here is a guy who worked in a warehouse. His exposure to asbestos had to be very minute over the years, so you can multiply what someone's exposure is going to be daily to see what is going to happen to him.

So, it is a problem; it is a problem for all of us. It is going to take a lot of money to do it and do it properly. Right now, this State has a surplus; you know, we normally do not have that. We usually don't have the money to throw around to do this; however, I

would much rather see this State stop all asbestos removal until they have people properly trained and contractors properly trained. More importantly -- and I don't believe I have seen this in the documentation anywhere -- contractors today that take a job do not go out and get the proper bonding. Most of them will go out and get bonded, not as an asbestos worker/contractor, but as a surface-cleaning contractor or a window-washer contractor. I do not need to tell you the cost of what that bonding is or the reasons why they don't let their insurance companies know they are removing asbestos. It is because of the liability and the cost of getting it.

The particular contractors who have been in the business for the 70-some years that my local union has been in existence pay a tremendous cost in liability. They pay a tremendous cost for their bonding. These window-washer contractors who are coming into the business say they are surface cleaning. The insurance company doesn't know it, but some years down the road you are going to see these companies fold, and pull a bankruptcy act, just like what is going on with Johns Manville today on a greater scale. You are going to see workers in this State not covered by the proper insurance that they, in fact, really deserve. In addition, the workers who are left in the public buildings will have no recourse because of some of the slipshod methods that are going on. Assemblyman Doria, no one has addressed that problem as yet.

When the Division of Building and Construction gives a contract out, or licenses someone, and then a school board hires an architect and they go out to bid, no one checks to see that their bonding says they are doing asbestos removal. You will find that most of them are substituting another name so that they will not have to pay the price that it really costs to be an asbestos worker/contractor. This is something that should be addressed.

ASSEMBLYMAN DORIA: That is a very important point, and we will make note of it for our recommendations from this Committee. It is very important because it is something, as you say, that most people would not be aware of and would not look at. I know I wouldn't. That is a point I think we will have to take into consideration.

I have one final question; it deals with the Governor's Task Force Report, and I'm sure you are familiar with that. How do you feel about that Report? Do you feel it is moving in the proper direction? Do you think it is dealing with the problem in a more intelligent manner, and that this will eventually help the entire situation in the State?

MR. GROGAN: I believe it is moving in the right direction. I do have some criticism of it. Unfortunately, the Task Force was started many years ago, even before Governor Kean was in office. One of the things I have criticism of is that they do not involve the people who are in the asbestos business. Our first involvement is coming to these hearings, and they are setting up the regulations. Naturally, they can be amended, and that is the purpose of the hearings. But, there is no one in government who has really gone out to the people who have been in this business for the last 70--some years to ask them for their input. I am critical of that.

Part of the problem, just to show you what is going on in the State, is that there were probably, I could double the figure and make it 50, but I will say 30, asbestos contractors throughout this whole State prior to 1980. You probably have 300 or 400 who list themselves as asbestos contractors today. They are there for the almighty dollar, and that is what is happening. They are in it to make the bucks, and to get in and out of it as quickly as they can. I believe that when any task force is set up, you bring in the experts, bring in the people who have dealt with it. So, I do have a criticism of that part only.

Do I think it is heading in the right direction? Yes, I do. I think things must be changed if you really want to have an effective asbestos program here in New Jersey. Amen on that criticism anyway.

ASSEMBLYMAN DORIA: That is a very valid point. I know I always feel that whenever you are setting up a task force or a group to conduct a study, you should get the practitioners involved, in no matter what field. Assembly Bill 1820 is something we worked on together. I know the bill was watered down by the Governor, and we were both somewhat upset by that. I am aware of your feelings on that. Do you think the implementation of that will be taking place in

the proper manner? Obviously, we have to look at the regulations. How do you feel about that?

