

116TH CONGRESS
1ST SESSION

H. R. 1603

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2019

Ms. BONAMICI (for herself, Mr. PALLONE, Ms. SLOTKIN, Mr. TONKO, Mr. POCAN, Mr. COHEN, Mr. HUFFMAN, Mrs. DINGELL, Ms. SCHAKOWSKY, Mr. KENNEDY, Mr. RASKIN, Mr. MCNERNEY, Ms. BLUNT ROCHESTER, Ms. BARRAGÁN, Mr. SOTO, Ms. ESHOO, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. TED LIEU of California, Ms. CLARKE of New York, Ms. VELÁZQUEZ, Ms. SÁNCHEZ, Mr. DEFazio, Ms. NORTON, Mr. MCGOVERN, Mr. JOHNSON of Georgia, and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, and distribution in commerce of asbestos and asbestos-containing mixtures and articles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alan Reinstein Ban
3 Asbestos Now Act of 2019”.

4 **SEC. 2. ASBESTOS BAN AND REPORTING.**

5 Section 6 of the Toxic Substances Control Act (15
6 U.S.C. 2605) is amended by adding at the end the fol-
7 lowing:

8 “(k) ASBESTOS.—

9 “(1) PROHIBITION OF MANUFACTURE, PROC-
10 ESSING, AND DISTRIBUTION IN COMMERCE.—Effec-
11 tive one year after the date of enactment of this sub-
12 section, no person may manufacture, process, or dis-
13 tribute in commerce asbestos or any mixture or arti-
14 cle containing asbestos.

15 “(2) EXEMPTION FOR NATIONAL SECURITY
16 REASONS.—

17 “(A) IN GENERAL.—The President may,
18 upon application, grant any person an exemp-
19 tion from the prohibition under paragraph (1)
20 once for the manufacture, processing, or dis-
21 tribution in commerce of asbestos or any mix-
22 ture or article containing asbestos only if the
23 President determines that—

24 “(i) the manufacture, processing, or
25 distribution in commerce of asbestos or
26 any mixture or article containing asbestos

1 by the person is necessary to protect the
2 national security interests of the United
3 States; and

4 “(ii) no feasible alternative to the
5 manufacture, processing, or distribution in
6 commerce of asbestos or any mixture or
7 article containing asbestos exists for the
8 intended use.

9 “(B) DURATION.—

10 “(i) IN GENERAL.—The period of an
11 exemption granted under subparagraph
12 (A) shall not exceed 3 years.

13 “(ii) EXTENSION.—The President
14 may, in accordance with subparagraph (A),
15 extend an exemption granted under such
16 subparagraph once, for a period not to ex-
17 ceed 3 years.

18 “(C) TERMS AND CONDITIONS.—An ex-
19 emption granted under this paragraph (includ-
20 ing an extension thereof) shall include such
21 terms and conditions as are necessary to
22 achieve maximum practicable reduction in expo-
23 sure to asbestos.

24 “(D) PUBLICATION.—

1 “(i) APPLICATIONS.—Not later than
2 30 days after receipt of an application for
3 an exemption under this paragraph (in-
4 cluding an extension thereof), the Presi-
5 dent shall publish the application in the
6 Federal Register.

7 “(ii) EXEMPTIONS.—Not later than
8 30 days after granting an exemption under
9 this paragraph (including an extension
10 thereof), the President shall publish in the
11 Federal Register notice of the exemption
12 and the terms and conditions included
13 under subparagraph (B).

14 “(E) APPLICATION OF WAIVER AUTHOR-
15 ITY.—Notwithstanding section 22, the Adminis-
16 trator may not issue a waiver under such sec-
17 tion with respect to asbestos.

18 “(3) REPORTS.—

19 “(A) TIMING AND COVERAGE.—

20 “(i) PREVIOUS ACTION.—Not later
21 than 120 days after the date of enactment
22 of this subsection, any person who has
23 manufactured, processed, or distributed in
24 commerce asbestos or any mixture or arti-
25 cle containing asbestos in the 36 months

1 preceding such date of enactment shall
2 submit to the Administrator a report de-
3 scribed in subparagraph (B).

4 “(ii) LATER ACTION.—Any person
5 manufacturing, processing, or distributing
6 in commerce asbestos or any mixture or
7 article containing asbestos during the pe-
8 riod that begins on the date of enactment
9 of this subsection and ends on the date on
10 which the prohibition under paragraph (1)
11 takes effect shall submit to the Adminis-
12 trator a report described in subparagraph
13 (B) not later than 60 days after—

14 “(I) the date of enactment of this
15 subsection, for any person who has
16 manufactured, processed, or distrib-
17 uted in commerce asbestos or any
18 mixture or article containing asbestos
19 before such date of enactment; or

20 “(II) the date on which the per-
21 son initiates any such manufacture,
22 processing, or distribution in com-
23 merce, for any person initiating such
24 manufacturing, processing, or dis-

1 tribution in commerce on or after
2 such date of enactment.

