

## The New York Times

# *E.P.A. Leaders Disregarded Agency's Experts in Issuing Asbestos Rule, Memos Show*



By Lisa Friedman

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WASHINGTON — Senior officials at the Environmental Protection Agency disregarded the advice of their own scientists and lawyers in April when the agency issued a rule that restricted but did not ban asbestos, according to two internal memos.

Because of its fiber strength and resistance to heat, asbestos has long been used in insulation and construction materials. It is also is a known carcinogen. Last month's rule kept open a way for manufacturers to adopt new uses for asbestos, or return to certain older uses, but only with E.P.A. approval.

Andrew Wheeler, the E.P.A. administrator, said when the rule was issued that it would significantly strengthen public health protections. But in the memos, dated Aug. 10, more than a dozen of E.P.A.'s own experts urged the agency to ban asbestos outright, as do most other industrialized nations.

“Rather than allow for (even with restrictions) any new uses for asbestos, E.P.A. should seek to ban all new uses of asbestos because the extreme harm from this chemical substance outweighs any benefit — and because there are adequate alternatives to asbestos,” staff members wrote.

Michael Abboud, an E.P.A. spokesman, declined to address why the Trump administration had acted against the advice of the agency's in-house experts, saying in a statement, “We don't comment on deliberative intra-agency comments.” He referred The New York Times to the agency's news release about the rule.

Asbestos production in the United States stopped in 2002 but it is still imported to produce chemicals used in manufacturing items like household bleach, bulletproof vests and electrical insulation. Inhaling asbestos fibers, even in small amounts, is the primary cause of a cancer called malignant mesothelioma.



Andrew Wheeler, the E.P.A. chief, in Philadelphia in February.  
Matt Rourke/Associated Press

Mike Walls, vice president of regulatory and technical affairs at the American Chemistry Council, an industry trade group, said his organization objected to any effort to impose a ban before the completion of a separate, congressionally mandated evaluation of asbestos. The conclusions of that review, due by December, could help determine if there will be further regulation or a ban.

He said the industries that still used asbestos in the United States operated under strict safety regulations. “The risks of asbestos can be managed,” Mr. Walls said. “We ought not to be imposing regulation simply on the basis of hazard.”

The internal memos show that E.P.A. staff members considered the agency’s review process and the rule itself seriously flawed. They were first obtained by the Asbestos Disease Awareness Organization, an advocacy group, and shared with The New York Times. Their authenticity was confirmed by people inside the E.P.A.

Specifically, agency experts criticized the evaluation for studying only six fibers of asbestos, a scientific approach they said was “decades old,” and said the process had disregarded other fiber types that are known to be harmful. They also criticized the review for considering only lung cancer and mesothelioma as possible harmful effects of asbestos exposure.

Of greatest concern, they wrote, was the fact that the evaluation excluded the so-called legacy effects from the mishandling of asbestos. For example, the staff members pointed to a \$45 million cleanup of a former Marine barracks in Oregon that was contaminated with asbestos when old

buildings were improperly demolished.

“Regulated industries contact E.P.A. when they have been surprised to find out that their buildings and other facilities were constructed with asbestos, when they had been assuming asbestos had been banned a long time before. If asbestos was banned, then these surprises would not continue to take place,” the staff members wrote.

On Wednesday the E.P.A. assistant administrator for chemical safety, Alexandra Dunn, will testify before the House Energy and Commerce Committee against legislation that aims to ban asbestos.

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