



PRESS RELEASE

Attorney General Frosh Joins Lawsuit to Force EPA to Issue Rule on Toxic Asbestos

BALTIMORE, MD (July 1, 2019) – Maryland Attorney General Brian E. Frosh today joined a coalition of 11 attorneys general in filing a [lawsuit](#) challenging the U.S. Environmental Protection Agency’s (EPA) failure to initiate a rulemaking to help regulate asbestos. The attorneys general had previously petitioned the EPA to create a new rule requiring data collection on the importation and use of asbestos, one of the world’s most toxic substances.

“The failure to regulate asbestos, or to collect data on its adverse health impacts, lands squarely on the shoulders of the EPA’s administrator,” said Attorney General Frosh. “We are asking the EPA to do what it’s supposed to do—protect Americans from deadly toxins, even those that are ‘naturally occurring’ like asbestos.”

Asbestos, a carcinogen that takes 15,000 lives per year, is linked to diseases that are life-threatening or cause substantial pain and suffering, including mesothelioma, fibrosis, lung cancer, gastrointestinal cancer, and other lung disorders and diseases. There is no safe level of exposure to this highly toxic material. Currently, the EPA does not possess, and is not collecting, the necessary comprehensive data about the importation, processing, and use of asbestos and asbestos-containing articles in the United States.

In January 2019, the coalition petitioned the EPA pursuant to the Toxic Substances Control Act (TSCA) to create a new set of regulations within the TSCA’s Chemical Data Reporting rule. This rule is intended to provide data on the importation and use of chemicals, including asbestos. The attorneys general point out that robust reporting of the distribution and use of asbestos and asbestos-containing articles is necessary to provide the EPA with the data it needs to fulfill its obligations to evaluate and address the risks posed by toxic chemicals under TSCA. Further, the new rule would have helped ensure that EPA’s regulatory decisions regarding asbestos are consistent with the best available science, and the data resulting from the requested regulations would provide the states with important information that is not currently collected.

The EPA denied the states’ petition in late April. In their lawsuit challenging EPA’s denial of the petition, the coalition argues that the rulemaking they requested is necessary under TSCA, and that the denial of the petition was arbitrary and capricious, and violates the agency’s obligations under TSCA. Specifically, the attorneys general ask the court to compel EPA Administrator Andrew Wheeler to initiate a rulemaking and issue a new asbestos reporting rule to:

- Eliminate “naturally occurring substance” as an exemption for asbestos reporting;
- Require processors of asbestos, as well as manufacturers, including importers, of the chemical substance to adhere to reporting requirements;
- Ensure that the impurities exemption in the Chemical Data Reporting rule does not apply to asbestos; and
- Require reporting with respect to imported articles that contain asbestos.

In addition to Maryland, the lawsuit was joined by the attorneys general of California, Connecticut, the District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, New Jersey, Oregon, and Washington.