

**EPN COMMENTS FOR THE EPA PUBLIC WEBINAR ON
ASBESTOS PART 1: CHRYSOTILE ASBESTOS
RISK EVALUATION AND MANAGEMENT**

February 3, 2021

Good afternoon. My name is Penelope Fenner-Crisp. Today, I will be presenting comments on behalf of the Environmental Protection Network (EPN), which is an organization comprised of almost 550 U.S. EPA alumni volunteering their time to protect the integrity of EPA, human health, and the environment. For several years during my EPA career, I served as the Director of the Health and Environmental Review Division in OPPT, the predecessor of the recently-disbanded Risk Assessment Division.

When the draft risk evaluation for asbestos was issued for public review and comment last year, EPN, along with a number of other organizations, expressed its disappointment with the narrowness of its scope—for example, the focus being only on one form of asbestos fiber rather than all relevant ones and the exclusion of consideration of its many legacy uses. Needless to say, we are pleased to see that the agency has committed to taking on the task of remedying this situation and look forward to seeing an expansive and robust Part 2 in the near future.

We have known for many decades that asbestos is a human carcinogen. Many thousands of people have been sickened and have died from exposure to it. The Part 1 final risk evaluation concludes that the most substantive conditions of use evaluated pose an unreasonable risk to public health, in both the occupational and consumer settings. It is time to proceed to rulemaking on an expedited timeline.

Mixed results have occurred when EPA has attempted to mitigate risk to asbestos under the Toxic Substances Control Act (TSCA). EPA promulgated the Asbestos Ban and Phase Out Rule (ABPR) in 1989. This rule was largely vacated shortly thereafter. The most recent action came in April 2019 when EPA finalized an Asbestos Significant New Use Rule (SNUR) under TSCA Section 5, which prohibits manufacturing (including importing) or processing of discontinued uses of asbestos from restarting without EPA having an opportunity to evaluate each intended use for risks to health and the environment, and to take any necessary regulatory action, which may include a prohibition. This does not represent a permanent ban, the few current uses are not eliminated, and the possibility exists that importing, processing, or manufacturing as well as discontinued uses could be approved in the future.

In the comments EPN submitted on the draft risk evaluation in May, 2020, it argued for a proposal to ban the importation, manufacture, processing, distribution and use of asbestos for *all* commercial and consumer uses in the U.S. on an expedited timeline. Over 30 years have passed since the 1989 rule failed, during which time alternatives could have been developed. There is no excuse for delaying action on a comprehensive ban any further.

Thank you for your attention.