

174 23
5372
1984c
VOLUME IV

PUBLIC HEARING

before

ASSEMBLY SPECIAL COMMITTEE ON ASBESTOS HAZARDS

(Created Pursuant to Assembly Resolution No. 75)

Held:
December 5, 1984
Council Chamber
City Hall
Perth Amboy, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Joseph V. Doria, Jr., Chairman
Assemblyman George J. Otowski
Assemblyman Nicholas R. Felice

ALSO PRESENT:

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

New Jersey State Library

TABLE OF CONTENTS

	<u>Page</u>
Daniel J. Kraft Chief Toxic Substances Section Environmental Services Division U.S. EPA Region II Edison, New Jersey	1
William Connolly Director Division of Housing and Development Department of Community Affairs	8
John Forker Director Office of Institutional Support Services Department of Corrections	13
Chris Berzinski Legislative Agent Rutgers Council of the American Association of University Professors Chapters	16
David LeGrande Representative Occupational Safety and Health Communications Workers of America	19
Joe Schirmer Representative Communications Workers of America	22
Admiral Brooks J. Harral Consultant Applied Technologies Mount Laurel, New Jersey	29
David Burke Director Asbestos Training Academy Camden, New Jersey	30
Marianne E. Rhodes Associate Director of Governmental Relations New Jersey School Boards Association	33

TABLE OF CONTENTS (continued)

	<u>Page</u>
Marshall Marcus Industrial Hygiene Consultant	36
Anthony Mazzocchi Representative Parents Against Asbestos Hazards in Schools Maplewood-South Orange School District	43
Susan Mazzocchi Representative Parents Against Asbestos Hazards in Schools Maplewood-South Orange School District	44
Sandra G. Corbitt Concerned parent Maplewood-South Orange School District	54
APPENDIX:	
Statistical Information submitted by Daniel J. Kraft Chief, Toxic Substances Section Environmental Services Division U.S. EPA Region II Edison, N.J.	1x
Statement submitted by John Forker Director, Office of Institutional Support Services Department of Corrections	2x
Statement of Professor Lillian Robbins Chair of the Health and Safety Committee Rutgers Council of AAUP Chapter Submitted by Chris Berzinski Legislative Agent of Rutgers AAUP	8x
Statement submitted by David LeGrande Representative, Occupational and Safety and Health Communications Workers of America	10x
Statement submitted by David Burke Director, Asbestos Training Academy Camden, New Jersey	19x

TABLE OF CONTENTS (continued)

	<u>Page</u>
Statement submitted by Marianne E. Rhodes Associate Director of Governmental Relations New Jersey School Boards Association	22x
Statement submitted by Susan and Anthony Mazzocchi Parents Against Asbestos Hazards in Schools Maplewood-South Orange School District	35x
Statement submitted by Sandra G. Corbitt Concerned Parent Maplewood-South Orange School District	41x
Statement submitted by Geoffery Dickinson Director Facilities and Maintenance Department of Human Services	45x

* * * * *

my: 1-29
jb: 29-58

ASSEMBLY RESOLUTION No. 75

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 13, 1984

By Assemblymen DORIA, HOLLENBECK, OTLOWSKI, VAINIERI,
CUPROWSKI, Assemblywoman MUHLER, Assemblymen
CHARLES and ROCCO

AN ASSEMBLY RESOLUTION establishing a special committee to study
the problem of asbestos removal from schools and other buildings
and the adequacy of the standards therefor.

1 **WHEREAS, The Legislature finds that the safe removal of cancer-**
2 **causing asbestos from schools and other buildings is of para-**
3 **mount concern because of its effect on the health, safety and**
4 **welfare of the people in this State; and**

5 **WHEREAS, Approximately 300 public schools in 20 counties in this**
6 **State were scheduled to undergo asbestos removal this summer**
7 **and as of August 29, 1984 it was reported that approximately 200**
8 **schools had not received a final inspection and a certificate of**
9 **occupancy allowing them to open for the 1984-1985 school year;**
10 **and**

11 **WHEREAS, The several executive departments responsible for the**
12 **safe removal failed to coordinate their efforts and thus failed to**
13 **act expeditiously to stop the threat of danger to the school**
14 **children and teachers in this State; and**

15 **WHEREAS, It is necessary to determine the standards for the safe**
16 **handling of asbestos in public schools and other public and private**
17 **buildings in this State and the best methods of coordination and**
18 **improvement of the efforts of the executive departments to act**
19 **responsively to this problem; now, therefore,**

1 BE IT RESOLVED *by the General Assembly of the State of New*
 2 *Jersey:*

1 1. The **Special Committee on Asbestos Hazards** is established
 2 with a membership consisting of the chairman of the General
 3 Assembly Agriculture and Environment Committee; the chairman
 4 of the General Assembly Corrections, Health and Human Services
 5 Committee; the chairman of the General Assembly Higher Educa-
 6 tion and Regulated Professions Committee; and two other members
 7 of the General Assembly to be appointed by the Minority Leader
 8 of the General Assembly.

1 2. The special committee shall study the problem of asbestos in
 2 schools and other buildings; the adequacy of the standards for
 3 asbestos removal procedures; the recent failure to expeditiously
 4 remove asbestos from approximately 300 public schools; and the
 5 role that should be played by the executive departments, including
 6 the Department of Environmental Protection and the Department
 7 of Health in alleviating this problem. The special committee shall
 8 study the issues and recommendations raised in the report by the
 9 Department of the Public Advocate dated August 29, 1984 and
 10 entitled "**Asbestos In The Schools: An Interim Report**" and any
 11 other pertinent documents and shall evaluate any proposed legisla-
 12 tion or laws concerning asbestos removal procedures.

13 The special committee shall make recommendations for the
 14 development of **Statewide comprehensive standards** for the use of
 15 asbestos, including removal procedures, in all buildings in this
 16 State and the coordination between the executive departments to
 17 ensure a quick and informed response to this problem in the future.

1 3. The special committee shall be entitled to call to its assistance
 2 and avail itself of the services and assistance of any officials and
 3 employees of the State and its political subdivisions and their
 4 departments, boards, bureaus, commissions and agencies as it may
 5 require and as may be available to it for these purposes and may
 6 expend any funds as may be appropriated or otherwise made avail-
 7 able to it for the purposes of its study.

1 4. The special committee may meet and hold public hearings at
 2 any places as it shall designate and shall report its findings and
 3 recommendations to the General Assembly no later than 60 days
 4 after the date it first convenes, accompanying the same with any
 5 legislative bills that it may desire to recommend for adoption by
 6 the Legislature.

STATEMENT

This Assembly resolution establishes a Special Committee on **Asbestos Hazards** with the responsibility to study the problem of asbestos removal from schools and other buildings in this State and to make recommendations concerning the coordination of the efforts of the executive departments responsible therefor and the development of Statewide guidelines for asbestos removal procedures.

The intent of the resolution is to confront the asbestos crisis in this State caused by the recent problems in carrying out the removal of asbestos from approximately 300 schools. By convening a Special Committee on Asbestos Hazards, the health, safety and welfare of the people of this State will be protected by the development of Statewide standards for the use and removal of asbestos including the coordination of the efforts of the executive departments responsible therefor.

ASSEMBLYMAN GEORGE J. OTLOWSKI: Assemblyman Doria is late for some reason. He probably isn't accustomed to traveling in the better part of the State, and he must be lost. While he is finding his way, we will get started. When he comes in he will take the meeting over. In the meantime, we will save some time.

Seated with me is Assemblyman Felice, who is a member of the Committee. I am Assemblyman George Otlowski. We have the list of witnesses, and one of the things that we are going to do this morning is to change it around a little bit, unless Assemblyman Doria countermands the rules I am going to lay down. In order to expedite this hearing what we are going to do when we call witnesses is to ask any witness who is testifying to submit eight copies of the testimony, so there is a copy for each member of the Committee and for the staff. Then we are going to ask you to summarize your submitted copy, so that you are not reading. There is no sense in reading it if you are submitting it for the record. It will automatically become a part of the record, based upon your submission. What we are going to ask is that you summarize it, and if you want to use the written text just for reference and to refresh your memory, that is all right. Frankly, we can save a lot of time by not having it read. With that, we are ready to begin.

We are going to call on the first witness who is Dan Kraft. Dan, do you want to come over here please? Dan, for the purpose of the record, would you give us your name and identify yourself and who you represent.

DANIEL J. KRAFT: My name is Dan Kraft. I am Chief of the Toxic Substances Section with the Environmental Services Division of the U.S. EPA Region II, here in Edison, New Jersey. My responsibilities in EPA deal with compliance monitoring and enforcement of regulations issued under the Toxic Substances Control Act (TOSCA).

ASSEMBLYMAN OTLOWSKI: Do you have a written statement?

MR. KRAFT: I understood I would be asked to provide some information on the compliance monitoring program, which I have summarized here (referring to appendix 1x). I have some statistics that I am prepared to present to the Committee.

ASSEMBLYMAN OTLOWSKI: Before you do that, let me just interrupt. The Chairman just walked in. What I would like to do now is to suggest to the Chairman, if it is agreeable with him, that we recess for a couple of minutes before we get started again. I just want to tell you where we are. Is that all right?

ASSEMBLYMAN JOSEPH V. DORIA (Chairman): Okay. Sure, that is fine.

ASSEMBLYMAN OTLOWSKI: Can we go back here for a few minutes?

(Five-minute recess)

ASSEMBLYMAN DORIA: We are just going to continue. I agree with Assemblyman Otlowski's suggestion that if you do have the written testimony, we would like that presented. Then you can summarize because we do have a long list of people. We would also like everyone to be as brief as possible. Obviously we want you to get to the heart of the matter and to what you feel is important. Then we will have some questions; that is the most important thing.

Mr. Kraft, we will go on with your information and testimony, and we may have some questions. We want to thank you for being here.

MR. KRAFT: It is my pleasure to be here and the Agency's pleasure to be here. I am not prepared for a lengthy statement. I am prepared to answer questions on our compliance program. I could briefly go into the requirements of the Federal regulation which we monitor compliance with and then discuss what our activities are.

ASSEMBLYMAN DORIA: Why don't you do that.

MR. KRAFT: Okay. On May 27, 1982, EPA published a regulation under Section 6 of the Toxic Substances Control Act requiring that primary and secondary schools in the United States -- public and private -- be inspected for friable asbestos-containing materials.

Basically, school districts which are the responsible agencies -- termed local education agencies -- and private schools were required to inspect their buildings prior to June 28, 1983, for these

friable materials. Friable materials are materials that are easily crumbled by hand pressure to a powder when dry. When these materials were located, they were required to test the material with bulk-sampling for asbestos content. When greater than one percent asbestos was found, they were required to post notices in the school buildings, send written notification to employees, send a notification to the parent-teacher groups, or individual parents where PTA didn't exist, and keep records of this process.

Since July of 1983, when we began our compliance monitoring effort in New Jersey, we have inspected 144 local education agencies in the public sector -- the public school districts -- and 29 private schools.

ASSEMBLYMAN DORIA: By public schools do you mean all the schools within the district or just one school?

MR. KRAFT: Normally we go to the school district headquarters -- there are record-keeping requirements there -- and then from a review of those records, we select a representative sample of schools which we then go out and inspect. It depends on the size of the school district; in a district of, let's say, ten schools, we may do five schools. Certainly for the larger districts, we do proportionately more.

Of those 144 public local education agencies (LEA's) inspected, a total of 100 were found not to be in compliance, which is about a 69% violation rate.

In the private sector, of the 29 schools inspected, 26 of those -- or 90% -- were not found to be in compliance.

We have seen an improving trend in compliance since the first three months of our inspection program in 1983. The government's fiscal year runs from October 1st to September 30th. In fiscal 1983, we had three months of compliance monitoring. The violation rate in the private school sector was 87%. That has come down; in the first two months of fiscal 85, we are experiencing a 50% violation rate. We are pleased to see that the compliance rate is increasing.

In response to those violations, we have issued a total of 113 Notices of Noncompliance. These are formal letters written to the

school districts advising them of the aspects they were not in compliance with, and it gives them 30 days to correct those violations and come into compliance. We periodically reinspect those schools which were given notices. We require a certification within that 30-day limit that the school comes into compliance. We have reinspected a total of 20 LEA's that had been inspected -- 19 public and 1 private -- and 12 of those were still found to be out of compliance upon reinspection.

ASSEMBLYMAN DORIA: May I ask a question? When you do the inspections, do you then inform the State Department of Education what your findings are? Does information flow between you and the Department of Education?

MR. KRAFT: Yes.

ASSEMBLYMAN DORIA: And the Department of Health also?

MR. KRAFT: That is correct. We send status reports to them on a regular basis indicating which school districts are inspected and what the problems are.

ASSEMBLYMAN DORIA: Do you have plans to inspect all the school districts in the State of New Jersey, all 607 districts, whatever?

MR. KRAFT: Over time we hope to do that.

ASSEMBLYMAN DORIA: In what period of time do you think that will take place?

MR. KRAFT: I would say within the next three years.

ASSEMBLYMAN DORIA: Within the next three years?

MR. KRAFT: With current resource levels. If they get increased, we could do it sooner.

ASSEMBLYMAN DORIA: In those schools where you found problems, do you find those problems to be life-threatening at the present time? Or are they problems where there is time to deal with?

MR. KRAFT: Well, this rule does not require any abatement of the asbestos hazard; it requires identification and notification about it. Many of these violations were major failures to comply with one aspect or another, but there were also many that were of a minor record-keeping nature and things like that.

ASSEMBLYMAN DORIA: And you detailed that in your report, which you then sent to the Department of Education and the Department of Health?

MR. KRAFT: There is an indication as to the level of violation, yes. We do communicate with the Department of Health if we find any situation that we feel does cause a hazard. We contact them immediately.

ASSEMBLYMAN DORIA: Life-threatening situations then could be acted upon immediately?

MR. KRAFT: Well, I wouldn't term it life-threatening, but certainly a situation involving a severely friable ceiling with deterioration, we certainly bring that right to—

ASSEMBLYMAN DORIA: (interrupting) Okay, so what you are basically saying is that there is a danger, but in most instances it is not life-threatening in an immediate situation. That is what I am trying to get across right now. Obviously there are various levels of danger. A ceiling that has friable airborne asbestos is a danger--

MR. KRAFT: (interrupting) It is the most serious.

ASSEMBLYMAN DORIA: (continuing) —that potentially could create a great harm. At that point, it is not immediately life-threatening?

MR. KRAFT: That is correct.

ASSEMBLYMAN FELICE: Mr. Chairman?

ASSEMBLYMAN DORIA: Yes.

ASSEMBLYMAN FELICE: May I ask a question? In inspecting the school districts, were any plans made for those schools that are no longer being used as classrooms, but are being used by the communities for the public for cultural centers and for extracurricular activities? Were those buildings which are school buildings -- and in most cases are the older buildings in the system -- inspected at all?

MR. KRAFT: I don't believe they were. I think they have to be currently used in the school system. The current rule that we are operating under only deals with primary and secondary grade levels, that is K through 12.

ASSEMBLYMAN FELICE: I understand.

MR. KRAFT: It doesn't apply to universities.

ASSEMBLYMAN FELICE: I know that many of the schools in my district and areas are actual buildings owned by the Board of Education that are used by young children for indoor hockey and other programs and also by adults for cultural programs. I would like to know if those buildings are going to be included under this inspection. They are just as dangerous if there is hazard as are the buildings that are being used for classrooms. Young people and older people are using those buildings. In most cases those buildings in the school system that are no longer used are usually the older buildings in the system. I think something should be outlined with a time schedule and they should be inspected also.

MR. KRAFT: I don't think they are covered under the current regulation. The whole reason for this regulation is to get people to identify asbestos hazards and to take action. We certainly would hope that any school district or any township, which has a school that may not be used as a school and that has a friable asbestos hazard, would address that.

ASSEMBLYMAN FELICE: Do you understand where I am coming from?

MR. KRAFT: Yes.

ASSEMBLYMAN FELICE: Most of those buildings are usually the older buildings in the system and are more susceptible to friable or other hazards because of their age. I would like to see some kind of information, for this Committee, if there are any plans to go into those buildings which are no longer used as school buildings, but which school children and adults are using and which are part of the school system and are still being controlled and run by the Boards of Education.

MR. KRAFT: Currently, they are not within the jurisdiction of our regulations, so we don't include those in our compliance monitoring program. However, EPA is considering a revision of the asbestos regulations, such as expanding it to public buildings. This inspection which we monitor compliance with is a one-time inspection. One of the proposals is to have an annual inspection for situations, where at a given time, there is not friable asbestos, but which may

become damaged in the future and become friable. An annual inspection would ensure that those situations are more closely monitored.

ASSEMBLYMAN FELICE: I would appreciate your input to the Commission because in a lot of cases — and being an engineer — the sound-pressure level, which is being used for sports such as roller skating and indoor hockey and other things, is such that if there is any friable asbestos, that sound-pressure level is going to disturb those older ceilings more so than if it is being used as classroom. So, I would, and I am sure the Committee would also, be interested in knowing what the schedule is for those buildings that really — when you get down to it — in most cases would have more of a possibility of a hazard than some of the existing school buildings of a new vintage, you might say. Thank you.

ASSEMBLYMAN DORIA: Could we also ask one or two more questions? In reference to the Asbestos School Hazard Abatement Act, exactly what is the implementation procedure going to be? How is the certification for projects going to take place?

MR. KRAFT: Okay. I can briefly address that. The actual implementation mechanism is still under development, although certain things are in place. Governor Tom Kean of New Jersey has designated the New Jersey Department of Education as the agency to receive applications for aid under the Asbestos Hazard Abatement Act. The agency is still finalizing its application form, and we expect in the next week or two that these forms will be mailed to all school districts and to private schools that EPA is aware of. The applications would be filled out by the school districts and private schools and then submitted to the Department of Health. By March 1st, the State would be required to send in copies of those applications — and a prioritization of those — to EPA for further evaluation.

ASSEMBLYMAN DORIA: Has the Act been funded?

MR. KRAFT: The Act has been funded for \$50 million this fiscal year.

ASSEMBLYMAN DORIA: And the funds are now available?

MR. KRAFT: They are now available. There is a certain percentage of that 10%, that is removed for implementation of the Act

by EPA, but, I believe, \$45 million will be available for grants or primarily low-interest loans. Now, with only that amount of money, it is obvious, that across the country, there are only going to be a few schools that will actually be funded this fiscal year. The law does prohibit funding schools where there are adequate resources to take care of any abatement problems.

ASSEMBLYMAN DORIA: So we can work with that, in conjunction with the bills that we have passed which provide funds then through the State of New Jersey — \$10 million for the first year, at least, which the Governor has agreed to, and hopefully, we will get \$10 million more for the next three years. So, we can use the funds in conjunction, if you want, to supplement each other.

MR. KRAFT: Some of the criteria that will be considered to prioritize these projects are the extent of the hazard and, certainly, the ability to pay for any abatement.

ASSEMBLYMAN DORIA: Are there any other questions? (negative response) We want to thank you for coming and we appreciate your comments. Please thank Mr. Daggett.

Next, we will have Mr. William Connolly, Director of Division of Housing and Development, from the Department of Community Affairs. Mr. Connolly.

WILLIAM CONNOLLY: Good morning. Commissioner Renna of the Department of Community Affairs filed a written statement with the Committee about a month ago, and I am not going to restate that at all. But what I would like to do is to respond to some question areas that were raised to me by your staff in terms of the applicability of not only schools and publicly-owned buildings, but others as well.

We are becoming involved because the Department of Community Affairs, through its Division of Housing and Development, is the State agency responsible for building regulatory and fire-safety activities. Asbestos was a construction material, and its removal and replacement is construction work and requires a construction permit.

Additionally, legislation, passed just this year, is making our department responsible for the enforcement of construction codes and construction regulations in both public schools and State-owned

buildings. These were previously the responsibility of the Department of Education and the Department of the Treasury respectively. We will be responsible for implementing the asbestos-removal control system which has been recommended by Governor Kean's Task Force and making sure it sticks throughout the State, through the enforcement mechanisms of the Uniform Construction Code.

We will be responsible for controlling the removal of asbestos. However, we are not able to compel the removal of asbestos. In our current statutory framework, our department does not have the authority to compel the removal of asbestos from any location. When it is removed, for whatever reason, we are responsible to see that it is removed safely.

As I mentioned, the work will require permits and inspections through our Bureau of Construction Code Enforcement. The only exception to this is when a municipality desires to take on this responsibility and it has inspectors certified in asbestos-removal procedures certified by the State Department of Health.

Let me take a moment and describe the system which we will be putting into place, based on the recommendations of the Governor's Task Force. Let me point out that it applies to public schools, private schools, and State-owned buildings, and will also apply to private-sector buildings where the removal is being undertaken voluntarily. The target date to have, for what I am going to describe to you, in place is the 1st of April.

First of all, there will be an application for a permit required. In the case of public schools and public buildings, before we would issue such a permit, we would ensure that the decision-protocol that has been recommended by the Asbestos Task Force and the Department of Health has actually been gone through, and that the removal of asbestos in a particular case is actually indicated and should be done.

We won't be doing that in the private-sector for a lack-of-any-authority to do so. In the private-sector, whether or not the asbestos is removed is strictly up to the private party who owns the facility.

New Jersey State Library

When we receive this application it will require certain information. First of all, we will need to know who is the certified third-party monitor who is required to monitor the actual removal of the asbestos — an independent third party. We will need to know who the contractor is, and that the contractor is properly licensed, in accordance with the law which has already been passed. Also, we will need to know that the contractor's workers have the permits that are required under the law that was recently passed and signed by Governor Kean. We will need to see the layout and the scope of the work, review any arrangements for partial occupancy, if there is any intention to maintain occupancy of a portion of the building while work is in progress, and to make sure that can be done safely. If all those things are in order a permit will be issued. Even after a permit is issued, a notice to our department will be required before work actually starts. What we will do when we receive that notice is to go to the job-site and make sure that it is properly secured and that the barriers are in place to control the spread of asbestos. We would make sure that there are proper arrangements for its disposal and also that the private third-party monitor that is required is on the job.

During the course of the work, we will be responsible for spot-check inspections, essentially to make sure that the monitor who has the primary responsibility for the inspection of the work is actually on the job, keeping the records that he is required to keep, and carrying out the kinds of inspections and tests that are required by the law during the course of the work.

