FACT SHEET:

FINAL RULE BANNING THE MANUFACTURE, PROCESSING, IMPORTATION AND DISTRIBUTION IN COMMERCE OF MOST ASBESTOS PRODUCTS

SUMMARY OF ACTION

The final Asbestos Ban and Phaseout Rule prohibits the manufacture, processing, and importation of most asbestos products at staged intervals over seven years. Distribution in commerce is prohibited for products banned in the first stage two years after the effective date of the first stage ban. For products banned in the second and third stages, distribution in commerce is prohibited one year after the effective dates of each of the second and third stage bans.

As part of EPA's overall strategy to prevent environmental pollution, this action will reduce long-term asbestos contamination by phasing out most asbestos products which account for major releases of asbestos. Given the long history of asbestos usage in our society and its ongoing release throughout the life cycles of products, asbestos has become a ubiquitous environmental contaminant. This banning action is unique in that it will help break the cycle of asbestos loading in the environment. Unlike other regulations which are limited to remedial actions, this ban will go far in preventing future asbestos exposure risks to human health and the environment.

This strategy is based on recognized human health risks, the exposure potential to asbestos in products throughout their life cycle, the availability of substitutes, and the likely development of additional safer and less costly substitutes during the phaseout period.

The final rule will eventually ban about 94% of asbestos use in the U.S., based on 1985 production volume estimates.

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STAGED BAN APPROACH

The rule prohibits, at staged intervals, the future manufacture, importation, processing, and distribution in commerce of certain asbestos products. Manufacture, importation, and processing is banned for products in the first stage ban one year after the rule becomes effective (i.e. in 1990), after four years for products in the second stage ban (1993), and after seven years for products in the third stage ban (1996). The distribution in commerce ban becomes effective two years after the manufacture, importation and processing ban for products in the first stage (1992); and after one year for products in the second and third stages (1994 and 1997 respectively).

A listing of the products and the respective stages of their ban appears below:

First Stage Ban

Manufacture, Importation, and Processing

One Year After Effective Date of Rule (1990)

Felt products
- Pipeline wrap
- Roofing felt
- Flooring felt

Asbestos/Cement (A/C) Products
- A/C sheet, corrugated
- A/C sheet, flat

Products out of use
- Vinyl/Asbestos floor tile
- Asbestos clothing

Distribution in Commerce Ban for Products in First Stage Ban becomes effective two years after the manufacture, importation, and processing ban (1992).

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Second Stage Ban

Manufacture, Importation, and Processing

Four Years After Effective Date of Rule (1993)

Friction Products
- Drum brake linings [Original Equipment Market (OEM)]
- Disc brake pads for light- and medium-weight vehicles (LMV) (OEM)
- Disc brake pads for heavy-weight vehicles (HV) (OEM)
- Clutch facings
- Automatic transmission components
- Industrial and commercial friction products

Gaskets
- Beater-add gaskets (except certain industrial uses)
- Sheet gaskets (except certain industrial uses)

Distribution in Commerce Ban becomes effective one year after the second stage of the manufacture, importation, and processing ban (1994).

Third Stage Ban

Manufacture, Importation and Processing

Seven Years After Effective Date of Rule (1996)

Coatings
- Roof coatings
- Non-roof coatings

Paper Products
- Commercial paper
- Rollboard
- Millboard
- Corrugated paper
- Specialty paper

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Friction Products
- Brake blocks (OEM)
- Brake blocks [Aftermarket (AM)]
- Drum brake linings (AM)
- Disc brake pads, LMV (AM)
- Disc brake pads, HV (AM)

A/C Products
- A/C pipe
- A/C shingle

Distribution in Commerce Ban becomes effective one year after the third stage of the Manufacture, Importation, and Processing Ban (1997).

Products Outside the Ban

The following asbestos products are not banned by the rule. They constitute a relatively small percentage of asbestos use (approximately 6% of U.S. asbestos consumption). These products are not only costly to ban because of the unavailability of reasonable-cost, suitable substitutes, but the release of asbestos over their life cycle does not result in particularly high exposure concerns in most cases relative to the products that are banned by this rule:

- o acetylene cylinders
- o arc chutes
- o asbestos diaphragms
- o battery separators
- o high-grade electrical paper
- o missile liners
- o reinforced plastic
- o sealant tape
- o asbestos thread
- o packings
- o certain industrial uses of both sheet gaskets and beater-add gaskets

Exemptions

The rule provides that exemptions may be granted only specific exemption criteria are met. The provisions for receiving and evaluating exemptions are outlined in the preamble to the final rule. To obtain an exemption, an applicant must show that the use described in the application

-- would not pose an unreasonable risk to human health or the environment; and
-- demonstrable evidence that the applicant has made good faith efforts to develop substitutes for the use described in the application

OVERVIEW

Asbestos is the generic name of a group of naturally occurring minerals which separate into microscopic-sized fibers that are heat-resistant, flexible, very durable and are virtually indestructible in most uses. In the past, these qualities have made asbestos extremely useful in construction and in other industrial applications.

