



## **Asbestos in the Capitol: Our Story Could Become Your Story**

The United States Capitol often invokes awe and reverence from the thousands of visitors, employees, and Members of Congress who walk through its halls every day. But beneath the brilliant marble, bronze and stone, this storied campus is littered with a hidden danger – asbestos.

From the Senate Cloak Room and press galleries to the steam tunnels that run underneath the campus, toxic asbestos fibers are putting everyone who walks in or near the Capitol at serious risk of exposure. And right now, ongoing renovations of the Capitol complex threaten to make this safety hazard even worse.

The threat is real. On October 30, just before 7:30pm, staff in the Cannon House Office Building received an emergency alert to evacuate the building due to a potential asbestos leak<sup>1</sup>. The Architect of the Capitol confirmed that the leak may have occurred as a result of construction related to the Cannon Renewal Project. The building remained closed for more than 24 hours while workers tested the air to confirm that the carcinogen was not present.

Although asbestos is still widely present in many homes and buildings—even those where Members of Congress and their staff work—the House of Representatives is planning a vote on legislation that would put thousands of individuals suffering from asbestos exposure at further risk. The bill—H.R. 1927, the “Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2015—requires asbestos victims to disclose on publicly accessible websites personal information, including their names, work history, and likely a portion of their Social Security number.

Whether it is a worker in a factory or a staffer in the Cannon House Office Building, people should not be exposed to asbestos. And Congress should not make it easier for the companies who poisoned them to get away with it.

### **Asbestos: Legal, Lethal, and Everywhere**

Even at low levels, exposure to asbestos can cause horrific diseases including mesothelioma, asbestosis, and lung cancer.<sup>2</sup> Nearly 15,000 Americans die from asbestos-related diseases every year.<sup>3</sup> Despite a significant reduction in the use of asbestos since the 1980s, the number of annual deaths have held steady for more than a decade – asbestos-related diseases have a long latency period and often don’t strike victims for decades after exposure.<sup>4</sup>

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<sup>1</sup> “Cannon Building Evacuated,” *Roll Call*, October 30, 2015. <http://blogs.rollcall.com/hill-blotter/cannon-evacuated-for-potential-asbestos-leak/>

<sup>2</sup> National Institutes of Health, National Cancer Institute, Fact Sheet: *Asbestos Exposure and Cancer Risk*, May 1, 2009. <http://www.cancer.gov/about-cancer/causes-prevention/risk/substances/asbestos/asbestos-fact-sheet>

<sup>3</sup> A new analysis by EWG Action Fund concludes that up to 15,000 Americans die every year from asbestos-related diseases, significantly more than previous estimates. <http://www.asbestosnation.org/facts/asbestos-kills-12000-15000-people-per-year-in-the-u-s/>

<sup>4</sup> Id.

In spite of the devastating dangers of asbestos, which have been known to asbestos manufacturers and the U.S. government for nearly a century,<sup>5</sup> it continues to contaminate schools, hospitals, court houses and other public buildings.<sup>6</sup>

In the Washington, D.C. region, asbestos threatens our families. In July, documents revealed that nearly 300 Metro cars operated by the Washington Metropolitan Area Transit Authority contained asbestos.<sup>7</sup>

## Asbestos Fibers in the U.S. Capitol

Airborne asbestos fibers are routinely detected in numerous places on Capitol Hill, including the steam tunnels that run under the campus, the Senate Cloak Room and press galleries,<sup>8</sup> the Senate recording studio,<sup>9</sup> the Ford House Office Building,<sup>10</sup> the Library of Congress' Jefferson and Madison buildings,<sup>11</sup> and even on the street around steam vents.<sup>12</sup>

During a House Appropriations Subcommittee on the Legislative Branch hearing last year, Ed Cassidy, Chief Administrative Officer of the House of Representatives, confirmed that ongoing hearing room upgrade projects "frequently include related work to abate asbestos."<sup>13</sup> And the Government Accountability Office has found that asbestos insulation was likely used in the hot water pipes,<sup>14</sup> plaster walls and ceilings<sup>15</sup> of the Cannon House Office Building, where renovations are currently moving forward. Unsurprisingly, these renovations resulted in an asbestos spill emergency in October that required the 114-year-old building to be evacuated.<sup>16</sup>

In July 2014, an asbestos removal project on the House side of the Capitol Building became deadly when an unknown object fell from the fourth floor, releasing asbestos fibers.<sup>17</sup> In response, the building was only closed

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<sup>5</sup> Environmental Working Group, *Asbestos: Think Again: Industry Hid Dangers for Decades*, March 4, 2004.

<http://www.ewg.org/research/asbestos-think-again/industry-hid-dangers-decades>

<sup>6</sup> Asbestos Nation: *Asbestos is Everywhere*. <http://www.asbestosnation.org/facts/asbestos-is-everywhere/>

<sup>7</sup> "Hundreds of Metro Cars Contain Asbestos, Documents Show," NBC Washington, July 28, 2016.

<http://www.nbcwashington.com/traffic/transit/Hundreds-of-Metro-Cars-Contain-Asbestos-318939571.html>

<sup>8</sup> Colin Gustafson, "Senate Dodges Asbestos Scare," *Roll Call*, July 8, 2004. [http://www.rollcall.com/issues/50\\_3/-6162-1.html](http://www.rollcall.com/issues/50_3/-6162-1.html)

<sup>9</sup> *Report on Occupational Safety and Health Inspections Conducted in the Legislative Branch during the 108<sup>th</sup> Congress pursuant to the Congressional Accountability Act*, Congressional Accountability Office of Compliance, October 2005, viewed at

[http://www.compliance.gov/reports-studies/osh\\_10-05/osh\\_report.pdf](http://www.compliance.gov/reports-studies/osh_10-05/osh_report.pdf).

