



Congress Makes Progress Removing Asbestos from the Environment By Tony Nocito

The financial burden borne by the taxpayer due to asbestos containing materials (ACM) that have been installed throughout the 20th century in American factories, power generating plants, schools, homes and military ships and bases, constitute one of the largest environmental and health challenges facing our country today and in the future. It is estimated that 100,000 individuals die each year from the diseases, asbestosis and mesothelioma, caused by exposure to asbestos, known as the deadliest work place tragedy in American history. Our courts have been flooded with asbestos related litigation that further strains our already overburdened judicial system. The medical and legal expenses resulting from these diseases cost American industry and government millions of dollars annually and have resulted in a record number of corporate bankruptcies. Up until now, the taxpayer has had no relief.

On October 4, 2007, the Senate, working to mitigate the asbestos dilemma, unanimously passed the "Ban Asbestos in America Act," which prohibits the importing, manufacturing, processing and distributing of asbestos and products containing asbestos. The bill was authored by Senator Patty Murray (D-WA) and backed by Senator Barbara Boxer (D-CA) and the committee on Environment and Public works. It has been sent to the house and incorporated into the Bruce Vento Ban Asbestos and Mesothelioma Act 2007, sponsored by Representative Betty McCollum (D-MN), House Appropriations and Subcommittee on Labor, Health and Human Services. When passed, the bill will be the first Act of Congress to permanently ban the use of asbestos in the United States.

Asbestos fiber is one of the strongest, most-effective fireproofing and insulating minerals known. Because of this, asbestos was widely used in as many as 5,000 products.

Regulatory requirements over the past 25 years mandate the abatement of ACM before a facility can be repaired, renovated, or demolished. This has created a 3 to 5 billion dollar a year asbestos abatement industry that has and will continue to generate millions of pounds of ACM wastes every day.

Yearly, in the Northeastern and Mid-Atlantic States alone, 300 million pounds of ACM is stored in landfills, not disposed, for its owners, who are, through perpetuity, Personal Responsible Parties' (PRP).

As ACM is abated from a facility, it is double bagged in 6mil plastic bags, tagged with the owners name and loaded into an enclosed container or a trailer, then trucked to a landfill and dumped. Within 24 hours after it is dumped Federal Environmental Protection Agency requires covering of asbestos filled bags with 6 inches of compacted non-asbestos material by heavy earth-moving equipment.

The transporting, dumping and covering operations can result in bags breaking and asbestos fibers becoming airborne or migrating into the water table creating further possible asbestos related health problems.

Under "The Comprehensive Environmental Response, Compensation, and Liability Act" (CECLA), passed by Congress in 1980 and revised in 1986, as Superfund Amendment and Reauthorization Act (SARA), the owner of the site from which the ACM is removed is designated as a PRP and is subject to strict, joint and several perpetual liability that could lead to incalculable-unmitigated cleanup costs.

Parties who had ACM deposited in disposal sites many years ago, including the years preceding the enactment of CERCLA and SARA, remain liable for substantial remediation costs at sites where there is, was, or may be a release into the environment or damages to natural resources.

At landfills where industries' ACM is stored, the PRPs are the companies and where government asbestos or ACM is stored, the PRPs are the taxpayers.

There have been numerous instances in which companies that become PRPs of a superfund cleanup or parties to class action lawsuits have been forced into bankruptcy. Frequently, and unfortunately, in these cases, the PRPs ultimately are the taxpayer.

Because of continued liability and potential costs to taxpayers, CERCLA and SARA require actions with treatment that permanently and significantly reduces the toxicity, the volume and the mobility of a hazardous waste.

In recognition of this fact, and of the ongoing and growing environmental dangers represented by landfilled asbestos and ACM, and the mandated treatment as opposed to landfill storage, Congress has further supported efforts to find a technology that is an environmentally safe solution to the disposal of such wastes.

Fewer and fewer landfills are accepting ACM waste. Also, the possibility of the landfill becoming a Superfund site in their congressional districts is a further basis for the concern of members of Congress, which has induced Congress to take the first steps as expressed in H.R. 5122 Report 109-452, Operation and Maintenance, FY 07 titled: "Non-thermal Treatment of Asbestos and Asbestos Containing Material" clearly states Congress' concerns about the "long term effects of disposal of asbestos and ACM". It also recognizes "the benefits of transforming asbestos into a non-hazardous material and notes the problems with thermal treatment of hazardous waste".

To reinforce the aforementioned, Congress appropriated \$5 million to improve the process equipment used in a non-thermal, Federal Environmental Agency approved process that destroys asbestos and ACM on site, known as the ABCOV® Method.

ABCOV® was first developed at Battelle Memorial Institute, Columbus, Ohio and Georgia Institute of Technology, Atlanta, Georgia, and field deployed at Griffiss Air Force Base, Rome, N.Y. where it was reliably proven to destroy all forms of asbestos.

The process equipment improvements allows the ABCOV® system to be moved from site to site, destroying the ACM as it is being abated, addressing health concerns: by not allowing ACM to leave the premises, therefore preventing the transport of asbestos through neighborhoods and over highways, and most importantly, by stopping cold the cradle to grave liability that storage in a landfill carries.

Congress' initiatives to ban the import and use of asbestos in America and its willingness to support the development of technologies, such as the ABCOV® Method, to reliably, economically and permanently eliminate asbestos from our environment, provides good sustainability environmental and financial risk management that adds value to the taxpayers' dollars.

Industries' use of technology that destroys asbestos brings value to its bottom line, which significantly enhances the stockholders equity, customer costs, and employee job security, with a very positive green environmental impact.

The efforts being made by Congress will relieve health risks related to asbestos exposure and will eradicate the responsibilities of future-unpredictable landfill cleanup costs that could easily amount to multi-billions of taxpayer's dollars.

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