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EPA Finalizes Rule to Prohibit Former Asbestos Uses from Restarting

WASHINGTON–The U.S. Environmental Protection Agency (EPA) issued a final rule to ensure that discontinued uses of asbestos cannot restart without undergoing risk evaluation by the Agency and any necessary restrictions taken.

"Today's important action prevents former asbestos uses not currently banned in the U.S. from unknowingly returning to the marketplace," said EPA Administrator Andrew Wheeler.

"This TSCA action compliments the asbestos risk evaluation already underway for ongoing asbestos uses. Although that risk evaluation is not yet completed, today's action addressing former asbestos uses provides a valuable safeguard," said EPA Office of Chemical Safety and Pollution Prevention Assistant Administrator Alexandra Dapolito Dunn.

Today's final action, regulatorily called a "significant new use rule," under TSCA section 5, will not impact asbestos uses already banned and does not allow new asbestos uses to start. This action compliments the existing ban on certain uses by establishing additional safeguards by requiring any person who intends to restart the manufacture, import or processing of discontinued asbestos uses to notify EPA at least 90 days before commencing. Manufacturing, importing or processing of these former asbestos uses is prohibited until EPA conducts a thorough review of the notice, makes an appropriate determination, and takes such actions as are required in association with that determination, including prohibiting use.

EPA is separately conducting a risk evaluation for asbestos uses that are still ongoing in the U.S. In December of 2016, EPA designated asbestos as one of the first 10 chemical substances subject to the Agency's chemical risk evaluation process. Once that risk evaluation is complete, EPA may restrict or ban those ongoing asbestos uses, if unreasonable risk is found.

The former uses that are subject to the final significant new use rule include: 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; certain friction materials; high-grade electrical paper; millboard; missile liner; packings; pipeline wrap; reinforced plastics; roofing felt; separators in fuel cells and batteries; vinyl-asbestos floor tile; certain woven products; any other building material; and any other use of asbestos that is neither ongoing nor already prohibited under TSCA.

Commented [EW1]: Maybe move this up before the RE discussion?

The final significant new use rule and supporting documents will be published in the Federal Register and available under docket identification number (ID) EPA-HQ-OPPT-2018-0159 at: [HYPERLINK "https://www.regulations.gov./"]

Learn more about asbestos [HYPERLINK "http://www.epa.gov/asbestos"]

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