

EPA Bans Chrysotile Asbestos in US

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On Monday, March 18, 2024, the Environmental Protection Agency (EPA) announced a ban on the use of chrysotile asbestos in the United States, including in products imported into the U.S. This ban is an expansion of the Frank Lautenberg Chemical Safety Act of 2016 (“Chemical Safety Act”), which attempted to address different state rules governing the use of various chemicals in U.S. manufacturing dating back to 1976. While production of most consumer-facing products containing chrysotile asbestos had already been discontinued in the U.S., the use of this material has continued in the chemical and industrial sectors.

This ban comes within the context of President Biden’s Cancer Moonshot goals seeking to prevent more than 4 million cancer deaths by 2047. The EPA took steps to ban the chrysotile asbestos material as a public health matter following its identification of shortcomings in the Toxic Substances Control Act of 1976. Once this new rule is published, the ban is expected to take effect over the next several years as part of a “reasonable transition period.”

The use of asbestos in consumer products has been banned in more than 50 countries, and its use in the U.S. manufacturing has declined for decades. Currently, the only form of asbestos knowingly imported, processed, or distributed in the U.S. is chrysotile asbestos. Chrysotile asbestos is primarily imported into the U.S. from Russia and Brazil for use in the chlor-alkali industry which produces chemicals such as chlorine bleach, caustic soda, lye, and other products used in water treatment and nuclear waste storage. The Chemical Safety Act required the EPA to evaluate chemicals used in the U.S. and put into place protections against materials considered to present an “unreasonable risk.” This legislation shifted the agency’s review process to a health-based safety standard, rather than the previous cost-benefit safety standard.

Upon review, the EPA determines whether additional regulatory controls are needed for manufacturing, distributing, processing, using or disposing of chemicals in order to protect public health. This review process led to the EPA’s decision to ban the use of

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chrysotile asbestos in the U.S. as part of its regulatory authority under the Chemical Safety Act. As chrysotile asbestos is a material used in wastewater treatment, the National Association of Clean Water Agencies has indicated concern that this new ban may cause shortages and price increases for disinfection chemicals used in water treatment.

The EPA noted that the chrysotile asbestos gaskets used to ensure safe nuclear material disposal at the Savannah River Site in South Carolina may continue as scheduled until 2037. The EPA also continues to evaluate the use of asbestos called “legacy use” in order to determine the potential public health risks associated with legacy use in schools and industrial sites.

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