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A new volley in toxic battle

Educators circulate a study that rejects asbestos findings.

By Chris Bowman -- Bee Staff Writer

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El Dorado Hills education officials have launched an aggressive campaign to publicize a new mining industry study that discredits the federal government's findings of naturally occurring asbestos at school and community playgrounds.

A group of five led by the county superintendent of schools brought the industry report to the attention of California representatives last month in a schools-funded trip to Capitol Hill.

The schools contingent also is circulating the report to California lawmakers and regulators and plans to present the findings publicly later this winter.

Commissioned by the National Stone, Sand & Gravel Association, the report said none of the soil particles the U.S. Environmental Protection Agency identified in testing is asbestos.

Rather, the microscopic evaluation concluded that the particles are nonhazardous fragments of the same minerals known to host asbestos in the rapidly growing Sierra foothills. These fragments are distinctly different than the needle-shaped fibers that define asbestos and can cause lung disease decades after they are inhaled, the report said.

EPA officials called the report by asbestos-testing firm RJ Lee Group a rehash of unsupported statements the consultant made on behalf of the industry in several lawsuits around the country.

Most recently, RJ Lee unsuccessfully asserted the "fragment" argument on behalf of W.R. Grace Co., a defendant in litigation concerning asbestos contamination that has injured or killed hundreds of residents and former miners in Libby, Mont.

Vicki Barber, the El Dorado schools superintendent, said she and other top school officials do not have the expertise to judge the report's conclusions but believe the findings merit serious consideration given the millions of dollars area schools are spending on asbestos dust controls, especially during construction.

Altogether, three El Dorado County school districts and the county Office of Education spent more than \$6,500 in airfare and lodging on the Dec. 12-15 Washington trip for the five: Barber; Peter Dwelley, a local geologist; Carol Bly, superintendent of Rescue Union School District; Teresa Wenig, superintendent of Buckeye Union School District; and Bill Wright, an attorney representing the school districts, according to Barber. The El Dorado Union High School District also contributed funding.

"Being stewards of the public's money, it seemed that we had to do everything possible with Washington officials to ensure that good science is being practiced," said Barber, who has questioned the federal testing procedures for more than a year.

To that end, Barber said she organized the Washington trip to personally circulate the RJ Lee report to top EPA officials and to members of Congress.

The schools officials wanted to inform the decision-makers of the EPA critique before the environmental agency and the federal Agency for Toxic Substances and Disease Registry released a

health-risk evaluation of the playgrounds test data.

RJ Lee evaluated laboratory results from the EPA's soil and air samples collected in October 2004 to study potential asbestos hazards in El Dorado Hills.

The results are based on readings from personal air monitors worn by EPA technicians as they mimicked children's activities - baseball, basketball, hopscotch - at the park and three nearby schools: Silva Valley Elementary, Jackson Elementary and Rolling Hills Middle School.

The test showed that the activities significantly elevated an individual's exposure to a particularly toxic kind of asbestos called amphibole, namely tremolite and actinolite, the EPA said.

The EPA split its soil samples with school officials, who at the suggestion of Dwelley, the local geologist, had the material independently analyzed, Barber said.

Dwelley asked the mining association for a recommendation, and the lobby said it would pay for the testing itself, using the RJ Lee laboratory in Monroeville, Pa., said Bill Ford, senior vice president of the mining group.

RJ Lee found that 63 percent of the particles the EPA labeled "asbestos" contained too much aluminum to form the tell-tale fibers of asbestos.

The remaining 37 percent of the EPA-identified "asbestos" structures were outside the range of particle dimensions specified in the regulatory definition of "asbestos," the report said.

EPA officials said the agency applied nationally recognized asbestos-testing standards used to assess health risks.

"From a mineralogical standpoint, there may be a distinction (between fragments and fibers), but in terms of health outcomes, there is no meaningful distinction," said Jere Johnson, the EPA official who led the El Dorado Hills investigation.

In addition to the trip expenses, Barber said her office paid RJ Lee \$2,000 to have three nationally recognized, university-based experts in asbestos identification review the its findings.

"We wanted to make sure ... that it wouldn't be seen by the public as industry-driven study whose results would be questioned," Barber said.

The three experts have been tapped by the mining association or other industry groups in similar disputes. The three backed the report.

EPA officials said they "will thoroughly review" the RJ Lee report with the help of the U.S. Geological Survey.

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