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SUMMARY

EPN Comments on EPA Draft Asbestos Risk Evaluation

May 4, 2020

On May 4, 2020, EPN submitted comments to the Science Advisory Committee on Chemicals (SACC) to aid in its review of EPA's draft risk evaluation of asbestos under the Toxic Substances Control Act (TSCA). EPN has concluded it is time for EPA to propose a BAN of the importation, manufacture, processing, distribution and use of asbestos for all commercial and consumer uses in the U.S. on an expedited timeline.

Asbestos is a heat-resistant mineral that has been used in fire-resistant materials such as insulation, drywall, ceiling and floor tiles, cement, paint, and more. Asbestos can cause lung cancer, mesothelioma and other cancers, and a host of other non-cancer diseases. It is unsafe even at very low concentrations. EPN objected to the process followed and basis on which EPA conducted the risk evaluation for asbestos as it has with the previous risk evaluations.

EPA initially scheduled a SACC meeting to discuss the draft risk evaluation for asbestos in late April, more than a month before the close of the public comment period on June 2, 2020. Although the meeting has been delayed, a new date has not yet been set and could still take place before the close of the comment period. EPN noted in these and many of its previous comments that it is extremely disingenuous for EPA to schedule a SACC meeting at which risk evaluations will be discussed prior to the deadline for public comments. This is inconsistent with standard procedures, and has the potential to discourage public comment.

EPN comments raised concerns about:

- **Risk Characterization, Risk Determination, and Risk Management:** This draft risk evaluation concludes that every condition of use evaluated poses an unreasonable risk to the public health, in both the occupational and consumer settings. *It is time to proceed directly to rulemaking* with a proposal for a total asbestos ban.
- **Human Health Hazard Assessment:** EPN found inadequacies in the scope, systematic review, study selection, and cancer risk assessment in the draft risk evaluation.
- **Legacy Uses:** The draft risk evaluation fails to consider "legacy" or historical uses of chrysotile asbestos or other fiber types found in building materials and other asbestos-containing products. Asbestos-containing materials such as wall tiles and pipe insulation pose serious health risks to firefighters, workers and the general public when they deteriorate and the asbestos becomes airborne. EPA plans to address legacy uses and its disposal in a supplemental assessment to the draft risk evaluation. EPN is recommending that the supplemental assessment proceed quickly and include the other five varieties of asbestos in addition to chrysotile.
- **EPA's approach to determining unreasonable risk to workers and consumers:** EPA underestimates the risk by assuming workers will use personal protective equipment (PPE), such as respirators, during all of their work throughout their careers, even when such equipment is not required, provided or used. EPN believes EPA should not consider the use of PPE in making unreasonable risk determinations for conditions of use in the occupational setting. In addition, EPN questions EPA's assumptions about the level of exposure to consumers and bystanders in a number of scenarios in the draft risk evaluation.

- **Aggregate Exposure:** EPA continues to ignore exposures not directly related to specific conditions of use, pretending that no other exposures may be occurring; this leads to an underestimation, perhaps substantially so, of the actual risk borne by workers and consumers. Additionally, the draft risk evaluations did not include the general population in its assessments.
- **Human Health Risk Determination:**
    - For workers, EPA's determination that the conditions of use they considered do not present unreasonable risks was based on information about workplace practices to protect workers provided by the regulated community. EPN retains a healthy skepticism about whether these purported practices are in place at all times.
    - For consumers and bystanders, EPN found that if recommended modifications to some of the outdoor scenarios for exposure were made, findings might shift from "no unreasonable" risks to "unreasonable" risks.
    - Given different approaches to assessing the relative toxicity and potency of different types of asbestos fibers, EPN believes that health studies on various asbestos fibers, in addition to chrysotile, will provide a broader database for assessing potential effects of asbestos on human health.
- **Environmental Assessment Findings:**
    - Based on cited field observations of Asiatic clams in public water supplies, it is not inconceivable that organisms that ingest clams may be exposed to relatively large loads of asbestos fibers through their diet in areas where there is considerable asbestos contamination.
    - EPA should work to amend guidelines for the discharge of effluent from certain asbestos manufacturing operations by requiring that concentrations of asbestos in effluent be measured, and limits set for asbestos discharges from facilities at which they are allowed.

Background

TSCA was passed in 1976 to keep dangerous chemicals off the market and protect people from exposure to existing chemicals. It was amended and strengthened in 2016, requiring EPA to set priorities for which chemicals to assess, evaluate their risks and impose restrictions to protect people's health and the environment.