



# ENVIRONMENTAL INFORMATION ASSOCIATION

March 14, 2017

Mr. Robert Courtnage  
Agency Contact  
US EPA  
Docket No. EPA-HQ-OPPT-2016-0736

Phone Number: 1-202-566-1081

Re: Public Comment for Asbestos docket - TSCA Revision  
Frank R Lautenberg Chemical Safety Act for the 21<sup>st</sup> Century  
Scoping Document for Establishing Risk Evaluations  
Conditions of Use and Exposure of Susceptible Subpopulation:

Dear Mr. Courtnage:

The Environmental Information Association (EIA) was founded in 1983 as the National Asbestos Council (NAC). EIA is a not-for-profit membership organization dedicated to collecting, generating and disseminating information about environmental issues in buildings, including asbestos, to our membership and beyond. Since our founding, EIA has been a leader in identifying and sharing information concerning asbestos issues with Building Owners, Environmental Consultants, Remediation Contractors, General and sub-Contractors, Laboratories, Universities and Government and Regulatory Agencies. EIA provides an open forum for asbestos professionals, stakeholders and the public to enhance their knowledge and understanding of issues surrounding the identification, evaluation, and control of asbestos hazards in buildings and facilities.

Also, since our founding, EIA has enjoyed a fruitful and collaborative relationship with the Environmental Protection Agency (EPA). In 1984, EIA was contracted by EPA to create the first asbestos worker training manual, providing a springboard to working with private companies, universities, and governmental agencies in creating training programs/manuals and guidance documents for asbestos. In 2009, the EPA approached EIA with a request to review the 1985 "Purple Book" – "Guidance for Controlling Asbestos-Containing Materials in Buildings – EPA 560/5-85-024," and provide guidance for any needed revisions to the document. Subsequently, EPA engaged EIA to update and re-write the "Purple Book." EIA completed these revisions in 2015 with the publication of the "Managing Asbestos in Buildings" guidance which is now available for purchase through EIA.

Many individual members of EIA have already contributed to the comments being received by the docket concerning asbestos. As an organization of asbestos professionals, we serve and protect our building owner, manager and occupant clients from asbestos exposure by determining asbestos-containing material presence, creating management strategies that reduce exposures, planning for and abatement of asbestos-containing material hazards not otherwise manageable, and verification of successful remediation of asbestos-containing material related exposures.

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EIA's  
multidisciplinary  
membership  
collects,  
generates and  
disseminates  
information on  
environmental  
health hazards  
to occupants of  
buildings,  
industrial sites  
and other facility  
operations.

EIA's comments in relation to the scoping document are divided into these distinct areas:

- There is no known safe level of exposure to asbestos.
- Legacy building materials constitute a “use” of asbestos that is ongoing, continuous and potentially harmful, well beyond the import and/or manufacture of the materials containing asbestos.
- Day-to-day exposures to asbestos remain for numerous susceptible populations.
- The EPA should fully ban asbestos of all forms in the United States.

### **There is no known safe level of exposure to asbestos**

Global consensus from the world's top public health organizations and agencies -- including the World Health Organization (WHO), International Labor Organization (ILO), National Institute of Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), Centers for Disease Control (CDC) and the U.S. Surgeon General – holds that there is no safe level of asbestos exposure. Specifically, according to WHO, “[a]ll types of asbestos cause lung cancer, mesothelioma, cancer of the larynx and ovary, and asbestosis (fibrosis of the lungs).” WHO has further expressed stated that “there is no safe level of exposure.” In a discussion of “all types of asbestos,” EPA should also give consideration to asbestiform minerals that are beyond the current six (6) forms of asbestos that are regulated by EPA. EPA should broaden its scoping document to include consideration of the mineral fibers winchite, richterite, cummingtonite-gruenerite and erionite. These additional asbestiform minerals are the cause and source of hundreds of asbestos related diseases, including mesothelioma.

