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September 23, 2026

Submitted via www.regulations.gov

Douglas Troutman
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, DC 20460

RE: EPA-HQ-OPPT-2025-0036; Asbestos Part 2: Legacy Uses and Associated Disposals of Asbestos; Regulation under the Toxic Substances Control Act (TSCA)

Dear Assistant Administrator Troutman:

On behalf of the approximately 3 million members of the National Education Association (NEA), we submit the following comments in response to the U.S. Environmental Protection Agency's (EPA) Request for Information on Legacy Uses of Asbestos for TSCA Section 6 (a) Risk Management for Asbestos, Part 2. **We urge the EPA to adopt a strong risk management rule that adequately protects schools, workers, and communities from exposure to legacy asbestos.**

The NEA represents educators at every level of education—from K-12 schools to institutions of higher education. Our members serve 50 million students and their families nationwide. With affiliated associations in every state and more than 14,000 local communities, NEA represents classroom teachers, education support professionals, specialized instructional support personnel, higher education faculty and staff, aspiring educators, retirees, and public service employees.

Many of our members, students, and their families continue to be exposed to legacy asbestos in school buildings when asbestos-containing materials (ACM) become friable through normal wear and tear, renovations, repairs, natural disasters, physical or chemical wear, temperature and humidity, maintenance, and aging. NEA, its affiliates, and its members have been concerned with asbestos exposures in schools since the late 1970s.¹ Throughout the 1980s, NEA worked alongside labor unions and public health organizations to advocate for laws, regulations, and policies that would adequately control asbestos exposures in schools. These efforts contributed to the passage of the Asbestos Hazard Emergency Response Act (AHERA), which established a model framework for managing ACM, and to EPA's 1989 effort to ban most asbestos-containing products in the United

States.¹ Since then, NEA continued to collaborate with the EPA to educate school employees, families, and communities about asbestos hazards in schools.²

Asbestos Exposure in Schools

NEA strongly supports the EPA’s determination that legacy asbestos exposure poses unreasonable risks to the health of workers.

Specifically, we support several key decisions reflected in EPA’s risk evaluation, including:

- Evaluating the human health risks of asbestos, including ALL fiber types as well as cancer and non-cancer health effects from all relevant routes of exposure.
- Assuming non-compliance with existing federal laws and regulations, including the Clean Air Act, the Asbestos Hazard Emergency Response Act (AHERA), and pertinent standards from the Occupational Safety and Health Administration (OSHA). Some worksites are not subject to these existing asbestos regulatory requirements, or do not follow work practices to reduce asbestos exposure, or may not be aware that asbestos is present at the worksite; and,

Common types of legacy ACM found in school buildings include:

• flooring, • vinyl base, • mastic, • roofing materials, • gaskets in HVAC equipment, • ceiling panels and tiles, • wallboard, • joint compound, • plaster,	• acoustical and decorative insulation • pipe and boiler insulation, • duct-wrap insulation, • duct joint tape, • fireproofing on structural members, • fire brick for boilers, • fire doors, • acoustical spray-on, • cement asbestos pipes and panels.
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¹ Sireci MP, Levenstein C, Gibson S. (2016). “Teachers Union Organizes Members to Enforce AHERA Law—A Work in Progress.” *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*. 26(1):72-82. doi:[10.1177/1048291115623056](https://doi.org/10.1177/1048291115623056)

² U.S. Environmental Protection Agency. (August 2023). “The ABCs of Asbestos in Schools.” Retrieved from <https://www.epa.gov/sites/default/files/documents/abcsfinal.pdf>

Although some of the friable ACM, such as pipe and boiler insulation and spray-applied insulation, has been removed over the past several decades, substantial amounts of non-friable material remain in place. As these materials age, they become increasingly vulnerable to deterioration from extreme heat, humidity, fire, water damage, and natural disasters, increasing the likelihood that they will become friable and release asbestos fibers into occupied school buildings.