There will be another required inspection at the end of the work, before the barriers are removed, to make sure that the entire work-area has been properly cleaned up and will not create any hazard by removing the barriers.

There will be one last final inspection, as well, after the final air monitoring that is going to be required under the policy. That final inspection will verify that the ambient levels of asbestos in the air meet the requirements of the State law and that there is no evidence of asbestos remaining in the building -- dust or what have you -- anywhere. If everything is in order at that point, then we will be

approving an application for certificate of occupancy in permitting the reoccupancy of the areas where the work has been done.

I just want to mention, before I stop, two areas where legislation would be required if we are going to go further. One is the actual certification requirements for these third-party monitors, that is currently not required in State law. The authority for someone, most appropriately the Department of Health, to license or certify these third-party monitors, is going to be necessary.

The second would be the application of the decision-protocol that was recommended, whether or not the asbestos ought to be removed to areas not presently controlled by the government, namely our own facilities, which we own and operate, and public schools. If we want to extend that concept further -- either to utilize it to require removal when there is a serious hazard present or to use it to prevent the removal when the removal of the asbestos would probably create more problems than it would solve -- in the private sector, additional legislation would be necessary.

ASSEMBLYMAN DORIA: Just a few questions. When you talk about that decision-protocol, are you talking about public buildings which would be open to the general public, obviously, or are you also talking about private housing units and multiple dwellings? What are you basically concerned with?

MR. CONNOLLY: The application of it to any additional facility.

ASSEMBLYMAN DORIA: What would be your concern? Which one do you feel should be done? I mean obviously you can go and say that every house in the State has to be done, but that is not realistic. What would the Department feel is realistic? Should we just deal with those various publicly-used buildings that are privately-owned?

MR. CONNOLLY: The hazard is basically proportional to the length of exposure. I don't think it is reasonable to start going into private housing. We may want to look at large apartment buildings where it has been used.

ASSEMBLYMAN DORIA: So you are talking about multiple dwellings then? There is a possibility of reviewing multiple dwellings?

MR. CONNOLLY: Yes. It would be primarily quite large buildings because the use of the material in a way that is going to become friable was, for the most part, common in large buildings rather than smaller ones.

Workplaces and office buildings are a second priority. And, as a third priority, are places of public assembly where large numbers of people congregate.

ASSEMBLYMAN DORIA: Okay. Before we actually do that, I think there is need for a further study and some type of commission to review exactly what the problems may be before we actually pass legislation in that area. I don't think we know the extent of what the problem would be. The first thing would be a commission to study the extent of the problem in those areas, before we start going out and mandating that apartment houses or public meeting places be done.

The next question I have deals specifically with the question of the ability of the Department of Community Affairs to handle the problems. As we know, last summer the Department of Education had significant problems as a result of the fact that they continued the monitoring process when they really should have ended that. The legislation was in, for the Department of Community Affairs to take over responsibility, and the Department of Community Affairs was not yet ready to take over that responsibility, which resulted in the fiasco that took place last summer in the Department of Education. Are you now prepared to take over total responsibility for the review of all construction projects in public schools?

MR. CONNOLLY: We will be by the first of April.

ASSEMBLYMAN DORIA: You are not doing it yet then?

MR. CONNOLLY: No. We essentially made a policy decision, since two things were happening -- one, we were taking over general responsibility, and a whole new regulatory system was being put in place -- that we would take over at the time that the new system was put in place. That is the first of April, and that really is what is established as the time line. I don't anticipate that we will have the same kinds of problems as the Department of Education had, primarily because we are simply a larger inspection agency, and we are able to make more resources available.

ASSEMBLYMAN DORIA: Okay. Are there any other questions?
(negative response) I want to thank you for your comments. We appreciate them.

John Forker, Director of the Office of Institutional Support Services, Department of Corrections.

JOHN FORKER: Good morning. The Commissioner asked me to present a summary of what the Department of Corrections has done in order to identify efforts made to eliminate the asbestos problem within the institutions.

I have a statement which I will submit to the Committee.

ASSEMBLYMAN DORIA: Okay. We would like that. Why don't you just then make some brief comments on that statement?

MR. FORKER: Briefly, the Commissioner asked the Department of Health to physically inspect all our institutions to determine the extent of the asbestos problem within those facilities. Their report identified a large amount of asbestos within the institutions, but really not accessible in the housing units. It was more oriented towards the maintenance and construction areas — steam, plumbing, and electrical facilities.

In turn, rather than starting an immediate program of trying to remove the asbestos, and needing approximately \$7 million to correct the asbestos problem, we identified four basic areas. We started out with training and the purchase of equipment to be utilized by maintenance personnel to ensure that they wouldn't, in fact, be accessible to further problems, more than what existed in the past.

Secondly, we had physical inspections done of every facility in the State, including our community centers as well as our large institutions.

ASSEMBLYMAN DORIA: And that report of the inspections is available?

MR. FORKER: Yes. I have that.

ASSEMBLYMAN DORIA: If you could give a copy to the staff, we would appreciate it.

MR. FORKER: We also had a medical review done by the doctors within our institutions of all maintenance personnel, as well as

inmates, to see if there was any asbestos-related diseases that could be identified. There were no maintenance personnel or employees of the Department of Corrections with any asbestos-related diseases, but there was one inmate who was confirmed. In investigating it further, it was found to be a family-related problem, versus in-house incarceration which caused the problem.

So, in turn, we tried to take immediate action which we did in terms of training, medical review, etc. And we have requested a \$7 million appropriation under a special funding which has been created within the Department of Treasury. Hopefully, some of that money will be available this fiscal year and we will begin to correct any asbestos problems that exist, starting with priorities established by the Department of Health.

That is basically where we are at this time. We -- the Commissioner -- submitted a report to the Governor and explained that this is the action we are taking.

ASSEMBLYMAN DORIA: So what you are saying is that there is a \$7 million problem, from what you have seen, in the Department of Corrections for removal of asbestos, and that the problem basically relates to those areas where employees, maintenance workers and staff, have to work, usually in boiler rooms or those types of places?

MR. FORKER: Steam tunnels.

ASSEMBLYMAN DORIA: Steam tunnels and so on. At the present time, care and prevention is being taken to prevent any type of problems for those employees, and the problem is not directly related to the prisoners or inmates who are in the facilities who are exposed to asbestos.

MR. FORKER: No, the only time that there would be any inmate exposure is when work is done in the wing where some asbestos is removed. In those areas, we have stringent requirements, through the Division of Building Construction, that the contractors provide certain ventilation equipment, etc. to ensure that there is no hazard.

ASSEMBLYMAN DORIA: I was just going to bring that up; that is going to be a problem in the removal process because sometimes removal of asbestos with individuals around can be very dangerous.

That is going to cause a great deal of difficulty and something that the Department is going to have to be very careful about.

MR. FORKER: We have had some experience in previous projects in Rahway and in a couple of other institutions, so it can be addressed. It is more expensive, but it is addressed.

The \$7 million figure, by the way, represents all asbestos in the institutions. We had originally asked, through the Capital Planning Commission, for \$3 million, but that was identified for immediate problems -- where it was flaking and not tight -- by the Department of Health.

ASSEMBLYMAN DORIA: Where it is friable?

MR. FORKER: Yes. The \$7 million reflects removing everything, even before it frays.

ASSEMBLYMAN DORIA: Do you expect to have some of that appropriation in the next fiscal year's budget?

MR. FORKER: Hopefully. There is a special fund that has been established, and we have requested that \$7 million be appropriated to the Department of Corrections.

ASSEMBLYMAN DORIA: Okay. Are there any other questions?

ASSEMBLYMAN FELICE: We hear constantly of removal, removal of the asbestos material. With the technology of teflon and others, there are a lot of areas that are within the borderline, those that are not really friable, but could be because of age or other outside environmental factors. Are they also taking into consideration that they would use a form of sealer, the type of chemical that would naturally seal the material completely and at the same time be completely fireproof such as teflon coating?

MR. FORKER: Once we have removed the areas where it is flaking, the areas that are tight and aren't flaking would be looked at and, based on recommendations by the Department of Health and the Division of Building and Construction, the Department would go along with any type of sealant, if that would provide the same protection.

ASSEMBLYMAN FELICE: That \$7 million is primarily for removal projects?

MR. FORKER: Yes.

ASSEMBLYMAN DORIA: One of the big problems is that encapsulation is allowed now. We finally got to that point, where we got that clarified, Assemblyman Felice. The difficulty is that when the building is torn down, the asbestos has to be taken out, by law, by Federal law. So, if it can be done now, at a cheaper price, obviously it should be done, but encapsulation, at the present time, is going to be allowed. I am glad to see that because for too long, we, in New Jersey, were working under the premise that encapsulation was not necessarily good. We have realized in some instances, it is better and it is more cost-effective, and we can do the job in the same way. We just have to worry about the removal before the building is eventually destroyed.

MR. FORKER: I think in the Department of Corrections, since the problems exist in steam and plumbing areas, we would rather remove because maintenance personnel would be continually working in those areas. If they just sealed it, they would still have to remove it at some point if a leak existed or whatever.

ASSEMBLYMAN DORIA: Eventually it would have to be removed so that is why in this instance it makes sense. Are there any other questions? (negative response) Thank you.

Next, we have Chris Berzinski, Rutgers Council of the American Association of University Professors.

CHRIS BERZINSKI: My name is Chris Berzinski. I am representing the Rutgers Council of AAUP Chapters. I am the legislative agent for the AAUP. The statement before you was prepared by Professor Lillian Robbins, who is the Chair of our Health and Safety Committee. She is unable to attend today, so I am here in her place.

Just to preface my summary, we are the collective bargaining representatives for approximately 3,500 faculty, teaching assistants, and graduate assistants at Rutgers University, on all three campuses.

In the testimony, the main building that we are having problems with is headlined as the Kilmer Library on the Livingston campus. It perhaps is the most graphic example of the problem that the faculty, the students, and the staff at Rutgers are facing in several buildings: previously encapsulated asbestos.

In the case of Kilmer, twice it has been encapsulated and painted over to try and keep it on the ceilings. It continues to come down upon books, desks, and shelves. On some mornings after the weekend, the desks of the employees have had a film upon them of what they have considered to be friable asbestos.

We have a report that we had done for us by an industrial hygienist which says that there is a problem, and the University disagrees. The main problem, which is identified on the bottom of page one and on page two, that we have to deal with daily is the psychological impact that this situation has upon people using the building. Many people are very afraid to go to work in the building on a daily basis. I know of at least one person who had the opportunity for a promotion at Kilmer Library, who turned it down, because of the situation. So, there is a strong psychological-stress problem going on, not just in the Kilmer Library, but in another library on campus, in some dining halls where it is coming down off the ceilings — people perceive it, at least, as coming down off the ceilings — and in fact, in dormitories also where it has been encapsulated and has been coming loose and has been coming down.

So, I guess the thing we are asking for, today, before the Committee, is to be aware of the problem at the State University where literally thousands of people are exposed, on a daily basis, and especially in the case of the staff and faculty who are working in these buildings on a daily basis. Exposure has gone on for at least a decade in the Kilmer Library situation.

I am ready for any questions, if anybody has any.

ASSEMBLYMAN DORIA: I just want to point out that, at the present time, there is not a total knowledge of exactly the extent of the problem in higher education. I was a sponsor of a bill, which has passed the Assembly already and is in the Senate, to set up a system of monitoring problems of asbestos in higher education with money for removal, such as the problem here.

From what I understand, painting is not encapsulation according to what the law requires encapsulation to be. So thus, the painting was not a form of encapsulation. Usually encapsulation means

that you put another hard surface over the present surface, and it is not exposed in any way. By painting, the surface is still there; you are just putting something over it temporarily. Hopefully, this piece of legislation will come along and the Senate will pass it, and the money will be provided to do the surveys and to deal with the problems.

MR. BERZINSKI: And we thank you for that legislation. We support it.

ASSEMBLYMAN DORIA: We are aware of it. I appreciate the support. Are there any other questions or comments?

ASSEMBLYMAN FELICE: Regarding the Kilmer Library, did the Health Department go in and make some tests, as far as the friable content at the library? Do they have actual reports because we seem to have a disagreement. One said that private experts came in, and now you are saying the school denies that there is that extent of danger. But when the Division of Health came in they made tests there, I gather?

MR. BERZINSKI: They made tests, and from what I understand, they wanted the basement area removed, where there had been an accumulation of about an inch — I didn't see it myself — of material which had come down because of the rattling of the boiler and so on.

ASSEMBLYMAN FELICE: I understand. Vibration will accelerate it.

MR. BERZINSKI: I understand that was a recommendation. In the other part of the library, the main area of the library, if you sit in the middle, every time the boiler runs you can feel it shaking, and you can see a film accumulating after a while. From what I understand, they felt that was not a cause for immediate removal of asbestos in the ceiling of the main area of the Kilmer Library.

ASSEMBLYMAN FELICE: According to the testing done by the Department of Health?

MR. BERZINSKI: According to the testing they did, yes.

ASSEMBLYMAN FELICE: Thank you.

ASSEMBLYMAN DORIA: Thank you.

MR. BERZINSKI: Thank you.

ASSEMBLYMAN DORIA: At this point, we have two representatives from CWA, David LeGrande and Joe Schirmer. Why don't you both come up at the same time. I want to thank you, gentlemen, for coming. Each of you can make your statements.

Mr. LeGrande, why don't you start first and then Mr. Schirmer.

DAVID LeGRANDE: The Communications Workers of America AFL-CIO is pleased to have the opportunity to present testimony regarding the issue of asbestos in schools and other public buildings in New Jersey. I am David LeGrande, CWA's representative for Occupational Safety and Health, which is headquartered in Washington D.C.

Exposure to asbestos may be the number one health hazard for New Jersey's public workers, and indeed, for the citizens of the State. As the collective bargaining representative for 50,000 of the State's public workers, CWA strongly supports action by the New Jersey Asbestos Policy Committee to develop a comprehensive approach to deal with the asbestos issue.

CWA-represented employees suffer asbestos exposure as a result of working in State- or municipal-owned or leased buildings that are undergoing renovations or where construction work is being performed, performing service and maintenance work, and incidental exposure.

ASSEMBLYMAN DORIA: You can just summarize.

MR. LeGRANDE: I am going to pass over a few pages here. Some of the testimony deals with where our folks work and what kind of exposures they suffer, specific to their work locations, and also some of the diseases and other medical problems associated with the exposure.

In reviewing the Asbestos Policy Committee's Interim Report to the Governor, dated September 1984, there are several points that I would like to make.

First, the Report designates the Department of Health as the lead State agency in asbestos control in public buildings, suggesting that the agency will be expected to coordinate, monitor, and direct the implementation of guidelines and standards established by the

Committee. Also the Department of Health will conduct evaluations of State-owned or -managed buildings to determine the presence and condition of asbestos material within these facilities and so on.

In addition to the Report's suggestions, it would seem reasonable to also include, as a responsibility for the Department, the evaluation of air monitoring in targeted workplaces. In effect, what I am suggesting is the requirement of the Department to monitor the tests and procedures by which data was collected by those personnel the Department had certified as inspectors.

In addition, the Department of Health should assume enforcement responsibilities to ensure that all provisions of the State asbestos standard or policy are adhered to. This would require the Department to notify concerned parties of the standard's existence, perform inspections, develop abatement procedures, establish the regulatory means by which violators of the standards might be assessed both civil and criminal penalties, and of utmost importance, provide for adequate staffing to ensure that the intentions of the policy are carried out.

The Report indicates that the Committee's activities will be translated into guidelines rather than standards. CWA encourages the opposite approach: that standards, not guidelines, be promulgated. It is our experience that obligatory standards are more successful in eliminating the minimizing hazardous exposures than voluntary guidelines.

CWA recommends that asbestos safety and health training be provided to all employees who come into contact with asbestos or who will be responsible for removal or encapsulation of asbestos. This training should not only include employees involved in removal, enclosure, repair, or encapsulation work, but also those suffering incidental exposures, like maintenance and office workers.

I have listed a number of items that should be included in the education format. I will not go through those. However, training should be provided on an annual basis.

As the organization representing the greatest number of public workers in New Jersey, CWA encourages the State to provide all

concerned parties' input, regarding the design and coverage of training, before the training occurs.

After identifying the need for asbestos repair, enclosure, encapsulation, or removal, the Department of Health should provide advance notification to all concerned parties, including workers and their union representatives, when remediation procedures will occur. Workers and their representatives should be allowed input into the planning associated with remediation work.

All workers who will come into contact with asbestos should be included within an employer-paid medical surveillance program. Such a program should consist of a thorough physical examination including a chest x-ray, lung function test, and a medical history. Retesting should be provided to exposed workers on a periodic basis.

Just as a note, in going through the interim guidelines, it was suggested in one of the appendices that testing recur on an annual basis. We are strongly opposed to x-rays being provided on an annual basis.

Also, within a reasonable period of time, workers and the union representatives -- with the employees' permission -- should be provided access to pertinent medical records. Following these procedures will ensure that employees working in asbestos removal or encapsulation areas are able to wear required respiratory equipment without suffering adverse health effects. In addition, examination results will establish base-line data for both removal and encapsulation workers and those employees who suffer incidental exposure.

The reports suggest results for air-monitoring tests be provided to the asbestos safety inspector, to the owner, to the contractor, to the New Jersey Department of Health's Asbestos Control Program, and the architect/engineer. We would like to suggest that involved workers and their union representatives be added to this list.

I have one final comment regarding a suggestion that was made this morning regarding the phrase "life-threatening." It is our position, and I think we are well supported by the foremost expert in

this area -- foremost in the world, Dr. Irving Selikoff of Mt. Sinai Medical Center in New York City -- in suggesting that any exposure to asbestos is life-threatening potentially. Whether it is life-threatening today, or whether it is life-threatening in 20 or 30 years is not really addressing the crucial point: the health and welfare of not just New Jersey's workers, but all citizens.

In conclusion, the CWA commends the Assembly Special Committee on Asbestos Hazards for conducting these hearings and placing the issue with the uninvited health hazards associated with asbestos exposure under the legislative microscope. Thank you.

ASSEMBLYMAN DORIA: Thank you. Mr. Schirmer, would you like to make a few comments and then we will have some questions.

JOE SCHIRMER: I welcome the concern of the Legislature to deal with the asbestos issue. My testimony, in some ways, overlaps with Mr. LeGrande's. I think he has established the general principles for our union perspective, and my testimony is more reflective of my personal experience.

I am an employee of the New Jersey State Department of Health and also a member of the Communications Workers of America. My testimony here today on asbestos is based upon my years of experience with the State Health Department and my consequent exposure to these issues. I speak here today, not as a State employee, but as a concerned citizen and industrial hygienist and a member of CWA Local 1034.

I recognize that the Legislature must take an active role in this issue if the asbestos problem in New Jersey is to be solved. I would like to commend both the Governor and the Legislature for passing Bill 1820 which provides a mechanism for ensuring that asbestos workers will receive some training and education. I hope that additional legislation will serve the same constructive purposes.

My testimony, in many senses, is reflective of the policy put forward by the Governor's Task Force. I am reacting to that in the comments that follow.

As citizens, we applaud the goal of the Governor's Policy Committee to reduce asbestos exposure and to prevent asbestos-related

disease. However, we believe that this approach, put forward in the Interim Report, needs to be strengthened. There are both scientific and practical problems with the approach outlined in this Interim Report.

Scientifically, the cornerstone of the proposed policy is the adoption of an action-guideline of 100 nanograms of asbestos per cubic meter, as measured by electron microscopy. This proposed action-guideline of 100 nanograms per cubic meter of asbestos in the air does not represent a safe level of asbestos. It was selected as an action-guideline because most outdoor air levels and indoor air levels where asbestos-containing materials are in good repair do not exceed this level. The Interim Report has not presented a thorough risk estimate of how many deaths would result from a lifetime of exposure to this level. I believe that a true health standard would probably be lower if a full risk estimate were developed. The lower standard would probably be on the order of 10 nanograms per cubic meter.

As a technical matter, the proposed action-guideline of 100 nanograms should not be considered a health standard for another reason. A health standard ideally should be expressed in terms of fibers per volume, rather than terms of weight per volume. Nanograms are a measure of weight, like pounds or ounces.

On the positive side, electron microscopy is a much stronger analytical tool than optical microscopy, which has been used for years. Even though the United States Department of Labor OSHA still uses optical microscopy to evaluate occupational exposures, electron microscopy is a more powerful and a more precise method.

When the State proposes to use transmission electron microscopy as an analytical tool, this will help to measure asbestos exposures more accurately. However, we believe that a state government should do more than measure asbestos exposures. We believe that the State should take an active role in preventing and reducing asbestos exposures. An electron microscope will not prevent asbestos exposures; it will only measure exposures more accurately. Analysis should not be confused with prevention.

As a member of a union which represents many public employees, we feel that occupational exposures to public employees have not been fully addressed by the Interim Report. Mr. LeGrande has touched upon this issue to some degree, so I will be very brief. I would just like to mention that in 1981, the Department of Health performed a very short cursory study of 28 maintenance workers who worked for the State and who were exposed on a casual basis, not on a daily basis, during repair operations to pipes and valves in steam tunnels. The results of this medical examination, including x-rays, were that 9 of the 28 had clinical signs of asbestos-related diseases. In order to prevent this scenario from being continuously repeated, future exposures to asbestos during maintenance and repair operations must be controlled. The present draft of the policy report has not fully addressed this issue.

ASSEMBLYMAN DORIA: Could I just interrupt you at that point? That is a very interesting point. That is one of the questions I was going to ask. I would like to address both of you at this point, and then you can continue on.

MR. SCHIRMER: Okay. Sure.

ASSEMBLYMAN DORIA: That was done in 1981, as I understand. This is something, when we asked around, that nobody seemed to know much about — the study that was done on the employees within the State institutions by the Department of Health and the results which you have given me. My question is, do you know of any further follow-up on these individuals, number one? And, number two, has the Department of Health done surveys on other employees in the State institutions who may have been exposed to the problem of asbestos?

MR. SCHIRMER: I can answer the first part of the question, not the second. Regarding the first part, in terms of follow-up for those employees, as a result, the department involved requested that the Department of Health perform some training for maintenance workers. I believe training was provided for approximately 600 employees in that department by the Department of Health.