### **Legacy Building Materials**

Reading the *Preliminary Information on Manufacturing, Processing, Distribution, Use and Disposal of Asbestos* it is evident that in scoping potential exposures and assessing risks, this document is forward-looking to manufacturing new materials and continued “uses” of asbestos posing an exposure risk. An area of greater concern to us is the presence of legacy building materials in buildings. In 1985, the EPA estimated that there were 733,000 public and commercial buildings that contained friable asbestos in the US. This represented 20% of the estimated 3.6 million public and commercial buildings. These “public and commercial” buildings were defined as federal government buildings, any multi-family building of 10 or more dwelling units and privately owned buildings used for non-residential purposes.

Thirty plus years have taught EIA members at least two things about these numbers and representations. First of all, the qualifier “friable” ended up being terribly misleading. If both friable and non-friable asbestos is considered, there are vastly more than 733,000 buildings that contain asbestos. Many of the buildings containing non-friable asbestos have moved into the category of “friable” materials, because the non-friable materials have disintegrated with age and in many, many cases, these non-friable materials have been terribly mishandled during renovation and demolition activities. The second thing EIA members have learned is that these building numbers, even for just friable materials, were woefully underestimated. At the time of the study of buildings, 1984, the focus of asbestos-containing materials was on spray-applied fireproofing and thermal system insulation. There was little consideration at that time for materials such as drywall joint compound,

cementitious asbestos wall board, asbestos-containing wiring insulation - - all of these being “friable” materials. Our members tell us that the numbers of buildings with friable asbestos materials are much higher, and that we have remediated or abated asbestos in less than half of these buildings.

Installed legacy asbestos-containing materials are in “use” every day that occupants and visitors enter a building that contains these materials. Every time a maintenance worker strips and waxes an asbestos tile floor, every time an electrician moves a ceiling tile in a building with spray-applied asbestos fireproofing, and every time an HVAC technician enters a boiler room with asbestos-containing insulation, these materials are being “used” and create the potential for unprotected exposure to both these workers and others in the building. The “use” of the material does not end at the time of manufacture or installation. For many of these materials, the “use” only *begins* at installation. Most certainly, building “users” are at risk of asbestos exposure from installed legacy asbestos-containing materials caused by vibration, air erosion, water damage and inadvertent or accidental physical contact by citizens and tradesmen.

In addition to public and commercial buildings, there are likely 35 million homes that contain Zonolite or vermiculite insulation, constituting another “use” of asbestos. Zonolite insulation, manufactured by W.R. Grace, is known to be contaminated with asbestos. In fact, a trust has been established as a result of over 112,000 lawsuits against that company, to assure that homeowners can be compensated for removing the deadly insulation from their homes.

### **Susceptible Populations**

Potentially exposed or susceptible populations exist in the United States as follows:

- Workers in the chlor-alkali industry that must work with raw asbestos to craft a diaphragm for use in the production of chlorine gas.
- Automotive mechanics that must work with asbestos-containing friction products in cars, including, brakes, clutches, and gaskets.
- Firefighters. A study by NIOSH researchers, published in 2013, found that “the population of firefighters in the study had a rate of mesothelioma two times greater than the rate in the U.S. population as a whole.”
- Building maintenance, renovation, and repair workers (e.g. electricians, plumbers carpenters, laborers, etc) - both small companies and independent tradesmen as well as maintenance staff and in-house workers for commercial buildings and institutions remain at great risk for exposure to asbestos. Utility workers and others who dig up and repair and replace asbestos-cement water and sewer pipes are at great risk, and in most cases they are not properly warned and protected against this danger to themselves and others from these procedures and the deadly waste produced.
- School teachers, administrative and janitorial staff, and students as a vulnerable subpopulation. The EPA reported in 1984 that more than one-third of American students (34%) were enrolled in a school with asbestos-containing friable material. Much of that materials still remains today.



**EPA should fully ban all forms of asbestos in the United States**

The Board of Directors and members of EIA support efforts by EPA (1) to ban all uses and forms of asbestos in the U.S., (2) to widen the definition of asbestos to include all asbestiform minerals, and (3) to abandon the 1% threshold now defining asbestos-containing materials.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Brent Kynoch", is written in a cursive style.

J. Brent Kynoch  
Managing Director