

ANTI-ASBESTOS ADVOCATES FILE SUIT AGAINST EPA TO SET DEADLINE TO EVALUATE LEGACY ASBESTOS RISKS AS REQUIRED BY TSCA

WASHINGTON, D.C., UNITED STATES, May 18, 2021 /EINPresswire.com/ -- ANTI-ASBESTOS ADVOCATES FILE SUIT AGAINST EPA TO SET DEADLINE TO EVALUATE LEGACY ASBESTOS RISKS AS REQUIRED BY TSCA

EPA Fails to Respond to Request to Meet its Non-Discretionary Duty to Address Risks of Asbestos in Homes, Schools, Workplaces, and Consumer Products



Together with 11 other organizations and asbestos experts, the [Asbestos Disease Awareness Organization](#) (ADAO), an independent nonprofit dedicated to preventing asbestos exposure, [filed suit today](#) against the Environmental Protection Agency (EPA) in the U.S. District Court for the Northern District of California to ensure that the Agency meets its obligation to evaluate the risks of “legacy” asbestos found in millions of buildings and in consumer products across the United States, as required under the Toxic Substances Control Act (TSCA).

The suit was filed after EPA failed to respond to a January 26, 2021 [60-day letter, which notified the agency](#) of its non-discretionary duty under TSCA section 20(a)(2) to address the risks of use and disposal of legacy asbestos under a landmark 2019 decision of the US Court of Appeals for the Ninth Circuit.

“Asbestos is one of the world’s largest man-made disasters and kills nearly 40,000 Americans each year. The presence of legacy asbestos in schools, factories, commercial buildings, homes, and consumer products across the U.S. is a significant contributor to this ongoing threat to our health,” said ADAO co-founder and president Linda Reinstein.

“Legacy asbestos is everywhere, and our country has been remiss in evaluating the magnitude

of this risk and protecting Americans from harm. The Trump EPA failed to address legacy asbestos, even after a definitive court decision made their duty clear. Instead they released a dangerously narrow and piecemeal Final Risk Evaluation for Asbestos in 2020 which did not deal with this deadly and often hidden threat. EPA's lack of action on legacy asbestos leaves us with no choice but to file suit to protect public health. We have known for decades that low-income and communities of color have been disproportionately affected by the dangers of this silent killer. This is not just an environmental issue, it's environmental racism too," said Reinstein.

When the EPA issued its final risk evaluation, the Trump EPA said it would address legacy asbestos in a "Part 2" evaluation, but the Agency has not identified the scope of this evaluation or established a deadline for completing it.

"After years of delay, the best way to make sure that EPA performs its legal duty to determine the risks of legacy asbestos is an enforceable court order establishing a deadline for completing this evaluation and defining its scope," said ADAO Counsel Robert Sussman. "We are hopeful that the Biden EPA, which inherited the incomplete asbestos evaluation from the Trump Administration, will work with us to achieve this result."

On January 26, 2021, ADAO and its partners also sought review of the final risk evaluation in the Ninth Circuit Court of Appeals in order to correct other exclusions and deficiencies in the evaluation which violate TSCA.

Sussman said, "We expect these shortcomings to be remedied in the Part 2 evaluation along with the failure to address legacy asbestos, but there is no guarantee the agency will do so without further oversight from the Court."

Organizations and individuals joining ADAO in this legal action are the American Public Health Association (APHA); Center for Environmental Health (CEH); Environmental Information Association (EIA); Safer Chemicals, Healthy Families (SCHF); and Vermont Public Interest Research Group (VPIRG) Scientists participating are Barry Castleman, ScD; Raja Flores, MD; Arthur Frank, MD, PhD; Philip Landrigan, MD, MSc; Richard Lemen, PhD, MSPH; and Celeste Monforton, DrPH, MPH.

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About the Asbestos Disease Awareness Organization

The Asbestos Disease Awareness Organization (ADAO) was founded by asbestos victims and their families in 2004. ADAO is the largest non-profit in the U.S. that is dedicated to providing asbestos victims and concerned citizens with a united voice through our education, advocacy, and community initiatives. ADAO seeks to raise public awareness about the dangers of asbestos exposure, advocate for an asbestos ban, and protect asbestos victims' civil rights.

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