Action Information

Action: Final rule

Title: Asbestos; Significant New Use Rule

SAN: 6677; Tier Level: 3; RIN: 2070–AK45; OMB Not Significant; RCS: 18T-0126; FRL: 9978-76.

Purpose: Under the Toxic Substances Control Act (TSCA), EPA is finalizing a significant new use rule (SNUR) for asbestos as defined under the Asbestos Hazard Emergency Response Act (TSCA Title II, Section 202); the "asbestiform varieties of six fiber types: chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite." The final significant new use of asbestos (including as part of an article) is manufacturing (including importing) or processing for uses that are neither ongoing nor already prohibited under TSCA. The Agency has found no information indicating that the following uses of asbestos are ongoing, and therefore, the following uses are subject to the SNUR: adhesives, sealants, and roof and non-roof coatings; arc chutes; beater-add gaskets; cement products; extruded sealant tape and other tape; filler for acetylene cylinders; friction materials (with certain exceptions); high-grade electrical paper; millboard; missile liner; packings; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; woven products (other than brake blocks used in oilfield drawworks); any other building material; and any other use of asbestos that is neither ongoing nor already prohibited under TSCA.

Persons subject to the SNUR are required to notify EPA at least 90 days before commencing any manufacturing (including importing) or processing of asbestos (including as part of an article) for a significant new use. The required significant new use notice (SNUN) provides EPA the opportunity to evaluate the new use and, if necessary, take action to prohibit or limit the activity. Manufacturing (including importing) and processing (including as part of an article) for the significant new use may not commence until EPA has conducted a review of the notice, made an appropriate determination on the notice, and taken such actions as are required in association with that determination.

Background: In 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114-182, 130 Stat. 448) amended TSCA and included statutory requirements related to the risk evaluations of conditions of use for existing chemicals. In December of 2016, EPA designated asbestos as one of the first 10 chemical substances subject to the Agency's initial chemical risk evaluations (81 FR 91927), pursuant to TSCA section 6(b)(2)(A) (15 U.S.C. 2605(b)(2)(A)). The risk evaluation focuses on the conditions of use of asbestos: the circumstances under which asbestos is intended, known, or reasonably foreseen to be manufactured (including imported), processed, distributed in commerce, used, or disposed of in the United States. The significant new use rule for asbestos serves to compliment the risk evaluation by ensuring that any discontinued use of asbestos not otherwise prohibited (that can resume at any time) must be reviewed and approved by EPA prior to commencing.

Stakeholder Involvement: No external stakeholder involvement.

Key Issues/Internal Review: The final significant new use rule was reviewed by Agency workgroup staff including Office of General Counsel, Office of Policy, Office of Research and Development, Office of Enforcement and Compliance Assurance, Office of Air, and Office of Water.

Legal Deadline: No statutory or court-ordered deadlines apply to this action.

Timing: The final rule is intended to be published in the Federal Register on or before April 29, 2019.

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