ASSEMBLYMAN DORIA: Was it an extensive training program as being suggested?

MR. SCHIRMER: No, it was a short one.

ASSEMBLYMAN DORIA: It was similar to what the training program had been before A-1820 for removal work, I suspect.

MR. SCHIRMER: No, I think it was a good deal better than that.

ASSEMBLYMAN DORIA: It was better?

MR. SCHIRMER: It was, perhaps, a day. The goal of it was to limit class size, which was a problem with the previous training program for removal workers. The class size was quite small so there could be discussion and interaction between teacher and student. I think the people concerned did know more about asbestos, perhaps, than-- I can't comment on the old training, but I know the people concerned were very competent.

In terms of a medical follow-up for other--

ASSEMBLYMAN DORIA: (interrupting) That was what I was going to say -- medical follow-up.

MR. SCHIRMER: I can't respond to that. I don't believe that it has been done.

ASSEMBLYMAN DORIA: That is something I think we should look at and maybe direct the Department of Health to do a medical follow-up on all State employees who may be exposed to asbestos as part of this recommendation for surveys and annual physicals or whatever. I agree that we don't want x-rays every year because that isn't healthy either. But, I think that is something that is important, and that it is something we should follow up on. That is the first time-- I have heard this in passing, but nobody had the exact time and place that this took place, so I appreciate, Mr. Schirmer, that information.

Why don't you try to briefly sum up the remainder of your information, and we can then go on.

MR. SCHIRMER: The key weakness, really, in the proposed Interim Report that I see is the lack of a strong and well-planned inspection program by State government during the remediation projects. Frankly, I think that is an Achilles heel; I think this is where the exposures are generated that are the very highest and the most severe health hazards, and unless this is really monitored carefully, the resultant health effects could be serious.

As we understand the proposed policy, the monitoring during remediation projects will be conducted by the private sector, who will be hired by building owners such as school departments. I would like to point out that there is a potential conflict of interest in this relationship since the building owner has an interest in obtaining data which shows his building environmentally clean throughout the project. In order to prevent the health hazards which may be generated by this potential conflict of interest, some branch of government should monitor removal jobs using qualified inspectors. These inspectors should be provided the legal authority to stop the jobs if proper procedures are not being followed.

I believe new legislation and subsequent appropriations may be necessary to carry out such a policy, but I do think there is a strong need for some branch of government to be involved in this process. I welcome the legislative input in developing that policy. I think the Executive Branch, frankly, needs some help from the Legislature in order to develop an active State presence to inspect asbestos projects and enforce strict standards.

Thank you.

ASSEMBLYMAN DORIA: Thank you. Are there any questions?
(affirmative response) Assemblyman Felice.

ASSEMBLYMAN FELICE: I have a short one. Mr. Schirmer, the Department of Health does not have an electronic microscope at this time; is that correct?

MR. SCHIRMER: No, I think it is being ordered, sir.

ASSEMBLYMAN FELICE: Right. That will help them to do the final testing without going to private testing laboratories or universities to use the facility. That is being ordered; do you have an idea when that might be available?

MR. SCHIRMER: The most recent thing I heard, informally, was that it would take two months after the paperwork was cut, sort of, to make the contract, and I think that paperwork has been cut in the last week or so.

ASSEMBLYMAN FELICE: Okay. Mr. LeGrande, how many members do you have in the CWA, roughly, in the United States?

MR. LeGRANDE: Throughout the entire country, approximately 675,000.

ASSEMBLYMAN FELICE: All right. Would it be asking too much to have the CWA consider this possibility: Every year when the membership is sent a notice of dues, or some kind of notice, that they also include a questionnaire that would ask, "Have you ever worked with asbestos material, and if so, when and where, and how long ago?" This would be a valuable tool, not only to the State of New Jersey, but to all states and the Federal Health Department. I think that you could really perform a service that would be a landmark for other unions and other collective groups, by providing that kind of research, which we are trying to get overnight and are trying to do from a small start. I think that would be a great help, not only to the health department in the State of New Jersey, but throughout the country. I think that is something by which all the corporations, all the unions, and everyone else involved with labor, can perform a valuable service by giving us some kind of statistics. Thank you.

MR. LeGRANDE: If I may comment, just briefly, not specifically to developing this survey, but a little bit of past information first. Obviously the problem of asbestos has been with us many years. We recognized it in our other bargaining units outside of New Jersey, in the public sector, in telecommunications units which we represent throughout the entire country. Several years ago, we did conduct a brief survey, requesting folks to let us know if they had some familiarity with the hazards associated with asbestos exposure and, possibly equally as important, whether they had actually suffered exposure. Based on the data that we received, we went to the employers and worked out a training and notification program. We could do a similar thing again on a targeted basis, you might say.

ASSEMBLYMAN FELICE: More or less, those surveys were conducted in industrial and commercial areas, where employees had an obvious exposure to asbestos. People, maybe 20 years ago, may have worked in an asbestos environment, and maybe they are perfectly healthy today, or maybe not. But, we are trying to look as much as possible on the long-range basis because, as you and the Department of Health well

know, it can be a long-term type of recognition and factor coming out. We are looking for information — when I say we, I mean not only the State of New Jersey, but the health departments and the health sector of the whole country — and not just something in a specific area. I know that in certain areas and certain industries, those kinds of surveys are taken specifically because that is the type of occupation where these people are exposed. As you probably know, the cancer groups throughout the United States are running similar surveys, through the counties and the states. We are asking, on this particular basis, that this be one of the things that is included.

MR. LeGRANDE: Fine. Regarding a point that you suggested, if I may, we don't represent workers involved in asbestos manufacturing, and we never have. We don't represent workers that have suffered asbestos exposure. It has been more incidental in nature. For example, craft workers who we represent in the telecommunications industry, may pull cable outside. Cable used to be treated with asbestos. They may pull cable in offices. In most cases, just as is the case of New Jersey and every other state, when that is done, quite often, our workers will suffer exposure to asbestos. Now, one might ask the question, as is often done by opponents, if there is a need to deal with this problem head-on? Do people contract diseases? Well, indeed, we had a survey or a study conducted for us by Dr. Selikoff — actually it was a local union in New York City that took the initiative on this, along with Dr. Selikoff and his staff — and found that cable splicers exposed on an incidental basis suffered a very high incidence of asbestos-related disease. It was shown that this is the only way they could have suffered that disease, that is, in their telecommunications work.

ASSEMBLYMAN FELICE: I understand, having been involved in the telecommunication field, and having been involved in cables before the advent of polyvinyl chloride and, of course today, of teflon. There is no concern with fire protection, but many of the early cables had asbestos sheets put around them to prevent heat and fire from getting to them. That is why I brought that up. There are people who may have been involved many years ago.

ASSEMBLYMAN DORIA: Thank you. Mr. Schirmer?

MR. SCHIRMER: Yes. I would like to respond to an earlier question about the 1981 medical survey by the Department of Health. I would like to come back to that for just a moment. I believe that there are probably about 5,000 other maintenance workers throughout the State who are similarly exposed, so if the Legislature is to address this, I would just like to make it clear that it is beyond the present capacity of the Department of Health to conduct such a survey. That is a tremendous number of workers. You could probably tell me better than I could tell you, but I believe it would probably fall under the responsibility of the Public Employees Act, which was passed last December, for the various departments to carry forward their responsibilities for those surveys.

ASSEMBLYMAN DORIA: We would obviously have to look into how it would be implemented, but there definitely is a need and we should look into the feasibility.

MR. SCHIRMER: I think the Health Department could certainly help establish guidelines on terms of qualifications of people who read the x-rays and that kind of thing. But, to actually physically do it is beyond our capacity.

ASSEMBLYMAN DORIA: I want to thank you both for your comments. We appreciate them.

ASSEMBLYMAN FELICE: Thank you.

ASSEMBLYMAN DORIA: I would like to now call David Burke and Admiral Harral of the Asbestos Training Academy.

If you have a statement, it will be put into the record, so just make some comments about it.

ADMIRAL BROOKS J. HARRAL: Gentlemen, my name is Brooks J. Harral, and I am a consultant for Applied Technologies in Mount Laurel.

Gentlemen of the Assembly, we are talking here, in my opinion, about public safety and public health, which breaks down really into buildings, people, and workers who would be called upon to remove asbestos. Both objectives can be achieved affordably if done properly. Both are rooted in the knowledge, training techniques, and supervision of workers who clean up the buildings involved. These objectives require that the workers be protected, and these objectives

can be achieved economically and rationally with the proper schooling of workers who, after removing the contagion, have removed the problem.

We have done this with our own funds at the Asbestos Training Academy in Camden. This is based on experience which goes back many years. Today we have graduated 50 students, and we expect to have 500 by late summer.

Our techniques are based upon experience going back to 1980. We did major work on three battleships for the Navy -- the USS Iowa, the USS Wisconsin, and the USS Forrestal. We were under the very close supervision of OSHA, NIOSH, which is Navy OSHA, and EPA.

I want you to visualize the hazards we had in a room like this full of steam pipes, boilers, and asbestos everywhere. We were required to remove it with a very low particulate-count allowance. We approached that -- and, this is the theme of what I want to say this morning -- in terms of personal safety, and we generally achieved levels of airborne particulates at 90% below Navy requirements. It is actually possible for us to remove asbestos, say in this very room, have the hearing continue, and have no pollution of the atmosphere take place. That is, if it is done right by careful people who have been properly trained.

We would like the State to approve and adopt a policy incorporating the experiences of Allied, as expressed in the Asbestos Abatement Academy. We stand ready to offer our full cooperation to the Committee, as well as to inspectors, contractors, building administrators, and school boards wherever they may be.

These introductory remarks lead to the presentation of Mr. David Burke.

DAVID BURKE: Hello. I am the Director of the Asbestos Training Academy, which is located in Camden, New Jersey. I will briefly summarize the written copy of my testimony.

The Interim Report calls for 32 hours of training for asbestos workers. It is better than the four-hour "You can sleep through half of it and still have the certified worker card" that we all have at the present time.

The course we have in place right now goes for 60 hours, and we are presently trying to expand that to add another week of training. As I state in my written testimony, the overall concept is to create a work force that considers themselves to be technicians. We feel that the contractors who get these jobs through the low-bid process need not only the upper echelon people looking over their shoulders, but they also need the work force itself to be a safeguard to prevent the abuses we have seen in the past. Some of these abuses are actually continuing in other states at this time.

ASSEMBLYMAN DORIA: How many people have you trained so far at your Academy?

MR. BURKE: We have 50 people. Twenty-five have finished training, and 25 are presently in the course. We have signed up another 25 for the next session.

ASSEMBLYMAN DORIA: Do these individuals come in as individuals, or are they sent by a contractor?

MR. BURKE: They come in as individuals.

ASSEMBLYMAN DORIA: How much does your training program cost for 60 hours?

MR. BURKE: They are not being charged at the present time. We are looking to use them in-house for our own company.

ASSEMBLYMAN DORIA: So, they are basically being trained for projects that you are working on at the present time?

MR. BURKE: Yes. Then by letting the Department of Education and the Department of Labor know what we are doing, we can apply to them to allow us to charge tuition.

One of the problems we run into and why we are so strict in keeping it an in-house program right now is, we train people and they then go out into the real world. Contractors tell them that all the knowledge they gained about the respiratory system and fiber control is out the window. They don't want to hear about it, and they say, "You are just a laborer; don't tell me what to do." A lot of times these contractors spoil the good we are doing.

When the work your Committee is doing gets into place, a lot of the attitudes and knowledge we give our people will get out into the world.

ASSEMBLYMAN FELICE: Mr. Chairman, I would like to ask a question. Mr. Burke, what you are saying then is that a contractor who is a low bidder can actually send 10 people for qualified training, such as the courses you offer, and yet, the contractor himself really doesn't have any knowledge of the proper way to remove asbestos. In other words, we have no way of saying that the foreman in charge of the job, or the supervisor, has to be equally as qualified as the workers. If that is a problem of legislation or logistics, then this is important because you are saying that these people came back fully trained, and the contractor said, "Forget what you learned there; you are going to do it the way I want to do it because I have a low bid to contend with." Is that what you are saying?

MR. BURKE: Yes, just as we have seen in work performed at the post office building in Philadelphia. This is from The Philadelphia Inquirer of November 21, 1984. The people on the job had to go to the media and say, "Look, we have not had the proper protection." The Interim Report addresses the foreman and the contractor licensing program.

ASSEMBLYMAN DORIA: In A-1820, which is now Public Law 173?

MR. BURKE: Yes.

ASSEMBLYMAN DORIA: It says that there has to be standards established by the Department of Health, which have to be much more stringent than those which presently exist. There is a movement in New Jersey again, and we are leading the way in many areas to guarantee that this does not take place. In New Jersey, they are now going to have to be licensed, and they are going to have to go through special training programs from the foreman on down. Also, the company is going to have to be licensed.

ASSEMBLYMAN FELICE: That is the important thing we are trying to bring out here.

MR. BURKE: Traditionally what has happened is, a company from whatever state it is located in gets the low bid and sends in two or three people who may have had prior experience and knowledge. They hire people off the street, bring them in, give them a fast run-through, and then you see the results.

Our program which we have for contractors and foremen is a combination of in-the-field work and classroom workshop activity, which goes beyond the 60 hours we have for the asbestos abatement mechanics. This, again, is all being worked through private funds for our own in-house use, although we have it all detailed in our application to the Department of Education.

ASSEMBLYMAN DORIA: Okay, thank you very much. We appreciate your comments.

Marianne Rhodes, Associate Director of Governmental Relations, New Jersey School Boards Association?

MARIANNE E. RHODES: Good morning. My name is Marianne Rhodes. I am Associate Director of Governmental Relations for the New Jersey School Boards Association. We represent the 611 boards of education in our State.

First of all, I want to thank the Committee for conducting these significant hearings and for giving us the opportunity to express our views.

All of you know that there are many educational issues that face us today, but among the top non-educational concerns has been the area of asbestos. It has drawn considerable press attention, has created substantial alarm, and has caused us to be aware of the potential hazard to the health of our children.

I have prepared a lengthy statement, which I will briefly summarize in order to point out some of our concerns. Our testimony basically traces the problem of asbestos and goes through the history of it, including the regulations, and Federal legislation. It indicates where we stand today on the asbestos problem.

I would really like to begin — and, I mean this very sincerely — by taking the opportunity publicly to compliment Assemblyman Doria for his legislation regarding asbestos. As you know, Assemblyman, we have worked with you for the past four or five years trying to get this legislation through. Indeed, in every session, I think, since 1980, you have had a bill, and this is the closest we've come to passage. Hopefully, this week we will have final approval with your help.

New Jersey State Library

ASSEMBLYMAN DORIA: It is on for concurrence with the Governor's recommendations tomorrow.

MS. RHODES: That is terrific. We all know that asbestos is everywhere. It is a wide-spread environmental contaminant which is a major problem for all of our society. Our concern here is the problem of the potential effect of asbestos contamination on those who are in our charge -- the children in our State's schools, the employees, the parents, and all of the public who enter the buildings, as well.

Asbestos in the schools presents a very special concern for children because this population differs from the non-occupational groups in both age and behavior. Research has found that the exposure of children early in life to asbestos in school buildings provides a long developmental period for asbestos-related diseases. One of the things that we already know about asbestos is that it sometimes takes 20 to 40 years before the effects of even a very short exposure to asbestos are recognizable.

For those of us who are responsible for the school children and the staffs who serve them, our charge is basically very straightforward. We must address the question of how to eliminate the potential danger from our schools. Although there have been attempts at regulation, and you've heard what has been done thus far, which I might say really is not very much, there are no standards today for the exposure of asbestos that are applicable to the presence of it in the air for public buildings, particularly schools. So, none of these programs and none of these regulations have really been successful as far as we are concerned.

In terms of our responsibility in the schools, there are basically two problems. One is the cost, and two is the lack of standards. We feel very positive about the recommendations that will come forth from the State Asbestos Policy Committee in reviewing their Interim Report, and I think it is important to tell you that one of their main goals is to establish a rational, uniform approach towards the management of the asbestos problem in the State. I might say that if they can accomplish that, we will have come a long way.

The Committee, as you know, has also held hearings and has issued this Interim Report, which also identifies the procedure for assessing the hazards, including a guideline for asbestos in the air. We feel this is long overdue. The report also recommends restructuring of the assessment and remediation procedures that are currently being applied to public schools. It gives the responsibility to the Department of Health inspectors to conduct the evaluations of public schools and submit recommendations to the school boards. Once the officials approve the remediation plans, the projects can begin.

We look ahead with optimism to the recommendations of the State Asbestos Policy Committee, who we hope will finally coordinate our efforts in solving the asbestos problem in the near future.

Most importantly, districts will then be getting help, which I think we really need most of all. Board members are not experts, and although they may recognize that they have a problem with asbestos, they must call upon experts to do the remediation for them. As I pointed out, regulations have required school districts and administrators to basically post the existence of asbestos, seal it, or get rid of it. These directives are really not enough for school board members to do a responsible job in addressing the entire problem.

Basically what we need are: First of all, the money to help those districts that can't afford to remove the asbestos; and secondly, the standards and technical assistance from the State. Certainly certifying those personnel who will be doing the removal is a tremendous step forward as well. Most importantly, we need the coordination of efforts statewide so that we can finally come up with an asbestos policy that will address the needs of the entire State.

ASSEMBLYMAN DORIA: Thank you very much, Marianne. I just want to state that the New Jersey School Boards Association, Marianne, and Ted have been very helpful. They really got me involved with asbestos five years ago. I think they have been one of the groups in the State of New Jersey that has been aware of this problem, and they have been pushing for greater State involvement and commitment to the whole question of the removal of asbestos. I think they should be commended for that. I want to thank Marianne.

MS. RHODES: Thank you. I'll carry the message back.

ASSEMBLYMAN DORIA: Please send that back to Ted and the rest of the staff. Are there any other questions? (negative response) Thank you very much, Marianne.

MS. RHODES: Thank you very much.

ASSEMBLYMAN DORIA: Marshall Marcus, industrial hygiene consultant?

MARSHALL MARCUS: Thank you for the opportunity to appear. My firm does industrial hygiene work related to asbestos in several states. Two of these are New Jersey and Pennsylvania. I wanted to appear today to bring my comments to you. I don't have a written presentation, but I plan to reduce my comments to writing and forward them to you.

ASSEMBLYMAN OTLOWSKI: For the purpose of this hearing, will you just summarize your thinking, please, and then submit the written testimony at a later date? Then we will be able to incorporate that into the record.

MR. MARCUS: Yes, what I am going to give you is a summary. In looking over the proposed changes to legislation and regulatory coverage of asbestos in public buildings proposed by the Governor's Commission, I see some problems. Basically from the point of view of perspectives, I think that what happened last summer here in New Jersey, as I perceived it while I was in charge of the Philadelphia school district program, leads me to believe that here, as well as elsewhere, a false perspective is being brought to the problem. That perspective is sometimes compounded by hysteria, emotionalism, and false information of different types. I would suggest to you, as legislators, that you have in your power an approach to change this, and it is very simple -- that you legislate for your State by forbidding abatement work to take place, unless a health hazard is shown to exist.

What we are talking about here is a health hazard. Asbestos is no different from any other toxic material. We have all types of toxic materials -- PCBs, dioxins, and what have you. You will find that for many, many of these -- and, some of these are cancer-causing materials -- there are what is known as acceptable risk levels. Acceptable risk level is defined, for example, by OSHA in some of the

chemicals it regulates. Other agencies also do this. Asbestos is no different from any other toxic material. It should be approached the same way.

What I find in state after state in public, private, commercial, and industrial firms is the lack of adequate information, and too often emotionalism results in removal when removal should not take place. I think this happened in several hundred schools -- perhaps 200 -- in your State this past summer. By forbidding abatement in public buildings under your jurisdiction, unless a health hazard is shown to exist, I think you bring the problem into proper focus. Who then should determine that a health hazard exists? Certainly, not your school administrators. Most of your State agency employees are not qualified to do this. A health professional should determine when a health hazard exists.

Secondly, I would suggest that you legislate that only a consultant or a firm approved by the Health Department be allowed to certify that a health hazard exists. Once this has been determined, then action should go forward.

Let's turn for a moment to what happens when action takes place. We have heard some comments about workers, foremen, and supervision. I suggest that you recognize in your legislation that the supervisor or foreman in an asbestos-control project be the key individual. Workers will do exactly what they are told because they are paid to do that. The shift foreman is the person who is going to determine whether or not emissions will occur on the job if the job is done right, or if the job is done at all.

I would suggest that you legislate the requirement that if the consultant involved certifies that the supervisor or his company is not conforming to specifications, then the agency or school district be required to terminate the services of that contractor, unless a satisfactory conclusion can be had for the problem proceeding it. In order to do this and shift the burden of liability to where it properly belongs, I finally suggest you legislate that when this is done in good faith by a consultant or the consulting firm, this firm shall not be held liable for any damages if there was an error in such an action. The school district or agency should be required to pay the bill.

What this basically does is, it transfers to your independent consultant what you have as a way of protection from liability with your public employees. Your health inspector and your building inspector have a great deal of freedom from liability. The same thing should be done by the health professional.

Do you notice what I am doing here? I'm suggesting that you legislate that abatement action not be allowed in public areas, unless a health hazard is shown to exist. Secondly, this certification should only be done by firms or consultants approved by your Health Department, using specific guidelines. Thirdly, you should give very close attention to the key person in these jobs, who is the supervisor.

I have one last comment with regard to the proposed guidelines from the Governor's Commission. There are problems with those guidelines. One of these was referred to earlier -- the 100-nanogram standard. In my opinion, that is too high.

Currently, a member of the National Review Committee for EPA, on the Interim Report, "Technical Guidance Document, Procedures for Measurement of Asbestos in Air Following an Abatement Action"— This is a draft document, and it is too long a title to remember. I think the data I have had to assimilate in order to review that document indicates to me that the 100-nanogram standard is too high. Secondly, it expressed a health hazard in terms of weight. To my best knowledge, and in my opinion, this is not a proper way to express a health hazard about asbestos. The number of fibers of biologically active diameter and length is what is important. The analysis should be expressed, I think, in terms of the number of fibers in a cubic meter of air surrounding your head, as well as a not-to-exceed total weight per cubic meter.

