

Remarks as Prepared for Delivery

Thank you for recognizing me for this opening statement.

As we examine a bill today from Ms. Bonamici, one of my colleagues from Oregon's congressional delegation, I must say that I am of many minds on the legislation.

At a 50,000-foot level, I join my colleagues in wanting to see an end to mesothelioma, cancer, and other pulmonary diseases precipitated by asbestos. To the families suffering with these diseases right now and those who have lost loved ones to it, I sympathize with you and the advocates of this bill, I recognize the tragedies you have faced, and understand you want a solution once and for all.

I also appreciate what my colleague, Mr. Shimkus, has said about the process he authored into law a few years ago to address questions of safety about many chemicals – but especially one — that is playing out, as we speak, and that Mrs. Dunn will talk about on the first panel today. If Congress is going to consistently pre-empt EPA reviews with statutory mandates, what's the point of all those newly expanded authorities in TSCA?

Even well-meaning legislation can be a blunt instrument for problem solving where, if not careful, Congress can create risk trade-offs that spawn unintended public health risks, institute unimplementable enforceable requirements, or require complex and hard to meet compliance obligations.

Looking at this legislation, I have many questions about how it operates and what it means. For example:

- ***The legislation requires any mixture or article that is distributed in commerce to not have asbestos present as an impurity.***
 - ***Does this apply to incidental fibers?***
 - ***Do American businesses have to test and certify every product sold in this country to guarantee it does not contain ANY asbestos – regardless of whether it was intentionally added?***
 - ***Do people in rural areas no longer get to use gravel for roads?***
 - ***Would talcum powder fall under this or would it be exempted as an FDA regulated product?***
- ***The legislation also requires very specific and complex reporting to EPA by those who either manufactured, imported, processed, or moved in commerce asbestos, or mixtures or articles containing asbestos – including an incidental amount – in the 3 years prior to and one year after the bill's enactment.***
 - ***How does a person report an incidental amount when they weren't expected to track it?***
 - ***What is the utility of all this reporting to EPA on top of information from EPA's chemical data reporting – especially if the substance is banned?***

- ***Why is personally identifying information disclosed to the public from each report when EPA is only required to produce an aggregated report that isn't specific to each person reporting?***
- ***Finally, the legislation provides a shorter transition period and moots existing TSCA provisions permitting an exemption for use of a chemical that provides greater public health protection than its alternatives.***
 - ***I am especially concerned about the immediate loss of 36 percent of our nation's chlorine production and what that means for hospital disinfection, drinking water treatment, and pharmaceutical production.***
 - ***The resources required could push businesses to import materials rather than make them here. Do health care costs and drinking water rates spike, does availability to these services lessen, or do gaseous chlorine shipments come to our major ports?***
 - ***To protect the economic health of working men and women, are alternatives technologically and economically feasible? If so, are they "drop in ready" and safer?***

So, Mr. Chairman, while I support the intent of my colleague from Oregon Ms. Bonamici's bill, I do think there are issues that we need to work through if we are going to responsibly legislate in this space.

I look forward to hearing from each of the witnesses today, and I hope their testimony will better clarify for me what the best path forward is.

With that, I yield back the remained of my time.