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# Asbestos: U.S. Senator Barbara Boxer Letter to the U.S. Environmental Protection Agency Addressing Toxic Substances Control Act Chemical Selection Process

## Arkansas Environmental, Energy, and Water Law Blog

08/30/2016

United States Senator Barbara Boxer (California) sent an August 26<sup>th</sup> letter to United States Environmental Protection Agency ("EPA") Administrator Gina McCarthy asking that the agency address all forms of asbestos in the chemical selection process required by the recent amendments to the Toxic Substances Control Act ("TSCA").

Senator Boxer is the ranking Democratic member of the Senate Environment and Public Works Committee.

The TSCA Amendments require that EPA initially select 10 chemicals to be evaluated and regulated if shown to present unreasonable risks.

Senator Boxer states:

The chemicals selected will drive EPA's agenda for the next several years. To build confidence in the agency's ability to deliver meaningful results for our children and families, EPA must consider all forms of asbestos in this initial list of chemicals it acts on.

The letter provides some history of EPA's regulation of asbestos including the United States Fifth Circuit Court of Appeals 1989 decision overturning of an EPA TSCA rule that banned and phased out the major uses of asbestos. She states:

Congress was also clear in the recently-passed legislation that regulating asbestos should be one of EPA's top priorities – the bill directs EPA to give priority to chemicals like asbestos that are known human carcinogens and have high acute and chronic toxicity. Now that the impediments in the original TSCA law are gone, completing the job started by EPA in 1989 would send a strong signal that the new law can be effective in addressing the most dangerous chemicals in commerce.

[A copy of Senator Boxer's letter can be downloaded here.](#)