

September 23, 2026

Via Electronic Submission at Regulations.gov

Docket ID No. EPA-HQ-OPPT-2025-0036
U.S. Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Comments of the Utility Solid Waste Activities Group on EPA's Request for Information on Legacy Uses of Asbestos for TSCA Section 6 (a) Risk Management for Asbestos, Part 2 (June 23, 2026), Docket ID No. EPA-HQ-OPPT-2025-0036

To whom it may concern:

The Utility Solid Waste Activities Group ("USWAG")¹ submits these comments to the United States Environmental Protection Agency ("EPA" or the "Agency") in response to its Request for Information on Legacy Uses of Asbestos for TSCA Section 6(a) Risk Management for Asbestos, Part 2 ("RFI").² Given that legacy asbestos-containing material ("ACM") may be present in facilities, materials, and/or equipment used for electric and gas utility operations (including, for example, as part of building structures and in certain pipeline operations), USWAG has a significant interest in EPA's development of the Part 2 risk management rule. USWAG therefore appreciates the opportunity to provide information and perspective on the questions posed in EPA's RFI, especially those pertaining to the industrial and commercial uses of legacy products containing asbestos.

As EPA has recognized, legacy asbestos may be present in various applications in the electric power industry, including in arc chutes, electrical panels, transformers (high-grade electrical paper), pipe wrap/pipe insulation, gaskets, electrical wire insulation, and cement pipes and ducts. Importantly, however, the mere presence of these legacy materials does not mean that

¹ USWAG, formed in 1978, is 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"). Because several USWAG members conduct activities that are subject to the regulations governing hazardous waste and PCB waste, including any related manifesting requirements, USWAG and its members have a direct interest in the Proposed Rule.

² Asbestos Part 2: Legacy Uses and Associated Disposals of Asbestos; Regulation under the Toxic Substances Control Act (TSCA), Request for Information, Docket ID No. EPA-HQ-OPPT-2025-0036.

workers or the public are routinely exposed to asbestos. Indeed, USWAG members report that many of these materials are enclosed within equipment, buried underground, located within secured utility facilities, or otherwise inaccessible during normal operations. Further, several members report that the vast majority of asbestos in their systems would be located at secure utility assets, such as power generation facilities or substations, and thus would be inaccessible to the public (one member company puts this figure at 99.9%).

In many instances, the ACM remains intact and undisturbed throughout its useful life, often for decades. The potential for exposure generally arises only when the material is disturbed—for example, during sampling, removal, or demolition—at which time any exposure that does occur would be limited to a 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)). For that reason, USWAG members have developed comprehensive programs designed to identify potential ACM *before* disturbance and exposure, and to ensure that any necessary work is performed in accordance with applicable federal, state, and local requirements, as well as company-specific worker protection procedures.

USWAG members have extensive experience managing the safe and environmentally protective use of electrical equipment and natural gas pipelines and appurtenances throughout the country. These 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 members are similarly dedicated to the responsible stewardship and disposal of gas and electrical equipment and associated waste. USWAG therefore appreciates EPA’s efforts to address any potential unreasonable risk to health or the environment caused by the legacy uses and disposal of asbestos.

However, as EPA promulgates such proposed regulations, 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. Accordingly, any 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. This approach is further supported by the fact that the universe of ACM is already diminishing through the ordinary course of maintenance, replacement, and decommissioning, with such identifications down to once every other year, as reported by some USWAG members. As these materials are encountered, they are appropriately managed and typically removed from service, resulting in a steadily declining legacy inventory. EPA should therefore ensure that any proposed regulation accounts for this ongoing natural attenuation.

To assist in EPA’s rulemaking process, USWAG surveyed its members on the questions included in EPA’s RFI that are most pertinent to the utility industry. Common themes and examples in response to those questions are provided below.