That concludes my comments.

ASSEMBLYMAN DORIA: Thank you very much, Mr. Marcus. I think your point about the standard is very important. Obviously, it is the only way we can determine what should or should not be removed, or how dangerous it is, after the standard has been developed. I think that is a crucial question that is going to have to be dealt with. Obviously everyone agrees that we should not remove asbestos if it is

not potentially hazardous to our health. In some instances, as you pointed out, removing asbestos can be more harmful than not removing it, especially where removals have been done in an improper manner, which have exposed people in the same building to asbestos that was not friable before, but became friable as a result of the removal process. I think we have to take that into consideration.

Thank you for your comments.

ASSEMBLYMAN FELICE: Mr. Marcus, there is one point that I am a little confused about at the end of your testimony when you were giving some of the guidelines that you agreed with or didn't agree with. You said something about the consulting firm not being responsible or liable for any of their actions or work. Do you mean things that they specifically recommend? For instance, if they go into a system and say that the structure is not friable and there is no danger, and then a short time later, they find out that it is, are you saying that your firm or any other firm would not be liable for the professionalism that you performed?

MR. MARCUS: Let me clarify that comment.

ASSEMBLYMAN FELICE: Yes, that was a little confusing to me.

MR. MARCUS: What I was referring to was, once the job is started and is under way, and the consultant who is certified by the State Health Department perceives that there is, in fact, or in his opinion may be, a significant health hazard, he should obviously stop the work. My suggestion is that the same avoidance of liability be extended to the Health Department certified consultant on that job, as is now enjoyed by State employees to a great extent. Certainly we are not talking about avoidance of criminal negligence, but a good-faith opinion that a job in progress is not being performed in accordance with specifications should be followed. I feel that what I am addressing here is what I have seen happen so many times where the owner is not willing to stop the job -- even though the contractor is doing a terrible job -- because of threatened lawsuits by the contractor in case the job is stopped. That is all I am suggesting.

ASSEMBLYMAN FELICE: Oh, okay. I misunderstood. I thought you were possibly saying that the analysis of the consultant before the project actually began--

MR. MARCUS: (interrupting) No.

ASSEMBLYMAN FELICE: Okay, I'm sorry.

ASSEMBLYMAN OTLOWSKI: Mr. Marcus, you've opened up a very interesting door. Presently, the courts have established a legal doctrine that states if you had no original liability, but you came on the scene and touched something that changed the circumstances, then you become a liable party. Your liability, of course, is equal to that of the person who had the original liability. As matter of fact, if the person who had the original liability is not fiscally sound, then you are holding the bag totally yourself. That is an established legal doctrine.

What you are saying opens the door for high insurance rates for people who engage in this work because they are now exposing themselves to this liability. In addition to that, how would you deal with the cost factor of doing the work once people become involved in the lawsuits that would result from this?

MR. MARCUS: In terms of the insurance premiums, they are very high now, depending on who you get a quote from. A hundred thousand dollars worth of omission and error insurance for a consultant might cost you \$6,500 per hundred thousand. It is fairly high insurance. I had one quote of \$10,000 for a year's coverage for one hundred thousand a couple of years ago.

The point I am trying to make is that I see a problem with liability that most people are not willing to take in order to say, "Shut down this job," if they are in error. But, if it is a good-faith error simply to stop work that might cause a health hazard, why penalize a person for making that kind of an error? That is all I am saying.

ASSEMBLYMAN OTLOWSKI: I know what you are saying, but what I'm saying is, there is a whole door being opened here with, as you agreed, tremendous insurance costs. The liability will be there under the present doctrine. If you are going to deal with what is supposedly a health hazard and what supposedly demands immediate attention, how do you get around the high costs, and how do you get around the liability? How do you deal with that?

MR. MARCUS: I'm not sure what you mean. You would reduce the liability premium for the consultant.

ASSEMBLYMAN OTLOWSKI: Yes, but how are you going to reduce it? The liability will be there.

MR. MARCUS: If he is in error, that is correct.

ASSEMBLYMAN OTLOWSKI: Would you say that anyone who touches this stuff -- anyone who works with this -- be held harmless? Should they be held harmless from liability?

MR. MARCUS: No, no, no. I'm talking about an action that is taken to stop a job because of a perceived lack of conformance to specification only. I'm narrowing it down to just that problem. It happens time and time again. The owner is not willing to do something, or the consultant is not willing to do something, to prevent a health hazard from occurring. That is all.

ASSEMBLYMAN OTLOWSKI: But, what I've done here with the questions I'm posing is, I'm looking at the total picture that I see developing with insurance and liability, and then the total overall cost in getting into this problem. I'm looking at the testimony of the School Boards Association, and they are talking about the costs running \$50 million to \$70 million in the schools. If you are going to deal with the schools -- and, I suppose this is a very rough estimate -- and you are talking \$50 million to \$70 million--

Asbestos, like PCBs, is dancing all around us. What is the total cost we are getting into here, and what kind of liability and insurance rates are we getting into? I just pose that to see if you have an answer.

MR. MARCUS: Okay. In terms of total costs, I don't know what last summer's work in 300 schools might have cost you. I guess it would be somewhere between \$15 million and \$30 million. You would probably have a better estimate of that than I would.

I would say for a fraction of that -- perhaps 10% to 20% of that -- you probably couldn't have had half of that work done with a proper health estimate. That would stand on its own two feet.

ASSEMBLYMAN OTLOWSKI: If there is a proper health approach and proper health standards, should everyone be held harmless by law?

MR. MARCUS: If there are proper health standards, and you exceed those standards in terms of exposure, then you are held liable if you don't do something about it.

ASSEMBLYMAN OTLOWSKI: So, nobody could sue because they would be held harmless if the proper standards are set up.

MR. MARCUS: No, I didn't say that.

ASSEMBLYMAN OTLOWSKI: You're not going that far?

MR. MARCUS: No, I had no intention of even suggesting that.

ASSEMBLYMAN OTLOWSKI: All right. How would you reduce the costs then?

MR. MARCUS: The cost of—

ASSEMBLYMAN OTLOWSKI: (interrupting) The cost of the total approach, because the total approach is going to be costly when you are talking about insurance rates and the possibility of suits developing.

MR. MARCUS: Very simply. The suits should stand or fall on the ability to show harm or damage, or the perception of harm or damage if you are a jury. Sometimes you don't always follow fact if you are a jury. It should be based on actual established harm or damage.

The cost of further work need not be expended next year, the next three years, or the next five years, until it is necessary, based upon the proper health assessment. You need not touch asbestos if it is not getting out into the air or being ingested. There is no basis for action in terms of a health hazard. I'm not talking in terms of politics or emotionalism or what have you. In terms of a health hazard, if there is no hazard present or the level is below an acceptable risk level — I proposed in my plans, and I think your Advisory Committee also proposed that 100 nanograms is an acceptable risk level — as long as you stay below that, don't take any action. You are going to cause more harm by taking action than by leaving it alone, so you will cut down the cost in any given period, say five years from now — from 1984 to 1989. You will cut down the cost from \$40 million, \$60 million, or \$70 million to \$10 million or \$15 million. You are addressing what is a health hazard based on some standard, and you are fast approaching a standard here in New Jersey. I applaud you for that. I say, use it logically, and do not disturb asbestos that would otherwise cause problems.

ASSEMBLYMAN OTLOWSKI: Thank you.

ASSEMBLYMAN DORIA: Thank you very much. Anthony and Susan Mazzocchi, Parents Against Asbestos Hazards in Schools?

ANTHONY MAZZOCCHI: We appreciate the opportunity to appear here this morning. My wife and I have been involved with a committee in the Maplewood/South Orange area. Our committee has dealt with the asbestos hazard in schools from the time we, ourselves -- the parents -- discovered the presence of friable asbestos, right up through subsequent litigation. We have interacted with every Federal, State, and local agency.

I think the experiences we have had would serve this Committee well because everything that could happen did happen to our community group.

My wife will be testifying on behalf of our committee, but I feel compelled to make a few remarks based upon some previous testimony. I would like to reiterate that it is Federal policy, based on the development of a concept, to bring together the leading health experts to deal with asbestos. One, asbestos is a proven human carcinogen. Two, it is a Federal policy that states there is no known level of exposure that may or may not cause harm. That is an established Federal policy. So, the question of acceptable risk is nonexistent when you are dealing with asbestos. That is a Federal policy based on health surveys.

I would like to comment on the nonsense that passed as testimony from Mr. Kraft of EPA. EPA does not conduct inspections to detect the presence of friable asbestos. The Asbestos School Detection Act only requires that EPA see to it that a school post a notice once they have had the school inspected themselves. That had to be done by June, 1983. A school district can go out into the street and stop the first person they see, have him come in and inspect, and be in compliance with the law. That has been the experience of not only our group, but others.

Thirdly, your Committee now has total responsibility to protect the citizens of this State because EPA, as of Monday, in a letter addressed to Mr. Sweeney, President of the Service Employees

International Union, stated emphatically that they turned down a petition of the Service Employees Union, which had asked for the establishment of standards and rectification work that was to be instituted. EPA, as a matter of national policy, said in this letter -- it is being mailed to me, and I'll make it part of the record -- that it is now totally up to State and local authorities to deal with this enormous problem.

ASSEMBLYMAN DORIA: I just want to comment that we knew that was going on at the Federal level. That is why New Jersey has been moving. We are probably one of the states that are in the forefront in trying to deal with the problem of asbestos. We are trying to develop some kind of acceptable standard to deal with that.

The problem is, the Federal government has never defined the standard, as you have said. They have not taken the responsibility the way they should have. I agree with you; their inspections are a farce, and now we, in the State, have had to take over the responsibility because it has basically been left to us and the Federal government is not doing anything about it.

MR. MAZZOCCHI: Let me just mention one thing. We talk about health standards, and it has been the position of those who have worked on the question and the peril of asbestos that, of course, you should aim for absolutely no exposure.

ASSEMBLYMAN DORIA: That is the ideal. Unfortunately, it has to be dealt with in reality. I'm not an expert on this, but I know the Governor's Task Force has called in a lot of experts. Right now, they are trying to work out a standard that would be acceptable. I don't know what the final result is going to be, but after that, we are going to have to look at it legislatively. They are calling in health experts and various other people to try to come up with something. That is where we are.

Mrs. Mazzocchi?

SUSAN MAZZOCCHI: I am here today both as a parent of three school-aged children and as a member of an organization called Parents Against Asbestos Hazards in Schools. This group was formed in the Maplewood/South Orange area because of the lack of responsiveness by our school administration to friable asbestos in our schools.

I became aware that EPA, in forming a law, was relying on parents to see to it that asbestos in schools was addressed appropriately. Their rationale behind not requiring removal or any kind of abatement whatsoever was that once notices were posted informing parents and teachers that there was a friable asbestos problem, they would see to it that the problem was addressed.

I have been working on this in my own school district, together with other parents, for 20 months, and we have run up against a stone wall many, many times because of the absence of law and agencies claiming jurisdiction in areas where we found a problem. This is what I would like to discuss with you today.

I'm just going to pull things out of our written testimony; I didn't realize I would have to summarize.

The Proposed Guideline Specifications for Asbestos Removal that are being drawn up by the Asbestos Task Force look very good. We have had some input on them; however, we don't agree that their premise is true -- that is, that the proposed guidelines are expected to significantly improve the overall quality of removal work in the State. In our experience, we have found that guidelines are often ignored when not considered economically feasible. Therefore, we urge that these specifications be made mandatory. Unless they are, and unless removal and monitoring specifications are made mandatory with a provision for rapid enforcement, the fact that they exist will only serve to give a false sense of security, while not ensuring that school populations will be protected.

We feel very strongly that the New Jersey State specifications should include the requirement that there be constant on-site observers of the work processes. Specifications written by our school board last summer included one observer who was hired for three different work sites in three different schools, with the understanding that that observer would be absent from any given work site for two to four hours. As we have all learned, based upon the experience last summer, a lot of things can go wrong in two to four hours.

We note that the Department of Health will conduct evaluations of public schools. We, as parents, have been barred from

participating in these visits by Health Department personnel, and even by our own experts, who by court order, we were allowed to bring into the school. We have never been able to accompany any inspector -- our own or State inspectors. We feel that the law should take care of this and ensure our rights, as parents and taxpayers whose children are the ones at risk, to accompany these people. We think it is essential that parents, teachers, custodians, and other maintenance personnel be notified and allowed to participate in pre- and post-inspection meetings and walkarounds. They can very often offer information and are willing to offer information that you will not get from any other source.

When we complained to the Department of Health about a very serious situation this past summer, their response was not to send an inspector, but to telephone the very administration that was complained about. They were given wrong information by the administration, and they accepted it. When we insisted that they send an inspector, they found out that, in fact, we did have a legitimate complaint. We wouldn't like to have that happen again.

There should be a mechanism for parents and others to report asbestos problems. I think a hot line would be a very good idea. There should be a mechanism for an immediate response to the problems that are reported because sometimes they are life-threatening. In our school district, they were.

We tried very hard to find a Federal, State, or local agency responsible for a problem that we had. We had friable asbestos materials that were damaged in occupied areas in all of our schools. At the same time, we had a \$7 million bond renovation project going on, and we had contractors of all sorts. We had plumbers, ceiling and roofing contractors, and all kinds of contractors working unsupervised in asbestos areas. When these men found asbestos in their way, they put on a mask and some clothes. While children and teachers sat in the area, they would just tear out these materials, thus contaminating the area. This fell between the cracks of the law. This was not authorized abatement; nobody had to file a plan with the State Department of Education. No inspectors were sent, and no certificates

of occupancy were required. It wasn't even required that these areas be decontaminated. It was only because of parent vigilance, and we found out about this inadvertently from small children who reported seeing men in masks and spacesuits.

It was our job to try to determine how many areas of the schools in question had been contaminated by such work and whether this contamination was cleaned up properly, if at all. The only way we could determine that was to bring in our own hygienists, but we were barred from doing that. We were barred from taking any tests. We spent \$10,000 to go to court to get that right. We should have had it by law. We are the taxpayers; we are the parents. They were our children at risk, and if it had not been for our involvement, legislators would not have known about it and the Health Department would not have known about it. In the case of our schools, even our school board did not know about it.

We have learned that nothing can be taken for granted, and we would like our State legislators to know that too. Our school district's records are impeccable. Their risk-management program is very detailed and impressive; however, they do not reflect what is going on in the schools. Despite the fact that various government and private agencies have made recommendations to our school board over the past two years — the EPA, two years ago; the State, a year and a half ago; NIOSH, very recently; their own consultants throughout the past year and a half — we don't even have basic things going on in our schools, such as the implementation of wet cleaning techniques instead of dry sweeping in asbestos areas and the use of HEPA filter vacuum cleaners in asbestos areas that contain carpeting. We have been trying for 20 months to get these instituted, but we have not been successful. Yet, anyone who looks at what we have on paper is very impressed with Maplewood and South Orange and the way they are handling the problem.

Where do parents go when they decide to take the responsibility for being witnesses? How do we report these things, and where do we get remedies for our children who are sitting in these areas?

It is very important that there be some kind of quality control supervision. The State cannot do that. We understand that you don't have the money for on-site unannounced visits. Parents, if they are willing, should have an opportunity by law to take over this job. We don't have that possibility right now. We need a place to report these things, and we need someone to respond.

When we talked about the unauthorized removal by custodians and contractors last summer, we tried every State, Federal, and local agency, and every single one denied jurisdiction.

With regard to the issue of air monitoring, we would like to see written into law aggressive monitoring. By that, I mean what Dr. Nicholson from Mount Sinai recommends, which is, during the entire air monitoring process, there should be two 10-minute intervals of vigorous broom sweeping of all horizontal surfaces to resuspend fibers that may have settled.

In our school district, they are doing what is called "tip-toe monitoring," which is coming in after everything has settled and taking air samples. If you get down to .003, .007, or .01, what does that really mean if the fibers are all over the floor when you take your reading. We hope that will be part of the law.

We would also like a policy set on trapping of asbestos on shoes. Unfortunately, there has been a distinction made over and over again between student and non-student areas. For instance, when it comes to boiler rooms, the recommendation by the State has been, "Well, there should be limited access to these areas." In some of the schools in our district, this makes very little difference because we have children sitting on the opposite side of the boiler room door. They are in classrooms adjacent to the boiler room or opposite the boiler room. The hallways may be carpeted, and every time workers go in and out of these rooms, which is frequent during the heating season, they track asbestos on their shoes throughout the school.

Experts hired by our school administration take the stance that no matter how much asbestos is tracked, it will not present a hazard because it becomes diluted in the ambient air of the hallway. This runs counter to government policy that there is so safe level of exposure and that tracking should not occur.

We feel in order for any law to work, parents have to understand that they must bear some of the burden of making certain that the asbestos situation in their childrens' school is being addressed properly. Parents have not been informed about the Federal law regarding asbestos in schools. They are unaware that they have been assigned a role to play. They need to know that EPA is depending on them to force often reluctant school administrators to address the problem in their school districts appropriately. At this time, this task requires enormous time, energy, and funds to organize apathetic communities to apply the necessary pressure.

We would like to see the following:

1. Public Service spots on television and radio informing parents of their role in seeing to it that the law is followed and that they have rights;

2. Abatement specifications be made available to parents with sufficient lead time for study and comment;

3. Parent notification of names and qualifications of asbestos consultants, monitoring firms, and contractors who will be hired by the school administration;

4. All reports by the above be made available to parents as soon as they are prepared;

5. The right of parents or their experts to inspect the schools; and,

6. The right of the parents to have consultants. Right now, consultants hired by boards of education are told not to speak with parents. They are responsible only to administrators, and we have seen them put in very compromising situations where they are made to stand up at board meetings and side with administration against parents.

The final thing I would like to say is, I think the word "hysteria" is very dangerous. The man who testified before us mentioned it. Parents in our school district have been accused of being hysterical. We are not hysterical. The opposite side of the coin has been of much greater danger to the children and school population in our community. That is apathy on the part of school administrators who have decided in the face of scientific evidence that

the risks are minimal, and that you have more of a chance of getting hit by a car than getting an asbestos-related disease. I think that is what we need to combat, not hysteria on the part of parents.

MR. MAZZOCCHI: Let me add one point to that. I feel the hysteria angle has been overplayed in our school district. We ran a public meeting, and we brought in probably the best scientific expert on the subject -- Dr. William Nicholson from Mount Sinai. We physically brought our school board to Mount Sinai, and Dr. Selikoff made a four-hour presentation to them. We walked that entire school district, administration, and community through the whole process. No one acted irrationally or hysterically. Our claims were based on the best scientific information available.

By the way, my wife and I have participated in various EPA hearings around the country, and we found that in sharing our experiences with other parents, they have run into the same thing. The minute they raise a question, they are accused of being hysterical. That has become a diversionary tactic.

ASSEMBLYMAN DORIA: I agree with you. Obviously, concern should exist, and I think everyone realizes that. We all agree that rules and regulations should be enforced, and that is what we are hopefully going to move on legislatively -- the enforcement and establishment of standards that can then enforce removal. I agree with you wholeheartedly.

It seems as if you have solved your problem, since your board is reacting to you in South Orange, Maplewood. One of the ways that all parents can influence what is going on is, most school boards are elected, and if a board does not respond to what parents feel is the right thing, they should be not be reelected. That is what the electoral process is all about.

MRS. MAZZOCCHI: I would like to say that our board did not respond to us. They only responded when we took them to court and put together a boycott. This problem still continues.

ASSEMBLYMAN DORIA: It sounded like you said they went over there and saw this. My question to you then is, are they an elected board?

MRS. MAZZOCCHI: Yes.

ASSEMBLYMAN DORIA: Well, then I would-- As citizens, the obvious way to get immediate action is to run people against them and not reelect them.

MR. MAZZOCCHI: Yes, but the political reality of a school board is, first of all, the board is not elected at one sitting. You know, it is developed just as you and the Senate are; you can never get a majority in one shot. Secondly, it is always after the fact. I take very small comfort in removing a school board member when I know that my three children have been exposed appreciably to airborne asbestos fibers. I would hope that the remedy parents have is before the fact.

ASSEMBLYMAN DORIA: What I am saying is, in addition to what we can do-- We can only do so much. Obviously, the problem is there, but as citizens, there is always one solution, and that is, for immediate action, in addition to what we're doing. We can talk all we want, and we can pass legislation, but it has to be enforced. If the school board does not enforce legislation, and administration does not enforce it, you have two recourses. One is through the courts, and the other is through the electoral process to see that those people who are not enforcing it no longer have jobs as school board members.

We have certain abilities as legislators. We can pass all the legislation we want, but it then has to be enforced locally. We can try to enforce it locally, but there is no way that the State of New Jersey can be in every school district at every hour of the day to make sure they are doing everything exactly the way they should. That is where parents obviously should be involved, and that is where parents, I think, have a logical place to be.

MRS. MAZZOCCHI: That is why we are asking you to give parents access to the schools so they can find out what is going on and then perhaps remove the people who are not doing their jobs.

ASSEMBLYMAN DORIA: Obviously, we agree with that. Another way is through the election process, which I think is very important.

ASSEMBLYMAN FELICE: Mr. Chairman, regarding that issue, one of the things we are trying to do with this Committee and all the experts -- I commend you and your husband for your dedication and what you have been through to try to correct some very definite hazards --

is to have those consultants licensed under standards set up by the State of New Jersey. It is a two-way street. If the school board hires consultants, you are saying that they are sort of obligated to tend to their responses.

Of course, it works the other way. If citizens themselves hire consultants, they would have a tendency to lean a little bit towards the people who hired them without any definite standards. I think that is important.

This doesn't only apply to the hazard of asbestos -- it applies to all the different things that are involved in the safety of the State -- but, citizens themselves should be able to inspect any facility, whether it be for electrical, asbestos, heating, anything. They also have to be qualified. For someone to go in as a citizen with the best intentions and dedication doesn't actually mean that he, if he is not qualified, knows what he has to recognize. That applies whether it is a citizen, an engineer, or a consultant. We are opening up a Pandora's box, not only with this very definite hazard, but with all things. I think that is something, as a group, an individual, or a school board that we all have to recognize. We can never get to the point where we say, "We want the right to go in there and inspect or do anything else, unless we know that with right also comes the obligation of knowing what we are looking for and having the qualifications." Do you agree?

