

**EPN Comments on EPA's Proposed Rule:  
Asbestos Part 1: Chrysotile Asbestos:  
Regulation of Certain Conditions of Use Under Section 6(a) of TSCA**

Docket No: EPA-HQ-OPPT-2021-0057

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Founded in 2017, the [Environmental Protection Network](https://www.epn.org/) (EPN) harnesses the expertise of more than 550 former Environmental Protection Agency (EPA) career staff and confirmation level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators and scientists with decades of historical knowledge and subject matter expertise.

EPN is pleased to comment on EPA's proposed rule Asbestos Part 1: Chrysotile Asbestos: Regulation of Certain Conditions of Use Under Section 6(a) of TSCA. EPN applauds EPA for taking this first step in banning asbestos since EPA's unsuccessful attempt in 1989. Until this rule is in effect, most asbestos uses will still be lawful in the U.S.; raw asbestos and asbestos-containing products will continue to be imported, distributed, and processed; and the U.S. will continue to experience 40,000 asbestos-related deaths per year. EPN recognizes that the Trump administration unfortunately limited the risk evaluation to chrysotile asbestos, so the proposed rule is not a full asbestos ban because it does not prohibit the other five asbestos fibers and all asbestos conditions of use. We commend EPA for moving forward expeditiously to evaluate the risks of those other fibers but realize that a ban on these substances could not be proposed by the agency for another five years. EPN supports recently introduced legislation that would put in place a comprehensive asbestos ban.

EPN supports the major elements of the proposed rule and provides reasons for our support in the following comments.

### **Prohibiting Six Conditions of Use**

EPN strongly supports EPA's prohibition of these six conditions of use since the evidence is overwhelming that prohibition is essential to protect workers and consumers from harm. Nothing less than prohibition will be protective since there is no safe level of asbestos. We also applaud EPA's proposal for clarifying that this rule will apply in situations where the chrysotile asbestos is manufactured, processed, or distributed in commerce solely for export from the U.S.

### **Two-Year Compliance Period for Chlor-Alkali Industry**

EPN is very supportive of the proposed rule's requirement that the chlor-alkali industry stop importing and using chrysotile asbestos two years after the rule becomes effective. We are aware that industry is claiming they need more time to comply, but they have known for the past four years, while the risk evaluation was drafted and finalized, that EPA was finding unreasonable risks for workers and consumers. After 2022, there will only be nine chlor-alkali plants using the inefficient asbestos diaphragm process. None of the three firms operating these plants are small businesses struggling to survive. The rest of the industry has moved on to non-asbestos processes over the past decade. Nearly half of the U.S. chlor-alkali production capacity today is produced using membrane cells, which are much more energy efficient and produce a higher grade of caustic soda that commands a higher price. If the nine plants convert from asbestos diaphragm to membrane cells, they will reap significant economic, health, and environmental benefits that will more than compensate for the capital costs of the conversion.

### **180-Day Compliance Period for Other Uses, Disposal, and Recordkeeping**

EPN supports EPA's proposal to require prohibition of the other chrysotile asbestos conditions of use and compliance with disposal and recordkeeping procedures within 180 days of the rule's effective date. We agree with EPA's analysis that this time period is technically and economically feasible.

### **Primary Alternative Regulatory Action**

EPN supports the components of the primary alternative regulatory action, which imposes strict worker protections if the compliance periods for prohibiting the conditions of use are extended from two years to five years and 180 days to two years. We sincerely hope that EPA will not decide to extend these compliance periods because we believe the shorter times are well-justified. If these times are extended, we believe it is critical that EPA require that workplaces be frequently monitored during the interim period to ensure that the existing chemicals' 8-hour exposure limit (ECEL) is met and that effective personal protective equipment (PPE) be used if the ECEL cannot be met using engineering controls. We also concur that detailed recordkeeping should be required to ensure compliance with these requirements during this interim period.

### **Economic Analysis**

We suggest that EPA revise the economic analysis document (ref. 2) to include as full a description of the benefits, including especially non-monetized and even non-quantified benefits, as possible. We believe the current analysis does not fully reflect the benefits of the rule, including the reductions in health risks that the rule would achieve.

### **Conclusion**

EPN is very supportive of the proposed Asbestos Part 1 Rule and urges EPA to finalize this rule as quickly as possible. Sixty-six countries have banned the use of asbestos, including all members of the European Union, and 10 additional countries have placed restrictions on its use. It is time for the U.S. to join the rest of the world in protecting all of us from this deadly substance.