Question (D)(1): Inventory Estimates: *Are there estimates of how many units of such products containing asbestos are still in use?*

USWAG members universally report that generating actual inventories of all ACM across their companies is not practicable, largely due to the inaccessibility of the materials involved. Certain materials, including wrapped pipes, concrete pipes, and duct material, are commonly buried underground, while wires that have asbestos coating or insulation may be dispersed throughout facilities and assets and may be present in manholes, cable trenches, substation control cabinets, and other difficult-to-access locations. In many cases, accessing these locations in order to confirm the presence of asbestos through sampling would require power outages to customers; if ACM is found, those outages would likely need to be prolonged to remove and replace the equipment. These outages pose reliability concerns for customers.

Sampling these underground and/or otherwise inaccessible materials can also present safety challenges for the workers. Thus, sampling for asbestos that may be located inside in-service electrical equipment typically requires taking that equipment off-line. Sampling internal components of transformers, switchgear, or other electrical equipment may require an outage and, depending on the equipment and sampling method, could damage or render otherwise functioning equipment unusable. Additionally, many items can only be accessed during a scheduled outage due to considerations involving heat, access/obstruction, or safety concerns when the equipment is in-use. Such sampling also unnecessarily exposes workers to ACM that would otherwise be left in place until disturbance is unavoidable.

A lack of complete historical records also makes it difficult to estimate the quantity of ACM at a particular site. Members report that the sheer size of some facilities presents obvious logistical challenges that would make conducting a full-scale asbestos survey impossible. For example, some member companies have service areas spanning tens of thousands of square miles, with hundreds of thousands of miles of electric lines. One member noted that cables are often buried under public roadways, so testing and/or removing such cables would require tearing up public roads, which causes massive disruption to the community and can impose tremendous costs.

For these reasons, most USWAG members do not attempt to maintain a comprehensive, real-time inventory of every single asbestos-containing component within their systems; this is simply not realistic or feasible (or, in many cases, possible). Instead, members generally identify and manage ACM on a facility- or project-specific basis. Additionally, several members reported company procedures that mandate treating particular categories of older equipment as presumed ACM unless testing demonstrates otherwise.

Although the estimates are unknown, USWAG members report that the quantity of ACM in their systems has been steadily decreasing for decades as equipment reaches the end of its useful life and ACM is appropriately abated and disposed of. EPA should recognize this continuing attrition when considering whether any additional inventory or removal requirements are warranted.

Requiring regulated entities to conduct large-scale inventories of ACM is unnecessary, would impose significant costs on utilities and their ratepayers, and would threaten reliable power service. Further, doing so would result in limited safety value and, as mentioned above, could actually increase the risks to workers by exposing them to intact ACM that would otherwise be left in place.

Question (D)(2): Exposure Risks: *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?*

Most testing and abatement work at USWAG member facilities is performed by trained and licensed asbestos abatement contractors—not by utility workers themselves. Specifically, USWAG members train employees who work in areas where asbestos may be present to recognize suspect materials and to stop work when suspected ACM is encountered. The actual testing and abatement activities are then typically performed by qualified abatement professionals.

USWAG emphasizes that the activities resulting in potential asbestos exposure are not routine daily exposures. Rather, disturbance of ACM typically occurs only in connection with maintenance, repair, renovation, equipment replacement, excavation, demolition, or decommissioning. Sampling ACM also may disturb a suspect material, which is one of the reasons that actively seeking out ACM that otherwise would remain intact can create additional exposure risks.

Question (D)(3): Maintenance and Repair: *For a given product, how frequently do maintenance, repair, or other activities resulting in exposure to asbestos take place?*

The frequency of maintenance, repair, or other activities that may result in disturbance of ACM varies widely depending on the type of equipment, the age of the facility, operational needs of the equipment, and facility outage schedules. Responses from USWAG members demonstrate that such activities generally occur on an as-needed basis when equipment fails or reaches its end of life. For example, one member company reported that ACM gaskets are replaced only in the event of equipment failure, with the rate of replacement ranging from approximately every one to three years.

