

Congress of the United States

Washington, DC 20515

February 10, 2003

Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460-0001

Dear Administrator Whitman:

We are writing to request additional information about the Environmental Protection Agency's efforts to protect people from exposure to asbestos-contaminated vermiculite. While we applaud EPA for the work it has done so far to clean up asbestos in Libby, Montana, we remain concerned that the federal government isn't doing enough to warn homeowners and workers nationwide about risks from products made with the vermiculite once mined there.

In particular, we want to understand why EPA pulled back from issuing a public warning to consumers and workers about the risks of Zonolite insulation, which was produced from vermiculite mined in Libby and is contaminated with asbestos.

The *St. Louis Post-Dispatch* recently reported that in April 2002, EPA was on the verge of declaring a public health emergency in Libby and issuing a public warning about the health risks of Zonolite nationwide.¹ However, the article reports that the White House Office of Management and Budget (OMB) strongly opposed EPA's pending announcement and prevailed in blocking EPA from issuing the warning. While EPA is nevertheless currently removing Zonolite insulation and other fill material from homes in Libby, EPA still has not issued a warning to the general public about the risks from Zonolite insulation.

On January 3, 2003, Senator Patty Murray wrote to you and Mitch Daniels, the Director of OMB, seeking information about OMB's role in EPA's decision. Senator Murray appreciates your prompt reply of January 16, 2003. Nevertheless, we remain concerned that OMB or the White House may have unduly pressured the agency regarding EPA's decision.

In addition, we remain very concerned that across the country families and workers continue to be exposed to asbestos from Zonolite insulation, yet EPA has not issued a public warning to help people avoid or mitigate this hazard. Minor disturbance of the insulation can release asbestos, endangering the occupants of a home and workers who enter attics to install cables or perform renovations. Zonolite reportedly may be present in anywhere from 15 million

¹*White House office blocked EPA's asbestos cleanup plan*, St. Louis Post-Dispatch (Dec. 29, 2002).

to 35 million homes, schools and businesses.² Yet there has been no public information campaign, beyond some limited and inadequate information in web site fact sheets, to alert homeowners and workers to this hazard and warn them not to disturb any Zonolite they may encounter. In fact, press accounts report that EPA continues to receive calls from homeowners, who don't know whether their homes contain Zonolite and what risk it may pose to their families.³

Your reported support for issuing a nationwide warning is shared by other key agencies responsible for protecting public health.⁴ On August 1, 2000, Dr. Hugh Sloan, Assistant Surgeon General with the U.S. Public Health Service, wrote to the Director of the National Institute of Occupational Safety and Health (NIOSH) recommending that NIOSH issue a nationwide warning to workers who work with vermiculite products.⁵ A spokesperson from the Agency for Toxic Substances and Disease Registry (ATSDR) suggested last May that ATSDR would support public notification as a protective course of action.⁶

If the White House opposes an EPA warning to the public on the risks and proper handling of Zonolite, it is only reasonable to ask that the responsible officials reveal their position and explain the basis for it.

Thus, we are writing to request the following:

1. Please provide two copies (or an electronic copy) of each of the following materials⁷:
 - a. All written communications exchanged between EPA and OMB during the period from December 20, 2001 to the present, related to proposals to provide the general public information about the risks and proper handling of asbestos-contaminated insulation, anywhere in the country.

²*White House office blocked EPA's asbestos cleanup plan*, St. Louis Post-Dispatch (Dec. 29, 2002).

³*EPA to Remove Asbestos Insulation from Homes in Libby; But Contamination in Homes Across the Country Worries Many in the Agency*, Seattle Post-Intelligencer (May 10, 2002).

⁴*White House office blocked EPA's asbestos cleanup plan*, St. Louis Post-Dispatch (Dec. 29, 2002); *New alarm on asbestos; Tainted insulation in far more homes than previously thought*, Star Tribune Newspaper of the Twin Cities (Jan. 19, 2003).

⁵*August 1, 2000 letter from Dr. Hugh Sloan, Assistant Surgeon General, Regional Health Administrator, Region VIII, U.S. Public Health Service, to Dr. Linda Rosenstock, Director, National Institute for Occupational Safety and Health (NIOSH)*.

⁶*EPA to Remove Asbestos Insulation from Homes in Libby; But Contamination in Homes Across the Country Worries Many in the Agency*, Seattle Post-Intelligencer (May 10, 2002).

⁷"Written communications" and "documents" include e-mail and any other electronic exchanges.