MR. GROGAN: Again, I believe that the bill is another step in the right direction. Rome wasn't built in a day. I believe, while it may be self-serving for me to say so -- and I said this under Governor Byrne's Task Force -- that, while State government, in and of itself, cannot say this work should be done by the asbestos workers' union, and I understand that, if somehow they could find a way for that to be done, you could rest assured that the work would not be done improperly.

I am hit with the question many times, "But, what about the volume of manpower that is going to be needed to do these things?" such as occurred this past summer. I have made this offer to the Governor, and I will make it here to this Committee. I would be happy to try to be helpful in organizing the people who are involved, to make sure that they do not go on a job without some of the experts from my union being there to supervise them. I know that is a tough task and a tough pill to swallow, but I don't think any one of us, whether it be a broken finger or a broken arm, is going to go to the butcher or the candlestick maker to get it fixed. Everyone would go to a proper doctor.

Now, there are certain impediments in the law to doing such a thing. I am cognizant of that. However, I make that offer to this Committee. We have an apprentice training school that has been established for many, many years. I made this offer to members of Governor Byrne's Task Force -- I have not had an opportunity with Governor Kean's Task Force because I do not belong on it -- and I would be glad, with the proper time and everything else that is necessary, to train the workers who are going to go into our public buildings, and to make some type of accommodation in terms of organization, so that we can see that it will be done properly. That has a lot of different ramifications I know, but I just felt that I had to say that again publicly.

ASSEMBLYMAN DORIA: Thank you for the offer. My personal opinion is that it is very important. That is the reason why I think

we have to move in this direction, as A-1820 does. I think there is a need to realize that you have to have people with expertise doing the job to protect, not only the people who will be using the buildings in the future, but to protect those other individuals who might be required to do the job, but who are not properly trained and do not realize the danger it poses to their health.

Are there any other questions? Assemblyman LaRocca?

ASSEMBLYMAN LaROCCA: I would just like your opinion, or your comment, on the private homes, on the old homes, with the 12-foot ceilings, or 15-foot ceilings, with basements, or with high-rise pipes for steam heat. They all have asbestos around them, don't they?

MR. GROGAN: Yes, they do.

ASSEMBLYMAN LaROCCA: People have been living with it, in one-family houses, and two-family houses, for 80 years, and it is still there. Your point struck me that maybe it is better to let it alone unless it is going to be done properly. Who knows?

MR. GROGAN: Well, you see, in the old buildings, you will only find asbestos on steam pipes and maybe on boilers.

ASSEMBLYMAN LaROCCA: Yes.

MR. GROGAN: Except back in the years when we all lived in cold-water flats where you had the hot water heater right in the kitchen. The white material that was around that was all asbestos. Okay? They were right in the kitchens. I was brought up in a tenement in Newark and they were right there. But, exposure in the homes as we know them today -- one-family homes -- is really only on the boiler that might be down in the basement and on the piping.

ASSEMBLYMAN LaROCCA: The pipes in the basement?

MR. GROGAN: Yes. By and large, it is never touched. You know, maybe sometimes you go down and if you have a low ceiling in the basement you may hit your head on it, but, by and large, that material is never really touched. Consequently, at that point, until it is broken into, it is not really causing a hazard. It is that once you break into it-- At the installation you have contamination, and then on the removal. Part of our problem in the schools, sir, is that some of the ceilings are only eight or nine feet high, and you know how the

kids can jump today. I have seen them where they could jump and grab a handful of it. The ceiling in this room looks as though it was plastered. If asbestos is up there and not in a friable state, it will probably not have to be removed. But, where you can get near it, touch it, hit it, and pull it apart, you have to do something with it. Kids being kids, they are going to do that, whether it be in public schools or in other institutions. I mean, that is just the way it is. There you have to be alert to it. You have to be alert with maintenance workers who go in to pull steam pipes apart, or maybe rip the boiler down for a cleaning, or something of that nature. Then you are getting contamination at that point.