Between 1900 and 1980, some 30 million tons of asbestos were used commercially in the United States. It was used most extensively from the end of World War II until the early 1970s when its use began to decline. Asbestos use in this country has decreased from 240,000 metric tons in 1984 to 84,700 metric tons in 1987.

Currently the largest uses of asbestos products are A/C pipe and sheet, friction products (e.g., brakes), coatings (e.g., roof coatings), and gaskets.

HEALTH EFFECTS

Asbestos is a known human carcinogen and poses serious health risks to both individuals and to large populations. Asbestos fibers are easily inhaled and can remain in the body for years. Lung cancer is the most frequently seen asbestos-related disease and is more likely to occur if the exposed person is a smoker. Mesothelioma, a rare and incurable cancer of the chest and abdominal membranes, results from the inhalation of asbestos, in some cases even after short term exposures. Other cancers, including gastro-intestinal cancer, have also been attributed to asbestos exposure.

Asbestos also causes asbestosis, a chronic disease of the lungs that makes breathing progressively more difficult and can lead to death. Asbestos exposure has also been associated with other diseases.

EXPOSURE

Persons face risks by exposure to asbestos released from products during many of the stages of the products' life cycles (mining, production, installation, use, repair, and disposal).

Asbestos fibers are very durable and extremely mobile. Because of their aerodynamic properties, asbestos fibers released from products can become airborne and can move great distances from points of release. Because of their durability, asbestos fibers can remain in the environment for long periods of time. Additions to the current stock of asbestos-containing products contribute to loading of asbestos into the surrounding environment.

Asbestos is particularly hazardous because asbestos fibers are odorless, often invisible to the eye, and are easily inhaled. Members of the general population are frequently exposed unknowingly to asbestos and are seldom in a position to protect themselves. In addition, persons in occupational settings may still be exposed to asbestos despite stringent workplace controls. It is not possible to control all sources of exposures to asbestos, and those exposures which are not controlled often pose a high health risk.

FEDERAL ACTIONS ON ASBESTOS

Because of the overwhelming scientific evidence regarding the adverse effects of asbestos on public health, government agencies have taken a series of actions since 1972 to reduce public exposure to asbestos. These include a ban on most sprayed and troweled-on uses of asbestos; a ban on the use of asbestos to wrap pipes; regulations on the removal, transport, and disposal of asbestos; and the establishment of a program requiring every primary and secondary school in the country to inspect for asbestos.

In 1986 the Occupational Safety & Health Administration (OSHA) reduced its workplace Permissible Exposure Level (PEL) to the lowest level it considered technologically feasible (i.e., 0.2 fibers per cubic centimeter of air) averaged over an 8 hour time period. OSHA found that a "substantial" risk to workers from asbestos still remained at this PEL. OSHA limits short-term exposure (30 minutes)

to asbestos in the workplace with its Excursion Limit (i.e., 1.0 fibers per cubic centimeter of air).

The Consumer Product Safety Commission (CPSC) banned the use of asbestos in general wear garments, and in another action, banned the use of asbestos in consumer patching compounds and in fireplace emberizing materials. The Commission also requires labelling of asbestos-containing consumer products. CPSC decided against further action to ban asbestos in consumer products, deferring to this EPA regulation to ban products.

However, efforts to regulate the continued commercial use of asbestos still leave much asbestos contamination uncontrolled and many persons unprotected from the hazards of asbestos exposure.

EPA AUTHORITY

The Toxic Substances Control Act (TSCA) authorizes EPA to prohibit or limit the amount of any chemical substance or mixture that can be manufactured, processed, or distributed in commerce if the Agency finds that it presents an unreasonable risk to public health or the environment. EPA finds that asbestos is an inherently toxic substance and presents an unreasonable risk to health and the environment. The Agency believes that TSCA is the most appropriate statute to use to take the pollution prevention actions necessary to reduce the risks posed by asbestos because TSCA Section 6 provides EPA the authority to regulate risks over the life cycle of asbestos products from manufacture, processing, use and disposal.

Given the long history of its usage in our society, its release throughout the life cycles of products and its virtual indestructibility, asbestos has become a ubiquitous environmental contaminant. By exercising its authority under TSCA section 6, EPA can act to reduce asbestos exposure risks by preventing additional loading of asbestos into the environment.

MORE INFORMATION

The TSCA Assistance Office will provide citizens with further information or publications about EPA's asbestos activities. The TSCA Assistance Office can be reached by calling (202) 554-1404, TDD: (202) 554-0551; or by writing to:

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