

(d) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.

(e) EPA may seek to enjoin the mining or import of asbestos or asbestos products in violation of this Subpart, or act to seize any asbestos or asbestos products in violation of this Subpart, or take other actions under the authority of section 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

§ 763.157 Inspections.

EPA will conduct inspections under section 11 of the Act (15 U.S.C. 2610) to ensure compliance with this Subpart and to verify that information submitted to EPA under this Subpart is correct.

§ 763.159 Confidentiality and public access to information.

(a) A person may assert a claim of confidentiality for any information he or she submits to EPA under this Subpart.

(b) Any claim of confidentiality must accompany the information when it is submitted to EPA.

(c) EPA will disclose information subject to a claim of confidentiality asserted under this section only to the extent permitted by TSCA and Part 2 of this title.

(d) If a person does not assert a claim of confidentiality for information at the time it is submitted to EPA, EPA may make the information public without further notice to that person.

3. By adding new Subpart I to read as follows:

Subpart I—Prohibition of the Manufacture, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products.

Sec.

763.160 Scope.

763.163 Definitions.

763.165 Manufacture—prohibitions.

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763.169 Enforcement.

Subpart I—Prohibition of the Manufacture, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products

§ 763.160 Scope.

This Subpart prohibits the manufacture, importation and

processing of the following categories of asbestos-containing products: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), vinyl-asbestos floor tile and asbestos-cement pipe and fittings and asbestos clothing.

§ 763.163 Definitions.

The definitions in section 3 of the Toxic Substances Control Act and the following definitions apply to this subpart.

(a) "Asbestos" means the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cumingtonite-grunerite); tremolite; anthophyllite, and actinolite.

(b) "Asbestos-cement pipe and fittings" means an asbestos-containing product that contains cement and is intended to transmit water or sewage; for use as conduit pipe for the protection of electrical or telephone cable; or for use as air ducts.

(c) "Asbestos clothing" means an asbestos-containing product made of cloth and designed to be worn by individuals.

(d) "Asbestos-containing product" means any material which contains more than 1.0 percent asbestos by weight.

(e) "Flooring felt" means an asbestos-containing product made of paper felt and intended as an underlayment for floor coverings, or to be bonded to the underside of vinyl sheet flooring.

(f) "Roofing felt" means an asbestos-containing product made of paper felt and intended for use on building roofs as a covering or underlayment for other roof coverings.

(g) "Vinyl-asbestos floor tile" means an asbestos-containing product composed of vinyl resins, containing fillers, stabilizers and pigments and used as floor tile.

§ 763.165 Manufacture—prohibitions.

Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 4 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person shall manufacture

or import the following asbestos-containing products either for use in the United States or for export: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), vinyl-asbestos floor tile, asbestos-cement pipe and fittings, and asbestos clothing.

§ 763.167 Processing—prohibitions.

Beginning the first day of the calendar year after this rule becomes effective, or if this rule becomes effective during the last 4 months of a calendar year, beginning the first day of the second calendar year after this rule becomes effective, no person shall process the following products, either for use in the United States or for export: asbestos-containing roofing felt, asbestos-containing flooring felt (including vinyl sheet flooring backed with flooring felt), vinyl-asbestos floor tile, asbestos-cement pipe and fittings, and asbestos clothing.

§ 763.169 Enforcement.

(a) Failure to comply with any provision of this Subpart is a violation of section 15 of the Act (15 U.S.C. 2614).

(b) Failure or refusal to establish and maintain records or to permit access to or copying of records, as required by the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(c) Failure or refusal to permit entry or inspection as required by section 11 of the Act (15 U.S.C. 2610) is a violation of section 15 of the Act (15 U.S.C. 2614).

(d) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation.

(e) EPA may seek to enjoin the manufacture or import of asbestos products in violation of this Subpart, or act to seize any asbestos products in violation of this Subpart, or take other actions under the authority of section 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

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