As discussed above, certain equipment can only be safely serviced during an outage because of electrical hazards, heat, physical obstruction, or other operational considerations. Although some generating-facility outages may occur annually and others at intervals of several years, outages generally are not scheduled for the purpose of identifying or removing asbestos. Utilities seek to minimize outages and keep necessary outages as short as possible in order to maintain reliable electric service. Instead, when major work is planned, facilities evaluate whether potential ACM could be disturbed and, where appropriate, conduct an asbestos survey and necessary abatement as part of that planned work.

Question (D)(4): Worker Awareness and Identification: *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?*

USWAG members reported having established procedures to ensure that employees who may encounter suspect ACM are aware of the potential for asbestos to be present in older utility infrastructure. This includes, but is not limited to, labeling requirements for known ACM and routine training for employees who may encounter ACM in the course of their duties.

Methods for determining whether asbestos actually is present depend on the site-specific characteristics. Members may rely on existing facility surveys, prior sampling results, equipment or maintenance records, labels or markings, or knowledge regarding categories and age of materials commonly containing asbestos. Where existing information is insufficient, certified asbestos inspectors may collect samples for analysis by a qualified laboratory. In other circumstances, particularly where sampling would be unsafe, operationally impracticable, or potentially destructive, company procedures direct employees to presume that the material contains asbestos and manage it accordingly.

Although many legacy materials were not traditionally labeled as ACM, several member companies reported that any in-place ACM will routinely be clearly marked with appropriate warning signage to notify employees, contractors, and visitors of its presence upon identification as ACM.

USWAG members sample and manage materials as they are encountered in the normal course of operations, applying conservative presumptions and rigorous testing protocols. This existing practice framework—driven by OSHA requirements and company safety procedures—effectively protects workers without the need for additional federal requirements.

Question (D)(5): Training and Other Resources Used to Identify Legacy ACM: *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?*

USWAG members maintain comprehensive training programs and reference materials for identifying ACM. These programs reflect substantial investment in worker safety and are tailored to the specific types of materials and equipment encountered in electric utility operations.

For example, USWAG members universally reported that they provide training programs on a regular basis for employees who may encounter ACM. This includes training courses on the identification, handling, and disposal procedures for ACM that are tailored to the ACM encountered at each facility.

Members also maintain company-specific asbestos management procedures, state-specific implementation manuals, environmental and safety procedures, industrial hygiene assessments, work practices, project checklists, and related job aids. These procedures generally incorporate

applicable federal, state, and local asbestos requirements and establish when work must stop, when an inspector or industrial hygienist must be consulted, what sampling or survey work is required, and what controls must be implemented before work may proceed. Some members also employ accredited asbestos inspectors, supervisors, and abatement workers in-house, while others primarily rely on qualified outside professionals.

These programs operate within an already extensive regulatory framework. Depending on the activity and jurisdiction, utilities may be subject to OSHA asbestos requirements, EPA's asbestos National Emission Standards for Hazardous Air Pollutants ("NESHAP"), federal waste and transportation requirements, and state and local asbestos programs that may be stricter than the federal requirements. USWAG members report that these requirements are incorporated into longstanding company programs addressing worker training, inspections, abatement, waste management, transportation, and recordkeeping. USWAG maintains that the existing training and identification framework is robust, effective, and already provides the type of worker awareness and preparedness that EPA's risk management objectives seek to achieve.

Question (D)(6): Precautions, Engineering Controls, Work Practices, and Personal Protective Equipment: *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?*

Where work may disturb ACM, USWAG members employ a combination of engineering controls, work practices, and personal protective equipment appropriate for the material, activity, and potential exposure.

The specific engineering controls vary based on the work being performed and applicable regulatory requirements. Reported practices include isolation or restriction of the work area; wet methods to suppress fiber release during sampling and removal activities; HEPA-filtered or HEPA-shrouded tools to collect asbestos fibers; and negative air pressure enclosures and containment barriers for larger abatement projects.

