

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 763
[OPTS-82036, FRL 2947-J]
**Asbestos: Proposed Mining and Import
Restrictions and Proposed
Manufacturing, Importation, and
Processing Prohibitions**
AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture, importation, and processing of asbestos in certain products and to phase out the use of asbestos in all other products. The products EPA proposes to ban are asbestos-cement pipe and fittings, roofing felts, flooring felts (and felt-backed sheet flooring), vinyl-asbestos floor tile, and asbestos clothing. Under this rule, EPA would also allow only those persons with permits issued by EPA to mine or import asbestos for use in products that are not banned. Eventually, all mining or importation of asbestos would be prohibited, except for that mining or importation allowed under an exemption process. EPA is proposing this rule to reduce the serious unreasonable risk to human health presented by exposure to asbestos. As an alternative, EPA is considering prohibiting the manufacture, importation and processing of categories of asbestos products at staged intervals. EPA is considering banning the manufacture, importation, and processing of asbestos construction products and asbestos clothing soon after the rule's promulgation with the category of asbestos friction products banned about 5 years later, and other asbestos products banned at a later time. EPA believes that this alternative approach would also be an effective way of reducing the serious unreasonable risk presented by exposure to asbestos and specifically requests comment on a staged ban of asbestos product categories. Finally, under both this alternative and the proposed approach, EPA is considering requiring labeling for all asbestos products that are not banned, including products manufactured pursuant to permits issued by EPA during the phase-down period, or pursuant to an exemption process. The Agency requests comments on the feasibility and effectiveness of such a requirement.

DATES: Public hearings will be held beginning approximately May 14, 1988. The exact times and locations of the hearings will be available by calling EPA's TSCA Assistance Office. Comments on this proposed rule and requests to participate in the informal hearings must be submitted by April 29, 1988. Reply comments made in response to issues raised at each hearing must be submitted no later than 1 week after the close of that hearing.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-209, 401 M St. SW., Washington, DC 20460.

Comments should include the docket control number OPTS-82036. Nonconfidential comments and nonconfidential versions of confidential comments received on this proposal will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, at the address given above.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, Office of TSCA Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-643, 401 M St. SW., Washington, DC 20460. Toll free: (800-424-9085). In Washington, DC: (504-1404). Outside the USA: (Operator)-202-654-1404.

SUPPLEMENTARY INFORMATION:
I. Introduction

Asbestos, since the advent of its large scale use, has resulted in thousands of painful, premature deaths from lung cancer and other diseases. Because of the widespread use of asbestos and its particular nature, piecemeal control of the risks it presents is not satisfactory; only elimination of asbestos to the extent feasible will produce acceptable reduction of risks. Prevention of further deaths, therefore, requires forceful, integrated action against asbestos risks. To achieve this end, EPA has established a coordinated asbestos program, aimed at controlling exposure to asbestos from products already in use and eliminating risks from future uses. The rule EPA is proposing today, which would ban certain uses of asbestos and phase out all other uses, forms a central element of this program. Regulatory alternatives, which are discussed in this notice and which involve staged bans of various asbestos product categories, could also form a central element of the program.

The risks EPA is addressing in this proposal and its overall asbestos program are serious and well documented. Asbestos is a known human carcinogen that causes lung cancer, mesothelioma (a cancer of the chest and abdominal lining) and is also linked to other cancers. It has been estimated that 3,300 to 12,000 cancer cases a year occur in the United States as a result of past exposure to asbestos; almost all of these cancer cases are fatal. In addition, asbestos causes asbestosis (a serious lung disorder). About 63,000 persons in the United States are estimated to be suffering from asbestosis today. Assuming current exposure levels, EPA estimates that about 2,560 persons will develop lung cancer or mesothelioma as a result of exposure to asbestos from products made over the next 15 years, unless asbestos exposures are reduced through regulatory action. As discussed later, even with a relatively low workplace PEL of 0.2 f/cc, EPA estimates that almost 1,325 cancers will result from asbestos products made over the next 15 years. The underlying data upon which the risk assessments for asbestos are based come from a number of high quality epidemiologic studies. Unlike most potential carcinogens, asbestos has been studied often and thoroughly for its effects on humans.

Asbestos presents a particularly insidious threat because of the unique quality of its fibers. These fibers are small, colorless, odorless, often invisible except through a microscope, and indestructible in most uses. They can be transported on clothes and other materials, and they have aerodynamic features that allow them to be easily suspended and resuspended in the air and to travel long distances. Once released, asbestos fibers are difficult to detect and contain, and they readily enter the ambient air. Thus persons are exposed not only at the time and place of release, but long after the release has occurred and far from its source. There is constant renewal of risk as asbestos fibers reenter the atmosphere repeatedly over time.

Despite the known risks of asbestos, substantial amounts of the material are still mined, imported, and used in commercial products. About 240,000 metric tons, for example, were used domestically in 1984. Hundreds of products are still made with asbestos, including paper and textiles, cement pipe and sheets, tiles and felts, and automobile brakes. Asbestos fibers are released to the air at many stages of the commercial life of these products. Typical activities that lead to the