Congress of the United States

Washington, DC 20510

December 19, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Ms. Nancy Beck
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 7101M
Washington, DC 20460

Dear Acting Administrator Wheeler and Deputy Assistant Administrator Beck:

We write to express our deep concern about recent reporting from Reuters detailing the presence of asbestos in talcum powder products used in a variety of consumer goods, including baby powders commonly used on infants. Although baby powder is subject to regulation under the Federal Food, Drug, and Cosmetic Act, other talc products sold to consumers would be within the purview of the Toxic Substances Control Act (TSCA) and thus the responsibility of EPA. Ongoing efforts to reduce the health risks of asbestos exposure would be woefully incomplete if those efforts did not address TSCA-regulated talc products contaminated with asbestos.

Research shows that asbestos exposure is responsible for more than 15,000 deaths per year, causing mesothelioma; lung, ovarian, and laryngeal cancers; and respiratory diseases such as asbestosis. Asbestos is a known carcinogen, and one for which there is no controlled use or safe level of exposure.

Fifty-five countries have already banned asbestos. Unfortunately, the United States still permits the use of asbestos, joining such countries as China, India, and Russia, the latter of which remains by far the largest exporter of asbestos. Without a ban, the United States also imports millions of dollars' worth of asbestos-contaminated consumer goods every year. Independent testing as recently as 2018 found asbestos in children's toys, crayons, and cosmetics.

Because of serious health concerns, as well as the disturbing details in the recent Reuters report, please respond to the following questions:

1. What policies and guidance does EPA have in place or in development to reduce the presence of talcum powder or any other asbestos mixtures in household consumer goods?

2. Asbestos is a known carcinogen. What steps is the EPA taking to educate and protect pregnant women, infants, and other vulnerable populations and to help them minimize exposure to asbestos?

3. The Frank R. Lautenberg Chemical Safety for the 21st Century Act, signed into law in 2016, amended and updated TSCA and explicitly addressed previous limitations on EPA authority that prevented the agency from regulating asbestos.

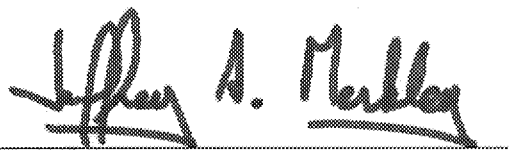
    a. Since that law was enacted, what populations has EPA identified as disproportionately at risk either because of greater exposure to asbestos or greater susceptibility to injury from asbestos?
    b. How has the identification of these populations affected EPA's decision to regulate or not to regulate asbestos?

4. EPA has proposed a significant new use rule (SNUR) under TSCA to prevent the introduction of new, potentially unsafe asbestos-containing products into commerce.

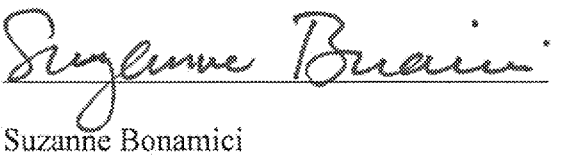
    a. When finalized, will the asbestos SNUR assure that EPA is notified of, and has the ability to restrict, all new consumer products contaminated with asbestos?
    b. If the SNUR will not accomplish this objective, please explain why.

As public servants, it is incumbent on us to ensure the health and safety of all Americans, especially those who are most vulnerable and most likely to be harmed by the presence of undisclosed asbestos. We look forward to receiving your responses to our concerns.

Respectfully,



Jeffrey A. Merkley
United States Senator



Suzanne Bonamici
United States Representative