FILE NAME: Chlor-Alkali Asbestos Use (CAAS)

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August 24, 2016

Document Control Office (7407M),
Office of Pollution Prevention and Toxics (OPPT)
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Re: Risk Evaluation Procedural Rule under Toxic Substances Control Act Section 6(b)(4), Docket No. EPA-HQ-OPPT-2016-0400 (81 *Federal Register* 48789, July 26, 2016)

To Whom It May Concern:

The Chlorine Chemistry Division[1] (the "Division") of the American Chemistry Council (ACC) appreciates the opportunity to provide input on the Environmental Protection Agency's (EPA) development of processes for risk evaluation under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA). The Division supports the comments submitted by ACC in response to EPA's call for information on prioritization and risk evaluation processes under the new statute.

The Division wanted to use this opportunity to provide the Agency updated information about the conditions of use of asbestos in the chlor-alkali industry, before the Agency publishes which first 10 chemical substances from the TSCA Work Plan will be the subject of risk evaluations pursuant to LCSA Section 6(b)(2)(A). This information also is relevant to the LCSA's Section 6(b)(4)(F) requirements that in conducting risk evaluations the Agency "integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance," and take into account the "likely duration, intensity, frequency and number of exposures" to the substance and to "describe the weight of the scientific evidence for the identified hazard and exposure."

Although EPA's past regulatory efforts on asbestos were often cited as evidence of the need to strengthen the original TSCA, asbestos use has declined in the United States by over 99% since the 1970s.[2] Asbestos is no longer mined in the United States and workplace exposures have been reduced by many hundred-fold. The few remaining uses for asbestos are tightly controlled—including its use in chlor-alkali manufacturing.

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[1] The Chlorine Chemistry Division of the American Chemistry Council represents major producers and users of chlorine in North America. The Division works to promote and protect the sustainability of chlorine chemistry processes, products and applications in accordance with the principles of Responsible Care®.

[2] Virta, R. Asbestos. Kirk-Othmer Encyclopedia of Chemical Technology. 1–40 (2011).

The asbestos diaphragm process is one of three manufacturing processes utilized by the chlor-alkali sector to produce chlorine and caustic soda. Over 60% of U.S. chlor-alkali industry relies on technology that safely uses asbestos. This technology provides product and process benefits while helping to ensure the safe operation of facilities. The chlor-alkali industry works to ensure the safe use of asbestos for its employees and its operations and has an exceptional employee health and safety record. [3] Because the use of asbestos in the chlor-alkali industry is confined in the production process, worker exposure risk is essentially eliminated.

The chlor-alkali industry's success in minimizing releases and potential exposure to asbestos has been recognized by EPA almost three decades ago[4] and in subsequent efforts by Congress to pass asbestos legislation. In the 1989 rule, the Agency concluded that "*a ban on this product category would result in only minimal benefits because asbestos exposure is limited in most life cycle stages, relative to other products analyzed for this rule.*"[5]

Chlorine chemistry helps to provide thousands of essential products the world depends on every day, including clean drinking water, computer chips, life-saving pharmaceuticals, and energy-efficient building materials. Furthermore, the industry and its downstream customers contribute to state and national economies by providing jobs and revenue. A recent economic study conducted by the Division concludes that the use of chlorine chemistry in nine manufacturing sectors saves American consumers $419 billion each year.

The chlor-alkali industry supports the strong regulation of asbestos and has worked for many years to ensure the safe use of asbestos for its employees and its operations. We urge EPA to take the industry's efforts into consideration as it determines whether to select asbestos among the initial 10 chemicals for risk evaluation under the LCSA and in determining the scope of any risk evaluation under the new statute.

Sincerely,

Judith Nordgren

Judith Nordgren
Managing Director
Chlorine Chemistry Division

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[3] Chlorine Institute. Guidelines: Asbestos Handling for the Chlor-Alkali Industry. Pamphlet 137, Edition 6 (February 2011).

[4] 54 *Federal Register* 29460 (July 12, 1989).

[5] Ibid, at 29501.