However, by and large, in a home, unless you are doing something with a steam pipe in the cellar, you are not really going to get the type of exposure we are talking about.

ASSEMBLYMAN DORIA: Thank you very much. We appreciate your coming here today. I am sure we will find your testimony very useful when putting together our report.

MR. GROGAN: Thank you, Assemblyman. I will prepare something and have it for the next hearing.

ASSEMBLYMAN DORIA: If you can get that to us, we will enter it into the record.

MR. GROGAN: Okay, thank you very much.

ASSEMBLYMAN DORIA: Thank you. Is there anyone else who wishes to testify? (response from audience) Would you please come forward and give us your name?

I. PODOLSKY: Assemblymen, my name is I. Podolsky. I was a painter; I was involved with asbestos as far as the mixture of asbestos and sparkle was concerned. The way they did it was, they sprayed the sparkle on the ceilings. It is decorative. Anyway, the point that I would like to make is -- and you are probably not aware of this -- there is a Dr. Irving Selikoff. I believe he is at the University of New York. He travels all over the country and he is very informative on the subject of asbestos. I don't know if the gentleman who preceded me knows the doctor. As a matter of fact, we have a Sergeant at Arms, Louis Cuviallo, who worked on asbestos around boilers and pipes. He is already afflicted with asbestosis.

I just wanted to mention the fact about the doctor. He is involved; he knows all about this. As I said before, he travels throughout the country giving advice. In fact, he advised our painters' union. Before Dr. Selikoff got involved, the asbestos was included in the sparkle. I think there has been a law passed in New York State prohibiting this mixture from being used.

ASSEMBLYMAN DORIA: Thank you very much, Mr. Podolsky. Is there anyone else who wishes to speak? (affirmative response) Okay, why don't you come up to the microphone? We called you earlier.

ADRIENNE MARKOWITZ: Yes, I'm sorry to be late. My name is Adrienne Markowitz, and I represent the New Jersey Committee for Occupational Safety and Health.

First of all, I would like to commend this Committee for the tremendous amount of work it has done on this policy report. I think it was almost totally comprehensible, which is something for a report.

We have a few issues we would like to bring up, because our daily work involves speaking to workers from all over New Jersey on a worker hot line. Many of the questions workers have, have to do with asbestos.

ASSEMBLYMAN DORIA: Is your group a private nonprofit group?

MS. MARKOWITZ: Yes.

ASSEMBLYMAN DORIA: Where do you work out of?

MS. MARKOWITZ: We work out of a Rutgers building in Newark, and I have to say it is a building that has asbestos in it.

Part of the problem that workers face is trying to find out who has jurisdiction, who to go to when they have a problem, where the buck stops, and who actually handles a problem. As we were reading the report, we noticed that there are quite a few governmental agencies which have part of this program. There is the Department of Labor, the Department of Health, etc. We feel that for anyone who has a problem, any public employee who calls us, it would be very difficult for us to channel their questions or their requests for information to any certain place. There is no central body to which people can address their questions. In the State of New Jersey, this is very, very important because we haven't known what to do over the last few years.

I don't know that this interim report really addresses this kind of a problem.

For instance, with the Right-to-Know bill which was recently passed by the New Jersey Legislature, there is a person who is with the Department of Health, Mr. Willinger, to whom you can address your problems. It is not enough, but it is a beginning as far as knowing where to go for help.

We are also very concerned with the funding of these proposals, because without the funding it means that all the work which has to come out of the Department of Health, the Department of the Treasury, and the Department of Education has to come from within their budgets. In effect, that means there will not be that kind of cohesive group that can address the everyday asbestos issues which come up.

We would also like to suggest that funding be set aside for the proper equipment to adequately test for asbestos fibers in the air. Right now, I don't know the technical names of the equipment, but we should be looking for small fibers, as well as large fibers of asbestos, because there is medical evidence that says it is the small fibers that get into your lungs which are the most serious. I think funding should be set aside to invest in the proper equipment so that the lab is certified and up to date on the most advanced technology in existence, you know, in the United States, or in the world.

