



# ENVIRONMENTAL INFORMATION ASSOCIATION

August 10, 2018

**Comments to the Docket  
Proposed Asbestos SNUR  
EPA-HQ-OPPT-2018-0159-0001**

**Preamble**

The Environmental Information Association (EIA) is multi-disciplinary membership organization comprised of persons involved in, concerned about or providing goods and services to indoor environmental health industry. Our organization was founded in 1983 as the National Asbestos Council with a mission of collecting, generating and disseminating accurate, balanced information about asbestos in buildings to our membership and beyond. Over time, our membership became involved in other indoor environmental concerns, including lead paint, radon, legionella, mold, PCBs and more, which resulted in a name change for our non-profit organization to EIA in 1992.

At the time of our founding, the asbestos abatement industry was fraught with an over-abundance of misinformation. Our founders believed in the need for an organization that told the truth about asbestos in buildings and would work to disseminate that message. Because EIA membership was (and is) comprised of building owners, property managers, contractors, consultants, laboratories, training providers, equipment suppliers and more, we have always enjoyed a healthy, collegial working relationship with the US Environmental Protection Agency (EPA). EIA is not and has never been a “trade organization” that might lobby for a particular position. Instead, we are an organization dedicated to educating persons about environmental health hazards. EPA has always liked this about EIA, which is why we have been able to maintain a professional working relationship since our founding.

In 2009, the EPA wrote to EIA and asked our organization to offer review and comments for a possible update to the 1985 guidance document produced by EPA entitled “Guidance for Controlling Asbestos-Containing Materials in Buildings” (EPA 560/5-85-024). This guidance was commonly known as the “Purple Book.” The invitation from EPA ultimately resulted in the creation of an update to the “Purple Book” that EPA was not able to publish because of budget constraints related to sequestration in 2013. EIA was encouraged to self-publish the guidance which is available today and is entitled “Managing Asbestos in Buildings – A Guide for Owners and Managers”. This guidance is a continuation of our organization’s mission to provide accurate, balanced information about environmental health hazards.

Unfortunately, in 2018, as in the early 1980’s, our nation is once again faced with misinformation about asbestos. The appalling fact about this mis-information is that it is being perpetrated by the agency of the United States federal government that is charged with



EIA's multidisciplinary membership collects, generates and disseminates information on environmental health hazards to occupants of buildings, industrial sites and other facility operations.

protecting our citizens from environmental hazards. The proposed asbestos Significant New Use Rule (SNUR) is not telling the American public the entire truth about asbestos, or about what this new rule will mean for persons that might be exposed to asbestos in the future.

To begin with, the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act (TSCA Revision) was designed, negotiated and signed into law to give EPA broader powers to restrict or ban the use of chemicals and compounds that are dangerous to human health. Asbestos was chosen as one of the first 10 “chemicals” to be evaluated for a restriction or ban as a part of the TSCA Revision. How does asbestos, when being evaluated for a potential ban, suddenly become the subject of a “Significant New Use Rule?” Isn’t such a move completely the opposite of the charge that was given to EPA under TSCA Revision?

The Officers, Board of Directors and members of the Environmental Information Association believe that asbestos should be completely banned in the United States. Exhaustive and continuing research clearly indicates that there is no known safe level of exposure to asbestos. For this reason, there is no “use” of asbestos that should be evaluated by EPA, because any potential for exposure to asbestos fibers should not be allowed. More than 55 countries around the world have come to this conclusion and have banned asbestos. The United States should also move to ban this deadly carcinogen.

### **Points**

- **The proposed asbestos SNUR should be completely withdrawn by EPA.**

Any consideration of a “new use” of asbestos is completely the opposite of the charge that was given to EPA under the TSCA revisions. The Lautenberg Act of 2016 requires EPA to consider chemicals for a restriction or ban, not for new uses. In the proposed SNUR, EPA identifies materials in Table 2 that it believes are no longer in use or in commerce in the US, but might still be allowed under current regulations. EPA opines that these categories of products, if “re-introduced” into commerce containing asbestos, are subject to review by EPA under the SNUR. What EPA is not saying is that the agency could simply accept the notification from a manufacturer and allow the asbestos-containing product back into commerce in the US. There is no mandate in the SNUR to stop distribution of asbestos-containing products. If the product is currently not in use in the US (Table 2), why not ban the product to assure that it is never “re-introduced?”

- **The proposed asbestos SNUR depends entirely on industry for its success.**

As a part of the proposed asbestos SNUR, EPA is asking industry to provide “comment regarding any ongoing uses (of asbestos) not identified by the Agency and welcomes specific and verifiable documentation.” It is hard to fathom that a manufacturer will come forward and admit to EPA that it has a product in use in US that contains asbestos. Current regulations do not require labeling of products that contain asbestos, so why would a manufacturer “self-incriminate” to the EPA?

Likewise, EPA is depending on industry (the regulated community) to come forward to EPA to present any “new use” of asbestos, and allow EPA to evaluate the use and risk of the product. There is no mechanism in the SNUR that requires labeling or disclosure of asbestos-

containing materials, and there is no mechanism or funding for EPA to evaluate products that are in commerce but not submitted to EPA for evaluation.

- **The proposed asbestos SNUR will allow products that are currently banned in the US to be reintroduced into commerce.**

The last entry in Table 2 of the proposed asbestos SNUR, “Any Other Building Materials (other than cement)” opens the door to allow for previous uses of asbestos that are currently banned to be reconsidered by EPA for distribution in commerce. This would include spray-applied fireproofing, textured paints, thermal system insulation and more.

- **EPA has narrowed the scope of its asbestos risk evaluation which will restrict EPA’s ability to deny any asbestos products submitted as a part of the proposed asbestos SNUR.**

Because EPA has announced that as a part of its risk evaluation for exposures to asbestos, it will not consider exposures to asbestos-containing materials that currently exist in buildings, EPA has removed its ability to consider any risk that these products would present if re-introduced in commerce. This means the EPA will be unable to use the risk evaluation to support a permanent ban of all current and former products and will have no ability to address the serious ongoing risks that installed legacy products pose to Americans.

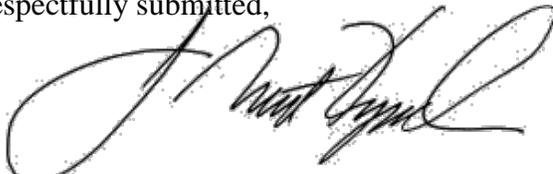
- **The EPA is ignoring the regulatory mandates and provisions in the TSCA revisions that allow the agency to permanently ban asbestos.**

EPA has limited the scope of its risk evaluation to exclude any currently installed building materials. That limitation is not a part of the TSCA revisions. Rather, this narrowing of scope is the EPA’s own determination of how to conduct a risk evaluation. By ignoring exposures and risk from currently installed building materials, EPA is not able to evaluate the risk that might be posed by importation and use of asbestos-containing building materials. Instead, EPA is only evaluating the risk of asbestos-containing products and uses that are currently in commerce, which, by EPA’s own admission is a narrow list. This also means that the proposed asbestos SNUR will not provide EPA the ability to ban such materials since their risk is not being evaluated. Therefore, the proposed asbestos SNUR really provides no protection to Americans from exposure to asbestos.

- **The EPA should permanently and completely ban asbestos in the United States.**

This action was anticipated when lawmakers passed the TSCA revisions in 2016, and it is the only certain way of protecting Americans from exposure to asbestos.

Respectfully submitted,



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Managing Director