MRS. MAZZOCCHI: Absolutely. Actually what we were asking the school board for was to choose consultants who were nationally recognized, who would be acceptable to them, but who would be paid by us. We were denied that possibility.

ASSEMBLYMAN FELICE: You talked about citizens having the right to go in and inspect.

MR. MAZZOCCHI: New Jersey has established a public policy on the citizen's right to know, isn't that correct?

ASSEMBLYMAN FELICE: Correct.

MR. MAZZOCCHI: That is a stated public policy which has been signed into law by the Governor. You can have the best experts in the world. The old proverb is, "Those who pay the piper call the tune."

Dr. Selikoff always uses the expression, "The other side has the best science that money can buy." We live in a real world. You live in a world of political realities.

Parents will not act willy-nilly. Parents who have rights will call upon people who can advise them appropriately, and we would hope that the experts they have lean on the side of parents. Regarding questions of public health policy, one should be as prudent as possible. If you have to err, you should err on the side of safety.

But, the whole concept of access is important. I would maintain and submit, we could train parents to be observers in a very short period of time. By the way, that is fundamental and crucial while a job is being performed. It is not too difficult for a parent to be trained to observe whether a barrier is down, whether, as in the case in our school district, the negative air device was working with the door open, and with the polyethelene barriers down. One need not be a graduate of the School of Public Health at Harvard to understand that that is not the way you maintain negative air in a closed space.

Essentially what I am saying is, parents are concerned about their children. Parents will act to the extent that they have rights to act. We are denied these rights, and we think the greatest service this legislative Committee can perform is to award parents rights, as much as they are recognizing the concept that workers need rights in order to protect themselves at the point of production.

MRS. MAZZOCCHI: I would like to say one more thing. When we went to court and received the right to bring in the hygienists, our school board hired experts who were certified and came highly recommended. They work all over this State, Pennsylvania, and other states.

We brought in NIOSH and private consultants on the day that school had been scheduled to open. They found asbestos contamination — 90% asbestos debris — in the auditorium. They found it in a first-grade classroom. We could not get that cleaned up. It was only because of the persistence of a parent that that was cleaned up. We are not even sure that all of it has yet been cleaned up.

This is why we think it is so important that parents have the right to bring in these kinds of people.

ASSEMBLYMAN DORIA: Thank you very much.

MR. MAZZOCCHI: Thank you.

ASSEMBLYMAN DORIA: Sandra Corbitt, parent? We have one more witness.

SANDRA G. CORBITT: Hi. I'm Sandra Corbitt, and I am the mother of two school-aged children in the Maplewood, South Orange district.

My concerns are threefold this morning. First and foremost is my concern for the present and future health of my children. Secondly, my concern as a taxpayer in New Jersey is for the price tag of the asbestos abatement in my district, as well as throughout the State. Thirdly, I am very concerned with my rights as a parent and citizen residing in a municipality in New Jersey.

A healthy environment is the ultimate goal of any asbestos abatement policy. It follows in my mind, therefore, that the Department of Health, the county Boards of Health, and local Boards of Health should be legislated the power to oversee asbestos abatement work throughout the entire time period it will take to correct the problem. They, in turn, should be awarded the power to utilize the resources, including personnel, of other Departments within the State. One Department, even if it is not the Department of Health, has to have jurisdiction for the entire time period.

Through bitter experience over the past year and a half, I have learned that buck-passing is certainly a bureaucratic art. You will call one Department -- for example, the Department of Health, which will deny jurisdiction -- and they, in turn, will refer you to the Department of Education, which, in turn, refuses to accept jurisdiction for the problem. This goes on and on and on.

As a parent, I also want to know when and where asbestos abatement is taking place within my school district. The only way we can do this is to have a legislative policy that states there has to be a written notification -- perhaps with at least a 48-hour running time -- so I can make decisions regarding whether or not my children will be in an area that is having work done.

As a citizen of New Jersey, I realize that we are under the low-bid procedure. Unfortunately, it is extremely costly and technical

to take care of asbestos abatement work. I, therefore, urge you to legislate state-of-the-art specifications that include active testing procedures, decontamination rooms, proper protective clothing, properly sealed environments complete with negative air pressure, and proper disposal of wastes at designated hazardous waste sites. Local school boards cannot possibly be solely responsible for the entire cost of abatement. In Maplewood, I spent 49 cents of every local tax dollar on education. I don't know how much more our citizenry can afford to spend on it. Therefore, I urge you to help us. I realize you are trying to pass a \$10 million, one-year bill to help with abatement. Unfortunately, I think both you and I know this will be nowhere near enough for the entire State. In turn, I hope you will apply pressure to the Federal government to contribute its share in tax dollars for the abatement process.

As a private citizen, I should have the right to immediately be able to see test results. I should also have the right to see past asbestos reports that may be contained in my local school board files. I feel very strongly that as citizens, we should be voting members of committees working on specifications locally. We should have the power to contribute to these specifications. Because the local school board or the administrator hires both the abatement contractor and the monitoring agent, creating in my mind a potential conflict of interests, I feel that private citizen groups should have the right to hire an outside monitor. Steven Cohen of the Asbestos Advisory Panel in Boston wrote to me recently and said, "We found it absolutely essential to hire an outside monitor who represented the interest of us — teacher, parents, and students...It was the only real leverage we had as an interested third party."

In closing, I must stress the absolute necessity for full-time on-site monitors to be legally enforced in all specifications. It has been agreed by Assemblyman Doria today and by many other experts in the past that work done incorrectly may be more hazardous than having no work done at all. To ensure that the work is done correctly, the work must be constantly monitored. The health of our children is too important for anything less.

ASSEMBLYMAN DORIA: Thank you. I just want to point out one thing. All reports of the boards of education are public information. As such, you have the right to review them. Right now, under the present law that exists, all the various documents, except for personnel records, items of legal action, or negotiations are public record. You have a right to request them. If you don't receive them, the only recourse you have is through the courts.

MS. CORBITT: Yes, I realize that. I have already used the law. I have also used the Freedom of Information Act to get Federal statements that were necessary as well.

ASSEMBLYMAN DORIA: That is already in existence.

MS. CORBITT: It is unfortunate that experience has shown to me, as a simple citizen, that all laws are not enforced, and all laws are not, unfortunately, complied with. Stonewalling is an art, as well.

ASSEMBLYMAN DORIA: Unfortunately, we, as a legislative body, cannot enforce the laws. The law is there already, and all we can say is, if it is not enforced and you have to be "king of the push" to get it enforced by the enforcement agencies, such as the police or the courts— I just want to point that out, because that is something that already exists. I don't think a lot of people realize that they have complete access to all of the records of every board of education in the State of New Jersey, except, as I said, personnel records, matters of negotiation, or legal matters.

MS. CORBITT: I realize that.

ASSEMBLYMAN FELICE: I have just one point. I don't mean to sound negative, but you mentioned something about citizens having a right to set specifications.

MS. CORBITT: No, that is not what I said. I said that citizens should be members of panels that set specifications. Many citizens have access to some of the very, very well-known people in the field. We are not setting our standards; we would like to have the right to relate to our school board's specifications that have been created by experts to see if they can be utilized. If we can help in any way in the process, we would like to be able to do so.

ASSEMBLYMAN FELICE: You mentioned, and I misinterpreted, that you, as a citizen, would like to be involved in setting specifications -- not hiring people. There are not many people in the room who even know what a nanosecond or a nanogram is. The same applies to the medical procedure in the school or the technical specifications for the pumps that supply the heat. So, we have to be licensed, and I say that as a professional engineer. A doctor has to be licensed, a consultant or architect has to be licensed, and I just don't want people to feel that they will be on dangerous ground, because they have the right to know what the records are, that they also have the right to set specifications. That is why people in all professional fields have to take on that responsibility. If we build a bridge and it has a fault in it, the architects and engineers are responsible. If we administer a vaccination in a school system, the doctor or the nurse is responsible for it.

Unfortunately, I think those specifications have to be set by people by a standard of the Federal or State law. To contribute ideas and to contribute technical information is one thing, but I just don't want people to get the idea that they can say-- As we heard here today, 100 nanograms, I don't think, is the proper standard. People have to realize what they are talking about and what the percentage is.

For someone smoking in a room with a cigar, there could be a heavier amount of hazardous material than someone being in a building for 10 years. I think those standards are set by people who have the technical equipment, the expertise, and the know-how professionally to be a part of it.

I didn't want you to get the wrong idea.

MS. CORBITT: Oh, I certainly agree with you, and I think we, as parents, also agree that we want the best for our children. Consequently, we are willing to go out into the marketplace and look for the best in technical help.

ASSEMBLYMAN DORIA: Okay, are there any other questions? (negative response) I want to thank for coming. We appreciate your comments.

We have one final witness -- Steven Jaraczewski. Is he here? (not present)

Okay, at this point, we are going to conclude. I just want to thank Mayor Otlowski for his hospitality today in allowing us to have the hearing here in Perth Amboy. It is a pleasure to be here in his beautiful city. I want to thank the members of the Committee -- Assemblyman Felice, Assemblyman Otlowski, Assemblyman Hollenbeck, and Assemblyman Rocco -- for their help.

At this point, we are going to take all of the testimony -- we have two of the hearings already printed -- review it, and then we are going to have one final meeting of the Committee in Trenton, which will be a public meeting, and we will then announce the results of the Committee's study. Maybe we will have some recommendations for legislation. First we will have a meeting of the Committee itself to discuss this ourselves, and then we will have the public meeting at which we will make our recommendations.

From what I can see, we have had almost 40 witnesses from four parts of the State. We have had a lot of information provided in a lot of areas of concern -- areas where we possibly need to develop legislation. We have to make sure we do what is best for the State.

I want to thank the ladies from Legislative Services for their help and the fine work they are doing in transcribing the hearings. Leonard, of course, has done an excellent job as the Committee Aide. We wouldn't be able to function without him.

I want to thank everyone for coming here today.

(HEARING CONCLUDED)

APPENDIX

New Jersey School Compliance with the EPA Regulation
 "Friable Asbestos-Containing Materials in Schools; Identification and Notification"
 (40 CFR Part 763)

	<u>No. of LEAs*</u> <u>Inspected</u>	<u>No. of LEAs in Violation</u>	<u>Percent of LEAs in Violation</u>	<u>No. of LEAs Reinspected**</u>	<u>No. of LEAs in Violation</u>	<u>Percent of LEAs in Violation</u>
<u>Public</u>						
FY-83	23	20	87	--	--	--
FY-84	107	73	68	18	11	61
FY-85	<u>14</u>	<u>7</u>	<u>50</u>	<u>1</u>	<u>1</u>	<u>100</u>
Total	144	100	69	19	12	63
<u>Private</u>						
FY-83	3	3	100	--	--	--
FY-84	26	23	88	1	0	0
FY-85	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>
Total	29	26	90	1	0	0

*LEA: Local Education Agency (e.g., Public School District), responsible for Compliance with the Regulation.

**Reinspection subsequent to issuance of Notice of Noncompliance and receipt of certification from the LEA.

The data above represents EPA Region II compliance monitoring activity over the period July 1, 1983 to December 1, 1984.

Submitted to the New Jersey Assembly
 Special Committee on Asbestos Hazards

By Daniel J. Kraft, Chief
 Toxic Substances Section
 Environmental Services Division
 U.S. EPA Region II
 Edison, NJ

December 5, 1984

Submitted by John
Jorke



State of New Jersey
DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
POST OFFICE BOX 7387
TRENTON, NEW JERSEY 08628

WILLIAM H. FAUVER
COMMISSIONER

RICHARD A. SEIDL
DEPUTY COMMISSIONER

December 5, 1984

LEGISLATIVE COMMITTEE HEARING

ASBESTOS IN NEW JERSEY STATE FACILITIES

Mr. Chairman, Members of the Committee, on behalf of Commissioner Fauver and myself, I would like to express my appreciation for this opportunity to provide you with information regarding efforts being made within the Department of Corrections to address the issue of asbestos in the facilities under its jurisdiction.

As Director of the Office of Institutional Support Services for the Department, I have been directed by the Commissioner of the Department of Corrections to coordinate the efforts made, to date, by professionals within and outside the Department, to examine the asbestos problem in correctional facilities, and determine the appropriate steps to be taken to correct the problem.

If I may, I would, first, like to present a prepared statement about this matter, after which I would be happy to answer any questions you might have about our efforts to date.

I would categorize the work of the Department of Corrections to inform and protect New Jersey employees and inmates whose care is charged to the Department as indepth, ongoing, and most importantly, responsible. A brief summary of our activities since 1981 will demonstrate departmental claims to action and responsibility.

In July of 1981, Department of Corrections and Department of Health officials met to outline initial inspection plans for asbestos determination in correctional facilities. Health officials stressed at the time, that all asbestos need not be removed because all asbestos is not necessarily harmful; the risk of exposure is greatly dependent upon the general condition of the asbestos material and "friability", that is, the ease with which asbestos crumbles. Since sealers are not permitted in New Jersey, removal is required when flaking has been confirmed.

Due to the physical plant characteristics of correctional institutions, involved officials at the time determined that maintenance engineers and related staff would most likely be the group with greatest exposure potential. As early as September 1981, the first training and information session was conducted for this group in a meeting held on Department of Corrections grounds. Ten institutions were represented, as well as Department of Corrections central office staff.

Actual physical surveys began in November of 1981 by Department of Health officials. By March of 1982, inspections of 28 correctional facilities had been completed, with 116 of 138 samples revealing asbestos containing materials. Nine of the 28 facilities

within our system were determined to contain areas with conditions considered "poor". The areas of greatest concentration were found to be inmate inaccessible, thereby confirming maintenance personnel as the group with greatest exposure potential since most asbestos was located in the areas of plumbing, steamfitting, and electrical systems locations. In March of 1982, initial cost estimates for attacking the problem were developed; some \$1.7 million was estimated for only three institutions.

Survey results were made known to all institutional superintendents within one month of the completion of the surveys by the Department of Health. A formal report was provided to the Commissioner in December of 1983. Results included the actual laboratory analyses, as well as recommendations as to respirators and disposable, protective clothing to be worn by any individuals who would be required to work in affected areas.

The Department of Health report recommended the involvement of medical personnel and the designation of a coordinator at each facility for the purpose of maintaining communication links between Health officials, Corrections officials, and the respective institutions. These recommendations were accepted and coordinators were designated for each facility. The Office of Institutional Support Services, within the Department, established a June 1983 deadline by which all necessary equipment would have to be acquired by correctional facilities. A list of suggested vendors for equipment, such as disposable clothing and special vacuums, was also provided to superintendents.

During the period from June 1983 to June 1984, implementation

of constructive action was initiated and completed at a number of sites. Work, totaling \$330,000 was completed at Rahway State Prison and at the Yepsen Unit at Johnstone Training Center during this period. Several institutions also contacted the central office staff to request assistance in obtaining funding for asbestos removal, as well as further evaluations of facilities to more fully determine the extent of asbestos presence.

However, since an area in excess of five million square feet was the final estimate of Department of Corrections affected areas, it soon became obvious that the work could not be completed without additional funding, if removal was to be the sole solution. An average removal cost was determined to be \$12 to \$15 per square foot. A December 1983 interdepartmental meeting regarding asbestos in State facilities was held. This meeting did stress alternatives to removal as it became obvious to all parties that funding would be a source of difficulty.

Training seminars were able to be conducted in June of 1984, as the result of facilities having acquired necessary equipment. The seminars, jointly sponsored by Department of Corrections and Department of Health officials, were held on two separate dates, with 12 institutions and central office staff, totaling 81 employees, scheduled for attendance. The subject matter included both removal and alternative treatment techniques.

From August through September of 1984, another removal job was completed and, most recently, \$400,000 has been allocated for two subsequent efforts.

It has been determined that a total of \$6.8 million will be necessary to remove all the asbestos identified throughout

our institutions. A request for funding to eliminate the asbestos has been made to the Capital Planning Commission which has recommended that a special fund be established in the Department of Treasury from which all agencies could draw in order to deal with asbestos. It is our understanding that funds from the Department of Treasury will be provided during this fiscal year.

In addition, it is vital to note that the health record within the Department of Corrections over the last three years has been exemplary. Medical reviews have been conducted, where individual exposure may have been lengthy, that is, for those employed for 10 to 15 years. No reported incidence of asbestosis has been reported among Department of Corrections employees.

Although one inmate case of asbestosis was confirmed, there was a case of the disease within the inmate's family. Furthermore, the individual was 37 years old and incarcerated since 1981. These particular characteristics do not seem to indicate the asbestosis resulting from any inhouse conditions but, rather, appear to have occurred as a result of an earlier exposure during the individual's life.

The pervasive nature of the problem has required that several strategies be developed in our facilities. All involved staff have worked diligently to educate themselves in the development of these strategies which have included inspection procedures, proper equipment usage, and safe treatment and removal techniques.

Ongoing efforts are presently being directed to the two
aforementioned projects and completing initial asbestos inspections
in the approximately 80 employee housing units for which the Depart-
ment of Corrections is responsible.

Thank you, and I would welcome
any questions, at this time.



bldg. 4103, kilmer campus
rutgers, the state university
new brunswick, n.j. 08903 (201) 932-2278/9

C-583

Rutgers Council of AAUP Chapters

TESTIMONY BEFORE THE ASSEMBLY SPECIAL COMMITTEE ON ASBESTOS HAZARDS

Professor Lillian Robbins,
Chair of the Health and Safety Committee,
Rutgers Council of AAUP Chapters

December 5, 1984

For the past several years, members of the Rutgers AAUP working at the Kilmer Library on the Livingston campus have been increasingly aware of asbestos-related problems. These problems were initially perceived in terms of material that floated down from the ceilings and landed indiscriminately on books, shelves, grids in the suspended ceiling, and the floor. The Rutgers University administration has twice attempted to seal the asbestos with a coat of paint, but the material continues to fall. During the spring semester, an inspection conducted by an industrial hygienist hired by AAUP confirmed that the falling asbestos constituted a health hazard for people exposed to it. Over the summer, asbestos was removed from the basement areas, but it still remains elsewhere in the building.

It should be pointed out that three groups are placed at risk within this situation--the students, many of them still growing and developing, who use the library during their four years of college; the librarians who spend five days a week, year after year, breathing in the noxious dusts; and the physical plant staff, who must clean up the fallen debris and do maintenance and repairs.

Other experts have testified as to the physical hazards of airborne asbestos and the need to remove it in order to diminish the risks of developing serious illness. Another aspect that we have become very aware of is the extent to which continuing exposure can constitute a

December 5, 1984

Page 2

psychological stress, which may also be harmful. To be working and studying in a sealed building where there is continuing visible evidence of the fall-out of harmful particles is an intolerable burden. To observe bagfulls of material being periodically removed only increases the resolve to try to do something about the situation once and for all.

The Kilmer Library situation highlights another aspect of this complex situation. When plans are made for removal, people should be given advance warning so that alternative work and study sites can be arranged. Removal operations must be carefully supervised so that they do not unwittingly add to the risks. Finally, after removal, areas must be monitored for continuing asbestos presence before routines are resumed.

Although the Kilmer Library has been the most publicized of University locations with asbestos problems, we are aware of the many other buildings where it exists and strongly advocate the development of removal priorities to eradicate this problem as speedily as possible. While our primary focus is on the removal of asbestos from buildings used in higher education, we are more generally in favor of its removal from all public buildings. There are enough unknowns and serious hazards associated with life in the 1980's. When a clear and present danger has been identified, and means for its eradication are available, it seems unconscionable to require people to remain at risk any longer than absolutely necessary.

Thank you for this opportunity to present our concerns.

TESTIMONY
OF THE
COMMUNICATIONS WORKERS OF AMERICA
AFL-CIO

BEFORE

THE ASSEMBLY SPECIAL COMMITTEE
ON ASBESTOS HAZARDS
STATE OF NEW JERSEY

DECEMBER 5, 1984

Submitted by:

David LeGrande
CWA Representative -
Occupational Safety and Health
1925 K Street, N. W.
Washington, D. C. 20006



The Communications Workers of America, AFL-CIO is pleased to have the opportunity to present testimony regarding the issues of asbestos in schools and other public buildings in New Jersey. I am David LeGrande, CWA's Representative for Occupational Safety and Health.

Exposure to asbestos may be the number one health hazard for New Jersey's public workers. As the collective bargaining representative for 50,000 of the state's public workers, CWA strongly supports action by the New Jersey Asbestos Policy Committee to develop a comprehensive approach to deal with the asbestos issue.

CWA represented employees suffer asbestos exposure as a result of working in state or municipal owned or leased buildings that are undergoing renovation or where construction work is being performed; performing service and maintenance work; and incidental exposure.

Asbestos is used in public buildings in the form of cement sheets, insulation, floor and ceiling tiles, patching and taping compounds, and reinforcing fillers in paints and sealants. In addition, asbestos is contained in friction products such as clutch facings and brake linings.

Asbestos may be found in different locations within public buildings. For example, sprayed-on materials for fireproofing, soundproofing, and insulation are often applied to structural steel members, ceilings and walls in boiler rooms, storerooms, offices, auditoriums, lunchrooms, fan and machinery rooms, janitors' sinks and closets, and music rooms.

Asbestos acoustic plaster, used for soundproofing purposes, is most often found in building corridors, offices, lunchrooms, auditoriums, and sound control and projection rooms. Asbestos wrapping materials are used for the insulation of ducts, hot and cold water pipes, hot water reservoirs, pressure tanks, water meters, and boilers.

Cement asbestos has been widely used in public buildings for treatment of walls, ceilings, and storm drainage pipes. It is generally installed behind perforated panels, called transite panels, for acoustical purposes.

When put into place, these asbestos materials do not pose a health risk. However, over time, either as a result of being bumped into or disturbed, asbestos fibers may be friable.

Asbestos bonded in finished materials is not a risk to workers' health unless the product is not disturbed or damaged in such a way as to free fibers into the air. However, when this happens, asbestos fibers have a tendency to break easily, or become friable, into a dust of tiny particles.

When maintenance, renovation, or construction work disturbs materials, asbestos fibers will be released into the air. The fibers can also be released as a result of water damage to asbestos coatings on ceilings or beams. Exposure may also occur if the air space above a suspended ceiling is used as part of a ventilation system and air moves past asbestos fireproofing.

