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STATEMENT OF

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BEFORE THE

SUBCOMMITTEE ON TOXIC SUBSTANCES AND

ENVIRONMENTAL OVERSIGHT

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

ON THE

GENERAL SERVICES ADMINISTRATION'S

ASBESTOS ABATEMENT PROGRAM

Mr. Chairman and members of the Subcommittee:

We are pleased to appear before you to discuss the results of our review of GSA's asbestos abatement program. A draft of our report on the results was sent to GSA and the federal agencies involved in regulating asbestos yesterday and we will evaluate their comments on our findings before issuing our final report. Today I would like to discuss in general those findings and to offer several comments on the provisions of S.2300, the proposed legislation being discussed here today.

ASBESTOS IN BUILDINGS

Asbestos, a cancer producing mineral fiber, once was used in numerous building materials and is still used in some materials such as roofing and floor tiles. Asbestos can be harmful when its microscopic fibers are released into the air, inhaled, and trapped in the lungs. Asbestos in building materials is released in the air through normal building deterioration, impact from maintenance work or occupant activities, or disturbance of previously released asbestos from custodial activities such as dusting or vacuuming.

Soft or loosely bound asbestos-containing materials such as sprayed-on fireproofing can release asbestos fibers after a relatively minor disturbance to the material or even through normal deterioration. Therefore, the soft or loosely bound asbestos-containing materials, also called friable asbestos, are the highest concern in building environments.

According to the Environmental Protection Agency (EPA), asbestos abatement in buildings involves removal, containment, or the use of interim control (also called operations and maintenance plans). Complete removal of asbestos is the only permanent abatement method. EPA requires removal in some cases when buildings are either renovated or demolished.

Containment by either sealing or enclosing asbestos is a temporary alternative to removal. Interim control involves developing control procedures for a building, such as informing occupants and workers as to the presence of asbestos, conducting periodic surveys to see if conditions change, and establishing special maintenance and custodial procedures to limit the release of fibers.

## FEDERAL ASBESTOS REGULATIONS

The Occupational Safety and Health Administration (OSHA) and EPA have issued regulations on asbestos control, but neither agency requires that asbestos in existing buildings be removed. Effective July 1, 1976, OSHA established a permissible exposure level of two fibers per cubic centimeter for any employee exposed to airborne concentrations of asbestos fibers. On April 10, 1984, OSHA stated its intent to lower the permissible exposure level to either .2 or .5 fibers per cubic centimeter, levels that OSHA believes are feasible to attain and measure. However, OSHA has not yet established a revised permissible exposure level.

OSHA requires the head of each federal agency to establish and maintain an effective and comprehensive occupational safety and health program, consistent with OSHA's standards.

Several EPA regulations, primarily in new construction applications, have been issued to limit people's exposure to asbestos. In 1973, EPA used the authority of the Clean Air Act to limit the use of sprayed-on asbestos-containing insulation in buildings. EPA amended this regulation in 1975 to ban asbestos-containing pipe wrapping. The Clean Air Act rule also regulates operations involving the demolition or renovation of buildings containing friable asbestos and the disposal of wastes generated by such operations.

On January 23, 1986, EPA announced a proposed rule under authority of the Toxic Substances Control Act to ban the importation, manufacture, and processing of asbestos roofing and flooring felts, felt-backed sheet flooring, vinyl-asbestos floor tile, asbestos cement pipe and fittings, and clothing and to phase-out all remaining uses of asbestos over the next 10 years. The proposal would require any product not banned to be labeled as containing asbestos.

GSA ADOPTED EPA'S GUIDANCE

Although EPA regulations did not require GSA to establish an asbestos abatement program for public buildings, the Commissioner of GSA's Public Buildings Service did so in 1980. His memorandum of March 12, 1980, to all GSA regional administrators required each region to establish an asbestos control program which included

--not allowing friable asbestos material in GSA buildings unless enclosed or sealed,

--either removing, enclosing, or sealing all friable asbestos in existing GSA-owned buildings,

--performing maintenance, repair, or construction work involving friable asbestos in accordance with GSA, EPA, and OSHA guidance,

--naming an asbestos control officer,

--making exposure assessments for all GSA-owned buildings, and

--entering asbestos control projects into a tracking system for repair and alterations and completing them on a worst-case-first basis.

On November 18, 1980, the Commissioner expanded the program to leased space and required that leased buildings be assessed.