3 “(iii) REPORTS DURING EXEMPTED
4 PERIOD.—Any person granted an exemp-
5 tion under paragraph (2) shall submit to
6 the Administrator a report described in
7 subparagraph (B) not later than 27
8 months after—

9 “(I) the exemption is granted;
10 and

11 “(II) the exemption is extended,
12 if applicable.

13 “(B) CONTENTS.—Each report submitted
14 under subparagraph (A) shall include—

15 “(i) the name and address of the per-
16 son submitting the report;

17 “(ii) the name, title, and contact in-
18 formation of an authorized representative
19 of the person submitting the report;

20 “(iii) the location of the facility or fa-
21 cilities where the manufacture, processing,
22 or distribution in commerce of asbestos or
23 mixtures or articles containing asbestos
24 has occurred, or will occur, during the re-
25 porting period;

1 “(iv) a description of the manufac-
2 ture, processing, or distribution activity
3 during the reporting period of the person
4 submitting the report, and the intended
5 and known uses of asbestos and each mix-
6 ture or article containing asbestos by that
7 person and all other persons to whom the
8 asbestos, mixture, or article is sold or oth-
9 erwise distributed in commerce;

10 “(v) the amount of asbestos, and the
11 amount and concentration of asbestos in
12 any mixture or article containing asbestos,
13 that is manufactured, processed, or distrib-
14 uted in commerce, or expected to be manu-
15 factured, processed, or distributed in com-
16 merce, by the person during the reporting
17 period;

18 “(vi) reasonable estimates of the
19 amount of asbestos to be disposed of as a
20 result of the reported manufacture, proc-
21 essing, or distribution activities, and the
22 manner of such disposal; and

23 “(vii) reasonable estimates of—

24 “(I) the number of individuals
25 who, as a result of the reported manu-

1 facture, processing, and distribution
2 activities—

3 “(aa) have been exposed to
4 asbestos or mixtures or articles
5 containing asbestos; and

6 “(bb) will be so exposed; and

7 “(II) the nature, duration, fre-
8 quency, and levels of any such expo-
9 sure.

10 “(C) REPORTING PERIOD.—For purposes
11 of subparagraph (B), the reporting period for a
12 report submitted under—

13 “(i) subparagraph (A)(i) shall be the
14 period that begins on the date that is 36
15 months prior to the date of enactment of
16 this subsection and ends on the date of en-
17 actment of this subsection;

18 “(ii) subparagraph (A)(ii) shall be the
19 period that begins on the date of enact-
20 ment of this subsection and ends on the
21 date on which the prohibition under para-
22 graph (1) takes effect;

23 “(iii) subparagraph (A)(iii)(I) shall be
24 the period that begins on the date on
25 which an exemption is granted under para-

1 graph (2) and ends on the date such ex-
2 emption expires (not including an exten-
3 sion thereof); and

4 “(iv) subparagraph (A)(iii)(II) shall
5 be the period that begins on the date on
6 which an exemption is extended under
7 paragraph (2) and ends on the date such
8 extension expires.

9 “(D) REPORTING FORMS AND INSTRUC-
10 TIONS.—Not later than 30 days after the date
11 of the enactment of this subsection, the Admin-
12 istrator shall publish a notice in the Federal
13 Register that provides instructions for reporting
14 under this paragraph and a form or forms for
15 use by persons submitting reports under this
16 paragraph.

17 “(E) AVAILABILITY.—Not later than 3
18 months after a report is submitted under sub-
19 paragraph (A), the Administrator shall make
20 such report available to the public.

21 “(F) SUMMARY AND ANALYSIS.—Not later
22 than 180 days after a report is submitted under
23 subparagraph (A), the Administrator shall
24 make available to the public a summary and

1 analysis of the information such report con-
2 tains.

3 “(4) DEFINITIONS.—In this subsection:

4 “(A) ASBESTOS.—The term ‘asbestos’
5 means—

6 “(i) the asbestiform varieties of
7 chrysotile, actinolite, amosite,
8 anthophyllite, crocidolite, richterite,
9 winchite, and tremolite; and

10 “(ii) the non-asbestiform varieties of
11 richterite and winchite.