Once asbestos fibers become airborne, they will remain in the air for a long time floating from one work area to another. In addition, asbestos can be carried home on skin or clothing.

Asbestos fibers may be inhaled or swallowed. Health risks increase with the amount of exposure. The fibers are like glass slivers and can become trapped in the tissues of the lungs and digestive system. Once asbestos fibers work their way into body tissue, they tend to remain there indefinitely.

Exposure to asbestos may cause:

- * Asbestosis, a chronic disease of the lungs manifested by scarring of the lung tissue. Extreme cases of asbestosis will result in a total breakdown of the alveoli, or air sacs, within the lungs. Many victims die of pneumonia, suffocation, and heart failure.
- * Lung cancer may also be caused by asbestos fibers. This process may take as long as 20 years to occur. Experts indicate that lung cancer causes 20% of deaths in asbestos-exposed workers. The degree of the disease depends on the victim's age and the frequency and duration of exposure.

Workers who are exposed to asbestos and smoke are particularly susceptible to contracting lung cancer.

Workers who are exposed to asbestos and smoke cigarettes have a 92 times greater risk of developing lung cancer than employees who do not smoke and have not been exposed to asbestos. In addition, asbestos-exposed workers have an eight times greater risk of contracting lung cancer than the general smoking population.

* Mesothelioma is a cancer of the lining around the lungs, heart, or abdominal organs caused only by exposure to asbestos. Mesothelioma usually occurs many years after initial exposure. There is no cure for this disease.

Asbestos fibers may also cause stomach cancer, colon cancer, esophageal cancer, and cancer of the larynx.

In reviewing the "Asbestos Policy Committee's Interim Report to the Governor" dated September, 1984, there are several points I would like to make.

First, the report "designates the Department of Health as the lead state agency in asbestos control in public buildings." In this capacity, it will be expected "to coordinate, monitor and direct the implementation of the guidelines and standards established by the Asbestos Policy Committee. Also the Department of Health will: conduct evaluations of state owned or managed buildings to determine the presence and condition of asbestos material within these facilities; establish standards for training and certification of asbestos removers and contractors; establish standards and certify private laboratories in asbestos analysis (bulk and air); establish standards and certify private training consultants who may give the training course to private asbestos removers; establish standards and certify private consultants that may be hired to monitor asbestos removal projects; establish standards and certify state inspectors who will evaluate, collect samples, and recommend remedial action; and assume other duties as outlined in the report.

It would seem reasonable to suggest that the Department assume responsibility for evaluating air monitoring in targeted workplaces. In effect, this would require the Department to monitor the tests and procedures by which data was collected by those personnel the Department had certified as inspectors.

In addition, the Department of Health should assume enforcement responsibilities to ensure that all provisions of a state asbestos standard or policy are adhered to. This would require the Department to notify concerned parties of the standard's existence, perform inspections, develop abatement procedures, establish the regulatory means by which violators of the standard might be assessed both civil and criminal penalties, and, of utmost importance, provide for adequate staffing to ensure that the intentions of the policy are carried out.

The report indicates that the Committee's activities will be translated into guidelines rather than standards. CWA encourages the opposite approach be adopted. That is, standards, not guidelines, be promulgated. It is our experience that "obligatory" standards are more successful in eliminating/minimizing hazardous exposures than "voluntary" guidelines.

CWA recommends that asbestos safety and health training be provided to all employees who come into contact with asbestos or who will be responsible for removal or encapsulation of asbestos. This training should not only include employees involved in removal, enclosure, repair or encapsulation work but also those suffering incidental exposures like maintenance

and office workers. Instruction should include:

- recognition of asbestos, including physical characteristics and uses;
- health hazards, including the relationship between asbestos exposures, smoking, and diseases;
- worker protection, including respiratory protection, protective clothing, safety equipment, air monitoring, medical surveillance, and personal hygiene;
- work practices, including area preparation, decontamination, and waste disposal;
- respirators and their use and care; and
- familiarization with standards and requirements established by the Occupational Safety and Health Administration, Environmental Protection Agency, and State of New Jersey. It may be deemed unreasonable to make comprehensive training available to workers suffering incidental exposure. If so, they should be provided with a summarization of the comprehensive instruction.

Also, training should be provided on an annual basis. As the organization representing the greatest number of public workers in New Jersey, CWA encourages the state to provide all concerned parties input regarding the design and coverage of training.

After identifying the need for asbestos repair, enclosure, encapsulation, or removal, the Department of Health should provide advance notification to all concerned parties,

including workers and their union representatives, when remediation procedures will occur. Workers and their representatives should be allowed input into the planning associated with remediation work.

All workers who will come into contact with asbestos should be included within an employer-paid medical surveillance program. Such a program should consist of a thorough physical examination including a chest X-ray, lung function test, and a medical history. Retesting should be provided exposed workers on a periodic basis. Also, within a reasonable period of time, workers, and, with the employees permission, union representatives should be provided access to pertinent medical records.

Following these procedures will assure that employees working in asbestos removal or encapsulation areas are able to wear required respiratory equipment without suffering adverse health effects. In addition, examination results will establish base-line data for both removal and encapsulation workers and those employees who suffer incidental exposure.

The Report suggests results for air monitoring tests be provided to the Asbestos Safety Inspector, to the owner, the contractor, the New Jersey Department of Health Asbestos Control Program, and the architect/engineer. We would like to suggest that involved workers and their union representatives be added to this list.

In conclusion, the CWA commends the Assembly Special Committee on Asbestos Hazards for conducting these hearings and placing the issue of the uninvited hazards associated with asbestos exposure under the legislative microscope.

ASBESTOS TRAINING ACADEMY
1137 ATLANTIC AVENUE
CAMDEN, NJ 08104
(609) 964-9055

December 5, 1984

Thank you for the opportunity to testify today. Like all the people in this room, Admiral Harral and I are greatly troubled by the less than adequate performance our industry exhibited this past summer in almost all of the asbestos abatement projects conducted by the schools. Like everyone in this room, we are here today to find solutions; we are here today to aid the State in carrying out its obligation to safeguard the public health.

Of course, it does not help the State achieve this duty if we merely were to sit here today and run through a litany of the shoddy workmanship, of the illegal practices, of the ignorant or dishonest contractors, of the over-burdened inspectors, of the misguided school boards, of the hysteria-generating media -- all of the factors that went into creating last summer's fiasco. We all know why we are here.

We want to create a system that will guarantee that, when a crew enters a building for an asbestos abatement project, those workers will not leave the building at a risk level greater than if they had not done the work at all. We all know it doesn't make any sense to spend money to produce higher airborne fiber counts, to contaminate sections of buildings that previously were safe, and to jeopardize the health of our children or the health of anyone working in or around one of these projects. We all know the problems; for the sake of the public, we must find solutions.

My company, the Asbestos Training Academy, proposes the New Jersey Legislature enact a grant ^{program} to establish at various sites around the State training programs for asbestos abatement technicians, inspectors, management and those who contract for such asbestos control projects. In the same bill, we propose

ASBESTOS TRAINING ACADEMY
1137 ATLANTIC AVENUE
CAMDEN, NJ 08104
(609) 964-9055

minimum criteria for certification from these training programs be clearly defined; we suggest these programs run for specific lengths of time. Our training seminar for asbestos abatement mechanics, for example, covers 60 hours, most of which is "hands on" experience in a warehouse we have converted to simulate conditions found in the majority of asbestos abatement projects. Before we issue a completion document, we verify our trainees know why respirator protection is critical, how to maintain and clean standard equipment, how to control fibers, how to properly envelope a room with plastic, how to wet wipe, how to tell -- and who to tell -- when a contractor is not complying with recognized and mandated standards. Our trainees are taught how to broom asbestos waste, how to properly bag and dispose of it, how to freeze residue fibers in place. Most of all, those people who take our seminar -- generally the unemployed or the underemployed -- are given self-respect as an asbestos abatement mechanic. They become a work force who will not accept inadequate respiratory protection; they become a work force who will not cheat by slicing the plastic sheetings surrounding a work area in order to smoke a cigarette or by flushing asbestos contaminated materials into the sewer system. They become this type of a work force because, individually, they become more than just someone tossed into a hot, dangerous work site paid to rip out as much asbestos as possible in as short a time as possible. They become technicians performing with skills and techniques.

It takes time to elevate the inner views of people. To do as the Governor's Task Force on Asbestos Policy recommended in its Interim Report, to require 32 hours of training before State certification, is certainly moving in the right direction; we urge, however, the Legislature carry it further. For, in order

**ASBESTOS TRAINING ACADEMY
1137 ATLANTIC AVENUE
CAMDEN, NJ 08104
(609) 964-9055**

to achieve the end results we all want, in order to find the solutions we are here today seeking, we must have as our best defense against the abuses of the past a labor pool of skilled, dedicated asbestos abatement mechanics. Obviously, the self-respect, the pride in one's work, can not be motivated if we show such little regard for this element. The attitudes demonstrated in the past -- as, for just one example, in the only recently abandoned four-hour, you can sleep through most of it and still get the card, New Jersey certification -- this attitude short-changed the very element we need for a successful asbestos abatement policy.

So, just as we've come to realize that we can no longer tolerate entrusting our health to the unskilled, we must come to the understanding there is more to being a laborer on an asbestos abatement project than 32 hours can cover. It is in this realization our solution lies.



New Jersey School Boards Association

Headquarters: 315 West State Street, P.O. Box 909, Trenton, New Jersey 08605
Telephone (609) 695-7600

TESTIMONY ON ASBESTOS

PRESENTED BY

MARIANNE E. RHODES
ASSOCIATE DIRECTOR OF GOVERNMENTAL RELATIONS

BEFORE THE
NEW JERSEY STATE ASSEMBLY SPECIAL COMMITTEE ON ASBESTOS HAZARDS

DECEMBER 5, 1984

GOOD MORNING. MY NAME IS MARIANNE E. RHODES, AND I AM ASSOCIATE DIRECTOR OF GOVERNMENTAL RELATIONS FOR THE NEW JERSEY SCHOOL BOARDS ASSOCIATION. ON BEHALF OF THE 611 BOARDS OF EDUCATION IN NEW JERSEY, I WANT TO THANK THE COMMITTEE FOR CONDUCTING THESE VERY SIGNIFICANT HEARINGS AND FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TO EXPRESS OUR VIEWS.

THERE ARE MANY IMPORTANT ISSUES WHICH ARE FACING US AS LOCAL LEADERS IN PUBLIC EDUCATION. AMONG THE NON-EDUCATIONAL CONCERNS, ASBESTOS -- THE TOPIC OF TODAY'S HEARINGS -- HAS DRAWN CONSIDERABLE PRESS ATTENTION, CREATED SUBSTANTIAL ALARM IN SOME QUARTERS, AND HAS CAUSED US ALL TO BE AWARE OF ITS POTENTIAL HAZARD TO HUMAN HEALTH.

IN ORDER TO BE SURE WE ARE ALL STARTING FROM THE SAME BASE OF INFORMATION, I WANT TO TAKE SOME TIME TO DESCRIBE THE BROAD PICTURE OF THE ASBESTOS PROBLEM.

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-2-

ASBESTOS IS A COMMON TERM THAT MOST PEOPLE IDENTIFY AS A MATERIAL WHICH IS BOTH INEXPENSIVE AND EFFECTIVE FOR A WIDE VARIETY OF BUILDING APPLICATIONS. FOR MANY YEARS, IT WAS USED EXTENSIVELY IN THE CONSTRUCTION INDUSTRY DUE IN LARGE PART TO ITS LOW COST, ITS EASY ACCESSIBILITY, ITS SUPERIOR FIRE RETARDANT ABILITIES, AND ITS LIGHT WEIGHT. TODAY, IT THREATENS TO VIE FOR THE TITLE OF "THE NATION'S NUMBER ONE CHEMICAL KILLER." ITS PRESENCE HAS CAUSED EVERYTHING FROM PANIC AND ALARM TO CAUTION, APPREHENSION AND STUDIED CONCERN. DURING THE PAST DECADE, THERE HAS BEEN SUBSTANTIAL ATTENTION PAID TO THE PROBLEMS OF ASBESTOS CONTAMINATION AND ITS POTENTIALLY HARMFUL EFFECTS ON THOSE WHO COME INTO CONTACT WITH IT.

ASBESTOS IS VIRTUALLY EVERYWHERE. IT IS A WIDE-SPREAD ENVIRONMENTAL CONTAMINANT FOR A MAJOR PORTION OF OUR SOCIETY. OUR CONCERN HERE TODAY, OF COURSE, IS THE POTENTIAL EFFECT OF ASBESTOS CONTAMINATION ON THOSE WHO ARE UNDER OUR CHARGE AND THOSE ARE, OF COURSE, THE CHILDREN OF OUR STATE'S SCHOOLS, THEIR EMPLOYEES, THE PARENTS, AND ALL OF THE PUBLIC WHO ENTER OUR BUILDINGS.

ASBESTOS HAS BEEN USED EXTENSIVELY IN THE PUBLIC SCHOOLS SINCE 1946 FOR FIREPROOFING AND INSULATION, AS WELL AS DECORATION. BY ITS VERY NATURE AND DUE TO ITS SIZE, FORM, AND AERODYNAMIC QUALITIES, ASBESTOS IS A MATERIAL WHICH EXISTS IN VERY LOW CONCENTRATIONS AND REMAINS AIRBORNE IN AREAS OCCUPIED BY HUMANS. THIS IS OF VERY SPECIAL CONCERN BECAUSE OVER THE PAST DECADE SOCIETY HAS BECOME MORE AWARE OF THE FACT THAT ASBESTOS FIBERS, EVEN IN EXTREMELY LOW CONCENTRATIONS, ARE POTENTIALLY CARCINOGENIC. THESE FIBERS CAN HAVE A POTENTIALLY NEGATIVE BIOLOGICAL EFFECT ON THE HUMAN BODY THAT

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-3-

PERSISTS FOR DECADES BEFORE IT IS EVEN DISCOVERED AND CAN CAUSE SEVERE HARM OR DEATH TO EXPOSED INDIVIDUALS.

ASBESTOS IN THE SCHOOL ENVIRONMENT PRESENTS SPECIAL CONCERNS FOR CHILDREN. THIS POPULATION DIFFERS FROM OTHER NON-OCCUPATIONAL GROUPS IN BOTH AGE AND BEHAVIOR. THE EXPOSURE OF CHILDREN EARLY IN LIFE TO ASBESTOS IN SCHOOL BUILDINGS PROVIDES A LONG DEVELOPMENTAL PERIOD FOR ASBESTOS-RELATED DISEASES. ONE OF THE THINGS THAT WE ALREADY KNOW FROM EXISTING RESEARCH ABOUT ASBESTOS IS THAT IT SOMETIMES TAKES FROM TWENTY TO FORTY YEARS BEFORE THE EFFECTS OF EVEN A SHORT EXPOSURE TO ASBESTOS ARE RECOGNIZABLE.

RESEARCH ON THE ISSUE OF ASBESTOS CONTAMINATION HAS BEEN THE SUBJECT OF CONSIDERABLE DEBATE, ESPECIALLY DURING THE PAST FIVE YEARS. SCIENTISTS ARE TRYING TO DETERMINE THE LEVELS AT WHICH THERE IS A POTENTIAL HEALTH HAZARD, THE EFFECT OF DIFFERENT TYPES OF ASBESTOS ON PEOPLE EXPOSED TO THEM, AND THE NECESSARY TIME FOR EXPOSURE BEFORE THERE IS A HEALTH RISK. FOR THOSE OF US RESPONSIBLE FOR OUR SCHOOL CHILDREN AND THE STAFFS WHO SERVICE THEM, OUR CHARGE IS A STRAIGHT-FORWARD ONE -- WE MUST ADDRESS THE QUESTION OF HOW TO ELIMINATE THE POTENTIAL DANGER TO OUR STUDENTS.

I WOULD LIKE TO REVIEW FROM AN HISTORICAL PERSPECTIVE WHAT HAS BEEN DONE TO DATE. IN 1972, DR. IRVING SALOKOFF, AND OTHERS AT THE MOUNT SINAI SCHOOL OF MEDICINE AND ENVIRONMENTAL SCIENCE LABORATORY PUBLISHED AN ARTICLE ENTITLED "ASBESTOS AIR POLLUTION" WHICH WAS PUBLISHED FOR THE ARCHIVES OF ENVIRONMENTAL HEALTH. THAT ARTICLE CONCLUDED THAT BRIEF, HIGH-LEVEL EXPOSURE AS WELL AS LONG-TERM LOW-LEVEL EXPOSURE TO ASBESTOS LEADS TO AN

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-4-

INCREASE IN THE RISK OF CANCER IN HUMANS. IT WAS SUSPECTED THAT YOUNG CHILDREN MAY BE MORE SUSCEPTABLE AND MORE SENSITIVE THAN ADULTS TO IRRITANTS SUCH AS ASBESTOS FIBERS IN THE ATMOSPHERE. THE STUDY ALSO FOUND A HIGH CORRELATION BETWEEN ASBESTOS-GENERATED LUNG DISEASES AND CIGARETTE SMOKING.

AS YOU ARE PROBABLY AWARE, IN 1973 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ISSUED A BAN ON THE USE OF SPRAYED ASBESTOS BECAUSE OF ITS THREAT TO HUMAN HEALTH. THIS BAN CAME ABOUT AFTER SOME RESEARCH WHICH SHOWED A CORRELATION BETWEEN THE SHIPYARD WORKERS WHO HAD HANDLED ASBESTOS DURING WORLD WAR II AND THE INCIDENCE OF CANCER AS A RESULT OF THAT EXPOSURE. FURTHER RESEARCH IDENTIFIED THE CANCER OF THESE WORKERS AS A MESOTHELIOMA, A RATHER SPECIFIC FORM OF CANCER DIRECTLY RELATED TO ASBESTOS EXPOSURE.

AROUND THAT TIME, THERE WAS ALSO AN ARTICLE BASED ON A STUDY IN CONNECTICUT WHICH SHOWED A LINK BETWEEN ASBESTOS EXPOSURE AND THE DEVELOPMENT OF MESOTHELIOMA IN SOME THIRTEEN CHILDREN. ALTHOUGH EVIDENCE WAS NOT ENOUGH TO SHOW A POSITIVE LINK, IT INDICATED THE NEED TO DO SOME BETTER ENVIRONMENTAL HISTORIES. EVEN TODAY THERE ARE NO STANDARDS FOR EXPOSURE TO ASBESTOS THAT ARE EXACTLY APPLICABLE TO ITS PRESENCE IN THE AIR OF PUBLIC BUILDINGS SUCH AS SCHOOLS.

THERE HAVE BEEN SOME ATTEMPTS AT SETTING GENERAL STANDARDS. IN 1975, THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) PROPOSED A NEW STANDARD FOR OCCUPATIONAL EXPOSURE TO ASBESTOS. THESE REGULATIONS SPECIFYING EITHER PERMISSIBLE OR MAXIMUM EXPOSURES WERE NEVER ACTUALLY ADOPTED AND CAME UNDER

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-5-

SERIOUS DISPUTE. IN 1976, THE NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH (NIOSH) PROPOSED A FURTHER REDUCTION IN ITS PROPOSED MAXIMUM EXPOSURE LIMITS TO OSHA. NEITHER OF THESE STANDARDS WERE, HOWEVER, ADOPTED, BUT THERE ARE SOME REGULATIONS WHICH MAY BE USED AS A MEASURING STICK. IN 1977, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ISSUED SOME STRINGENT REGULATIONS WHICH PARALLELED THE GENERAL ONES OF THE UNITED STATES EPA PROHIBITING THE SPRAYING OF MATERIALS CONTAINING MORE THAN 0.25 PERCENT BY WEIGHT OF ASBESTOS ONTO ANY BUILDINGS OR STRUCTURES, INTERNALLY OR EXTERNALLY. DURING THAT SAME YEAR, THE NEW JERSEY DEPARTMENT OF EDUCATION BANNED THE USE OF SPRAYED SURFACE COATINGS CONTAINING ASBESTOS IN SCHOOL BUILDINGS.

ONE OF THE MAJOR PROBLEMS WITH ALL OF THE STANDARDS AND REGULATIONS THAT WERE PROPOSED UP TO THAT POINT IS THAT THEY RELATED ONLY TO THE LEVELS OF ASBESTOS THAT WERE THOUGHT TO BE LESS THAN NECESSARY TO CAUSE ASBESTOSIS. HOWEVER, THERE IS NO HARD DATA AVAILABLE TO INDICATE WHAT A SAFE LEVEL OF ASBESTOS IS IN RELATION TO THE DANGER OF CANCER. FURTHER, CONCLUSIVE STUDY AND RESEARCH ON THIS SUBJECT IS VERY DIFFICULT AND SUBJECT TO INACCURACIES BECAUSE OF THE LONG LATENCY PERIOD OF ASBESTOS-RELATED DISEASES.

IN 1977, THE POTENTIAL HAZARDS OF ASBESTOS BECAME A PUBLIC ISSUE IN NEW JERSEY WHEN THE PARENT OF A STUDENT IN THE HOWELL TOWNSHIP (NJ) SCHOOLS HAD A MATERIAL SAMPLE TAKEN FROM THE SCHOOL TESTED FOR ASBESTOS CONTAMINATION. THIS PARENT WAS A SUPERVISOR IN THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND WAS OBVIOUSLY WELL-VERSED IN ASBESTOS CONCERNS FROM TECHNICAL STUDIES THAT HAD BEEN DONE. THE PARENT PRESENTED HIS FINDINGS TO THE SCHOOL

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-6-

BOARD AT A PUBLIC MEETING AND DISCUSSED THE DANGER TO THE STUDENTS AND STAFF. THIS PRESENTATION SET OFF A FUROR IN THE DISTRICT AS THE PARENTS, LIVING IN A STATE THAT ALREADY HAS ONE OF THE HIGHEST CANCER RATES IN THE NATION, BEGAN TO REACT TO THE THREAT TO THEIR CHILDREN. THE RESULT WAS THAT BY THE MIDDLE OF THE YEAR, THE HOWELL TOWNSHIP SCHOOLS WERE CLOSED FOR A PERIOD OF FOUR WEEKS. AFTER EXTENSIVE DISCUSSION AND DEBATE AND MUCH EMOTION, THE ASBESTOS WAS REMOVED FROM THE SCHOOLS WITH THE FINAL COST AT \$180,000.