OUR REVIEW OF GSA'S ABATEMENT PROGRAM

We looked into GSA's management of its asbestos abatement program to try to determine whether GSA has an efficient and effective program to protect its tenants from asbestos in GSA-controlled building space. We were interested in determining whether GSA has (1) inspected all its owned and leased building space to determine the extent of its asbestos problems, (2) costed the needed asbestos abatement work, (3) prioritized the work so that the most hazardous is performed first, (4) carried out appropriate operations and maintenance control in buildings where asbestos has not been removed, and (5) established appropriate policies and procedures for monitoring contractors' actions in removing or containing asbestos.

As part of our review of GSA's asbestos abatement program, we interviewed numerous federal officials--in GSA, EPA, OSHA, the

National Institute of Occupational Safety and Health (NIOSH), and various agencies who are tenants in GSA-controlled building space. We also interviewed various officials in non-federal governmental and private sector organizations about their building asbestos abatement programs. While our selection of these non-federal organizations was not statistically valid for projections, we found that GSA is further along in implementing an asbestos abatement program than many, if not most, of the non-federal organizations we interviewed. GSA has had its program underway for 6 years.

PROBLEMS IN GSA'S PROGRAM

While GSA's asbestos abatement program has been in existence for 6 years, GSA still has not inspected all its owned and leased space to determine whether asbestos is present and what abatement actions are needed. In the four GSA regions we visited, about 95 percent of the owned buildings had been inspected but only about 15 percent of the leased space had been inspected.

In 1980 GSA started requiring lessors, for new leases only, to certify that their buildings did not contain friable asbestos-containing materials. GSA informed us, however, that some lessors may not have the expertise to make this determination, GSA has no way of knowing if lessors are qualified to determine whether their buildings contain asbestos, and some lessors may not admit that their buildings contain asbestos.

We also found that past GSA inspections for asbestos were not conducted uniformly, may not have been reliable, and were not always informative because:

--some were performed by untrained personnel, such as maintenance workers,

--many GSA assessments we reviewed did not specify if an entire building was inspected,

--some assessments were made by GSA without laboratory analysis of samples taken, and

--inspection reports with negative findings were not always documented.

Consequently, GSA is not aware of the total magnitude of its asbestos problems. In September 1985, GSA began to resurvey its owned space and selected leased buildings. This resurvey is expected to be completed by August 31, 1986.

Total Program Cost Unknown

GSA testified in 1984 and again in 1985 that about $200 million would be needed over the next 5 years to abate asbestos in federal buildings, primarily in 45 priority buildings. However, GSA has not estimated what its total asbestos abatement program will cost or how long it will take. There are several reasons why GSA cannot estimate total program costs at this time. As previously mentioned, inspections of all buildings space have not been performed, cost estimates for known work are incomplete, and some needed work will not be discovered until building repairs are underway. GSA central office officials told us that the total cost to abate asbestos in all GSA-owned and leased buildings could range between $1 billion and $2 billion and that GSA will be doing asbestos abatement projects in the next century.

Further, GSA has not established a system for prioritizing all asbestos abatement projects, even though the program will take many years and resources are not unlimited.

GSA has recently started to take certain actions to improve direction and clarification of guidance and to obtain more complete information on asbestos in its buildings. These actions include resurveying GSA-owned buildings and selected leased buildings, revising guidance to the regions for managing the abatement program, implementing an education and training program for GSA maintenance personnel, and developing a new tracking system for managing asbestos work.

Controlling Identified Asbestos

According to EPA, if asbestos-containing materials are found in a building, an operations and maintenance plan should be implemented as soon as possible. An operations and maintenance plan, also called interim control, is designed to clean up asbestos fibers previously released, prevent future release by minimizing disturbance, and monitor the asbestos-containing materials.

Removing asbestos may cause large-scale fiber release if proper procedures are not followed and, as a result, airborne asbestos levels in the building may increase during asbestos removal rather than decrease. Therefore, regular on-site inspections are needed during abatement work to assure conformance with work specifications and to avoid hazardous errors.

We selected 23 buildings in four GSA regions that were known to contain asbestos to determine whether they had operations and maintenance plans. There were no plans for 9 buildings. There were plans for 14 buildings but they were not as complete as they should have been according to EPA guidelines. The limited testing we performed indicated that GSA did not always adhere to the EPA-recommended controls for these buildings. We found examples of inadequate training of regional maintenance and custodial workers, GSA's not having informed building occupants about the presence of asbestos-containing materials, custodial workers not using special cleaning procedures, regional personnel not following special asbestos safety procedures such as posting warning signs at exposed asbestos, and GSA personnel not periodically reinspecting asbestos-containing materials.

