August 10, 2018

The Honorable Andrew Wheeler, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

RE: Asbestos: Significant New Use Rule, Proposal: Docket No. EPA-HQ-OPPT-2018-0159

Dear Acting Administrator Wheeler:

The American Lung Association and the American Cancer Society Cancer Action Network (ACS CAN) appreciate the opportunity to provide comment on the proposed Significant New Use Rule (SNUR) for asbestos. The Lung Association and ACS CAN urge the U.S. Environmental Protection Agency to move ahead rapidly to complete the process to adopt a long-needed ban on the use of asbestos in the United States, completing the action EPA began in 1989. Until that process is complete, the Lung Association and ACS CAN urge EPA to take steps to strengthen the SNUR to provide greater immediate protection from this dangerous carcinogen.

Asbestos causes cancer and other dangerous diseases.

Asbestos is a group of naturally occurring durable fibrous minerals that have historically been components of many building products and automobiles. As EPA has acknowledged, authorities have long classified all forms of asbestos as a carcinogen, including the Agency for Toxic Substances and Disease Registry in the U.S. Department of Health and Human Services and the World Health Organization.[1]

Asbestos causes lung cancer, the leading cancer killer for both men and women in the United States. Many studies dating back to the 1970s have found that workers exposed to asbestos developed lung cancer. Workers exposed to asbestos who developed lung cancer came from a wide range of industries, including textile production, friction products, insulation products, and cement products. Some studies have found lung cancer in families and contacts of these workers who presumably brought the asbestos home on their clothing.[2]

Asbestos also causes mesothelioma, a deadly cancer of the pleura, the thin lining surrounding the lungs and less frequently, of the peritoneum, the lining of the abdomen. As with lung cancer, studies have found that adults developed mesothelioma who lived with another adult who had occupational exposure to asbestos, even though they themselves did not work in jobs with asbestos. [3]

Furthermore, the risk of mesothelioma does not seem to be abating despite the reduction in use of asbestos in the United States. Recent CDC data revealed that the number of deaths from

mesothelioma increased significantly from 1999 to 2015 and remains substantial. While that is expected as workers age, the CDC data showed that workers under 55 years old continued to die from mesothelioma. That high rate of death indicates that the current worker protections for asbestos are failing.[4]

Exposure to high concentrations of airborne asbestos over extended periods can create non-cancerous problems in the lungs and chest. Such exposure can scar tissue in the lungs, leading to asbestosis, an interstitial pulmonary fibrosis disease for which no treatment exists. Other diseases include pleural plaques and diffuse pleural thickening. [5]

EPA should move aggressively to a full ban on asbestos.

In 1989, EPA adopted a ban on many uses of asbestos, acting under the authority of the 1976 Toxic Substances Control Act (TSCA). However, the court overturned part of EPA's ban in 1991, citing the requirement that EPA had to consider the "least burdensome" option for compliance.[6] No further action on asbestos took place for decades following that decision.

In 2016, however, Congress passed the Frank R. Lautenberg Chemical Safety for the 21st Century Act, amending and strengthening the TSCA. [7] Not only did Congress underline their intention that the EPA look at the hazards of these chemicals in total, but explicitly affirmed that EPA determine if a chemical posed an "unreasonable risk" "without consideration of cost."[8] That update clearly intended to allow EPA to reinstate the full ban adopted nearly 30 years ago.

Nor would the U.S. be alone in banning asbestos. As of June 2018, more than 60 countries have adopted national bans on the use of all types of asbestos, including the entire European Union, Japan and Australia.[9] The World Health Organization and the International Labor Organization called for stopping the use of all types of asbestos in 2013 as a means of eliminating asbestos-related diseases. [10]

Despite the limitations of the 1989 effort, asbestos use in the United States has declined, based heavily on the recognition by the public and industry of the health and liability issues involved. The tools to ban the use of asbestos are available, thanks to the 2016 law, and the impact on existing manufacturers would be minimal. According to EPA's assessment in the proposal, most products manufactured in the United States are free of asbestos. A 2017 summary by the U.S. Geological Survey supports that assessment and lists multiple substitutes that are readily available for the remaining uses in manufactured products.[11]

EPA needs to move forward in the ongoing process to ban all remaining uses of all varieties of asbestos, as begun in 2016. The TSCA Work Plan for Chemical Assessments will require additional years for EPA to complete the risk evaluation and adopt a formal ban, but a ban should be the logical outcome.

