



STATEMENT OF BOB SUSSMAN, ADAO COUNSEL, AT ASBESTOS TSCA ENVIRONMENTAL JUSTICE ROUNDTABLE

June 1, 2021

I am Bob Sussman and I'm here today as counsel for the Asbestos Disease Awareness Association (ADAO), working closely with ADAO's President Linda Reinstein and our team of scientific experts.

We commented extensively on EPA's draft Part 1 risk evaluation for asbestos. While we were pleased that EPA found unreasonable risks to health from nearly all of the ongoing conditions of use it evaluated, this came as no surprise since asbestos' dangerous properties have been well-known for decades and most countries have concluded that all commercial use of asbestos should be banned. Our concerns about the Part I evaluation centered on the systematic underestimation of risk resulting from limitations on the exposure pathways EPA examined and unwarranted assumptions EPA made in determining the health consequences of asbestos exposure. These problems may be carried forward into the risk management phase -- and result in inadequate use restrictions -- unless EPA makes adjustments to account for them. With proper adjustments, we believe EPA would be required under TSCA to prohibit all the asbestos uses determined to present unreasonable risks.

The flaws in EPA's Part 1 analysis included little or no consideration of the impacts of asbestos on environmental justice communities where risks are magnified because of higher levels of exposure and/or susceptibility. TSCA requires EPA to determine unreasonable risks to "potentially exposed or susceptible subpopulations" (PESSs), which often predominate in minority and low-income areas close to industrial facilities. A more robust PESS analysis for asbestos would have highlighted risk factors of particular concern to these communities:

1. The Part 1 evaluation did not consider environmental sources of exposure to asbestos. These include air emissions from chlor-alkali and other asbestos processing facilities, asbestos waste managed on-site or at near-by landfills, and Superfund sites. TRI reports underscore the large amount of asbestos waste generated from the disposal and/or refurbishing of asbestos diaphragms in the chlor-alkali industry. Significant quantities of these wastes can be found near environmental justice communities in Louisiana and Texas, where the chlor-alkali industry and related waste disposal operations are concentrated.
2. The Part 1 evaluation also failed to consider the higher frequency of "do-it-yourself" installers of asbestos brake pads and gaskets in lower income communities and the possibility that this source of exposure might overlap with other sources (i.e. commercial vehicle repair operations, employment at chlor-alkali or other asbestos-using facilities or environmental releases). Individuals with multiple pathways of exposure would be PESSs entitled to special protection



under TSCA, but the Phase 1 evaluation did not account for the higher risk to groups with aggregate exposures.

3. As EPA recognizes, the Part 1 evaluation did not consider the risks of ongoing exposure to “legacy” asbestos -- i.e. asbestos products no longer sold commercially but in active use as components of building structures or equipment or undergoing disposal because of building demolition or repair. While EPA is planning to address legacy asbestos in a Part 2 evaluation, it must recognize that persons exposed to the conditions of use addressed in Part 1 often are exposed to legacy asbestos as well, resulting in greater risks than if each pathway of exposure were assessed separately. To make risk management decisions solely on the basis of the Part 1 conditions of use will therefore result in inadequate protection for some subpopulations. Exposure to legacy asbestos is widespread but may well be elevated in minority and lower-income communities, where older asbestos-containing buildings may be more common, more residents may be employed in building maintenance and construction occupations with higher asbestos exposure and asbestos-containing debris from demolished or abandoned buildings may be more prevalent.
4. Environmental justice communities may have an increased risk of lung cancer and mesothelioma due to the synergistic effects of asbestos exposure and smoking, an interaction recognized in the scientific literature. These communities may also have higher rates of underlying lung disease resulting from pollution or other factors, which may increase predisposition to mesothelioma or asbestosis. Thus, the incidence rate for asbestos disease may be higher in environmental justice communities.

In sum, the additional sources of asbestos exposure and susceptibility in environmental justice communities need to be considered in determining fully protective risk management measures and should reinforce the case for banning all of the Part 1 conditions of use determined to present unreasonable risks.

Thank you.