THE CRISIS, THE REACTION OF THE COMMUNITY, AND THE SOLUTION TO THE PROBLEM IS ONE THAT RECEIVED NOT ONLY LOCAL, BUT STATEWIDE AND NATIONAL ATTENTION. THE RESULT WAS THAT MORE ATTENTION HAS BEEN FOCUSED ON THE CONCERNS OF ASBESTOS CONTAMINATION, ITS HEALTH HAZARDS, AND THE NEED TO ESTABLISH STANDARDS FOR ITS DANGER AS WELL AS IDENTIFY SPECIFIC ACCEPTABLE PROCEDURES FOR THE ELIMINATION OF THAT DANGER.

THE FIRST GUIDANCE DOCUMENT ENTITLED, "SPRAYED ASBESTOS-CONTAINING MATERIALS IN SCHOOL BUILDINGS", WAS RELEASED IN MARCH 1978 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. IN THAT DOCUMENT REFERENCES WERE MADE TO VARIOUS ACTIONS THAT MAY BE TAKEN IN AREAS AFFECTED WITH ASBESTOS. THE DOCUMENT ALSO DISCUSSED TEMPORARY VERSUS LONG-TERM CONTROL MEASURES AND THE STATE OF THE ART REGARDING SUCH THINGS AS SEALANTS FOR ENCAPSULATING THE ASBESTOS FIBERS AND THE KINDS OF PROCEDURES THAT HAD TO BE ADHERED TO IF REMOVAL AND DISPOSAL WAS TO BE THE OPTION. DURING THAT PERIOD, THERE WERE THREE WAYS TO DEAL WITH THE ASBESTOS: (1) ENCAPSULATION, WHICH IS THE SPRAYING OF ASBESTOS WITH A MATERIAL TO PREVENT THE FIBERS FROM BECOMING

27

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-7-

AIRBORNE, (2) ENCLOSURE, WHICH IS NOTHING MORE THAN BUILDING MATERIALS SUCH AS A FALSE CEILING AROUND THE ASBESTOS, OR (3) TOTAL REMOVAL.

INDEPENDENT RESEARCH DONE BY DR. ROBERT SAWYER OF YALE UNIVERSITY, WHO WAS THE PRINCIPLE CONSULTANT IN THE PREPARATION OF THE EPA GUIDANCE DOCUMENT, HAD IDENTIFIED A MEANS BY WHICH ASBESTOS FIBERS MAY BE RELEASED INTO THE ENVIRONMENT. THE STUDY INDICATED THAT CHILDREN MAY BE EXPOSED TO AN ABNORMALLY HIGH NUMBER OF ASBESTOS FIBERS IN SCHOOLS WHERE SPRAYED ON ASBESTOS SURFACE MATERIALS ARE DETERIORATING DUE TO THE GRADUAL BREAKDOWN OF THE BONDING AGENT USED IN SUCH MATERIALS. HE HAS SHOWN THAT SUCH FIBERS REMAIN AIRBORNE FOR LONG PERIODS OF TIME AND MAY BE REINTRODUCED INTO THE ENVIRONMENT BY MEANS OF THE USUAL DRY CLEANING, DUSTING, AND SWEEPING PROCEDURES THAT ARE USED IN SCHOOLS. THEN TOO, MAINTENANCE AND REPAIR PERSONNEL MAY BE EXPOSED TO HIGH LEVELS OF ASBESTOS FIBER CONCENTRATIONS FOR SHORT PERIODS OF TIME AS THEY CUT, DRILL INTO SAND, OR EVEN PAINT OVER FRIABLE ASBESTOS MATERIALS.

THE HAZARDS WITH ENCAPSULATION AND ENCLOSURE BECOME RATHER APPARENT UPON CLOSE EXAMINATION. SOONER OR LATER THE SPRAYED MATERIAL CRACKS OR DISINTERGRATES, OR THE PROTECTIVE ENCLOSURE IS TAPPED OR MUST BE REMOVED. WHEN THAT HAPPENS, THE ASBESTOS THAT IS CONTAINED WITHIN IS RELEASED AND PRESENTS THE ULTIMATE THREAT. SUBSEQUENT CONCLUSIONS ARE THAT THE ONLY SOLUTION IS THE COMPLETE REMOVAL OF THE PROBLEM AND ITS POTENTIAL EXPOSURE TO HUMANS.

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-8-

IN 1977, BEFORE THE EPA DOCUMENT WAS RELEASED, THE COMMISSIONER OF EDUCATION IN NEW JERSEY SENT A DIRECTIVE TO EVERY COUNTY SUPERINTENDENT IN THE STATE REQUESTING A SURVEY OF ALL THE SCHOOL DISTRICTS IN THEIR COUNTIES ON THE POSSIBLE PRESENCE OF ASBESTOS IN SCHOOL BUILDINGS. DISTRICTS WERE TO REPORT ON THE PRESENCE AND CONDITIONS OF SUCH MATERIALS AND SUGGEST REMEDIAL ACTION. AS A RESULT OF THAT SURVEY, SOME 265 SCHOOLS IN 142 DISTRICTS REPORTED THE PRESENCE OF ASBESTOS MATERIAL. IN THE SUMMER OF 1977, INVESTIGATORS FROM THE MT. SINAI SCHOOL OF MEDICINE VISITED SOME OF THE SCHOOLS TO CHECK FOR THE PRESENCE OF ASBESTOS AND DISCOVERED THAT THEY IN FACT HAD ASBESTOS PROBLEMS.

IN THE TESTING, IT WAS APPARENT THAT UNUSUALLY HIGH CONCENTRATIONS EXISTED IN THOSE SITUATIONS WHERE THE ASBESTOS WAS IN A LOOSE FIBEROUS MAT AND INVISIBLE DAMAGE HAD OCCURRED TO THE SURFACE—THE EXACT TYPE OF DAMAGE THAT COULD BE EXPECTED TO OCCUR IN SCHOOL BUILDINGS WITH LOTS OF STUDENT CONTACT.

SUBSEQUENTLY, IN 1979, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ANNOUNCED THAT IT WAS ABOUT TO REQUIRE OFFICIALS TO INSPECT SCHOOLS AND REMOVE DANGEROUS LEVELS OF ASBESTOS CONTAMINATION. THE PLAN WAS DELAYED AND EVENTUALLY DROPPED. HOWEVER, THE EPA DID ANNOUNCE A NEW REGULATION IN MAY OF 1982 REQUIRING EACH STATE TO INSPECT ALL PUBLIC SCHOOL BUILDINGS FOR FRIABLE ASBESTOS MATERIALS BY JUNE, 1983.

AS OF THE END OF JUNE 1983, DISTRICTS WERE REQUIRED TO POST A NOTICE IN ALL SCHOOL BUILDINGS WARNING OF ASBESTOS WHERE IT HAS BEEN IDENTIFIED. IN ADDITION, ALL PEOPLE EMPLOYED IN THOSE SCHOOLS WERE TO RECEIVE WRITTEN

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-9-

NOTICE OF THE PRESENCE AND LOCATION OF ASBESTOS IN THE SCHOOL BUILDING. OUR CONCERN ABOUT THE HYSTERIA AND FEAR SURROUNDING THIS SUBJECT WAS NOT UNDERSTATED. CHAOS PREVAILED AND CONTINUES. IT WILL CONTINUE TO PREVAIL PRIMARILY BECAUSE OF THE LACK OF PRECISE GUIDELINES REGARDING THE ULTIMATE IMPACT ON THE HEALTH OF OUR STUDENTS AND STAFF AND THE LACK OF SUFFICIENT MONEY TO TAKE THE ONE AND ONLY VIABLE ALTERNATIVE WHICH SEEMS TO BE AGREED ON; THAT IS, REMOVAL. IT IS CLEAR THAT WITH THE POSTING OF THESE NOTICES, ANXIOUS PARENTS, EMPLOYEES, AND OTHER PERSONS WILL CONTINUE TO PRESS US TO DO SOMETHING ABOUT THE ASBESTOS PROBLEM. NONE OF THE PROGRAMS THAT HAVE BEEN ESTABLISHED TO DATE HAVE FOUND THE ANSWER TO THE ASBESTOS PROBLEM.

RECENTLY, THE STATE OF NEW JERSEY HAS TAKEN SOME SIGNIFICANT STEPS. GOVERNOR KEAN ESTABLISHED A CABINET-LEVEL TASK FORCE IN JANUARY 1984, WITH THE DEPARTMENT OF HEALTH DESIGNATED AS LEAD AGENCY. THE MAJOR GOAL OF THE STATE ASBESTOS POLICY COMMITTEE IS "TO ESTABLISH A RATIONAL UNIFORM APPROACH TOWARDS THE MANAGEMENT OF THE ASBESTOS PROBLEM IN THIS STATE." THE COMMITTEE HAS HELD HEARINGS AND THIS PAST SEPTEMBER ISSUED AN "INTERIM REPORT" WHICH HAS IDENTIFIED A PROCEDURE FOR ASSESSING ASBESTOS HAZARDS, INCLUDING AN ACTION GUIDELINE FOR ASBESTOS IN THE AIR. THE REPORT ALSO RECOMMENDS A SIGNIFICANT RESTRUCTURE OF THE ASSESSMENT AND REMEDIATION PROCEDURES CURRENTLY APPLIED TO PUBLIC SCHOOLS.

THE DIVISION OF HEALTH INSPECTORS WILL CONDUCT EVALUATIONS OF PUBLIC SCHOOLS AND SUBMIT RECOMMENDATIONS TO THE SCHOOL BOARDS. DIVISION OF HEALTH OFFICIALS WILL ALSO APPROVE SCHOOL REMEDIATION PLANS PRIOR TO THE START OF THE PROJECTS. WE LOOK AHEAD WITH OPTIMISM THAT THE STATE ASBESTOS POLICY

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-10-

COMMITTEE WILL FINALLY COORDINATE OUR EFFORTS IN SOLVING THE ASBESTOS PROBLEM IN THE NEAR FUTURE...AND MORE IMPORTANTLY, DISTRICTS WILL BE GETTING THE MUCH NEEDED TECHNICAL ASSISTANCE.

WHERE DO WE STAND NOW? TO BRIEFLY REVIEW THE SITUATION--THROUGHOUT THE STATE OF NEW JERSEY, ASBESTOS MATERIALS WERE INCORPORATED INTO SCHOOL BUILDINGS ON THE ADVICE OF REPUTABLE ARCHITECTURAL AND ENGINEERING FIRMS RIGHT UP INTO THE EARLY 1970s. WHEN THE DANGERS OF ASBESTOS SUBSEQUENTLY BECAME WIDELY KNOWN, SCHOOL DISTRICTS WERE CONFRONTED WITH THE REALITY OF SCHOOL CHILDREN BEING ENDANGERED BY THE VERY FACILITIES BUILT TO NUTURE AND CULTIVATE THEM. PARENTS AND COMMUNITIES WERE OUTRAGED AND CONCERNED, BUT SOLUTIONS TO THE PROBLEM INVARIBLY DEPENDED UPON FINANCIAL CONSIDERATIONS. THE ABILITY TO COPE WITH THE CONSIDERABLE EXPENSE OF ASBESTOS REMOVAL VARIES WIDELY AMONG NEW JERSEY'S SCHOOL DISTRICTS AND AT BEST HAS COMPROMISED EQUALITY OF EDUCATIONAL OPPORTUNITY. MANY DISTRICTS, FACED WITH THE INESCAPABLE LIMITATIONS IN SPENDING IMPOSED BY BUDGET CAPS AND DWINDLING RESOURCES, HAVE BEEN UNABLE TO EVEN BEGIN REMOVING THE HAZARDOUS MATERIAL FROM THEIR SCHOOLS. OTHERS HAVE BEEN FORCED TO CUT BACK IN VITAL AREAS SUCH AS CURRICULAR PROGRAMS TO COMPENSATE FOR FUNDS UNEXPECTEDLY NEEDED FOR ASBESTOS REMOVAL. EITHER WAY, OUR CHILDREN HAVE BEEN THE LOSERS.

IN 1977, 250 SCHOOLS OF THE 2,400 SCHOOLS IN THE STATE IDENTIFIED PROBLEMS WITH FRIABLE ASBESTOS. AS OF MARCH, 1983, 165 OF THOSE HAVE TAKEN CORRECTIVE ACTION AND HAVE EXPENDED \$20.3 MILLION FOR THE REMOVAL OF THE ASBESTOS AND RELATED WORK. AS OF JUNE, 1983, 283 OF THE 2,400 SCHOOL BUILDINGS IN OUR STATE -- OVER 10 PERCENT -- HAD ALREADY IDENTIFIED AND

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-11-

RECEIVED STATE APPROVAL FOR THE REMOVAL OF ASBESTOS HAZARDS AT A TOTAL OF \$36.6 MILLION. OUR DEPARTMENT OF EDUCATION ESTIMATES THAT AT LEAST 200 CASES WILL ARISE IN THE NEAR FUTURE AS A RESULT OF THE COMPLETED LOCAL INSPECTION REQUIRED BY THE FEDERAL EPA. EVEN BASED ON CONSERVATIVE ESTIMATES -- AN AVERAGE OF 10,000 SQUARE FEET PER SCHOOL REMOVED AT \$10 TO \$17 A FOOT -- AN ADDITIONAL EXPENDITURE OF \$20 TO \$34 MILLION TO TAKE CORRECTIVE ACTION WOULD RESULT. THAT RESULTS IN AN ESTIMATED TOTAL FIGURE OF BETWEEN \$50 AND \$70 MILLION FOR REMOVAL OF HAZARDOUS ASBESTOS IN NEW JERSEY'S PUBLIC SCHOOLS ALONE. NEW JERSEY'S HARD-PRESSED SCHOOL DISTRICTS SIMPLY CANNOT AFFORD SUCH A COST, PARTICULARLY AT A TIME OF DIMINISHING FEDERAL AND STATE SUPPORT IN OTHER AREAS.

I THINK YOU WOULD ALL ALSO AGREE THAT THE SCIENTIFIC COMMUNITY, AS WELL AS THE ENVIRONMENTAL PROTECTION AGENCY HAVE COME TO THE BELIEF THAT EXPOSURE TO ASBESTOS AT ANY LEVEL INVOLVES SOME HEALTH RISK. IT IS MY BELIEF THAT IF THERE IS SOME RISK, THEN THAT RISK MUST BE REMOVED. WHILE THE COST IS VERY EXPENSIVE AND DIFFICULT FOR SCHOOL DISTRICTS TO AFFORD, IT IS NOT BEYOND THE MEANS AND THE CAPABILITY OF THE RESOURCES OF THE GOVERNMENT. THERE ARE DISTRICTS WITHIN THE STATE OF NEW JERSEY, FOR EXAMPLE, WHERE IN SPITE OF POTENTIAL HAZARD, VOTERS HAVE TURNED DOWN BOND REFERENDUMS TO RAISE THE MONIES FOR THE COST OF REMOVAL. THE REASONS FOR DEFEAT HAVE NOT BEEN BECAUSE OF A LACK OF SYMPATHY FOR THE PROBLEM. THE DEFEATS HAVE COME BECAUSE THE COSTS HAVE BEEN PROHIBITIVE IN COMPARISON TO THE ABILITY OF THE INDIVIDUALS TO PAY.

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-12-

AT THIS TIME, I WOULD LIKE TO PUBLICLY COMMEND ASSEMBLYMAN DORIA FOR HIS LEGISLATION (A-622) (SOON TO BECOME LAW) WHICH WILL PROVIDE \$10 MILLION A YEAR FOR THE NEXT FOUR YEARS TO FUND ASBESTOS REMOVAL PROJECTS IN THE PUBLIC SCHOOLS. THE NEW JERSEY SCHOOL BOARDS ASSOCIATION HAS WORKED WITH ASSEMBLYMAN DORIA OVER THE PAST FIVE YEARS ACTIVELY PROMOTING AN AWARENESS OF THE ASBESTOS PROBLEM THAT EXISTS IN OUR PUBLIC SCHOOLS AND FIGHTING FOR STATE FUNDS TO ASSIST DISTRICTS WITH THEIR ASBESTOS PROJECTS.

IN ADDITION TO THE STATE LEGISLATION, CONGRESS RECOGNIZED THE NEED FOR LEGISLATION, AND IN 1980, PASSED THE "ASBESTOS SCHOOL HAZARD DETENTION AND CONTROL ACT" DESIGNED TO PROVIDE LOW INTEREST LOANS AND GRANTS FOR ASBESTOS DETECTION AND ABATEMENT. ONLY RECENTLY WAS AN APPROPRIATION AUTHORIZED OF ONLY \$50 MILLION TO BE DISTRIBUTED THROUGH THE GOVERNORS' OFFICES IN STATES NATIONWIDE. HOWEVER, THE LITTLE MONEY WHICH WILL BE AVAILABLE HAS YET TO BEGIN TO FLOW.

TO DATE, FEDERAL AND STATE EFFORTS TO HELP ELIMINATE THE POTENTIAL HAZARDS IN ASBESTOS--LADEN SCHOOLS HAVE BEEN OF LITTLE AVAIL. THE EPA REGULATIONS HAVE TOLD BOARD MEMBERS AND ADMINISTRATORS TO POST IT, SEAL IT, OR GET RID OF IT. DIRECTIVES FROM BOTH THE STATE AND FEDERAL GOVERNMENTS HAVE BEEN CONFUSING, AT BEST, AS A RESULT OF CONFLICTING ADVICE AND GUIDELINES. BOARD MEMBERS HAVE BEEN HELD ACCOUNTABLE BY THE STATE AND FEDERAL GOVERNMENTS AND RESPONSIBLE BY RIGHTFULLY CONCERNED PARENTS. BUT UNTIL NOW, BOARD MEMBERS HAVE BORNE THAT ACCOUNTABILITY AND RESPONSIBILITY ALONE. SCHOOL BOARD MEMBERS ARE NOT EXPERTS IN THEIR FIELD--THEY NEED THE FUNDS TO REMOVE ASBESTOS; THEY NEED TECHNICAL ASSISTANCE FROM THE STATE AND FEDERAL

Asbestos Presentation
Marianne E. Rhodes
December 5, 1984

-13-

GOVERNMENTS TO TELL THEM WHEN THERE IS A DANGER TO HEALTH AND WHEN THE ASBESTOS MUST BE REMOVED; THEY WANT UNIFORM STANDARDS AND CERTIFIED WORKERS TO HIRE. WE MUST HAVE THE COORDINATION OF EFFORTS STATEWIDE.

HOPEFULLY, THROUGH THE ENACTMENT OF THE RECENT STATE LEGISLATION AND THE WORK OF THE STATE ASBESTOS POLICY COMMITTEE, WE WILL SUCCEED IN REMOVING HAZARDOUS ASBESTOS FROM OUR PUBLIC SCHOOLS.

TESTIMONY OF SUSAN AND ANTHONY MAZZOCCHI
OF PARENTS AGAINST ASBESTOS HAZARDS IN SCHOOLS
MAPLEWOOD-SOUTH ORANGE SCHOOL DISTRICT
BEFORE THE
NEW JERSEY ASSEMBLY SPECIAL COMMITTEE ON
ASBESTOS HAZARDS
CITY HALL, PERTH AMBOY, N.J.
DECEMBER 5, 1984

We are here both as members of Parents against Asbestos Hazards in Schools (PAAHS) and as parents of three school-age children. PAAHS, an organization of parents in the South Orange-Maplewood School District, was formed in early 1984 because of nonresponsiveness by the school administration to the asbestos problems existing in our schools.

Our Committee's goal was to protect the occupants of the schools in our district from unnecessary exposure to asbestos fibers. We pursued this objective by exhausting all remedies available to us, including litigation. Over a twenty-month period we sought assistance from every federal, state and local governmental agency we thought had some responsibility in this matter.

Recent history in New Jersey has dramatically demonstrated that there is no government agency on the state or local level with appropriate powers to protect school occupants from exposure to asbestos fibers. The Service Employees International Union submitted a petition to EPA calling for comprehensive standards regarding asbestos abatement in schools. In response, EPA, this past Monday, stated by letter that they feel that the whole matter of asbestos regulation is best left to state and local authorities.

In view of the fact that EPA has abdicated its responsibility in this matter it is imperative that the State of New Jersey promulgate comprehensive regulations regarding the problem of asbestos in schools. We hope that PAAHS experiences over the past twenty months and the recommendations growing out of them will be of value to your committee.

We have participated in the EPA asbestos in schools hearings held in various parts of the country. A consistent theme heard in these hearings was that school, state and local officials, rather than responding to asbestos concerns, tended to characterize those who were concerned as hysterical and as creating unnecessary public distress. We confronted the same reaction in the South Orange-Maplewood School District when our committee tried to get the school administration to deal appropriately with damaged asbestos materials cited by the Health Department in ten of our schools. We were called radicals and trouble makers.

Rather than hysteria, it was the opposite side of this coin that posed a far greater health risk to the school population in our community. Our school administration's attitude was that the risks were negligible and so they ignored EPA guidelines

and the State Health Department's recommendations regarding the need to address damaged asbestos materials in occupied areas of ten schools.

PAAHS conducted a public meeting utilizing scientific and medical authorities having substantial credentials in the field of asbestos. PAAHS also arranged an educational seminar for members of our school board, the local department of health, the Mayor and town council members from both towns. The seminar was conducted by Dr. Irving Selikoff and his staff at Mount Sinai School of Medicine. All PAAHS literature was based on the best available scientific sources.

While serving to educate the community, these efforts failed to move the school administration. Their response was based not on health considerations, but on political and economic considerations.

We were concerned mainly with peak exposures due to unauthorized asbestos removal in occupied areas. We were also concerned with ongoing exposures from damage to asbestos-containing materials from vandalism, inadvertent damage, routine maintenance work and ongoing renovation work. The fact that peak exposures resulting from disturbance of asbestos fibers can exceed by over two thousand times the present limit in school environments requires a careful explanation to school officials and parents of this significant risk factor.

