

NO. R-96. JOINT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO COMPLETE AND UPDATE ITS STUDY ON THE RELATIONSHIP OF THE CLOSED VERMONT ASBESTOS GROUP MINE IN THE TOWNS OF EDEN AND LOWELL TO OCCURRENCES OF ASBESTOS-RELATED ILLNESS.

(J.R.S.17)

By Senators Illuzzi, Bartlett, Brock, Doyle, Kittell, Shumlin and Starr,

*Whereas*, asbestos is a common fibrous mineral found worldwide which has been used in over 3,000 different products such as textiles, paper, ropes, wicks, stoves, filters, floor tiles, roofing shingles, clutch facings, water pipe, cements, fillers, felt, fireproof clothing, gaskets, battery boxes, clapboards, wallboard, fire doors, fire curtains, insulation and brake linings, and

*Whereas*, for most of the 20th century, until its closure in 1993, a chrysotile asbestos mine operated on a 1,540-acre site located in the towns of Eden and Lowell, most recently under the ownership of the Vermont Asbestos Group (VAG), and

*Whereas*, in 2007 and 2008 the Vermont Department of Health (the department) undertook a study to see if evidence existed of a higher incidence of asbestosis and lung cancer in association with living in towns surrounding the closed mine compared to the rest of Vermont, and

*Whereas*, the study specifically sought to eliminate anyone exposed to asbestos in the work place and include only those who may have become sick from non occupational exposure, and

*Whereas*, the report released on November 3, 2008, included findings now known to be materially inaccurate: it found an increased incidence of lung

cancer in the 13 towns surrounding the mine, but that conclusion was based on a mishandling of the data, and

*Whereas*, on December 9, the department updated its original report, now finding no increased incidence of lung cancer in the 13 towns, and

*Whereas*, in evaluating a possible increased risk of asbestos-related disease, the department used death statistics where asbestosis was listed anywhere on the death certificate, and

*Whereas*, of the five deaths that occurred in the specified towns during the years 1996-2005, three were people identified as not having worked at the VAG mine; and there is now documented evidence that all three were exposed to asbestos through occupational sources, one at the VAG mine - one in shipbuilding, and one in shipbuilding and welding - dying at the ages of 83, 75, and 77, respectively, and

*Whereas*, the federal Agency for Toxic Substance and Disease Registry (ATSDR), a division of the Centers for Disease Control and Prevention, reviewed a draft of the report in October 2008 and recommended that the department review the death certificates to ensure elimination of occupationally explained deaths, and the department agreed to do so, and

*Whereas*, using hospital discharge data, the department concluded there was a higher incidence of asbestos-related discharges in the 13 towns compared to the rest of Vermont, and

*Whereas*, a citation of 14 asbestos-related hospital discharges from 1996 through 2005 did not distinguish if this was one patient visiting a hospital 14 times or 14 separate individuals with asbestos-related health issues or some other statistical combination, and

*Whereas*, the discharge data were neither compared to death records to evaluate for any possible duplication nor screened for occupational exposure, and these screenings are essential to meet the study's goal of including only non occupational exposures, and

*Whereas*, the report seeks to study asbestos-related death and disease from non occupational proximity to the closed mine and defines proximity as the outside boundaries of 13 towns surrounding the mine; and the study's statistical conclusions are entirely dependent on the drawing of this boundary line, which has the effect of including areas as far as 30 miles from the mine site, and

*Whereas*, no explanation is provided in the report clarifying the rationale for this specific boundary line, nor is there is any analysis of how the results might change if the study area were redefined, and

*Whereas*, in its review of the draft report, the ATSDR commented that the drawing of the boundary line without explanation is "the most significant limitation of the work," *now therefore be it*

***Resolved by the Senate and House of Representatives:***

That the Department of Health is requested by April 1, 2009 to:

1) complete its analysis of the asbestos-related deaths to determine whether the three reported deaths are in fact explained by occupational exposures and risks;

2) take whatever steps are necessary to (i) understand the case histories and exposures to asbestos of the deceased, including interviewing friends, family and doctors, and (ii) screen the hospital discharge data for occupational exposures; and if it is not possible to obtain further screening information, then the department should make the data's meaning, or lack thereof, plain in its conclusions; and

3) clarify in a revised report that the area of "exposure" is in fact the outside boundaries of the 13 towns and not the 10-mile radius that was used to select those towns, *and be it further*

***Resolved:*** That the Department of Health is requested to complete its additional scientific research and report its findings to the Senate Committee on Economic Development, Housing and General Affairs and to the House Committee on Commerce and Economic Development as soon as possible, *and be it further*

***Resolved:*** That the Secretary of State be directed to send a copy of this resolution to the Commissioners of the Vermont Departments of Health, of Environmental Conservation; and Banking, Insurance, Securities, and Health

Care Administration; to the Vermont Bankers' Association, to Vermont Asbestos Group; to the regional offices in Boston of the United States Agency for Toxic Substances and Disease Registry and the United States Department of Health and Human Services; and to the selectboards in the towns of Albany, Bakersfield, Belvidere, Craftsbury, Eden, Enosburg, Hyde Park, Irasburg, Johnson, Lowell, Montgomery, Newport Town, Troy, Waterville, Westfield and Wolcott.