

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.

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## 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

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## 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-



graph (2) and ends on the date such exemption expires (not including an extension thereof); and

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

“(D) REPORTING FORMS AND INSTRUCTIONS.—Not later than 30 days after the date of the enactment of this subsection, the Administrator shall publish a notice in the Federal Register that provides instructions for reporting under this paragraph and a form or forms for use by persons submitting reports under this paragraph.

“(E) AVAILABILITY.—Not later than 3 months after a report is submitted under subparagraph (A), the Administrator shall make such report available to the public.

“(F) SUMMARY AND ANALYSIS.—Not later than 180 days after a report is submitted under subparagraph (A), the Administrator shall 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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