We are pleased with the content of the Proposed Guideline Specifications for Asbestos Removal, being developed by the Asbestos Policy Committee, and we have offered some suggestions for improving them. However we do not agree with the premise, as stated in the report, that "The proposed guidelines are expected to significantly improve the overall quality of removal work in the State." Guidelines do not have to be followed. Our experience indicates that guidelines are often ignored when not considered "economically feasible." Therefore we urge that these specifications be made mandatory. Unless specifications for removal and monitoring are mandated by law with provision for rapid enforcement of the law, the fact that these specifications exist will give a false sense of security while not ensuring that school populations will be protected.

Improved training and certification of asbestos removers and contractors is important, and so are standards for and certification of private consultants. But we wish to emphasize that trained removers, consultants and monitoring firms can only perform up to the specifications they are hired to follow.

We feel strongly that New Jersey State specifications should include the requirement that there be a constant on-site observer of the work process. Specifications written by our district last summer included one observer for three sites in three schools, with the idea that the observer would be absent from any given site for two to four hours. A lot can happen in that time period.

We note that the Department of Health will conduct evaluations of public schools. It is essential that parents, teachers, custodians and other maintenance personnel be notified of and be allowed to participate in pre-and post-inspection meetings and walkarounds. The ability of such people to offer information concerning the asbestos situation in particular school buildings has been severely limited so far by lack of access to those with jurisdiction, as well as to difficulty in identifying which agency, if any, accepts jurisdiction. When we complained about a serious situation to the Department of Health, their response was to telephone the very school administration we were complaining about and to accept their word that nothing was wrong, without verifying the facts with the complainants or even making an onsite inspection.

There should be a mechanism for parents and others to report asbestos problems, and there should be a mechanism for immediate response to their concerns. There are situations not covered by any existing regulations. For example in our school district, our primary concern has been that children have had peak exposures to asbestos during unauthorized removal of asbestos materials by custodians and by bond renovation contractors. During a \$7 million bond renovation project taking place in nine of our eleven schools, plumbers, electricians and other contractors have torn out asbestos materials without knowledge of or authorization from anyone. These men knew enough about the hazards of asbestos to protect themselves with special clothing and masks, but children and teachers in the immediate area were not given warning that they were in danger. During this removal, areas of school buildings were contaminated.

Because such removal was certainly not planned "abatement," no abatement plan was filed with the State Department of Education. Therefore no inspectors were sent, and though the areas in question were certainly contaminated, no certificates of occupancy were required. Indeed, as we parents learned with dismay, not only did the law not address such situations, but no cleanup was required. We were unable to find a single federal, state or local agency with jurisdiction in the matter. And so these practices continued, exposing children and other school occupants to what may very well have been very high levels of asbestos. And classes were held in contaminated areas.

If parents had not known about these incidents, they would have continued unnoticed. We learned of them only inadvertently from small children who reported seeing men in "space suits." We asked that the bond renovation work be stopped until the asbestos was removed or at least that one person be hired for each school to supervise the bond renovation contractors. Our administration refused both requests. The parents had to take upon themselves the burden of pressing for identification of all contaminated areas and for proper cleanup. But we were unable to determine if

decontamination was done properly, if at all. We wanted to bring in recognized hygienists to test the areas in question, but were not allowed to. Having been denied the right to do what was necessary to make certain that the areas were safe, PAAHS went to court and won the right to do this.

We have learned that nothing can be taken for granted. Our school district's records are impeccable. Their risk-management plan is detailed and impressive. However, these do not reflect what is actually happening in our schools. One could have assumed that following court-ordered inspections of our schools by the State Health Department, private hygienists and NIOSH hygienists brought in by PAAHS, cleanup of surface contamination of asbestos would certainly take place. It did not. For example NIOSH found contamination in a first-grade classroom and recommended an immediate cleanup. It was only due to the persistence of a parent that that room was cleaned up. If she had not withheld her child from school and pressed for the decontamination, the first graders in that room would still be sitting in a contaminated area.

We parents have learned that supervision is crucial. We have become watchful. For example, maintenance personnel from our district were given a training program in limited asbestos removal, cleanup and how to operate a risk-management program for our district. The training program was designed and administered by consultants hired by our board of education. During a "cleanup" of an area known to be contaminated by unauthorized asbestos removal by a plumber, parents observed the following: the men were wearing torn protective clothing with no head covering or masks; they left the contaminated area and walked into a student area with shoe covers still on; negative air equipment was operating in an open doorway, with the exhaust hose hanging out of an open window.

The point is that it is not enough to train people properly. Unless there is quality control supervision to ensure that what was taught is followed, and unless there is enforcement of proper procedures, and unless there is a mechanism for reporting infractions, we cannot assume that our school populations will be protected. When parents take it upon themselves to be witnesses, and when they see such things, where can they go with this information and what relief will be given so that children, teachers and other school personnel will be safe?

At present our school district has a risk-management plan; it has been announced to the entire community. However, some very basic aspects of it have not been implemented -- things which the school administration was advised by the EPA to implement two years ago, and by their own consultants months ago, and most recently by hygienists from NIOSH who inspected the schools at PAAHS' request, namely use of HEPA vacuums and the substitution of damp mopping for dry sweeping. ~~To date we have~~ ^{only} ~~eleven~~ schools and dry sweeping continues in student areas. Also, cleanup of surface contamination which was recommended to the administration by various experts, was not accomplished satisfactorily. At the Tuscan School parents continually found an area that had supposedly

been washed down, filthy. They insisted on repeated washdowns and finally, after five washdowns, O.K.'d the area.⁽²⁾ The only way that any state agency could know about this is if parents or teachers report it. Certificates of occupancy are required when authorized asbestos removal takes place, but nothing is required when unauthorized removal takes place. This is why we must be given a pipeline to use. Actually a "hotline" would be a good idea.

On the issue of air monitoring, we hope that aggressive testing will be mandated by law. Our school district is well aware of the need for aggressive monitoring, but they are not doing it. Most recently, monitoring was done in an area of an elementary school perceived as being contaminated. Monitoring equipment was set up and left running for four hours in an unoccupied area of the building and there was no attempt to resuspend fibers that may have settled. The reading was .007 f/cc. Under the circumstances, has this reading any meaning? Is it significant that it is more than twice the Committee's recommended level of .003 f/cc?

Finally, we would like policy set on tracking ^{of asbestos fibers on shoes.} It is not always relevant to distinguish student areas from nonstudent areas, especially when all that may separate them is a door. For example, at several schools in our district, classes are held on the boiler room level; often within three feet of the boiler room. At my children's school the hallway outside the boiler room was carpeted. The boiler room was contaminated, not only from ongoing fiber release from very damaged asbestos materials, but because a plumbing contractor had torn out asbestos materials improperly. Two third grade classrooms are directly opposite the boiler room. The consultants hired by our school district claimed in court that no matter how much asbestos was tracked out of the boiler room, it could not present a hazard, since all the asbestos would become "diluted" in the air of the hallway. This advice runs counter to the advice of such experts as Dr. Selikoff. Although there may be limited access to boiler rooms, PAAHS feels strongly that classes should not be held within a few feet of a door to a contaminated area. Accordingly, we pressed for the doors to the boiler rooms to be sealed and for access to be only from outdoors.

Parents must understand that they must bear some of the burden for making certain that the asbestos situation in their children's schools is being addressed properly. The State Government must make it possible for parents to operate effectively. First there must be laws, next enforcement, and third a channel for parent reporting.

PARENTS HAVE NOT BEEN INFORMED ABOUT THE FEDERAL LAW REGARDING ASBESTOS IN SCHOOLS. THEY ARE UNAWARE THAT THEY HAVE BEEN ASSIGNED A ROLE TO PLAY. THEY NEED TO KNOW THAT EPA IS DEPENDING ON THEM TO FORCE OFTEN RELUCTANT SCHOOL ADMINISTRATORS TO ADDRESS THE ASBESTOS PROBLEM IN THEIR SCHOOL DISTRICT APPROPRIATELY. AT THIS TIME THIS TASK REQUIRES ENORMOUS TIME, ENERGY AND FUNDS TO ORGANIZE APATHETIC COMMUNITIES TO APPLY THE NECESSARY PRESSURE.

WITHOUT ORGANIZATION, PARENTS HAVE NO POWER TO "FIGHT CITY HALL." BUT EVEN WHEN ORGANIZED, SCHOOL ADMINISTRATORS CAN DENY PARENTS ACCESS TO THEIR CHILDREN'S SCHOOLS. TO ALLEVIATE THESE PROBLEMS WE WOULD LIKE TO SEE THE FOLLOWING BECOME PART OF LAW

1. PUBLIC SERVICE SPOTS ON TV AND RADIO INFORMING PARENTS OF THEIR ROLE IN SEEING TO IT THAT THE LAW IS FOLLOWED AND THAT THEY HAVE RIGHTS

THAT ABATEMENT SPECIFICATIONS BE MADE AVAILABLE TO PARENTS WITH SUFFICIENT LEAD TIME FOR STUDY AND COMMENT

3. PARENT NOTIFICATION OF NAMES AND QUALIFICATIONS OF ASBESTOS CONSULTANTS, MONITORING FIRMS AND CONTRACTORS WHO WILL BE HIRED BY THE SCHOOL ADMINISTRATION
4. THAT ALL REPORTS BY THE ABOVE BE MADE AVAILABLE TO PARENTS AS SOON AS THEY ARE PREPARED
5. THE RIGHT OF PARENTS OR THEIR EXPERTS TO INSPECT THE SCHOOL
6. THE RIGHT TO HAVE PARENT CONSULTANTS.

submitted by:
Sandra G. Corbitt
34 Salter Place
Maplewood, N.J. 07040
(201) 761-4370

Asbestos in the public schools is a problem not confined solely to New Jersey. As a nationwide problem, its clean-up, containment or removal has to be legislated for on many levels, including that of the State. I am a parent of children in the public school system. As such, my primary concern is with the present and future health of my children. I am a taxpayer in the State of New Jersey. As such my secondary concern lies with the price-tag of enclosure, removal and clean-up of a known carcinogen, i.e. asbestos. I am a citizen residing in a N.J. municipality. As such, I am concerned with my rights in the entire process of asbestos abatement.

My primary concerns in the asbestos abatement are ones of health. Because the health of not only the school population, but also of the teachers, administrators, workers and volunteers are at risk, it logically follows that the primary responsibility of asbestos removal should lie with the Department of Health. (I realize that New Jersey is unique in that the public schools are not "public " property, but are overseen by the N.J. Department of Education and are owned, managed and maintained by local school boards.) However, a healthy environment is the ultimate goal of any asbestos abatement policy. It follows that the Dept. of Health, county Boards of Health, and local Boards of Health should be legislated the power to oversee asbestos abatement work. throughout the time period it will take to correct the problem. They should be awarded the power to utilize the resources(including personnel)of other Departments, such as the Department of Community Affairs, Department of Education the D.E.P., Department of the Treasury, etc. In the September 1984 Asbestos

Policy Committee's Interim Report to the Governor, 5 separate State Depts. are named as being responsible for asbestos abatement. Bitter experience has shown that "buck-passing" is a highly developed art in State Departments. The Department of Environmental Protection will deny jurisdiction, refer you to the Department of Health who in turn will deny jurisdiction refer you to the Department of Education who in turn will deny jurisdiction, etc. One department must have jurisdiction for the entire time period during which asbestos abatement takes place in the public schools in the State. Local School Boards need not only direction for the State of New Jersey, but also laws forcing them to comply. In turn, the laws must have tough enforcement powers that force local districts to comply. Fines may have to be replaced by withholding of local school aid until compliance is achieved.

As a parent, I want to know when and where abatement will be taking place. Legislation should include the requirement of the local district to give at least 48 hours written notification of site and time of abatement in their districts. Test results should be made available to parents immediately so that they, the parents, can decide if the environment is safe for their children.

As a taxpayer, I realize that the cost of asbestos abatement will be upon my shoulders. I want to have this health hazard eliminated at the lowest price that proper abatement requires. Thus, I urge you to retain the "lowest bidder" clause for retaining of firms, but also urge you to insist legislatively that the lowest bidder be accepted only on stringent, "state-of-the-art" specifications that include stringent active testing procedures,

decontamination rooms, proper protective clothing, properly sealed environments complete with negative air pressure, and proper disposal of wastes at a designated hazardous waste site. Local school boards cannot be solely responsible for the entire cost of abatement. In my community, we already spend 49% of our local tax dollars on education. We will need state assistance. The \$40 million suggested by the N.J. legislature may not be enough. Private citizens; local school boards; local community, county and state governments must exert pressure upon the federal government to contribute its share. The Legislature of New Jersey should pursue legal actions against asbestos manufacturers to help recoup cost of abatement.

As a private citizen, I must be assured of my rights in the entire asbestos abatement process. I should have the right to see test results, I should have the right to see past reports regarding asbestos that are in the files of my local school board. Private citizens should be a voting member of committees working on specifications (they should have the right to accept, alter or reject specs prior to bidding release.) Because the local school board (or their administrator) hires both the abatement contractor and the monitoring agent, thus creating a potential conflict of interests, private citizens must have the right to hire an outside monitor. Steven Cohen of the Asbestos Advisory Panel in Boston wrote, "We found it absolutely essential to hire an outside monitor who represented the interests of us; teachers, parents and students....It was the only real leverage we have as an interested third party."

In closing, I must stress the absolute necessity for a full-time on-site monitor (to be legally included in all specifications). It has been generally

agreed that work done incorrectly may be more hazardous than having no work done at all. To insure that the work is done correctly, the work must be constantly watched. Our children's health is too important for anything less.

Respectfully admitted,

A handwritten signature in cursive script, reading "Sandra G. Corbitt". The signature is written in dark ink and is positioned above the printed name.

Sandra G. Corbitt

Submitted by Gregory V. ...
Director Facilities & Maintenance
N.J. Dept. of Human Services

TESTIMONY

ASSEMBLY SPECIAL COMMITTEE

ON ASBESTOS HAZARDS

I WANT TO START OFF BY ASSURING YOU THE DEPARTMENT OF HUMAN SERVICES
IS TAKING EVERY PRECAUTION TO MINIMIZE ANY POTENTIAL DANGER TO OUR
CLIENTS AND OUR WORKERS FROM EXPOSURE TO FRIABLE ASBESTOS.

TO PROTECT OUR CLIENTS AND OUR WORKERS/ THE DEPARTMENT HAS TAKEN
SEVERAL PRECAUTIONARY MOVES. SINCE 1977/ WHEN THE GOVERNOR'S
INTER-DEPARTMENTAL TASK FORCE ON ASBESTOS WAS ESTABLISHED/ THE
DEPARTMENT OF HUMAN SERVICES ADHERED TO ITS GUIDELINES.

IN OCTOBER 1981/ A JOINT EFFORT BETWEEN THE NEW JERSEY DEPARTMENT OF HEALTH AND NEW JERSEY DEPARTMENT OF HUMAN SERVICES WAS INITIATED TO PROVIDE TRAINING TO STAFF AND ADMINISTRATIVE PERSONNEL AND ESPECIALLY MAINTENANCE WORKERS. AT THIS TIME PROTECTIVE CLOTHING AND EQUIPMENT WAS PROVIDED. A TOTAL OF 299 INDIVIDUALS ATTENDED THE REGIONAL SEMINARS. AT THE SAME TIME WE INITIALLY SURVEYED ALL OUR MAJOR FACILITIES/ SUCH AS DEVELOPMENTAL CENTERS/ NURSING HOMES AND PSYCHIATRIC HOSPITALS/ TO LOCATE AND ASSESS ASBESTOS HAZARDS.

THE DEPARTMENT ESTABLISHED ITS OWN TASK FORCE ON ASBESTOS IN EARLY 1983 TO FORMULATE POLICY AND PROCEDURES.

BUT/ THESE ARE STOP-GAP MEASURES AT BEST. WHAT REALLY HAS TO BE
DONE IN THE LONG TERM IS TO REMOVE THE ASBESTOS. WHAT WE NEED IS GUIDANCE IN
THE FORM OF POLICY ON WHAT ASBESTOS WE SHOULD REMOVE FIRST/ HOW WE SHOULD
REMOVE IT/ AND HOW REMOVAL WILL BE FUNDED.

THE DEPARTMENT'S ASBESTOS PROBLEMS SIGNIFICANTLY DIFFER FROM THAT
EXPERIENCED IN EDUCATIONAL FACILITIES. AS I UNDERSTAND IT/ THE
SCHOOL PROBLEM WAS PRIMARILY CAUSED BY ASBESTOS SPRAYED ON CEILINGS.

OUR PROBLEMS ARE PERHAPS MORE COMPLEX. THE ASBESTOS IS FOUND
PRIMARILY ON THE HEATING SYSTEM PIPING/ INCLUDING THE TUNNELS
INTERCONNECTING OUR OLDER BUILDINGS.

New Jersey State Library

THERE IS ALSO ASBESTOS FOUND IN POWER HOUSES ON THE BOILERS AND
RELATED EQUIPMENT THAT IS ENCASED WITH THE MATERIAL.

THE ADMINISTRATION OF EACH FACILITY WAS ASKED TO QUANTIFY AND
QUALIFY ALL KNOWN AND SUSPECTED ASBESTOS CONTAINING MATERIAL/
ESPECIALLY NOTING FRIABLE CONDITIONS.

THE STANDARD OF ASSIGNMENT WAS THE EPA ASBESTOS ALGORITHM WHICH
USED SEVERAL SUBJECTIVE MEASURING CRITERIA SUCH AS CONDITION/ DEGREE
OF WATER DAMAGE/ ACCESSIBILITY/ AND AIR MOVEMENT.

THE PURPOSE OF THE SURVEY WAS TO IDENTIFY THE DEGREE OF DANGER
MEASURED IN EXISTING ASBESTOS CONDITIONS. WE ALSO MEASURED THE
QUANTITY OF ASBESTOS AND LOCATED THE ASBESTOS BY ROOM NUMBER.

USING THE EPA PRIORITY CRITERIA RATING/ WE CAN NOW CLASSIFY THE
DEGREE OF DANGER AT EACH ASBESTOS LOCATION.

ACCORDING TO THIS STANDARD/ ASBESTOS WITH A RATING EXCEEDING "40"
SHOULD BE REMOVED/ AND ASBESTOS WITH A RATING OF 10 OR LESS REQUIRES
NO IMMEDIATE ACTION. RATINGS BETWEEN 10 AND 40 SUGGEST ENCASEMENT OR
ENCAPSULATION/ DEPENDING UPON FURTHER EVALUATION.

WITH THIS RATING/ WE CAN GENERATE A COMPUTER PRINT-OUT THAT
PROVIDES A SUMMARY OF THE EXTENT AND DEGREE OF DANGER IN ALL OF OUR
BUILDINGS.

HOWEVER/ THIS SURVEY WAS PRELIMINARY. FURTHER STEPS MUST BE TAKEN
FOR COMPLETENESS. THE RATING CRITERIA ARE NOT THE BEST/ AND THE EPA
GUIDELINES ARE NOT EXACT.

BUT/ ARMED WITH THIS PRELIMINARY DATA/ WE CAN COME UP WITH A
PRIORITY LISTING OF PROJECTS. WE WANT TO GET ON WITH THE JOB OF
ASBESTOS REMOVAL.

AT THE PRESENT TIME/ WE ARE OPERATING UNDER A SELF-IMPOSED
MORATORIUM. THE DEPARTMENT HAS HALTED ALL ASBESTOS REMOVAL PROJECTS/
EXCEPT THOSE THAT ARE PART OF AN OVERALL RENOVATION PROJECT.

THE REASON WE STOPPED ASBESTOS REMOVAL WAS TO ENSURE THE SAFETY
OF THE REMOVAL CREWS. AT THE SAME TIME/ WE WANT TO PREVENT ANY ASSOCIATED
POTENTIAL ENVIRONMENTAL SPILL WHICH CAN PRESENTS A SIGNIFICANT AFTER-HAZARD.

AS I SAID/ THERE IS A LACK OF POLICY GUIDELINES ON HOW TO TRAIN
WORKERS/ HOW TO REMOVE ASBESTOS/ WHAT PROTECTION IS REQUIRED.

IN THAT LIGHT/ THE PRUDENT COURSE OF ACTION WAS TO HALT
TEMPORARILY ALL ASBESTOS REMOVAL.

WORKER AND CLIENT SAFETY IS OUR FIRST CONCERN.

THAT CONCERN HAS BEEN EXHIBITED IN THE TRAINING PROGRAMS THE DEPARTMENT
HAS OFFERED TO WORKERS WHO RISK EXPOSURE TO ASBESTOS.

THE DEPARTMENT ALSO REQUIRES A REPORT TO BE SUBMITTED BY THE FACILITY ENGINEER ON A TRI-ANNUAL BASIS TO VERIFY THE EXISTENCE OF SUCH EQUIPMENT. THESE REPORTS ARE SUPPLEMENTED BY A VISUAL INSPECTION BY CENTRAL OFFICE ENGINEERING PERSONNEL.

THE FACILITY ENGINEER IS ALSO REQUIRED TO NOTIFY THE OFFICE OF FACILITIES AND MAINTENANCE PRIOR TO UNDERTAKING ANY ASBESTOS REMOVAL PROJECT/ AND MAINTAIN A LOG IN THIS REGARD. IN THIS WAY/ WE HAVE THE ASSURANCES WE NEED THAT ANY ASBESTOS WORK DONE AT A HUMAN SERVICES FACILITY CONFORMS TO EXISTING STANDARDS.

BUT/ BEFORE WE PROCEED WITH ANY MAJOR ASBESTOS REMOVAL PROJECT/
THE DEPARTMENT IS WAITING FOR THE RESULTS OF THIS COMMITTEE'S STUDY/
AND GUIDELINES ON REVISED TRAINING AND REMOVAL PROCEDURES.

ONCE WE GET THAT GUIDANCE/ WE ARE READY TO BEGIN FORMAL TESTING
AND DEVELOPMENT OF THE REMOVAL PROGRAM FOR THE MOST DANGEROUS AREAS
IN OUR FACILITIES.

WE ESTIMATE A COST OF ABOUT \$140 MILLION TO COMPLETELY REMOVE THE
ASBESTOS FROM ABOUT 800 FACILITIES.

OUR AIM IS TO PROVIDE THE MAXIMUM PROTECTION FOR OUR CLIENTS/ AND
OUR WORKERS. WE ARE DOING OUR PART BY TRAINING AND EDUCATING OUR
WORKERS/ BUT WE NEED GUIDANCE AND FUNDING.