Climate change is expected to increase both the frequency and severity of extreme weather events. Heat waves, flooding, hurricanes, and wildfires have already affected schools and communities nationwide, and these trends are expected to continue.³ Such events can compromise the structural integrity of school buildings and increase the risk of asbestos exposure.

NEA strongly recommends that asbestos control programs continue to be centered around the hierarchy of controls. This framework prioritizes the most effective methods for reducing hazardous exposures by emphasizing elimination, substitution, and engineering controls before relying on administrative controls or personal protective equipment.⁴ For asbestos, engineering controls include dust suppression and collection, such as wet methods, HEPA filtration systems, local exhaust ventilation, and negative-pressure containment systems that isolate, capture, or suppress fibers at their source.

Existing Federal Laws and Regulations

NEA strongly supports EPA's decision to assume non-compliance with existing federal asbestos standards. Educators need stronger protections. Persistent problems with AHERA compliance have been documented in numerous reports, including:

- Audit Report on the New York City Department of Education/School Construction Authority's Asbestos Management Program, April 9, 2025, | SE23-103A. Office of the New York City Comptroller. Retrieved from <https://comptroller.nyc.gov/reports/audit-report-on-the-new-york-city-department-of-education-school-construction-authoritys-asbestos-management-program/> ;
- Characterizing Asbestos Hazard Emergency Response Act (AHERA) Compliance in New Jersey: 2008-2017. New Jersey Department of Health - Consumer, Environmental & Occupational Health Service. 2023. Retrieved from https://www.nj.gov/health/ceohs/documents/ceohs%20content/Study_on_AHERA_Compliance.pdf ;
- EPA Needs to Re-Evaluate Its Compliance Monitoring Priorities for Minimizing Asbestos

³ Aspen Institute. (September 2021). "K-12 Climate Action Plan." Retrieved from [K12-ClimateActionPlan-Complete-Screen.pdf \(thisisplaneted.org\)](https://www.aspeninstitute.org/wp-content/uploads/2021/09/K12-ClimateActionPlan-Complete-Screen.pdf)

⁴ The National Institute for Occupational Safety and Health (NIOSH). (April 10, 2024). Hierarchy of Controls. Retrieved from <https://www.cdc.gov/niosh/hierarchy-of-controls/about/>

Risks in Schools Report No. 18-P-0270 September 17, 2018. Retrieved from https://www.epa.gov/sites/default/files/2018-09/documents/_epaoig_20180917-18-p-0270.pdf;

- Failing the Grade: Asbestos in America's Schools, Office of Senator Edward J. Markey, December 2015. Retrieved from <https://www.markey.senate.gov/imo/media/doc/2015-12-Markey-Asbestos-Report-Final.pdf>;
- Sireci M.P., Levenstein, C., and Gibson, S. (2016) "Teachers Union Organizes Members to Enforce AHERA Law—A Work in Progress." *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*. 26(1):72-82. Retrieved from doi:[10.1177/1048291115623056](https://doi.org/10.1177/1048291115623056)

Despite ongoing compliance challenges, school districts remain an important source of information regarding:

- (A) Demolitions and renovations disturbing asbestos-containing materials,
- (B) Individuals disturbing ACM not covered by OSHA, and;
- (D) Other legacy products containing asbestos.

We recommend that EPA collect and analyze AHERA data to better understand the scope of legacy asbestos in schools. Because AHERA covers school buildings of different ages and sizes in rural, suburban, and urban communities, these records provide a valuable nationwide dataset.

