

# Asbestos Disease Awareness Organization (ADAO) Position Paper

The Chemical Safety Improvement Act (S. 1009) Would Prevent Banning Asbestos and Jeopardize Public Health

Each year, 10,000 Americans die from asbestos-related disease. The Asbestos Disease Awareness Organization (ADAO), the largest independent asbestos victims' organization in the U.S., opposes the Chemical Safety Improvement Act (CSIA) (S. 1009), due to concerns that the bill does not deliver meaningful reform to the Toxic Substances Control Act (TSCA) and does not adequately protect Americans from the worst toxic chemicals, such as asbestos. As Congress works to reform TSCA, ADAO urges you to address the following **five** concerns that the organization has regarding the CSIA's critical flaws:

- **Next to Impossible to Phase Out or Ban Harmful Chemicals.** The CSIA would make it impossible for the EPA to ban or phase out the worst of the worst toxic chemicals on the market. To do so, the EPA would have to engage in an onerous balancing of costs and benefits, factoring in layers upon layers of alternative approaches. In practice, this analysis takes years to complete, even for highly toxic chemicals such as asbestos. All the while, a chemical could stay on the market, causing the public to endure potentially harmful exposures.
- **Grossly Inadequate Safety Standard.** The CSIA's safety standard is grossly inadequate to protect public health and the environment. Like current law, the CSIA would require the EPA to show that a chemical presents an "unreasonable risk" of harm before enacting any restriction on its use, creating a substantial gap between what is legally safe and what is actually safe for people. Further, the safety standard makes no mention of the EPA being able to take greater precautions to protect vulnerable populations, such as children, pregnant women, workers, and the elderly from harmful exposures. As a result, the CSIA's safety standard would place a heavy burden on the EPA to find that a chemical such as asbestos is unsafe, rather than shifting the burden to chemical companies to show chemicals are safe.
- **Lack of Deadlines to Ensure Safety.** The CSIA is virtually devoid of any deadlines that would require the EPA to act quickly to assess and restrict the use of harmful chemicals such as asbestos. If passed, the CSIA would give the EPA license to delay the review process for years, giving very little recourse for communities affected by toxic chemicals to compel the agency to act.
- **Unworkable Standard of Court Review.** The CSIA would retain the unworkable standard of court review found in TSCA, which ultimately prevented the EPA from being able to ban asbestos in 1989. The review standard requires judges to set aside any chemical safety standard determination or restriction that is not supported by "substantial evidence." In practice, this is nearly impossible when S. 1009 requires the EPA to show that a chemical presents an "unreasonable risk" before adopting a ban. As a result, an asbestos ban would be just as unlikely under S. 1009 as it is under existing TSCA.
- **Freeze on State Efforts to Protect People from Chemicals.** The CSIA contains far-reaching language that would paralyze states from being able to enforce existing laws, as well as pass new ones, to increase protections against harmful chemicals such as asbestos. For example, assume the EPA finds that asbestos fails the CSIA's safety standard, but is in the process of determining what risk management actions to propose and developing the record needed to justify its use restrictions or ban from the market. That process could take years to complete, but as soon as EPA makes the safety determination, states could no longer enact their own restrictions to protect people in the interim.

Asbestos Disease Awareness Organization is a registered 501(c)(3) nonprofit organization.

***"United for Asbestos Disease Awareness, Education, Advocacy, Prevention, Support and a Cure"***

1525 Aviation Boulevard, Suite 318 · Redondo Beach · California · 90278 · 310.251.7477

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