

§721.11095 Asbestos.

(a) Chemical substance and significant new use subject to reporting. (1) The chemical substance identified as asbestos (as defined by 15 U.S.C. 2642(3) as the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite or actinolite) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section except as provided by paragraph (a)(3) of this section.

(2) Except as provided by paragraph (a)(3) of this section, the significant new use of the chemical substance identified in paragraph (a)(1) of this section is: Manufacturing (including importing) or processing for any of the following uses:

- (i) Adhesives, sealants, roof and non-roof coatings;
- (ii) Arc chutes;
- (iii) Beater-add gaskets;
- (iv) Cement products;
- (v) Extruded sealant tape and other tape;
- (vi) Filler for acetylene cylinders;
- (vii) Friction materials;
- (viii) High grade electrical paper;
- (ix) Millboard;
- (x) Missile liner;
- (xi) Packings;
- (xii) Pipeline wrap;
- (xiii) Reinforced plastics;
- (xiv) Roofing felt;
- (xv) Separators in fuel cells and batteries;
- (xvi) Vinyl-asbestos floor tile;
- (xvii) Woven products;
- (xviii) Other building products; or
- (xix) Any other use of asbestos.

(3) Exceptions. (i) The significant new use identified in (a)(2) of this section does not include manufacturing (including importing) or processing for the following uses of the asbestiform variety of chrysotile (serpentine) asbestos:

- (A) Diaphragms for use in chlorine and sodium hydroxide production;
- (B) Sheet gaskets for use in chemical manufacturing;
- (C) Brake blocks in oil drilling equipment;
- (D) Aftermarket automotive brakes/linings;
- (E) Other vehicle friction products; or

(F) Other gaskets.

(ii) The significant new use does not include the manufacture (including importation) or processing of the asbestos-containing products identified in §763.165, which continue to be prohibited pursuant to 40 CFR part 763, subpart I.

(b) Specific requirements. (1) 40 CFR 721.45(f) does not apply to this section. A person who intends to manufacture (including import) or process the substance identified in paragraph (a)(1) of this section for the significant new use identified in paragraph (a)(2) of this section as part of an article is subject to the notification provisions of §721.25.

(2) Any person who submits a significant new use notice for the substance identified in paragraph (a)(1) of this section for the significant new use identified in paragraph (a)(2) of this section must include with the notice adequate documentation or supporting information in the submitter's possession or control that the intended use is not subject to the prohibitions identified in 40 CFR part 763, subpart I.

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