TSCA RISK EVALUATION FOR ASBESTOS

TALKING POINTS:

- On December 19, 2016, EPA designated Asbestos as one of the first 10 chemical substances for which EPA is conducting a risk evaluation as required by the Toxic Substances Control Act (TSCA) to determine whether the chemical substances present an unreasonable risk of injury to health or the environment.
- Upon initiating the risk evaluation process for Asbestos, EPA began work to prepare the scope of the risk evaluation to be conducted. The scope of the risk evaluation must include the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider.
- TSCA Section 6(b)(4)(D) required the EPA to publish the scope of the risk evaluation for Asbestos within six months after the initiation (by June 19, 2017); EPA has met this statutory deadline.
- The Agency published a problem formulation for asbestos in June 2018. This document further refined the conditions of use the Agency intends to cover in the risk evaluation.
- EPA's focus is on asbestos currently being manufactured, imported, processed or distributed in the US.
- June 2018, EPA proposed a Significant New Use Rule for certain uses of asbestos (including asbestos-containing goods) that would require manufacturers and importers to receive EPA approval before starting or resuming manufacturing, and importing or processing, new uses of asbestos. Under this review process, EPA will evaluate the conditions of use of asbestos and, when necessary, take action to prohibit or limit the use.
- Many existing Federal and State regulations address asbestos exposure from legacy uses.

BACKGROUND:

- Asbestos is a substance of concern being addressed at both the state and federal level. Existing federal (EPA, OSHA, CDC) requirements help ensure proper management and safe disposal of asbestos-containing building material.
- Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations specify work practices for asbestos during demolition and renovation of certain structures, installations, and buildings. These work practice standards are designed to minimize the release of asbestos fibers during building demolition or renovation, waste packaging, transportation and disposal.
- Asbestos Hazard Emergency Response Act (AHERA) (TSCA Title II) prevents or reduces asbestos hazards in school buildings.
- Occupational Safety and Health Administration (OSHA) prevents or reduces asbestos exposure in the workplace.
- The Clean Air Act Nation Emission Standards for Hazardous Air Pollutants (NESHAPs) also has working protect requirements.
- Additional state and local regulations extend beyond the federal requirements to address asbestos in buildings.
- Generally, TSCA does not give EPA the authority to regulate the non-commercial use of items already within a home. EPA has extensive guidance for homeowners that gives them the tools and information they need to protect themselves and is available on EPA's webpage under asbestos.
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- Accomplishments. EPA has initiated the risk evaluation process for Asbestos, including the preparation of the scope and problem formulation of the risk evaluation that includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider.
- Congressional Inquiries. Senators Boxer, Durbin, Feinstein, and Tester wrote in support of including asbestos on the initial list.

ISSUE:

- Legacy Uses: EPA has received criticisms regarding exclusion of 'legacy' uses during evaluation of existing chemicals. Asbestos is an example where this concern arises.
  - Many legacy uses are asbestos materials found in homes, however, TSCA generally does not give EPA the authority to regulate the non-commercial use of items already within a home.
    - EPA has extensive guidance for homeowners to provide tools and information to protect themselves: [HYPERLINK "https://www.epa.gov/asbestos/protect-your-family"]
  - Existing federal and state regulations address asbestos exposure from legacy uses in all buildings with more than four dwelling units.
  - EPA's actions on asbestos will *prevent future legacy* issues with asbestos by promulgating a Significant New Use Rule (SNUR) to ensure that no new uses are initiated without EPA's review.
  - EPA believes TSCA is best suited to address uses for which a chemical is currently being manufactured, processed, or distributed, and will conduct a risk evaluation focusing on asbestos currently being manufactured, imported, processed or distributed.

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