EPA Calls for Expert Review of Proposed Expansion to Asbestos Risk Evaluation

By Brian D. Gross

June 30, 2023

On June 22, 2023, the EPA called for the public to nominate experts to review and comment on the “2023 White Paper on the Quantitative Human Health Approach to be Applied in the Risk Evaluation for Asbestos Part 2” (88 Fed. Reg. 40819), which will be released to the public in July 2023. Nominations are due July 24, 2023. Subsequently, the EPA will publish a list of candidates for public comment in August 2023. The EPA ultimately plans for 10 to 15 experts to weigh in before it finalizes Part 2 of its asbestos risk evaluation.

Part 2 of EPA's asbestos risk evaluation came about as a result of EPA's settlement of settlement of litigation filed by The Asbestos Disease Awareness Organization and Center for Environmental Health (ADAO), along with several doctors and other groups. ADAO sued EPA in California federal district court as well as the Ninth Circuit to protest EPA's chrysotile risk evaluation. Pursuant to the settlement, EPA agreed to expand the scope of risk evaluation for the second part of the review and agreed to: (1) research six asbestos fiber types rather than just chrysotile asbestos; (2) examine all the cancer and non-cancer diseases linked to asbestos exposure; and (3) assess risks to human health from all environmental pathways of exposure and from inhalation, ingestion and skin contact with asbestos. It also agreed to complete this second phase evaluation by December 1, 2024, and include legacy uses in that analysis.

Given the conflicts of interest that were prevalent with the panel that reviewed Part 1 of EPA's asbestos risk evaluation, it is critically important for companies facing asbestos litigation to nominate experts to review EPA's White Paper to try to ensure a balanced and fair review.

Attorney Advertising. This material is for general informational purposes only and does not represent our advice as to any particular set of facts; nor does it represent any undertaking to keep recipients advised of all legal developments. Prior results do not guarantee a similar outcome. © 2026 MG+M The Law Firm