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Coalition Joined by Hawaii Attorney General Connors Secures Federal Court Order and Settlement Requiring Asbestos Report to Protect Public Health

HONOLULU – Under a settlement reached by a coalition of 11 states joined by Hawaii Attorney General Clare E. Connors, the U.S. Environmental Protection Agency (EPA) has agreed to require the chemical industry to provide the agency with information about the use and importation of asbestos needed to protect the public from the serious health risks posed by exposure to highly toxic asbestos.

Yesterday's [settlement](#) follows a [December 2020 ruling](#) from the United States District Court for the Northern District of California in favor of the coalition, mandating EPA to impose the reporting requirements on the chemical industry. The Department of Justice from the prior administration filed a motion challenging that decision, but today's settlement—reached with the current Administration's EPA—ensures that the EPA will have to act under the Court's mandate to move forward with the required reporting.

“Because it is well-established that asbestos exposure increases the risk of developing lung disease, the key to ensuring public health is to collect data on its production, importation and use in our community,” Attorney General Connors said. “The settlement obtained by this coalition eliminates loopholes in the EPA's asbestos reporting process and protects Americans from exposure to this lethal carcinogen.”

Asbestos is a highly hazardous mineral fiber used in a variety of piping and building materials, from roofing and flooring, to siding and wallboard, to caulking and insulation, as well as in sheet gaskets, brake blocks, aftermarket automotive brakes and brake linings, and other consumer products. Exposure to asbestos can lead to life-threatening illnesses, including asbestosis, lung cancer, gastrointestinal cancer, mesothelioma, and other lung disorders and diseases. Currently, those who import articles that contain asbestos or otherwise manufacture such products, including those products in which asbestos may be present as an unintentional contaminant, are exempt from providing EPA with information about these asbestos-containing products

In January 2019, Massachusetts AG Healey and then California Attorney General Xavier Becerra led a coalition in filing a [petition](#) with EPA under the Toxic Substances

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Control Act (TSCA) urging the agency to issue new regulations to provide data on the importation and use of asbestos in the United States. The coalition asserted that the new set of regulations is needed for the agency to meet its mandate under TSCA to prevent unreasonable risks to health and the environment presented by asbestos and help ensure EPA's regulatory decisions are consistent with the best available science. EPA denied the states' petition and the multistate coalition, led by Massachusetts and California, sued the agency in July 2019, along with a group of NGOs led by the Asbestos Disease Awareness Organization.

The settlement, when approved by the Court, will compel EPA to issue the regulations sought in the AGs' petition and will mark the first time a petition of this kind under TSCA has resulted in court-ordered rulemaking.

Joining the lead Attorneys General Healey and Bonta in the settlement are AG Connors and the attorneys general of Connecticut, Maryland, Maine, Minnesota, New Jersey, Oregon, Washington, and the District of Columbia.

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