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EPA Finalizes Ban and Phase-Out of Chrysotile Asbestos

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What You Need to Know

- On March 28, 2024, the EPA published a final rule prohibiting any ongoing uses of chrysotile asbestos.
- Chrysotile asbestos is the last type of asbestos currently sold on the market and exists in a variety of products, such as asbestos diaphragms, gaskets, brake blocks, and automotive parts.
- The EPA has set transitional, phase-out timelines for industries that still utilize these asbestos-containing materials, which include automotive repair and maintenance, chemical manufacturing, nuclear electric power generation, oil and gas production, and water and wastewater disinfection.

On March 28, 2024, the U.S. Environmental Protection Agency (EPA) published a final rule to ban and transition from the ongoing use of chrysotile asbestos. Chrysotile asbestos is the last type of asbestos currently sold on the market and exists in a variety of products, such as asbestos diaphragms, gaskets, brake blocks, and automotive parts.

The rule will become effective on May 28, 2024, and was promulgated under the Toxic Substances Control Act (TSCA). It applies to any manufacture, importation, distribution, use, or disposal of chrysotile asbestos. While the use of asbestos has steadily declined since the 1970s, the EPA has ultimately determined to ban chrysotile asbestos due to its unreasonable health risks.

The rule is expected to impact the following industries:

- water and wastewater disinfection;
- oil and gas extraction and production;

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- nuclear electric power generation;
- chemical manufacturing;
- fabricated metal product manufacturing;
- transportation equipment manufacturing;
- gasket, packing, and sealing device manufacturing;
- automotive part businesses including wholesalers and dealers; and
- automotive repair and maintenance.

The EPA has banned the import of any chlor-alkali asbestos and has set transitional, phase-out timelines for industries that still utilize these asbestos-containing materials. Generally, the transition dates are as follows:

- Any asbestos in oilfield brake blocks, automotive parts, and any other gaskets not covered under a phase-out will be banned as of November 28, 2024.
- For facilities that use asbestos diaphragms, the EPA is requiring conversion to non-asbestos diaphragms:
 - The first facility must be converted by May 28, 2029;
 - The second facility must be converted by May 28, 2032; and
 - The third facility must be converted by May 28, 2036.
- Asbestos sheet gaskets must be phased out by May 28, 2026 (except for sheet gaskets used to produce titanium oxide or process nuclear material that have a five-year phase-out, and a complete exemption for gaskets at the Department of Energy's Savannah River Site until 2037).

Additionally, any business or company that falls within the scope of the rule will have recordkeeping requirements to ensure phase-outs are properly conducted.

Please contact the authors of this Alert with questions related to the EPA's rule or to discuss specific impacts to your business in greater detail.

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