Work practices are also routinely employed to minimize worker exposure to airborne asbestos fibers. Members reported the preparation of formal asbestos work plans prior to commencement of work; completion of Negative Exposure Assessments ("NEAs") prior to work involving known or presumed ACM; use of stop-work procedures when previously unidentified suspect ACM is encountered; continuous air monitoring during and following asbestos-disturbing activities; air clearance monitoring prior to re-occupancy of work areas, regardless of whether the ACM disturbed was friable or non-friable; and proper packaging, labeling, transportation, and disposal of removed material.

Workers involved in asbestos-disturbing and/or abatement activities use PPE, including full-face respirators with HEPA filters and disposable protective clothing (e.g., Tyvek suits, gloves, etc.) to prevent fiber contamination of personal clothing.

Multiple members report that asbestos-related work involves multiple team members across different departments. For example, the team may include personnel from the air office (for NESHAP compliance), safety department (for survey and abatement oversight), waste division (for state waste compliance), and a DOT hazmat specialist (for transportation compliance). This multi-disciplinary approach ensures comprehensive regulatory compliance across all applicable programs.

USWAG members have extensive experience safely managing legacy ACM under existing regulatory frameworks. The comprehensive system of federal requirements, together with state and local requirements and company-specific procedures, training programs, and worker protections, provides an effective and well-enforced framework for protecting workers and the public from asbestos exposure.

USWAG further emphasizes that inventories of ACM within utility systems are steadily declining as materials are properly abated and disposed of in the normal course of operations—during renovation, equipment replacement, and facility decommissioning. This ongoing, organic reduction in legacy ACM demonstrates that the existing regulatory framework is functioning as intended.

USWAG urges EPA to consider these existing regulatory controls and worker protections in developing risk management regulations under TSCA Section 6(a), and to ensure that any such regulations do not create duplicative and ambiguous regulations, recognize the practical constraints and costs associated with system-wide inventorying of legacy ACM in utility infrastructure, and do not create additional exposure risk by mandating the disturbance of materials that are currently intact, non-friable, and not presenting an exposure risk. Rather, any forthcoming regulation should account for the fact that utilities already appropriately address legacy ACM when it becomes damaged or is otherwise encountered during routine maintenance, renovation, equipment replacement, or facility decommissioning, at which time the material is managed, abated, and disposed of in accordance with applicable federal, state, and local requirements and established company procedures.

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We appreciate the opportunity to submit these comments on EPA's Request for Information on Legacy Uses of Asbestos for TSCA Section 6(a) Risk Management for Asbestos, Part 2. USWAG and its members look forward to the opportunity to provide EPA with additional information regarding the function, use, management, and disposal of asbestos-containing materials and equipment that may be found in electric or gas utility operations or facilities to the extent this information can prove helpful to EPA's efforts to develop risk management regulations for legacy uses of asbestos and associated disposals. As entities that are well-versed in current regulatory requirements and worker safety practices applicable to the use of potential asbestos-containing equipment such as arc chutes and pipe wrap—as well as in the real-life, on-the-ground operational, reliability, and safety considerations associated with the implementation of and compliance with these requirements and procedures—USWAG and its members can serve as a

September 23, 2026
United States Environmental Protection Agency
Docket ID No. EPA-HQ-OPPT-2025-0036

valuable resource to EPA as the Agency identifies and evaluates potential options to address, as necessary, any risk associated with the ongoing use and disposal of this equipment.

Please contact me or USWAG counsel Allison Foley (adfoley@venable.com; 202-344-4416) at Venable LLP if you have questions about these comments.

Sincerely,

A handwritten signature in black ink that reads "John B. Mavretich". The signature is written in a cursive, flowing style.

John Mavretich
Executive Director, USWAG