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Legacy Uses of Asbestos for Toxic Substances Control Act Section 6(a)/Risk Management for Asbestos Part II: Utility Solid Waste Activities Group Response to U.S. EPA Request for Information

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The Utility Solid Waste Activities Group ("USWAG") submitted September 23rd comments to the United States Environmental Protection Agency ("EPA") in response to the agency's Request for Information on Legacy Uses of Asbestos for Toxic Substances Control Act ("TSCA") Section 6(a) Risk Management for Asbestos, Part 2 ("RFI"). See *Asbestos Part 2: Legacy Uses and Associated Disposal of Asbestos: Regulation Under the Toxic Substances Control Act, Request for Information*, Docket ID NO. EPA-HQ-OPPT-2025-0036

USWAG describes its organization as an:

... association of over one hundred and thirty electric utilities, power producers, utility operating companies, and utility service companies and utility trade associations, including the American Gas Association ("AGA"), American Public Power Association ("APPA") and the National Rural Electric Cooperative Association ("NRECA").

USWAG states that because several members conduct activities that are subject to the regulations governing hazardous waste and PCB waste, members have a direct interest in the RFI.

The organization notes that legacy asbestos-containing material ("ACM") may be present in facilities, materials, and/or equipment used for electric and gas utility operations. This is stated to include, for example, parts of building structures and in certain pipeline operations.

In terms of the electric power industry, listed as potential locations of legacy asbestos include:

- Arc chutes.
- Electrical panels.
- Transformers (high-grade electrical paper).
- Pipe wrap/pipe insulation.
- Gaskets.
- Electrical wire insulation.
- Cement pipes and ducts.

The comments state that the mere presence of such legacy materials does not mean that the workers or public are routinely exposed to asbestos. This is deemed to be the case because USWAG members report that any of these materials are:

- Enclosed within equipment.
- Buried underground.
- Located within secured utility facilities.
- Inaccessible during normal operations.

Further, the comments assert that ACM “remains intact and undisturbed throughout its useful life, often for decades.” As a result, the potential for exposure is stated to generally arise only when the material is disturbed, such as during sampling, removal, or demolition.

The comments state that exposure would be limited to:

... narrow and defined universe of highly-trained individuals with appropriate worker protection (e.g., personal protective equipment ("PPE") and applicable workplace safety standards (regulatory and otherwise)).

The comments further state by way of introduction,

- USWAG members have extensive experience managing the safe and environmentally protective use of electrical equipment and natural gas pipelines and appurtenances.
- Operations are rooted in and driven by a "safety first" mindset, which dictates the strictest adherence to measures that will protect workers, customers, the public, and the environment from any risk associated with chemicals used in connection with utility operations or equipment.
- USWAG urges EPA to recognize that allowing intact ACM to remain in place presents substantially less potential for exposure (and therefore decreases any risk to human health associated with such materials) than requiring utilities to seek out, sample, and/or remove potential ACM.
- Efforts to target, identify, and remove ACM within a certain discrete period of time will only increase the exposure potential for a subset of workers assigned this responsibility.
- New regulatory requirements should allow intact materials to remain safely in place unless damaged and needing replacement or if decommissioning is required, and/ or until encountered during routine operations, as appropriate.

The questions addressed in response to the RFI include:

- Are there estimates of how many units of such products containing asbestos are still in use?
- What categories of workers engage in activities that disturb the asbestos in these products? What activities do they engage in that result in exposure to asbestos?
- For a given product, how frequently do maintenance, repair, or other activities resulting in exposure to asbestos take place?
- Are individuals working with such older products in these subcategories currently aware that they may contain asbestos? If they are aware of the possibility, how do they determine whether asbestos is actually present in a particular product they are working with?
- For individuals working with these products, what training, reference documents, web sites, or other materials are most useful in identifying which items may contain or do contain asbestos?
- For specific types of products, what precautions do individuals take when conducting activities that may result in exposure to asbestos? What engineering controls or work practices do they use to control or contain the release of asbestos fibers? What, if any, respirators or other personal protective equipment do they wear?

A copy of the USWAG comments can be found [here](#).