- b. All written communications exchanged between EPA and W.R. Grace during the period from January 20, 2001 to the present, related to proposals to provide the general public information about the risks and proper handling of asbestos-contaminated vermiculite insulation, anywhere in the country.
 - c. All EPA estimates, in whatever form, of the risks of asbestos-contaminated vermiculite insulation in structures in Libby and elsewhere in the U.S. and any supporting or explanatory materials.
2. Please provide the dates, names of participants, and any documents related to each meeting since January 20, 2001, between EPA political appointees and W.R. Grace regarding Zonolite.
 3. In your letter of January 16, 2003, you state that “the decision to proceed with the cleanup in Libby is unrelated to the larger issue of whether asbestos contaminated vermiculite insulation poses a risk outside of Libby, Montana.” We agree that the scope of the public health tragedy in Libby from asbestos exposure is far worse than what the vast majority of communities have experienced. We recognize that the inhabitants of Libby are far more likely than most other Americans to be exposed to asbestos through multiple pathways. We also understand that at least some of the vermiculite used as insulation in Libby was raw ore or was not fully processed, and hence should have higher asbestos levels than the final product sold as Zonolite. It is not clear to us, however, how the decision to remove asbestos-contaminated vermiculite insulation in Libby can be *unrelated* to the issue of whether asbestos-contaminated vermiculite insulation poses a risk outside of Libby.

The decision to remove the vermiculite insulation from structures in Libby must rest on EPA’s belief that if the insulation remains, there is some risk of additional exposure. This necessarily implies that to the degree that the same or similar insulation is used in similar structures outside of Libby, there is risk of additional exposure nationwide. Of course, the degree of risk and the appropriate response may very well be different elsewhere absent the exacerbating factors present in Libby.

- a. Is EPA removing all vermiculite (including Zonolite and expanded vermiculite that was not sold as Zonolite) used as insulation from the houses that EPA is addressing in Libby?
- b. Is it possible to distinguish, by examining or testing the material itself, between expanded vermiculite sold as Zonolite and expanded vermiculite mined in Libby that was not sold as Zonolite?
- c. Is there anything about the finished product sold as Zonolite that is distinct from expanded vermiculite mined in Libby that was not sold as Zonolite? Is there any

mineralogical distinction? Is there any toxicological distinction?

- d. Our understanding is that EPA has characterized asbestos as a known human carcinogen and that EPA considers carcinogens to be non-threshold chemicals, to which no exposure can be presumed to be without some risk of adverse effect. Is this understanding correct?
4. In your letter of January 16, 2003, you state that “asbestos exposure which would otherwise present an acceptable risk to a healthy population may cause an increase in disease for a highly impacted community like Libby.” Did EPA calculate the level of exposure to asbestos to “a healthy population” from vermiculite from Libby used in attics across the country? If so, what was the level of exposure and risk that EPA found “acceptable?” Is it possible to calculate the potential level of exposure and risk nationwide without estimating the number of structures that may contain asbestos-contaminated vermiculite? Please explain.
 5. In your letter of January 16, 2003, you further state that EPA “continues to believe that, absent the unique conditions present at Libby, vermiculite insulation poses minimal risk if left undisturbed.”
 - a. Does EPA believe that some, most, or almost all homeowners across the country currently know that there is a possibility that their homes contain Zonolite insulation?
 - b. Does EPA believe that some, most, or almost all homeowners across the country currently know that if their homes contain Zonolite insulation it should not be disturbed?
 - c. What is the basis for EPA’s belief in each of these instances?
 - d. Have you or EPA staff consulted with any Administration officials outside of EPA regarding warning the public about the risks and proper handling of vermiculite insulation? If so, please indicate the persons and agencies consulted and the positions they expressed regarding whether and how EPA should issue such a warning. Please provide copies of any documents exchanged.
 6. In your letter of January 16, 2003, you discuss “the first phase of a limited study to evaluate the level of asbestos in vermiculite attic insulation in homes.”
 - a. When EPA initiated the study in the spring of 2001, what was the planned schedule for completion of the first phase of the study and the full study?
 - b. You state that “others” in addition to EPA’s Office of Research and Development

are currently reviewing the preliminary study. Who are the "others," and when are they scheduled to complete their review? Have OMB staff received a draft of this study?

- c. When will EPA release the results of the first phase of the study?
- d. Please describe the next phase or phases of the study and provide the schedule for EPA to complete and release the remainder of the study.
- e. Will this study evaluate the number of homes, businesses, and other structures containing Zonolite nationwide? If so, when and how do you plan to develop this estimate? If not, why not?
- f. Please provide us with a draft copy of what is being peer reviewed. If you cannot, please explain why you can't share it at this time.

Given the tragic experience for people in Montana due to contact with asbestos-contaminated vermiculite, we support strong actions to protect people in Libby, and nationwide, from exposure to this harmful substance. Thank you for your continuing attention to and interest in this matter.

Sincerely,

Patty Murray

Ken A. Weyman

Jack Walker

Betty McCool

Maria Cantwell

Mark Dayton

Fatima Leahy

Jan Schakowsky

Stevod Brown

Hillary Rodham Clinton

Jim Jeffords

