

EPA Actions to Protect the Public from Exposure to Asbestos

 epa.gov/asbestos/epa-actions-protect-public-exposure-asbestos

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One of EPA's priorities is to protect the public from adverse health effects of asbestos, a known carcinogen. Actions to protect the public from exposure to asbestos under the Toxic Substances Control Act (TSCA) include the following:

- **April 2022 EPA's Proposed Ban of Ongoing Uses of Asbestos** will, if finalized, protect American workers and families by prohibiting ongoing uses of the only known form of asbestos currently imported into the U.S. to address the unreasonable risk found to human health in the December 2020 chrysotile asbestos risk evaluation. The proposed rule would prohibit manufacture (including import), processing, distribution in commerce, and commercial use of chrysotile asbestos for all ongoing uses of chrysotile asbestos. EPA is proposing this risk management rule under section 6(a) of the Toxic Substances Control Act (TSCA). This proposed rule is the first-ever risk management rule issued under the new process for evaluating and addressing the safety of existing chemicals under re-authorized TSCA. EPA extended the comment period by 30 days and accepted comments on the proposed rule [Exit Exit EPA website until July 13, 2022](#).
- **The December 2020 Final Risk Evaluation for Asbestos, Part 1: Chrysotile Asbestos**, found unreasonable risks to human health for all ongoing uses of chrysotile asbestos.
- **April 2019 Restrictions on Discontinued Uses of Asbestos Rule to ensure that asbestos products that are no longer on the market cannot return to commerce** without the Agency evaluating them and putting in place any necessary restrictions or prohibiting use. The uses covered under this rule were not already prohibited under TSCA and could have returned to the market at any time.
- **1989 Partial Ban on** the manufacture, import, processing, and distribution of some asbestos-containing products. EPA also banned new uses of asbestos which prevent new asbestos products from entering the marketplace after August 25, 1989. These uses remain banned. The April 2019 rule does not provide a way for these uses to return to the marketplace.

Learn more about EPA actions to protect the public from exposure to asbestos:

Risk Evaluation Under TSCA

Understanding the health risks of asbestos and importance of protecting the public from these risks, asbestos was one of the first ten chemicals selected by EPA to undergo risk evaluation under TSCA. EPA's risk evaluation of asbestos, part 1: chrysotile asbestos includes the limited ongoing uses of chrysotile asbestos in the U.S:

- Asbestos diaphragms
- Sheet gaskets
- Oilfield Brake Blocks
- Aftermarket Automotive brakes/linings
- Other vehicle friction products
- Other gaskets

In December 2020, EPA issued a final TSCA risk evaluation for asbestos, part 1: chrysotile asbestos. The final risk evaluation for part 1 shows that there are unreasonable risks to workers, occupational non-users, consumers, and bystanders. EPA found no unreasonable risks to the environment. EPA is moving immediately to risk management for the 16 chrysotile asbestos conditions of use where EPA found unreasonable risk and will work as quickly as possible to propose and finalize actions to protect against the unreasonable risks for chrysotile asbestos.

As a result of the November 2019 decision of the U.S. Court of Appeals for the Ninth Circuit in *Safer Chemicals Healthy Families v. EPA*, the Agency will also evaluate legacy asbestos uses and associated disposals of asbestos in a supplemental effort that will be the focus of part 2 of the risk evaluation for asbestos. Legacy uses and associated disposals of asbestos are conditions of use for which manufacture (including import), processing and distribution in commerce no longer occur, but where use and disposal are still known, intended, or reasonably foreseen to occur (e.g., asbestos in older buildings).

[Learn more about the final risk evaluation for asbestos, part 1: chrysotile asbestos.](#)

Asbestos Risk Management Under TSCA

In April 2022, EPA issued a proposed risk management rule under section 6(a) of the Toxic Substances Control Act (TSCA), as amended by the [Frank R. Lautenberg Chemical Safety for the 21st Century Act](#), to address the unreasonable risks to human health the Agency identified for chrysotile asbestos in its December 2020 TSCA Risk Evaluation for Asbestos, Part 1: Chrysotile Asbestos.

The proposed rule would prohibit manufacture (including import), processing, distribution in commerce, and commercial use of chrysotile asbestos for six categories of chrysotile asbestos-containing products: asbestos diaphragms, sheet gaskets, oilfield brake blocks, aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets. The proposed prohibition on the manufacture, processing, and distribution in commerce

would address consumer exposure to chrysotile asbestos. The prohibitions relating to asbestos diaphragms and sheet gaskets for commercial use are proposed to take effect two years after the effective date of the final rule; the proposed prohibitions relating to oilfield brake blocks, aftermarket automotive brakes and linings, other vehicle friction products, and other gaskets for commercial use are proposed to take effect 180 days after the effective date of the final rule.

EPA is also proposing targeted disposal and recordkeeping requirements in line with industry standards, Occupational Safety and Health Administration requirements, and the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). The proposed disposal and recordkeeping requirements would take effect 180 days after the effective date of the final rule.

EPA requested comment from the public on the proposed rule until July 13, 2022 via docket EPA-HQ-OPPT-2021-0057 at www.regulations.govExit EPA website.

April 2019 Final Rule

In April 2019, EPA issued a final rule that strengthens the Agency's ability to rigorously review an expansive list of asbestos products that are no longer on the market before they could be sold again in the United States. This action gives EPA the authority to prohibit the use of these products or put in place restrictions to protect public health.