AHERA requires school districts to maintain records of building surveys and inspections, management plans, training, and abatement activities. Analyzing these records would provide EPA with a clearer understanding of asbestos conditions in schools and help evaluate the effectiveness of different asbestos management strategies as the Agency develops risk management requirements. Several smaller studies of AHERA records and data have been done since 1991 and could help inform a broader national analysis.^{5,6}

One particularly valuable example is the Philadelphia School District. The City of Philadelphia's Department of Public Health maintains a publicly available dashboard on construction projects involving asbestos in school district buildings. In Philadelphia, asbestos abatement projects of any size require submission of a notification form to the Public Health Department. The information from these forms is available for public download on the city's [Air Management Services online portal](#). The dashboard includes data on projects since 2016 and is updated daily with new projects. Since 2016, the Philadelphia Office of the Controller's database has tracked almost 2,500 asbestos

⁵ DiGiovanni, L. (2011). "New York City's School Asbestos Debacle: An Administrative Approach to the Problem of Faulty School Inspections and a Possible New Round of Asbestos Litigation." 6 FORDHAM ENVTL. L. REV. 79 Retrieved from <https://ir.lawnet.fordham.edu/elr/vol6/iss1/2>

⁶Fraser, A., Clickner, R., Everett, N., and Viet, S. (1991). "Evaluation of the Asbestos Hazard Emergency Response Act (AHERA) Final report." Retrieved from <https://www.osti.gov/biblio/5328061>

projects.⁷

The Philadelphia School District manages approximately 330 schools serving nearly 200,000 students. Most of the buildings contain some form of asbestos. NEA reviewed notifications for encapsulation and removal projects involving less than 40 linear feet or 80 square feet of asbestos between January and June 2026. These projects fall between EPA's asbestos NESHAP threshold of 260 linear feet, 160 square feet, or 35 cubic feet. During that six-month period, the district submitted 520 notifications. Approximately 36 percent (189 projects) were completed by school district employees, while the remaining projects were performed by outside contractors.

The Importance of Focusing on Equity

Without an intentional focus on understanding how race and other social factors contribute to asbestos exposures in public schools, EPA risks perpetuating disparities in school districts primarily serving Native students or students of color.⁸ Research consistently shows that these districts receive less funding than districts serving predominantly white student populations, even after controlling for socioeconomic status.⁹

Adequate school funding is essential to maintain the structural integrity of school buildings, prevent the deterioration of asbestos-containing materials, and conduct timely asbestos abatement. In under-resourced districts, deferred maintenance and aging infrastructure can increase the likelihood that workers, including custodians, maintenance personnel, skilled trades workers, educators, and other school employees, will encounter damaged asbestos-containing materials during routine work, repairs, or emergency response following severe weather.

Integrating equity considerations into EPA's risk assessment and risk management rule is critical to capturing the real-world conditions that shape asbestos exposure in schools.

Conclusion

We urge EPA to act swiftly. There is no safe level of asbestos exposure, and significant risks arise whenever asbestos-containing materials are disturbed during renovation, demolition, maintenance, disaster recovery, or disposal.

Workers and contractors encounter asbestos every day in millions of buildings across the country. More than 40,000 people die annually in the United States from asbestos-related diseases, including mesothelioma, lung cancer, and asbestosis.¹⁰

⁷Asbestos Projects in the Philadelphia School District. (July 15, 2026). Retrieved from https://www6.citizenserve.com/Portal/PortalController?Action=showHomePage&ctzPagePrefix=Portal_&installationID=173&original_iid=0&original_contactID=0

⁸ Ed Build. (2019). "\$3 Billion." Appendix A. Retrieved from <https://edbuild.org/content/23-billion/full-report.pdf>

⁹ Ibid.

¹⁰ Asbestos Disease Advocacy Organization. (February 15, 2021). The Irrefutable Fact: Over 40,000 American Workers Died from Preventable Asbestos-Caused Diseases in 2019. Retrieved from

The NEA respectfully submits these comments for EPA's consideration. Please do not hesitate to contact me or Eunice Salcedo at esalcedo@nea.org should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daaiyah Bilal-Threats" followed by a long horizontal flourish.

Daaiyah Bilal-Threats
Senior Director, Education Policy and Implementation Center
National Education Association