

Calendar No. 321110TH CONGRESS
1ST SESSION**S. 742**

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mrs. MURRAY (for herself, Mrs. BOXER, Mr. BAUCUS, Mr. BROWN, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. REID, Mr. CASEY, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. CARDIN, Mr. LAUTENBERG, Mr. ISAKSON, Ms. KLOBUCHAR, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 2, 2007

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, 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 “Ban Asbestos in Amer-
3 ica Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1)(A) the Administrator of the Environmental
7 Protection Agency has classified asbestos as a cat-
8 egory A human carcinogen, the highest cancer haz-
9 ard classification for a substance; and

10 (B) the International Agency for Research on
11 Cancer has classified asbestos as a class 1 human
12 carcinogen;

13 (2) many people in the United States incor-
14 rectly believe that—

15 (A) asbestos has been banned in the
16 United States; and

17 (B) there is no risk of exposure to asbestos
18 through the use of new commercial products;

19 (3) the United States Geological Survey re-
20 ported that, in 2006, the United States used 2,000
21 metric tons of asbestos, of which approximately—

22 (A) 55 percent was used in roofing prod-
23 ucts;

24 (B) 26 percent was used in coatings; and

25 (C) 19 percent was used in other products,
26 such as friction products;

1 (4) the Department of Commerce estimates
2 that the United States imports more than
3 \$100,000,000 of brake parts per year;

4 (5) available evidence suggests that—

5 (A) imports of some types of asbestos-con-
6 taining products are increasing; and

7 (B) some of those products are imported
8 from foreign countries in which asbestos is
9 poorly regulated;

10 (6) there is no known safe level of exposure to
11 asbestos;

12 (7) even low levels of exposure to asbestos may
13 cause asbestos-related diseases, including mesothe-
14 lioma;

15 (8) millions of workers in the United States
16 have been, and continue to be, exposed to dangerous
17 levels of asbestos;

18 (9) worker deaths from noncancerous lung dis-
19 ease can occur at levels of exposure to asbestos
20 below the levels allowed by the Occupational Safety
21 and Health Administration as of the date of enact-
22 ment of this Act;

23 (10) families of workers are put at risk because
24 of asbestos brought home by the workers on the
25 shoes, clothes, skin, and hair of the workers;

1 (11) approximately $\frac{1}{3}$ of mesothelioma victims
2 were exposed to asbestos while serving the United
3 States on Navy ships or shipyards;

4 (12) the National Institutes of Health reported
5 to Congress in 2006 that mesothelioma is a difficult
6 disease to detect, diagnose, and treat;

7 (13) the Environmental Working Group esti-
8 mates that as many as 10,000 citizens of the United
9 States die each year from mesothelioma and other
10 asbestos-related diseases;

11 (14)(A) mesothelioma responds poorly to con-
12 ventional chemotherapy; and

13 (B) although new combination treatments for
14 mesothelioma have demonstrated some benefits—

15 (i) the median survival period for mesothe-
16 lioma is only 1 year after diagnosis of the dis-
17 ease; and

18 (ii) the majority of mesothelioma patients
19 die within 2 years of diagnosis of the disease;

20 (15) in hearings before Congress in the early
21 1970s, the example of asbestos was used to justify
22 the need for comprehensive legislation on toxic sub-
23 stances;

24 (16) in 1976, Congress passed the Toxic Sub-
25 stances Control Act (15 U.S.C. 2601 et seq.);

1 (17) in 1989, the Administrator promulgated
2 final regulations under title II of the Toxic Sub-
3 stances Control Act (15 U.S.C. 2641 et seq.) to
4 phase out asbestos in consumer products by 1997;

5 (18) in 1991, the United States Court of Ap-
6 peals for the 5th Circuit overturned portions of the
7 regulations, and the Federal Government did not ap-
8 peal the decision to the Supreme Court;

9 (19) as a result, while new applications for as-
10 bestos were banned, asbestos is still being imported
11 and used in some consumer and industrial products
12 in the United States;

13 (20) the National Cancer Institute recognizes a
14 clear need for new agents to improve the outlook for
15 patients with mesothelioma and other asbestos-re-
16 lated diseases;

17 (21) the National Institutes of Health should
18 continue to improve detection, treatment, and man-
19 agement of asbestos-related diseases, such as meso-
20 thelioma, including by providing continued support
21 for the pleural mesothelioma treatment and research
22 program and peritoneal surgical initiatives;

23 (22) given the risk of asbestos exposure for
24 members and veterans of the Armed Forces, the De-
25 partment of Defense has an obligation to study dis-

1 eases related to asbestos exposure in the military
 2 and veteran population, including by conducting re-
 3 search in coordination with the National Institutes
 4 of Health on the early detection and treatment of
 5 mesothelioma;

6 (23) asbestos has been banned in 40 countries,
 7 including Argentina, Australia, Austria, Belgium,
 8 Chile, Croatia, the Czech Republic, Denmark, Esto-
 9 nia, Finland, France, Germany, Iceland, Ireland,
 10 Italy, Japan, Latvia, Luxembourg, the Netherlands,
 11 Norway, Poland, Portugal, Saudi Arabia, the Slovak
 12 Republic, Spain, Sweden, Switzerland, and the
 13 United Kingdom;

14 (24) asbestos was banned throughout the Euro-
 15 pean Union in 2005; and

16 (25) banning asbestos from being used in or
 17 imported into the United States will provide cer-
 18 tainty to manufacturers, builders, environmental re-
 19 mediation firms, workers, and consumers that after
 20 a specific date, asbestos will not be used or added
 21 to new construction and manufacturing materials
 22 used in this country.