We also found that GSA's central office had not provided guidance to the regions on how often they should monitor abatement contractors, what their inspection reports should contain, or who should perform inspections. As a result, monitoring of asbestos abatement work was not performed uniformly at the regions we visited and in some cases not as often as recommended by EPA.

UNIFORM FEDERAL GUIDELINES NEEDED

The three agencies involved in providing guidance on asbestos in buildings--EPA, OSHA, and NIOSH--sometimes have different recommendations. Differences in guidance can cause credibility problems for building owners such as GSA, when owners follow one set of guidelines and tenants believe another should

be followed. The three agencies have issued inconsistent guidelines for two critical standards for asbestos abatement programs--allowable asbestos concentrations in the air and air sampling and analysis methods.

EPA, for example, suggests that the potential for fiber release, not air monitoring, is the primary consideration when evaluating buildings with asbestos. OSHA and NIOSH, on the other hand, include air monitoring as a primary indicator of required action. However, OSHA's allowable concentration of fibers is 200 times greater than the level NIOSH recommends as an action level.

According to a GSA central office official, the lack of clear signals from EPA, OSHA, and NIOSH causes problems in dealing with tenants. This official cited the example of the fiber concentration in the air which would indicate a need to take action to reduce asbestos. GSA is required to adhere to the OSHA regulations which permit 2 fibers per cubic centimeter in the workplace. Tenants in two GSA-owned buildings have, according to GSA, received copies of NIOSH health hazard evaluation reports which recommended that air readings of greater than .01 fibers per cubic centimeter should signal a need to take action to reduce the concentration. Although the NIOSH recommendations are not regulations, some tenants interpret them as being so, according to this GSA official. He also added that since GSA is not viewed as a health expert, GSA has little defense for its policies when they differ from the recommendations of national health experts.

Another example of the differences in guidance between the agencies involved in regulating asbestos is the recommendations for analyzing air samples. OSHA specifies that air samples taken in the workplace be analyzed using phase contrast microscopy. EPA does not recommend that air sampling be used as an assessment tool, except for testing after an asbestos abatement project has been completed. However, EPA recommends that for this analysis, experts use the transmission electron microscope, which is more powerful than phase contrast microscopy. NIOSH recommends using phase contrast microscopy for analysis of air samples, followed by the transmission electron microscope for positive readings obtained with phase contrast microscopy.

GSA, citing the potential for confusion and lack of coordination between the implied authority of EPA, the regulatory authority of OSHA, and the advisory authority of NIOSH, in September 1984 asked the Office of Management and Budget (OMB) for assistance in bringing the regulatory community together and obtaining a consistent and uniform policy and regulatory guidance with regard to asbestos abatement and control. In a November 1984 response to GSA, the Deputy Director of OMB stated that

--he agreed a uniform and consistent policy concerning control of asbestos in federal buildings was needed;

--a meeting held at GSA in early October with all relevant agencies, in addition to OMB's review of testimony, successfully achieved a coordinated executive branch response to this issue; and

--OMB will continue to monitor and help coordinate federal activities in this area through its ongoing review of testimony and regulations.

Desp.te these statements by OMB, the inconsistent guidelines for allowable asbestos concentrations in the air and air sampling and analysis methods still exist.

COMMENTS ON S. 2300

We believe that S. 2300, the bill being considered here today, includes provisions that could assist in improving GSA's asbestos abatement program.

--Sections 204 and 205 would help assure that trained personnel conduct asbestos inspections, which should also result in more uniform inspections.

--Sections 204 and 208 would require that operations and maintenance plans be developed for buildings with asbestos, while section 211 would provide pressure to see that they are followed once developed.

--Depending upon the schedule of inspections that would be issued under section 206, there would be a requirement that eventually all GSA buildings be inspected for asbestos.

--Section 208 would require that management or action plans be developed for each building with asbestos and might also result in owners having many buildings, such as GSA, developing asbestos prioritization systems.

--Section 209 would require that any building GSA proposed to lease to be first inspected for asbestos.

The Subcommittee may also want to consider expanding section 204 (a) (2) to address the air concentration of asbestos that should be considered hazardous and to designate the microscopic analysis method that should be used to measure air concentrations for that determination.

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Mr. Chairman, this concludes my prepared statement. We will be happy to respond to any questions you or other members of the Subcommittee may have at this time.