

Opening Statement of the Honorable John Shimkus
Republican Leader, Subcommittee on the Environment and Climate
Change

Hearing on H.R. 1603

May 8, 2019

As Prepared for Delivery

Thank you, Mr. Chairman for yielding me this time.

The issue of asbestos use in America and its impacts on lung cancer, other illnesses, and death is one of the more challenging and gut wrenching I have found in my time in the Congress.

I have the privilege to represent Madison County, Illinois here in Congress – so I know a thing or two about asbestos and the disease it causes. In 2014, 1,500 asbestos lawsuits were filed in Madison County – or more than a quarter of all asbestos cases filed nationally. When I have gone door-to-door to visit my constituents, I see them and their oxygen machines, laboring to live.

I am aware of the struggle and it is real.

Preventing asbestos-related disease is one of the main reasons I and others came together to enact reforms to the Toxic Substances Control Act that I introduced.

This law directed EPA, using high quality science, to identify high risk chemicals

and prioritize them, review those chemicals and the risks (otherwise known as the moment where hazard and exposure intersect), and regulate the ones that present an unreasonable risk to health or the environment. I felt good that we had enacted a process that was objective and risk and science-based, that was drafted to be agnostic as to who was implementing it, and that EPA would have little trouble using very broad authority to carry out these requirements.

We didn't single out any chemical by name in that bill, including the use of the word 'asbestos', but we were all conscious of ensuring that EPA could act on it. And, as I and others expected, EPA is doing just that: for the first time ever, preventing lapsed asbestos uses from coming back onto the market and reassessing current uses concerning their unreasonable risk and preparing to take any necessary action to reduce and remove those risks.

I know, Mr. Chairman that you didn't vote for the final product because you were concerned about its pre-emption provisions, but this is precisely what the majority of Democrats and Republicans on this Committee supported on the House floor.

I guess I am trying to say that I am a bit frustrated as to why we are having a legislative hearing on banning asbestos before we have had an oversight hearing to demonstrate that EPA is failing on the technical aspects of the law in its review, missing its deadlines, or some other such failing.

I know my friend and our full committee chairman, Frank Pallone, has on more than one occasion proclaimed he does not have faith in the professionals at EPA to carry out a high-quality review and act the way he would prefer on asbestos. I would respond in two ways: first, under TSCA, EPA has a legal duty to support any decision on existing uses of asbestos with substantial evidence based on objective scientific review -- so EPA cannot go into a chemical review with a predetermined outcome if it wants to avoid litigation. Second, and let's be honest here, if there were a Democrat in the White House right now, my Democrat colleagues would be critical of me trying to overturn one of the first existing chemical reviews, less than 3 years after enactment.

This is why I have sympathy for at least letting EPA do its work before legislatively rejecting it.

I understand the proponents want certainty on this issue. I am also sympathetic to those concerns.

Because of the nature of this place and unlike EPA, we are much less likely to have the time to consider or otherwise be able to know all the impacts a ban would have directly or indirectly on all Americans -- particularly without the benefit of an oversight hearing.

Multiple Super Bowl Champion coach, Bill Belichick, preaches to his players to “trust the process” when preparing for challenges of a season. This formula has been successful.

There may be a need to move a bill to address the manufacturing, import, processing and commercial distribution of asbestos. Before learning more, though, I am not convinced that that time is now.

I join the Chairman in welcoming our witnesses today and I want to thank them for the sacrifices they made to be here with us. I look forward to learning for you.

I yield back the balance of my time.