



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: C94**

**Category:** Asbestos  
**EPA Office:** OPTS  
**Date:** 04/30/1991  
**Title:** Importation of Asbestos Waste  
**Recipient:** Grosch, Wallace  
**Author:** Melone, John W.

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**Subparts:** Part 61, M, Asbestos

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**References:** 61.150  
61.154

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**Abstract:**

Neither the Asbestos Ban and Phaseout Rule under TSCA nor the asbestos NESHAP prohibits importation of asbestos waste for disposal. Once the waste is in the U.S., the waste must be handled in accordance with the NESHAP. State and local regulations and other environmental statutes may apply.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
PESTICIDES AND TOXIC  
SUBSTANCES

Mr. Wallace Grosch, Director of Sales  
Asbestos Carting Corporation  
1199 Randall Ave.  
Bronx, New York 10474

Re: Importation of Asbestos for Disposal in the U.S.

Mr. Grosch:

In response to your February 8, 1991 inquiry about importing asbestos waste from Bermuda into the United States for disposal, EPA staff considered the issue in relation to the Toxic Substances Control Act (TSCA) and the Clean Air Act (CAA).

The Asbestos Ban and Phaseout Rule developed under TSCA (40 CFR 763.160 ff.) contains no specific prohibition against such activity. However, the rule bans importation of certain asbestos products for use within the U.S., and would also ban activities involving such products. For example, processing or recycling asbestos or asbestos parts after importation could be subject to the ban and phaseout rule.

Similarly, the National Emission Standards for Hazardous Air Pollutants (NESHAPs -- 40 CFR 60, Subpart M), promulgated under the CAA, do not prohibit importation of asbestos waste for disposal. However, NESHAP regulations concerning the handling of asbestos will apply once the waste is in the U.S., particularly since this waste is from an offshore U.S. military facility: federal facilities must comply with CAA regulations. Further, we anticipate that you will comply with any pertinent state and local regulations covering importation, transfer, and disposal of asbestos waste.

Other environmental laws also might apply to your activity, but this is unclear given the lack of specifics in your letter. We request more details about your proposed work, in order to help identify other appropriate environmental statutes. We would appreciate such information as: your planned shipping and handling procedures; the amounts of asbestos waste involved; the kinds of asbestos (e.g., floor tile, roofing felt) expected; where the waste will be shipped; and whether you have identified any applicable foreign or international regulations. If this information cannot be provided, our guidance can only apply to those asbestos regulations cited above.

If you have any comments or questions, please call Jim Kwiat of my staff at (202) 382-3859. You may contact him by mail at the above EPA address, mail code TS-794.

Sincerely,

John W. Melone, Director  
Chemical Control Division

cc: Paul Campanella  
Charles Breece  
Charles Garlow  
James Kwiat