12 “(B) DISTRIBUTE IN COMMERCE.—The
13 terms ‘distribute in commerce’ and ‘distribution
14 in commerce’ have the meaning given the terms
15 in section 3(5), but, notwithstanding such sec-
16 tion 3(5), do not include, with respect to asbes-
17 tos—

18 “(i) end-use of a mixture or article
19 containing asbestos and installed in a
20 building or other structure before the date
21 of enactment of this subsection; or

22 “(ii) distribution of a mixture or arti-
23 cle containing asbestos solely for the pur-
24 pose of disposal of the mixture or article in

1 compliance with applicable Federal, State,
2 and local requirements.

3 “(C) MIXTURE OR ARTICLE CONTAINING
4 ASBESTOS.—The term ‘mixture or article con-
5 taining asbestos’ includes a mixture or article in
6 which asbestos is present as an impurity.”.

7 **SEC. 3. LEGACY ASBESTOS: REPORT AND RECOMMENDA-**
8 **TIONS.**

9 (a) REPORT.—Not later than 18 months after the
10 date of the enactment of this Act, the Administrator of
11 the Environmental Protection Agency, in consultation
12 with the Secretary of Health and Human Services and the
13 Secretary of Labor, shall prepare and submit to Congress
14 a report assessing—

15 (1) the presence of asbestos in residential, com-
16 mercial, industrial, public, and school buildings; and

17 (2) the extent of exposure and risk to human
18 health associated with the asbestos present in such
19 buildings from all commercial, industrial, and con-
20 sumer activities that may result in asbestos expo-
21 sure.

22 (b) CONTENTS.—The report required under sub-
23 section (a) shall be based upon the best available informa-
24 tion, and information that can feasibly be obtained

1 through surveys or other means, and shall provide the fol-
2 lowing:

3 (1) An estimate of the number of residential,
4 commercial, industrial, public, and school buildings
5 where asbestos is present.

6 (2) An estimate of the amount of asbestos in
7 such buildings and the portion of such asbestos that
8 is friable.

9 (3) A description of the types of building com-
10 ponents and systems containing asbestos in such
11 buildings and the categories of mixtures and articles
12 containing asbestos that are present, such as ther-
13 mal insulation, roofing materials, asbestos cement
14 pipe, and asbestos cement sheet.

15 (4) For each category of building, an estimate
16 of the number of people potentially exposed to asbes-
17 tos, the conditions and activities with the greatest
18 potential for exposure, and estimates of the levels of
19 exposure.

20 (5) A description of the role of handling, main-
21 tenance, and construction practices in creating expo-
22 sure to asbestos and the impact of building aging on
23 the potential for asbestos exposure.

24 (6) An estimate of the amount of asbestos
25 waste generated from building renovation, repair,

1 and demolition for each of the last 5 years and the
2 procedures that are utilized for the handling, trans-
3 port, and disposal of such waste.

4 (c) RECOMMENDATIONS.—

5 (1) IN GENERAL.—The report submitted under
6 subsection (a) shall contain—

7 (A) an assessment of the sufficiency of ex-
8 isting statutes, regulations, policies, and pro-
9 grams, implemented by the Environmental Pro-
10 tection Agency, the Department of Labor, and
11 other agencies, in protecting against exposures
12 to legacy asbestos; and

13 (B) recommendations for modifications or
14 additions to such statutes, regulations, policies,
15 and programs, as necessary to reduce or elimi-
16 nate risks to human health.

17 (2) INCLUSIONS.—Recommendations under
18 paragraph (1)(B) may include recommendations for
19 new, additional, or modified statutes, regulations,
20 policies, or programs for—

21 (A) the inspection of buildings to deter-
22 mine the presence and condition of asbestos;

23 (B) inventorying the presence and condi-
24 tion of asbestos in buildings;

25 (C) removal of asbestos from buildings;

1 (D) handling asbestos during building
2 maintenance, repair, demolition, and other com-
3 mercial and industrial activities with the poten-
4 tial for asbestos exposure; and

5 (E) disposal of asbestos-containing waste
6 and debris.

7 (d) EFFECT ON EXISTING LAW.—Compliance with
8 this section shall not relieve the Administrator of the Envi-
9 ronmental Protection Agency, the Secretary of Health and
10 Human Services, or the Secretary of Labor, of any other
11 obligation arising under this Act or any other law.

12 (e) DEFINITION OF ASBESTOS.—In this section, the
13 term “asbestos” means—

14 (1) the asbestiform varieties of chrysotile, actin-
15 olite, amosite, anthophyllite, crocidolite, richterite,
16 winchite, and tremolite; and

17 (2) the non-asbestiform varieties of richterite
18 and winchite.

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