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Testimony of John Thayer, Pipefitter and Supervisor, Office of the Architect of the Capitol, *Asbestos in the Workplace*, Hearing before the Senate Health, Education, Labor and Pensions Subcommittee on Employment and Workplace Safety, March 1, 2007.

<http://www.gpo.gov/fdsys/pkg/CHRG-110shrg34334/html/CHRG-110shrg34334.htm>

<sup>13</sup> Testimony of Ed Cassidy, Chief Administrative Officer, House of Representatives, *The House of Representatives, Government Accountability Office and U.S. Capitol Police Budgets*, House Appropriations Subcommittee on the Legislative Branch, February 25, 2015. <http://docs.house.gov/meetings/AP/AP24/20150225/102987/HHRG-114-AP24-Wstate-CassidyE-20150225.pdf>

<sup>14</sup> Testimony of Terrell G. Dorn, Director Physical Infrastructure Issues, GAO, *Plans for Renovating the Cannon House Office Building and Garages*, before the Committee on House Administration, House of Representatives, May 6, 2009.

<http://www.gao.gov/assets/130/122465.pdf>

<sup>15</sup> GAO report to the Architect of the Capitol, "Incorporating All Leading Practices Could Improve Accuracy and Credibility of Projects' Cost Estimate," March 2014. <http://www.gao.gov/assets/670/661901.pdf>

<sup>16</sup> "Cannon Building Evacuated," *Roll Call*, October 30, 2015. <http://blogs.rollcall.com/hill-blotter/cannon-evacuated-for-potential-asbestos-leak/>

<sup>17</sup> Ed O'Keefe, "House Side of Capitol Reopens After Asbestos Incident," *Washington Post*, July 10, 2014.

[http://www.washingtonpost.com/politics/house-side-of-capitol-closed-by-industrial-spill/2014/07/10/aea7b1d4-082b-11e4-a0dd-f2b22a257353\\_story.html](http://www.washingtonpost.com/politics/house-side-of-capitol-closed-by-industrial-spill/2014/07/10/aea7b1d4-082b-11e4-a0dd-f2b22a257353_story.html)

for a few hours<sup>18</sup> – not enough time to gauge the extent of the damage, let alone remove the carcinogenic fibers.<sup>19</sup>

In the winter of 2012 the Architect of the Capitol (AOC) oversaw asbestos removal in the Senate subway tunnels to facilitate sprinkler system installation. The removal lasted a span of three months and took place on weekends when Senate staffers were not on premises. Capitol Police officers, however, were posted in the tunnels during the project. Though employees conducting the removal were trained and outfitted with protective gear, officers were stationed daily near the poorly contained asbestos sites with no protective equipment.<sup>20</sup>

Although many people — perhaps even Members of Congress — mistakenly believe asbestos is a declining threat, this ongoing string of asbestos scares in and around the Capitol should serve as a sobering reminder that this insidious killer continues to plague unsuspecting Americans.

### **Congress Must Protect Asbestos Victims by Preserving Accountability of Asbestos Corporations**

Knowing dangers of asbestos exposure posed to U.S. Capitol visitors, employees, and lawmakers, Congress should be focused legislation to stop asbestos imports and ensure the EPA can expeditiously ban asbestos. It is preposterous that Congress is instead considering legislation to alleviate the liability of asbestos corporations. But that is precisely what is happening as Congress pushes forward the "Furthering Asbestos Claim Transparency (FACT) Act" (H.R. 1927).

Rather than protecting victims of asbestos exposure by ensuring they can receive much-needed compensation for their injuries, the FACT Act requires public disclosure of all information between asbestos trusts and victims of asbestos diseases. Although the FACT Act claims to increase transparency, its true purpose is to expose the private information of asbestos victims and make receiving compensation through asbestos trusts and the judicial system prohibitively difficult.

#### **How will the FACT Act hurt asbestos victims?**

- Lists the last four digits of asbestos victims' Social Security numbers on a public website
- Creates new barriers and delays for victims receiving compensation and justice
- Threatens the security of asbestos victims by revealing financial information
- Jeopardizes asbestos victims and families with possible blacklisting and discrimination
- Publicly lists "the name and exposure history of a claimant and the basis for any payment from the trust made to such claimant"

Our Capitol was built as a symbol of freedom and transparency in governing. The FACT Act is an affront to those principles. Given the immediate danger presented by the still-unabated presence of asbestos, Congress should vote against H.R. 1927 and instead act to protect present and future victims of asbestos exposure by holding those corporations responsible for asbestos exposure accountable. Our story could become your story.

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<sup>18</sup> Id.

<sup>19</sup> American Federation of State, County & Municipal Employees (AFSCME), Fact Sheet: *Federal OSHA and EPA Asbestos Laws*, January 2001. [http://www.afscme.org/news/publications/workplace-health-and-safety/fact-sheets/federal-osh-and-epa-asbestos-laws](http://www.afscme.org/news/publications/workplace-health-and-safety/fact-sheets/federal-osh-and-epa-asbestos-laws;); 29 CFR 1926.1101 [https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10862](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10862)

<sup>20</sup> The Hill: *Officers: Capitol Police ignored asbestos exposure concerns*, April 19, 2012. <http://thehill.com/blogs/blog-briefing-room/news/222645-officers-capitol-police-ignored-asbestos-concerns>