



The Environmental Information Association

Comments of J. Brent Kynoch ADAO Zoom Press Conference on EPA Draft Risk Evaluation

May 28, 2020

Hello, my name is Brent Kynoch. I am the Managing Director of the Environmental Information Association or EIA. EIA is a membership organization that was founded in 1983 as the National Asbestos Council.

EIA members are companies, organizations and persons involved in asbestos abatement and management in buildings and facilities. Our members include the entire vertical spectrum of persons involved in the abatement industry, including contractors, consultants, laboratories, training providers, regulators, equipment suppliers, owners and managers.

I have been have been actively involved in EPA's process of a Risk Evaluation for asbestos since it was first declared as a chemical under review in December 2016. I have submitted comments to the docket at every possible opportunity, and I have been involved with ADAO and others in numerous meetings with the EPA officials involved in the review of asbestos under TSCA. So, I am intimately familiar with this issue and I have been involved with the EPA's process since Day 1.

To begin, let me say that I am delighted that EPA has found that most of the conditions of use of asbestos have been deemed to present an "unreasonable risk." This is truly wonderful news. In fact, as you have heard from other speakers today, and you will also hear from me . . . it is a victory for those that have been seeking a ban on asbestos . . . and even more amazing because EPA did everything possible in the development of the Risk Evaluation to underestimate and downplay the risk of exposure. Yet, they numbers don't lie. Asbestos is a killer, and EPA had no choice but to conclude that it presents an unreasonable risk.

In spite of the fact that EPA has found most conditions of use of asbestos present an unreasonable risk, I still have several concerns about EPA's Risk Evaluation that I would like to bring forward for consideration.

First, I have a concern that the requirements imposed by the court in the Safer Chemicals Healthy Families matter has not been addressed by EPA. This decision involves the so-called "legacy" asbestos that is currently in homes and buildings today, but is not in the stream of commerce. It is my opinion that submitting a supplement to the Risk Evaluation for legacy uses and disposal of asbestos will not adequately address the exposures and concerns associated with materials that currently remain in homes and buildings throughout the US. By not considering legacy exposures as an integral part of the current risk evaluation, it has narrowed the modeling and by EPA's own admission, has undercounted both exposure and likely the mortality rates. A "supplemental" document and risk evaluation will do nothing if it is not integrated into the entire risk modeling exercise.

Second, and related to the issue surrounding legacy uses and exposures of asbestos, is EPA's decision to use only chrysotile in its risk evaluation. It is my belief and has been documented in many studies that exposure to other forms of asbestos may, in fact, result in higher mortality rates than exposure to only chrysotile.

Third, EPA's decision to make a risk evaluation and ultimately a risk assessment based only on mortality rates relating to asbestos exposure and to not include incidences of cancer severely

6935 Wisconsin Avenue, Suite 306 Chevy Chase, MD 20815-6112
Phone: 301-961-4999 Toll-Free: 888-343-4342 Fax: 301-961-3094
www.eia-usa.org

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underestimates the risk associated with asbestos exposure. EPA has provided its reasoning for not including incidences of cancer in its risk evaluation, but I believe that should be re-considered.

Lastly, and most importantly is “What will EPA do now?” This draft Risk Evaluation has determined that many of the uses of asbestos present an unreasonable risk. For this reason, EPA should move under the authority of TSCA to ban asbestos as soon as possible. I do not believe that the SNUR enacted by EPA adequately protects persons from exposure to asbestos and ultimately to the risk of death from asbestos exposure. EPA has the authority to ban asbestos under TSCA. EPA has determined that most uses of asbestos present an unreasonable risk. EPA should move to finally ban asbestos in the US