

Congress of the United States

Washington, DC 20515

February 10, 2003

Dr. John Graham
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office Building
Washington, D.C. 20503

Dear Dr. Graham:

We are writing to request detailed information about the involvement of the White House Office of Management and Budget (OMB), and specifically your Office of Information and Regulatory Affairs (OIRA), in 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 is not 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 OMB's role in EPA's decision to pull 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 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 Administrator Whitman and OMB Director Mitch Daniels seeking information about OMB's role in EPA's decision. EPA replied on January 16, 2003, ostensibly on behalf of both agencies. However, EPA could not address the questions directed specifically to OMB, and Mr. Daniels has not replied. We remain concerned that OMB or the White House may have unduly pressured EPA regarding its 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

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

cables or perform renovations. Zonolite reportedly may be present in anywhere from 15 million 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

EPA's 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 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 you or other White House officials oppose an EPA warning to the public on the risks and proper handling of Zonolite, it is only reasonable to request that you reveal your 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 materials:⁷
 - a. All written communications exchanged between OMB and EPA 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

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).

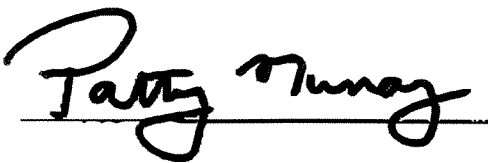
⁷"Written communications" and "documents" include e-mail and any other electronic exchanges.

insulation, anywhere in the country.

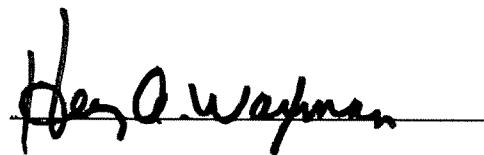
- b. All written communications exchanged between OMB and W.R. Grace during the period from January 20, 2001 to the present, related to proposals to provide the general public information about the risks and proper handling of asbestos-contaminated vermiculite insulation, anywhere in the country.
 - c. All OMB 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 you and/or members of your staff and W.R. Grace regarding Zonolite.
 3. Do you agree that EPA should provide a stronger public warning to raise public awareness that homes and other buildings may contain vermiculite insulation and any such insulation should not be disturbed except by asbestos-removal professionals?
 4. On what date or dates did OMB communicate its position or any recommendations to EPA on EPA's proposed April 2002 announcement regarding asbestos-contaminated vermiculite? Did OMB recommend that EPA refrain from issuing a warning to the public nation-wide about the risks and proper handling of Zonolite insulation? What was the scientific, economic, and/or policy basis for each of your recommendations or comments to EPA regarding EPA's proposed April 2002 announcement?
 5. EPA's letter of January 16, 2003, discusses "the first phase of a limited study to evaluate the level of asbestos in vermiculite attic insulation in homes." Have OMB staff received a draft of this study? If so, please give us a copy of the study.

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 attention to this matter.

Sincerely,



Patty Murray



Henry A. Waxman

Janet Holler

Maria Cartmell

Fatima Leaky

Sheryl Brown

Jim Jeffers

Betty McClell

Mark Dayton

Jon Schuchman

Hillary Rodham Clinton
