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Voice of the Victims

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Tuesday, April 9, 2019

Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20008

Re: *Commitment to Ban Asbestos under TSCA in lieu of a Significant New Use Rule*

Dear Administrator Wheeler:

On behalf of Asbestos Disease Awareness Awareness Organization (ADAO), I would like to thank you for your testimony before the House Environment and Climate Change Subcommittee on April 9.

Founded in 2004, ADAO, an independent 504(c)(3) non-profit organization, has spent over a decade working to prevent asbestos-caused diseases. ADAO works nationally and internationally with the leading scientists, medical doctors, industrial hygiene specialists, legislators and community advocates to protect public health and our environment. For years, we have advocated a comprehensive ban on asbestos, an extremely dangerous substance that kills nearly 40,000 Americans each year. The US is alone among developed countries in allowing the unrestricted importation and use of asbestos and asbestos-containing products.

During your testimony on the EPA budget, Representative Pallone, Chair of the House Energy and Commerce Committee, underscored the serious public health threat posed by asbestos and asked "will you commit to banning ongoing uses of asbestos under TSCA?"

Your response was "yes."

I was heartened by this response and look forward to further discussing the elements of this ban with you and your staff.

Importantly, the significant new use rule (SNUR) for asbestos that EPA proposed on June 11, 2018 (83 Federal Register 26922) *is in fact the opposite of a ban.* The SNUR is focused on a small number of discontinued asbestos uses. It does not address the many ongoing uses of asbestos and asbestos-containing products that EPA identified in its TSCA Problem Formulation. Moreover, for the few uses it covers, the SNUR would simply require manufacturers and importers to notify EPA 90 days before the use is initiated.

Upon receiving a notice, EPA may ban or restrict the use but is not required to do so. Thus, the SNUR leaves the door open to explicitly allow discontinued asbestos uses to re-enter the marketplace, despite the overwhelming evidence that they are a threat to public health. This door should be shut so there is no doubt that the US is unconditionally prohibiting any form of importation and use that could result in asbestos exposure.

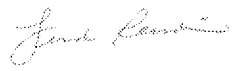
Asbestos Disease Awareness Organization is a registered 501(c) (3) nonprofit organization
"United for Asbestos Disease Awareness, Education, Advocacy, and Community Support"
1525 Aviation Boulevard, Suite 318 · Redondo Beach · California · 90278 · (310) 251-7477
www.AsbestosDiseaseAwareness.org

Because it is no substitute for a permanent ban on all asbestos mining, importation and use under TSCA section 6(a). It would be deeply disappointing if EPA sought to use a final SNUR to satisfy your commitment to Chairman Pallone to a comprehensive asbestos ban.

I'm pleased to share that on March 7, 2019, the bicameral Alan Reinstein Ban Asbestos Now Act (S. 717 and H.R. 1603) was introduced by Senator Merkley, Rep. Bonamici, Chairman Pallone and Rep. Slotkin. Upon the enactment, the bill would ban asbestos imports and use within one year. This bill has overwhelming support from organizations and unions such as AFL-CIO, the American Public Health Association (APHA); Environmental Working Group (EWG); International Association of Fire Fighters (IAFF); Natural Resources Defense Council (NRDC); Safer Chemicals, Healthy Families (SCHF), and others.

We look forward to working with your staff to prevent exposure to this deadly substance under TSCA.

Sincerely,



ADAO President and Co-Founder
Linda Reinstein, President, ADAO
Linda@asbestosdiseaseawareness.org
(310) 437-3886

cc: Senator Merkley
Senator Tester
Chairman Pallone
Rep. Bonamici
Rep. Slotkin
Assistant Administrator Dunn