



September 5, 2007

The Honorable Patty Murray
Chairman
Employment and Workplace Subcommittee
Committee on Health, Education, Labor and Pensions
United States Senate
SH-113 Hart Senate Office Building
Washington, DC 20510-3505

RE: S 742

Dear Chairman Murray:

The American Industrial Hygiene Association (AIHA) would like to take this opportunity to comment on S. 742, the “Ban Asbestos in America Act of 2007”, a bill that would prohibit the importing, manufacturing, processing, or distributing of asbestos-containing products in the United States.

AIHA offers our unqualified support for the sections of S 742 and the House companion, HR 3339, which requires the federal government to do additional research on the health effects of various forms of asbestos and other materials. We have neglected this research for far too long. Enacting legislation that would require NIOSH and others to study the health effects of asbestos and related substances, as well as study efforts to improve sampling and analytical methods for the detection of asbestos would be of great importance to AIHA and our members.

AIHA also supports efforts to require increased educational and awareness campaigns to inform the public about the dangers of asbestos, how to prevent exposure and available treatment options. Of course, additional dollars will be required to complete this research, study, and educational effort; AIHA supports your request for such sums as are necessary to carry out these efforts.

AIHA and our 11,000-plus members are well aware of the concerns surrounding exposure to asbestos, to both workers and others. Asbestos is found in an unknown number of products and structures and it is unlikely that anyone can refute the fact that exposure to asbestos causes asbestos-related diseases. Many people incorrectly believe that asbestos has already been banned in the United States.

The fact that more than 40 other countries have already placed a ban on asbestos also reflects the continued interest and concern among others that asbestos use continues to create health concerns around the globe. It is also true that the use of asbestos products in the United States has been declining in recent years and is likely to continue declining in use.

The fundamental principle of the profession of industrial hygiene remains the anticipation, recognition, evaluation and control of hazards that impact workers and others. There are a range of control measures that industrial hygienists may recommend to protect people from hazards. Because of the health effects caused by exposure to asbestos, most AIHA members undoubtedly recommend to their employers/clients that if an alternative to asbestos can be used, it is in the best interest of worker safety to use the alternative. AIHA believes most AIHA members will continue to push for this alternative.

It is also obvious that the best means to ensure that workers are protected from a specific hazard is to eliminate the specific chemical or product that creates the hazard. Unfortunately, a very significant amount of asbestos remains present in the United States from past use of asbestos in insulation, fireproofing and other applications. AIHA members remain concerned about and are actively working to limit exposure of workers and members of the community to the millions of pounds of asbestos already in place. AIHA continues to strongly support all efforts to ensure that new products and materials are not used which result in the release or potential release of asbestos fibers into the workplace or environment. Any application of asbestos in a product or material where the material becomes friable and subject to fiber release remains a significant concern and should not be continued.

Therefore, the real question is not whether legislation should be enacted to ban all uses of asbestos, but whether we can determine how to prevent new uses of asbestos from creating a hazard to individuals. The legislative recommendation for a ban is one best left to policymakers and regulators. The question of whether or not we can prevent the release of asbestos fibers during new uses of asbestos is one best left to the scientific community, hopefully through your legislative efforts for research and study of the hazards of exposure to asbestos.

As you move forward with this legislation AIHA, as the premier association of occupational and environmental health and safety professionals, is prepared to assist you and others in any way possible.

Sincerely,

A handwritten signature in black ink that reads "Donald J. Hart". The signature is written in a cursive, slightly slanted style.

Donald J. Hart, PhD, CIH
AIHA President

cc: AIHA Board of Directors
Steven Davis, AIHA Executive Director
Aaron Tripler, AIHA Director Government Affairs