

**From:** Donna Hand  
**Sent:** Friday, February 17, 2017 12:35 PM  
**To:** DOL Energy Advisory Board Information  
**Subject:** asbestos and exposure

Asbestos can cause gastrointestinal disorders including colon/rectal cancer

The DEEOIC refuses to accept references to establish toxic substances with known health effects. The DEEOIC also refuses to follow both the OWCP's regulations and definition of significant exposure. The regulations define significant exposure as any factor (any exposure). The federal court as well as the DOL Solicitor's office has stated that significant exposure is contrary to the *"type of proof needed to establish a serious violation."*

The DEEOIC has established that asbestos is a toxic substance with a known established link to colon cancer. SEE the DOL's Solicitor's brief *Sec of Labor v Conocophillips Bayway Refinery*, No.10-2893; Oct 4 2010; United States Court of Appeals for the Third Circuit.

*"OSHA is aware of no instance in which exposure to a toxic substance has more clearly demonstrated detrimental health effects on humans than has asbestos exposure" 51 Fed Reg 22,612,22,615 (June 20 1986). Exposure to asbestos can result in diseases such as asbestosis, mesothelioma, lung cancer, and gastrointestinal cancer, all of which create a substantial probability of death or serious harm"....."there is a significant risk of diseases causing death or serious harm from asbestos exposure even at levels below the PEL."..... well-established case law interpreting the "substantial probability" requirement for a serious violation... the term refers not to the probability that an accident will occur but to the probability that an accident having occurred, death or serious injury could result.... The proper analog to "an accident having occurred" is employee exposure to asbestos.... **Finally, to assume some exposure, but not a significant exposure, is fundamentally artificial, hypothetical, and contrary to the level or type of proof typically needed to establish a serious violation. E.g. Walmart Stores Inc v Sec of Labor, 406 F 3d 731, 736 ( D.C.Cir 2005)"**.*

In addressing the presumptions of illnesses and the exposure the Board should not forget that exposure includes does not require to be "significant" but only came into contact with and that exposure was a factor in aggravating the illness. PLEASE LIST ALL THE HEALTH EFFECTS OF ASBESTOS AND ASBESTOS COMPOUNDS