- [Read the final ruleExit EPA website](#).
- [Read frequent questions on the final rule](#).

Under the April 2019 Final Rule:

- **The public is protected from uses of asbestos that are no longer on the market and are not covered under any other laws or regulations.** Products like certain asbestos vinyl floor tiles, insulation, and other building materials, as well as clothing and manufacturing products, are prohibited from being produced and sold before EPA reviews them and puts in place any necessary restrictions or prohibits use.
- **EPA is not allowing new uses of asbestos.** Persons subject to the rule are required to notify EPA at least 90 days before commencing any manufacturing, importing, or processing of asbestos or asbestos-containing products covered under the rule. These uses are prohibited until EPA conducts a thorough review of the notice and puts in place any necessary restrictions, including prohibiting use.
- **Uses of asbestos covered under the partial 1989 ban will remain banned.** This rule keeps these prohibitions in place and would not amend them in any way. In other words, this action does not provide a means by which these prohibited products could return to the marketplace.

Examples of products prohibited from entering the market under the 2019 Final Rule include the following. [View a full list of products covered under this final rule.](#)

- Adhesives, sealants, roof and non-roof coatings
- Arc chutes
- Beater-add gaskets
- Cement products
- Extruded sealant tape and other tape
- Filler for acetylene cylinders
- Friction materials
- High grade electrical paper
- Millboard
- Missile liner
- Packings
- Pipeline wrap
- Reinforced plastics
- Roofing felt
- Separators in fuel cells and batteries
- Vinyl-asbestos floor tile
- Woven products
- Other building products

The final rule went into effect on June 24, 2019.

Banned Uses of Asbestos

Under the 1989 rule *Asbestos: Manufacture, Importation, Processing, and Distribution in Commerce Prohibitions* (54 FR 29460, July 12, 1989) (FRL-3476-2), five uses of asbestos and any “new use” – defined by that rule as uses of asbestos for which the manufacture, importation, or processing would be initiated *for the first time* after August 25, 1989 – are banned in the United States.

The manufacture, importation, processing, and distribution of the following asbestos-containing products are banned under TSCA.

- Corrugated paper
- Rollboard
- Commercial paper
- Specialty paper
- Flooring felt
- New commercial uses that begin after August 25, 1989

Under the Clean Air Act (CAA), the following asbestos-containing uses are banned.

- Asbestos pipe insulation and asbestos block insulation on facility components, such as boilers and hot water tanks, if the materials are either pre-formed (molded) and friable or wet-applied and friable after drying.
- Spray-applied surfacing asbestos-containing materials
Spray-on application of materials containing more than 1% asbestos to buildings, structures, pipes, and conduits unless certain conditions specified under [40 CFR 61, Subpart M](#)[Exit](#) [Exit EPA website](#) are met.

Under the Consumer Product Safety Act (Consumer Product Safety Commission), asbestos in artificial fireplace embers and wall patching compounds are banned. Under the Food and Drug Administration (FDA), asbestos-containing filters in pharmaceutical manufacturing, processing and packing are banned.

Regulatory History

- In 1973, EPA banned spray-applied surfacing asbestos-containing material for fireproofing/insulating purposes. See National Emission Standards for Hazardous Air Pollutants (NESHAP) at [40 CFR Part 61, Subpart M](#)[Exit](#) [Exit EPA website](#).
- In 1975, EPA banned installation of asbestos pipe insulation and asbestos block insulation on facility components, such as boilers and hot water tanks, if the materials are either pre-formed (molded) and friable or wet-applied and friable after drying. See National Emission Standards for Hazardous Air Pollutants (NESHAP) at [40 CFR Part 61, Subpart M](#)[Exit](#) [Exit EPA website](#).
- In 1977, the [Consumer Product Safety Commission \(CPSC\)](#)[Exit](#) [Exit EPA website](#) banned the use of asbestos in artificial fireplace embers and wall patching compounds. (See [16 CFR Part 1305](#)[Exit](#) [Exit EPA website](#) and [16 CFR 1304](#))[Exit](#) [Exit EPA website](#).
- In 1978, EPA banned spray-applied surfacing materials for purposes not already banned. See National Emission Standards for Hazardous Air Pollutants (NESHAP) at [40 CFR Part 61, Subpart M](#)[Exit](#) [Exit EPA website](#).
- In 1989, EPA attempted to ban most asbestos-containing products by issuing a final rule under Section 6 of Toxic Substances Control Act (TSCA). However, most of the original ban on the manufacture, importation, processing, or distribution in commerce for the majority of the asbestos-containing products originally covered in the 1989 final rule was overturned in 1991 by the Fifth Circuit Court of Appeals. As a result, the 1989 asbestos regulation only bans new uses of asbestos in products that would be initiated *for the first time* after 1989 and bans 5 other specific product types. See [40 CFR 763 Subpart I](#)[Exit](#) [Exit EPA website](#). [Learn more about the 1989 asbestos ban and phase-out](#).

- In 1990, EPA prohibited spray-on application of materials containing more than 1% asbestos to buildings, structures, pipes, and conduits unless certain conditions specified. See National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 CFR 61, Subpart M[Exit EPA website](#) are met.
- In 2019, EPA issued a final rule to ensure that discontinued asbestos products cannot be reintroduced into commerce without the Agency evaluating them and putting in place any necessary restrictions or prohibiting use. [Read the final rule](#)[Exit EPA website](#).