In the interim, EPA should strengthen the SNUR.

As an interim step, the proposed SNUR for asbestos can provide additional protection from industry efforts to restore the use of asbestos. EPA should adopt changes to strengthen the proposed SNUR.

EPA should incorporate *all* discontinued uses of asbestos in this SNUR. EPA's proposal only covers possible uses of asbestos that do not exist in the United States at present.

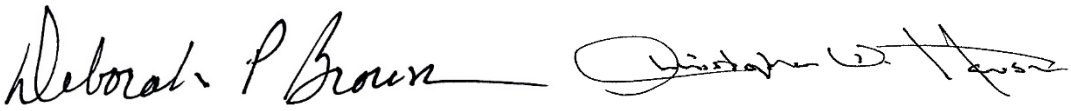
EPA must recognize that a SNUR review will likely underestimate the risks to workers and their families. The evidence of decades of research shows the challenges to assessing specific industries in advance of the incorporation of asbestos. Attempts to regulate asbestos use to provide protection do not have a successful history of regulation providing adequate protection from this carcinogen. Decades of efforts by the Occupational Safety and Health Administration have clearly not been sufficient to limit exposure by workers and their families to these toxic minerals. EPA is not likely to be able to enforce implementation of stronger protections in the workplace.

EPA would be challenged to adequately document the impact of asbestos in operations envisioned by this plan. The cancers and other diseases asbestos causes develop over decades. Diagnosis for many asbestos-related diseases is difficult. The exposures are not limited to the employees, as families and friends of workers exposed to this carcinogen have been affected.

EPA's stated objective is "to take necessary regulatory action associated with any other determination before the described significant new use of asbestos (including as part of an article) occurs."[12] That "necessary regulatory action" must include the authority to ban the new use.

The American Lung Association and the American Cancer Society Cancer Action Network urge EPA to strengthen the SNUR as an interim step, but to proceed rapidly to ban the use of all forms of asbestos.

Sincerely,



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[1] ATSDR. Toxicological Profile Asbestos, Case 1332-21-4. September 2001; World Health Organization. International Programme on Chemical Safety: Asbestos, 2004.
[2] ATSDR, 2001, pp.48-51.
[3] ATSDR, 2001, pp. 51-53
[4] Mazurek JM, Syamlal G, Wood JM, Hendricks SA, Weston A. Malignant Mesothelioma Mortality—United States, 1999-2015. MMWR, March 3, 2017. Pp. 214-218.
[5] Prazakova S, Thomas PS, Sandrini A, Yates DH. Asbestos and the lung in the 21st century: an update. The Clinical Respiratory Journal 2014. DOI. 10.1111/crj.12028.
[6] *Corrosion Proof Fittings v. EPA*, 947 F.2d 1201. (5th Circuit, 1991).
[7] 15.U.S.C. §2601
[8] 15. U.S.C. § 2605(a), (b)(4)(A).

[9] International Ban Asbestos Secretariat, Current Asbestos Bans, June 22, 2018. Accessed at http://www.ibasecretariat.org/alpha_ban_list.php.

[10] Park E-K, Takahashi K, Jiang Y, Movahed M, and Kameda T. Elimination of asbestos use and asbestos-related diseases: An unfinished story. Cancer Science, 2012, 103: 1751-1755. Doi. 10.1111/j.1349-7006.2012.02366.x; World Health Organization. Asbestos: elimination of asbestos-related diseases. Fact Sheet. February 18, 2018. Available at http://www.who.int/en/news-room/fact-sheets/detail/asbestos-elimination-of-asbestos-related-diseases.

[11] U.S. Geological Survey. Mineral Commodity Summaries 2017. January 2017. Accessed at https://minerals.usgs.gov/minerals/pubs/mcs/2017/mcs2017.pdf. August 8, 2018.

[12] 83 Federal Register 26928.