

Comments in Response on Draft Quality Assurance Project Plan for the Alternative Asbestos Control Method Demonstration Project, 70 Fed. Reg. 73237 (Dec. 9, 2005), EPA-HQ-ORD-2005-0028.

I am Barry Castleman, ScD, Environmental Consultant. I have been actively involved in governmental asbestos issues for over 30 years as a consultant to federal agencies (EPA, OSHA, Department of Justice, Consumer Product Safety Commission, Federal Trade Commission) and non-governmental organizations, and as an independent consultant. My formal training is in chemical engineering, environmental engineering, and public health. I am the author of the comprehensive public health and corporate history of asbestos (*Asbestos: Medical and Legal Aspects*, 5th Ed. 2005, 894 pp).

I concur with the comments of the AFL-CIO Building and Construction Trades Department and urge that EPA not proceed with this project until resolution of the issues of restrictions on experimentation on human subjects and compliance with relevant EPA and OSHA regulations on worker protection and waste disposal. I also support the points made by Trial Lawyers for Public Justice on the inadequacy of the buildings as asbestos test buildings and the justification for at least a 30-day extension in the comment period.

I am additionally concerned about the possibility of contamination from the water used in the alternative "wet method" and do not believe the project plan document adequately deals with the need to sample the soil in areas where this water has run off from the demolition site to determine the extent of asbestos contamination that has occurred and which may then give rise to airborne environmental exposures of people in the area. Soil sampling should not be limited to respirable-sized fibers, since wind and physical shear forces can eventually reduce larger particles to respirable-sized dust.

The project plan document speaks of the comparative analysis of exposure data using the NESHAPS method and the Alternative Asbestos Control Method, to see if the alternative method is "statistically equal" to the NESHAPS method. I have never seen this term "statistically equal" used before in what amounts to governmental rulemaking. As I understand the term, EPA is proposing to accept the alternative method if the geometric mean of the exposures measured with the alternate method is equal to or less than the geometric mean of the exposures from the NESHAPS method. This averaging of exposures concerns me, because some exposure measurements may be more significant than others. Moreover, some comparable measurements for the two methods should be compared to each other and not just lumped into composite averages of all measurements. Furthermore, it is not logical to count individual soil and water run-off sample analyses as being equally important to air samples, or to disregard soil and water samples, in weighting any composite average of all measurements of environmental exposure.

If the term "statistically equal" means that the comparison will be made in a manner analogous to public opinion polling, where a 46% approval may count as statistically indiscernible from any other value between 43-49%, because of 3% error margins of the survey data, this is disturbing. That approach gives the benefit of the doubt (within the margin of error for the numbers of data points being compared) to the alternative method, in favoring it as a cheaper regulatory option. The presentation of any data generated should be completely transparent and the interpretation of

data should include making *any* relevant comparisons of the analytical results of the two methods.

This acceptance of a "statistically equal," cheap alternative method of compliance may also be a departure from past practice and inconsistent with EPA's duty to protect public health under the Clean Air Act. This looks like an effort to alter the regulatory status of a hazardous air pollutant, presented as an EPA R&D test project. Legal requirements for rulemaking should be fully complied with. Certainly, this one test project has such limitations that it could not justifiably be the main basis for a rule change, however the proposed project turns out.

I am also concerned that the methodology of both the demolition and the sampling be subject to observation by a properly qualified independent observer representing worker or environmental organizations, if this test project proceeds.

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