

# Calif may dump 'state rock' that contains asbestos

**Trevor Hunnicutt, Associated Press, 7-15-10**

SACRAMENTO — In 1965, California lawmakers named serpentine the state rock because it symbolized the Gold Rush years and contained a mineral being put to myriad industrial uses.

Nearly half a century later, attitudes toward that mineral - asbestos - have changed, and one state lawmaker wants serpentine stripped of its status.

Health authorities say asbestos, which is no longer mined in the U.S., can cause an incurable cancer called mesothelioma as well as other diseases when its fibers are inhaled.

"This is a question of health and public awareness," said Democratic state Sen. Gloria Romero of Los Angeles, who proposed the bill. "We know that California has the highest rates of mesothelioma deaths in the nation and we don't think it's appropriate to be celebrating as the state rock something which contains asbestos."

Romero's proposal to remove serpentine, as the jade-green rock is formally known, as the state rock has hit a wall of opposition from geologists and industry advocates. Contending the rock is being unfairly maligned, they have started a social-media crusade on Twitter and blogs to stop the proposal.

"The rock is an ideal symbol for our state," said Garry Hayes, a Modesto Community College geology teacher who was among the first to protest the bill online. "The asbestos issue is there, but it's a small part of what serpentine is."

Some opponents have accused trial lawyers of pushing Romero's plan so they can pursue a whole new type of lawsuit by plaintiffs alleging their health was damaged when they were exposed to naturally occurring asbestos in serpentine found on property throughout the Sierra Nevada foothills and 42 of California's 58 counties.

Serpentine is found throughout the country but is particularly plentiful in the same places where gold was found in California. In the 1960s, it was increasingly mined for its asbestos that was often used in construction.

The rock was crushed or broken to release the asbestos minerals' durable and fire-resistant fibers, which were used in household appliances, construction materials and other goods.

Lawmakers hoped the designation would help expand the then-\$6 million California asbestos industry.

Just how big of a problem the rock poses today is being debated. Geologists say not all serpentine rocks contain asbestos, and chrysotile, the type found most frequently, is not as dangerous as other types.

The World Health Organization has said that all types of asbestos, including those in the air from natural sources, cause cancer. But the Environmental Protection Agency says naturally occurring asbestos that remains undisturbed in the ground presents no risk.

Dr. Marc B. Schenker, a University of California, Davis, public health sciences professor who has studied the issue, said he supports the proposed law to strip serpentine of its status as state rock.

"On the other hand," he said, "I wish the efforts were being put into improving public health and preventing disease due to environmental exposure rather than these symbolic gestures."

Residents of the Sierra foothills are not entirely convinced of the risk.

"To declare naturally occurring asbestos as a danger and a health hazard has not been proven," said John Knight, a county supervisor who represents unincorporated El Dorado Hills. "We should not create a hysteria about something that's not scientifically proven."

The town was the subject of a 2005 study by the EPA that showed elevated levels of asbestos in the air.

About 2,500 Americans die from mesothelioma every year, according to statistics from the Centers for Disease Control and Prevention. Dr. Heather Wakelee, a physician at the Stanford Cancer Center, said most of those cases are connected to occupational exposure, and relatively few are people who were exposed to naturally occurring asbestos.

The state Senate has approved the proposed law, and it is working its way through the Assembly. Since it has been amended, it would need approval from the Senate again.

If the bill becomes law, some think its impact will be more than symbolic.

"The state is already being hit with lawyers moving here to sue over asbestos that's been used in manufactured products," said John H. Sullivan, president of the Civil Justice Association of California, which advocates tort reform. "I believe that these and other lawyers would feel they've struck gold if they can also bring lawsuits over naturally occurring asbestos."

But many lawyers dismissed that claim.

"It's just not true, no matter how many times other people say it is," said J.G. Preston, a spokesman for Consumer Attorneys of California. "The Civil Justice Association of California ... planted this seed because it's in their interest to make trial lawyers look greedy and foolish."

The group's political action committee has donated \$14,700 to Sen. Romero's political campaigns since 2000, state records show.

Ben DuBose, whose Dallas-based law firm pursues asbestos-related cases, said he didn't think the law would open up new avenues for litigation. He added, however, that it might help show there's a worldwide consensus about the health danger of naturally occurring asbestos.

Asbestos litigation has been a major business for lawyers since the 1960s. Lawyers seeking clients with mesothelioma have become a fixture on late-night television advertisements in California.

Defendants and insurers have paid out more than \$70 billion in asbestos litigation since lawsuits began, according to a 2005 study by the nonpartisan RAND Institute for Civil Justice. The average jury award for a mesothelioma victim is around \$4 million.

Aides from Sen. Romero's office said language in the bill was developed in consultation with the Asbestos Disease Awareness Organization, a California group with significant funding from law firms that specialize in asbestos litigation.

But Romero said she took the lead in crafting the bill and moving it forward.

"It's not a giveaway to the trial lawyers," she said.