

August 16, 2018

**Comments to the Docket
Problem Formulation Document
EPA-HQ-OPPT-2018-0210-001
EPA-HQ-OPPT-2016-0736**

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 protecting our citizens from environmental hazards. The Problem Formulation Document prepared by EPA in response to the requirements of TSCA seems aimed at assuring that EPA DOES NOT evaluate the most significant risks of exposure to asbestos. Instead, it seems that EPA has decided to only evaluate potential pathways of exposure that are clearly limited, with a supposed intent of providing evidence to all Americans that the risk of exposure to asbestos is nominal. Therefore, EPA is likely to conclude that a ban on asbestos is not necessary, simply because EPA has not evaluated the most significant pathways of exposure to asbestos.

To begin with, the Frank R. Lautenberg Chemical Safety for the 21st 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.

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. 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

- **EPA is directed under TSCA Para 6(b)(4) to “determine whether a chemical substance (in this case, asbestos) presents an unreasonable risk of injury to health or the environment , without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation . . . “**

There is nothing in this directive that suggests that EPA should limit the evaluation of risk of exposure to “current uses” which include only asbestos-containing products that are currently manufactured, processed and distributed in commerce. However, EPA has determined that the risk evaluation of asbestos should exclude any “legacy” uses of asbestos, including currently installed Asbestos Containing Building Materials (ACBMs), including any handling and disposal of these materials.

- **Exposure to ACBMs is, indeed, a “current use” of asbestos and should be fully included in EPA’s risk evaluation of asbestos.**

Building maintenance workers, electricians, steam fitters, plumbers, demolition workers, firefighters and more are exposed to asbestos every day as a part of their work. Their work is not a “legacy,” but clearly involves exposure to asbestos that exists in buildings and impacts their work.

- **By limiting the risk evaluation to asbestos that is currently manufactured, processed and distributed in commerce, of which there is little, EPA is ignoring significant exposures and pathways, and is likely to find there is little risk of exposure.**

This is a procedural decision of EPA, which makes absolutely no sense. The most significant pathways of exposure to asbestos are being ignored by EPA in the risk evaluation, which is not the intent or the spirit of TSCA.

- **EPA seems intent on developing rules for the risk evaluation of asbestos that provide the Agency with the ability to arrive at the determination that there is little risk of injury from exposure to asbestos, because there are a limited number of products and uses in current commerce.**

This speaks for itself, because it ignores the fact that there are ACBMs that are disturbed everyday as a part of many occupations.

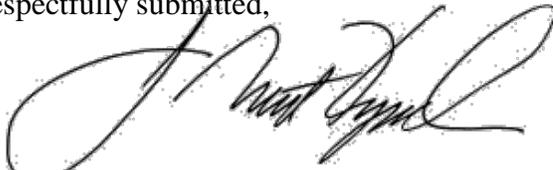
- **There is no known safe level of exposure to asbestos.**

No additional comment necessary

- **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