Message

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Sent: 3/30/2020 9:20:17 PM
To: Berkley, Bruce [Berkley.Bruce@epa.gov]
Subject: Asbestos Draft Risk Evaluation Available for Public and Scientific Review

Asbestos Draft Risk Evaluation Available for Public and Scientific Review

EPA is asking for public input on the draft risk evaluation of asbestos. Seeking public input on the draft risk evaluation is the next step in the process outlined by the amended Toxic Substances Control Act (TSCA) for EPA to review the risks associated with this chemical—a process that is designed to review the best available science before taking action to manage any unreasonable risks associated with this chemical. Asbestos is the ninth of the first ten chemicals to undergo risk evaluation under amended TSCA.

The draft risk evaluation is not a final agency action. The draft risk evaluation represents the agency's initial review of the scientific data on this chemical and will be peer reviewed by independent, scientific experts as well as open for public comment. EPA will use feedback received from the peer review and public comment process to inform the final risk evaluation and will provide frequent updates on the agency's progress throughout this process. If EPA's final risk evaluation finds there are unreasonable risks associated with this chemical under the specific conditions of use, the agency will propose actions to address those risks within the timeframe required by TSCA. EPA's actions could include proposed regulations to prohibit or limit the manufacture, processing, distribution in the marketplace, use, or disposal of this chemical substance, as applicable.

In the draft risk evaluation, EPA did not find unreasonable risk to the environment under any of the conditions of use. Additionally, the draft risk evaluation discusses how workers, occupational non-users, consumers, and bystanders could be adversely affected by asbestos under certain conditions of use. As with any chemical product, EPA strongly recommends that users carefully follow all instructions on the product's label/safety data sheet.

The six product use categories being assessed in the draft risk evaluation (chlor-alkali diaphragms, sheet gaskets, brake blocks, aftermarket automotive brakes/linings, other vehicle friction products, and other gaskets) do not impact other actions EPA has taken to protect the public from exposure to asbestos. The 1989 partial ban on products like corrugated paper, commercial paper, and any new commercial uses beginning after August 25, 1989 remains in place. Also, in April 2019, EPA issued a final rule that strengthens the agency's ability to rigorously review an expansive list of asbestos products that are no longer on the market before they could be sold again in the United States. Products like certain asbestos vinyl floor tiles, insulation, and other building

materials, as well as clothing and manufacturing products, are prohibited from being produced and sold before EPA reviews them and puts in place any necessary restrictions or prohibits use.

Upon publication of the Federal Register notice, EPA will accept comments on the draft risk evaluation for asbestos for 60 days in docket EPA-HQ-OPPT-2019-0501 on regulations.gov. EPA will also hold a virtual peer review meeting of EPA's Science Advisory Committee on Chemicals (SACC) on the draft risk evaluation for this chemical's conditions of use on April 27-30, 2020. The virtual peer review meeting is open to the public to attend and provide comments.

EPA intends to finalize this risk evaluation for the conditions of use that were within the scope prior to the Ninth Circuit decision, and to consider legacy uses and associated disposal in a supplemental scope document and supplemental risk evaluation. The agency believes this is the most health-protective path forward. This approach will also help ensure a higher quality evaluation of legacy uses and associated disposals. Additionally, halting work on final risk evaluations covering non-legacy conditions of use in order to incorporate legacy uses and associated disposal will delay work on any risk management regulations that would be needed to address unreasonable risk found in final risk evaluations.

Additional Information

View the asbestos draft risk evaluation and supporting documents: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/draft-risk-evaluation-asbestos

Learn more about the peer review meeting: https://www.epa.gov/tsca-peer-review/peer-review-draft-risk-evaluation-asbestos

Background

Although there are several known types of asbestos, the only form of asbestos known to be imported, processed, or distributed for use in the United States at the posting of this draft risk evaluation is chrysotile. Raw chrysotile asbestos currently imported into the U.S. is used exclusively by the chlor-alkali industry. Based on 2019 data, the total amount of raw asbestos imported into the U.S. was 750 metric tons. Certain asbestos-containing products, like sheet gaskets, brake blocks, and aftermarket automotive brakes/linings are also imported in the U.

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