I think that is about it. Those were my main points.

ASSEMBLYMAN DORIA: I think we have to agree with you on the first point, the point dealing with coordination. One of the things we found out at our hearing last week was that there is a lack of proper coordination, and that the bureaucracy is not interacting effectively. Hopefully, everything will now be channeled through the Department of Health, which will now be the responsible agent. That point is well-taken and is something we are very aware of, and something we are going to recommend as a result of these hearings. I think there will be better coordination, with one Department being responsible, and I think the Department of Health is going to be the Department.

When it comes to the question of money, we are aware there, too. There is legislation in a number of areas to begin to provide

money to the specific departments for the removal of asbestos. We have already seen this in the elementary/secondary sector, and in higher education, and hopefully we will have someone from the Departments of Health and Human Services to deal with these questions.

Finally, regarding equipment, the Department of Health is getting an electron microscope, which is the most sophisticated piece of machinery possible to begin to move toward this. Hopefully, these are all things that will help in the process.

You had a number of very important questions, and we are moving in those directions.

MS. MARKOWITZ: Okay. I just have one other point, and that is funding for the training.

ASSEMBLYMAN DORIA: That is addressed in Assembly Bill 1820, which provides money to develop training programs, with the Departments of Health and Labor working with those programs.

MS. MARKOWITZ: Okay, because the Department of Health will need to be trained.

ASSEMBLYMAN DORIA: Assembly Bill 1820 begins to move in that direction also. Okay? Thank you very much.

MS. MARKOWITZ: Thank you.

ASSEMBLYMAN DORIA: At this point, we will end today's hearing. The next hearing will be held Wednesday, November 14, in the Haddon Heights City Hall. We expect to have six or seven witnesses that day.

I want to thank Leonard Colner, our Committee Aide, and the ladies who came from Legislative Services in Trenton. We will see you next week. Thank you.

(HEARING CONCLUDED)

APPENDIX



THE HARSEN & JOHNS PARTNERSHIP ARCHITECTS

George R. A. Johns AIA, Emery Malaarts AIA, Lloyd Rosenberg AIA, Frank LoMonte AIA,
A Professional Association

November 6, 1984

ASBESTOS HAZARDS & ASBESTOS REMOVAL FROM PUBLIC BUILDINGS

ESSENCE OF TESTIMONY

Asbestos in public buildings and asbestos removal procedures have been the subject of numerous seminars by facilities planning starting about 4 years ago along with numerous mailings concerning this problem. This originated from the extensive litigation involving the Johns-Manville Company and other former producers of asbestos products.

Initially Facilities Planning insistence that asbestos must be removed and that encapsulation would not be acceptable for most asbestos situations in schools was difficult to accept since it was more expensive and exceeded the requirements of neighboring states. As we became more experienced in removing asbestos from different locations in building and our knowledge increased it became abundantly clear that removing asbestos rather than allowing encapsulation, a total answer for the life of the building without risking the lives of custodians electricians and plumbers who's repair work might take them into encapsulated areas was the right decision.

The procedures and standards for the removal of asbestos have proven to be adequate. The problems arise from workmen not following the safeguards after the inspector leaves. Typical examples are the removal of the respirator and clean suit to make this work easier. Education, testing and more extensive inspection procedures should remedy this problem.

Asbestos removal problems in public schools last summer were the responsibility of those Boards of Education that ignored over 4 years of seminars and clear information provided by Facilities Planning Department of the Department of Education.

To answer the question what should the executive department do to alleviate the asbestos problem in schools, Provide Funding. School Administrators are trained and experienced in hiring professionals to competitively bid everything including asbestos removal if funding is available and they are not interfered with by others.


GEORGE R. A. JOHNS, AIA

GRAJ:whz

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