

**Ban Asbestos in America Act**  
**U.S. Senate Employment and Workplace Safety Subcommittee**  
**March 1, 2007**

**Testimony of Harvey I. Pass**  
**Professor of Surgery and Cardiothoracic Surgery**  
**Chief, Division of Thoracic Surgery and Thoracic Oncology**  
**Department of Cardiothoracic Surgery**  
**Director of Surgical Research**  
**NYU School of Medicine and NCI Cancer Center**

Chairwoman Murray, Ranking Member Isakson, and distinguished members of the U.S. Senate Employment and Workplace Safety Subcommittee:

My name is Harvey Pass and I am the Director of the Division of Thoracic Surgery at the NYU School of Medicine in New York. When I was Head of Thoracic Oncology at the National Cancer Institute (NCI) in Bethesda, I was the first to make mesothelioma a research priority, and I have continued my mesothelioma clinical and bench work investigations at the Karmanos Cancer Institute in Detroit and now in New York. I am also a Board member and head of the Scientific Advisors for the Mesothelioma Applied Research Foundation. I am proud that my research in mesothelioma has been funded by the NCI, American Cancer Society and the Veterans Administration.

Mesothelioma is a diffuse tumor of the linings of the lungs, abdomen or heart which kills close to 3,000 victims in the United States. It relentlessly invades the tissues of the chest and abdomen, causing excruciating pain in most afflicted patients at the end of their life. The average survival for individuals with mesothelioma is one year.

The cause of mesothelioma is exposure to asbestos.

Mesothelioma takes 30 years to exhibit symptoms, or roughly between 10 and 50 years from the time of the asbestos exposure. The mesothelioma victims of today built our country as pipe fitters, insulators, boilermakers, electricians and shipbuilders, among others and a third of today's mesothelioma victims served the United States on Navy ships or in shipyards. Families have been destroyed by second hand fiber exposure when these heroes brought asbestos from their livelihood into their home. It is estimated that asbestos is in 30 million U.S. homes as well as in thousands of products. Exposure to asbestos is unpredictably dangerous: a minimum or one-time exposure or a very low exposure over time may be enough to trigger the catastrophic events leading to mesothelioma.

It is essential that we ban asbestos now and find alternatives to asbestos use. Armed with mountains of evidence about the profound risk of asbestos, it is our responsibility to act by stopping the flow of asbestos into our environment and protect future generations. By

finally banning asbestos, Senator Murray's bill will save lives which without doubt, would otherwise be lost to this disease.

We also have to think about all who have already been exposed, and who will continue to be exposed to the asbestos already in our environment. It is estimated that 23 million Americans have been occupationally exposed over the past 50 years and are now at risk. 9/11 and Katrina have potentially exposed countless more. Asbestos is virtually omnipresent in all the buildings built before the late 70s. For those who could develop mesothelioma as a result of these exposures, the only hope is effective treatment.

Mesothelioma has been an orphan in medical research. Until three years ago, there was not even one treatment for mesothelioma approved by the FDA as better than doing nothing at all. Even this approved treatment, which is regarded as the new standard of care, is associated with only a three month survival advantage in the majority of cases which are detected in an advanced state. Hence, hand in hand with prevention must come funding for early detection and improved treatment of the disease.

This is why the research funding component of Senator Murray's bill is also so critical. Mesothelioma investigators are learning which genes and proteins can give a signature for the disease, and which of these also control the pathways that will turn a normal cell into a mesothelioma. Since 1999, research and advocacy for mesothelioma has been championed by the Mesothelioma Applied Research Foundation, which has awarded over \$4 million in seed money grants to the brightest investigators around the world. But we now need the federal government to partner with us in order to make sure that the promising findings will hold true by conducting expensive, challenging, but necessary trials across the U.S. in order to get these promising approaches from the lab to the patients' bedsides.

Senator Murray's bill will do this by establishing ten centers of excellence across the United States for mesothelioma, and help to accrue patients in sufficient numbers to run meaningful clinical trials. Senator Murray's bill would mandate collaboration not only among the ten centers, but with the NCI's own intramural programs, and the Department of Veterans Affairs. The bill will also support the National Institute for Occupational Safety and Health (NIOSH) efforts to establish a mesothelioma registry and tissue bank so that we can come to grips with the magnitude of the epidemic and provide valuable resources to be shared among investigators.

Three years ago, I was invited to the Senate to advocate for mesothelioma victims by endorsing Senator Murray's bill. Since that time, I have treated too many new patients who were diagnosed, treated and subsequently recurred, and died, leaving behind families that only wanted to enjoy more time with their loved ones. Despite these tragedies, we are no closer to banning the cause of this cancer than we were in 2004. The time has come for a war on mesothelioma, first by eliminating the use of asbestos, and then by arming the soldiers with sufficient resources to find the disease in its early stages so that newer therapies can prolong their lives. We owe this to our heroes.