

STATEMENT ON BOB SUSSMAN ON ASBESTOS RISK MANAGEMENT

I'm Bob Sussman, counsel to the Asbestos Disease Awareness Association (ADAA).

We support the findings of unreasonable risk for six asbestos uses in EPA's Part 1 risk evaluation. As EPA decides how to eliminate these risks, it should reject limited options like greater use of PPE, labeling or work practices that offer inadequate protection against one of the most lethal substances known to man. We know that there is no safe level of exposure to asbestos, that OSHA regulations have failed to eliminate significant risks to workers, and that asbestos continues to cause nearly 40,000 deaths a year.

These realities demand that EPA move beyond the failed approaches of the past and ban the six asbestos uses determined to present unreasonable risks.

Despite its findings of unreasonable risk for these uses, the Part 1 evaluation is incomplete and does not recognize the full magnitude of the risks presented by asbestos. The many omissions and limitations in the evaluation were identified by EPA's Science Advisory Committee on Chemicals (SACC) but EPA did not follow the SACC's recommendations. The deficiencies noted by the SACC include EPA's failure to address all asbestos fiber types, all cancers and non-cancer diseases linked to asbestos, asbestos-contaminated consumer and industrial products, environmental releases of asbestos, risks to susceptible subpopulations, and aggregate risks from multiple sources of exposure.

The SACC also was concerned that EPA had overlooked ongoing uses of asbestos that are known and easily documented. A federal district court in California shared this concern and in late December, ordered EPA to amend its TSCA Chemical Data Reporting (CDR) to require reporting by importers and processors of asbestos and asbestos-containing products. EPA has taken no action to comply with the Court's order.

In short, the Part 1 evaluation omits pathways and uses that likely present unreasonable risks and does not fully recognize the magnitude of the few unsafe uses that it identifies.

As it moves into risk management, EPA must provide an additional layer of protection to account for risk factors that Part 1 does not address. This would include the presence of other asbestos fibers in chrysotile asbestos products, the likelihood that workers and consumers exposed to these products are also exposed to legacy asbestos and to consumer products contaminated with asbestos, and the reality that exposed populations include many people who are highly susceptible because of smoking history or lung disease.

EPA has announced a Part 2 evaluation to address the risks of ongoing use and disposal of legacy asbestos, consistent with a 2019 Court of Appeals decision. We recommend that Part 2 not only address legacy asbestos but correct the many omissions and deficiencies in Part 1. We are concerned that Part 2 will not be comprehensive and timely and urge EPA to clarify its scope and commit to an enforceable deadline.