23 **SEC. 3. ASBESTOS-CONTAINING PRODUCTS.**

24 (a) IN GENERAL.—Title II of the Toxic Substances
 25 Control Act (15 U.S.C. 2641 et seq.) is amended—

1 (1) by inserting before section 201 (15 U.S.C.
2 2641) the following:

3 **“Subtitle A—General Provisions”;**

4 and

5 (2) by adding at the end the following:

6 **“Subtitle B—Asbestos-Containing**
7 **Products**

8 **“SEC. 221. DEFINITIONS.**

9 “In this subtitle:

10 “(1) ASBESTOS-CONTAINING PRODUCT.—The
11 term ‘asbestos-containing product’ means any prod-
12 uct (including any part) to which asbestos is delib-
13 erately or knowingly added or in which asbestos is
14 deliberately or knowingly used in any concentration.

15 “(2) BIOPERSISTENT DURABLE FIBER.—

16 “(A) IN GENERAL.—The term ‘bioper-
17 sistent durable fiber’ means a silicate fiber
18 that—

19 “(i) occurs naturally in the environ-
20 ment; and

21 “(ii) is similar to asbestos in—

22 “(I) resistance to dissolution;

23 “(II) leaching; and

24 “(III) other physical, chemical,
25 or biological processes expected from

1 contact with lung cells and other cells
2 and fluids in the human body.

3 “(B) INCLUSIONS.—The term ‘bioper-
4 sistent durable fiber’ includes—

5 “(i) richterite;

6 “(ii) winchite;

7 “(iii) erionite; and

8 “(iv) non-asbestiform varieties of
9 amosite, erocidolite, anthophyllite,
10 tremolite, and actinolite.

11 “(3) CONTAMINANT-ASBESTOS PRODUCT.—The
12 term ‘contaminant-asbestos product’ means any
13 product that contains asbestos as a contaminant of
14 any mineral or other substance, in any concentra-
15 tion.

16 “(4) DISTRIBUTE IN COMMERCE.—

17 “(A) IN GENERAL.—The term ‘distribute
18 in commerce’ has the meaning given the term
19 in section 3.

20 “(B) EXCLUSIONS.—The term ‘distribute
21 in commerce’ does not include—

22 “(i) an action taken with respect to
23 an asbestos-containing product in connec-
24 tion with the end use of the asbestos-con-

1 taining product by a person that is an end
2 user; or

3 “(ii) distribution of an asbestos-con-
4 taining product by a person solely for the
5 purpose of disposal of the asbestos-con-
6 taining product in compliance with applica-
7 ble Federal, State, and local requirements.

8 “(5) FIBER.—The term ‘fiber’ means an acie-
9 ular single crystal or similarly elongated
10 polycrystalline aggregate particle with a length to
11 width ratio of $\frac{3}{1}$ or greater.

12 “(6) PERSON.—The term ‘person’ means—

13 “(A) any individual;

14 “(B) any corporation, company, associa-
15 tion, firm, partnership, joint venture, sole pro-
16 prietorship, or other for-profit or nonprofit
17 business entity (including any manufacturer,
18 importer, distributor, or processor);

19 “(C) any Federal, State, or local depart-
20 ment, agency, or instrumentality; and

21 “(D) any interstate body.

22 **“SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL**
23 **SAFETY AND HEALTH STUDY.**

24 “(a) IN GENERAL.—The National Institute for Occu-
25 pational Safety and Health shall conduct a study and, not

1 later than 18 months after the date of enactment of this
 2 subtitle, submit to the Administrator, the Committees on
 3 Environment and Public Works and Health, Education,
 4 Labor, and Pensions of the Senate, and other Federal
 5 agencies, as appropriate, a report containing—

6 “(1) a description of the current state of the
 7 science relating to—

8 “(A) the disease mechanisms and health
 9 effects of exposure to asbestos and other bioper-
 10 sistent durable fibers; and

11 “(B) methods for measuring and analyzing
 12 asbestos;

13 “(2) a description of the current status of label-
 14 ing practices relating to asbestos-containing mate-
 15 rial; and

16 “(3) recommendations for future asbestos-re-
 17 lated disease research and exposure assessment
 18 practice needs.

19 “(b) **AUTHORIZATION OF APPROPRIATIONS.**—There
 20 are authorized to be appropriated such sums as are nec-
 21 essary to carry out this section.

22 **“SEC. 223. PROHIBITION ON ASBESTOS-CONTAINING PROD-**
 23 **UCTS.**

24 “(a) **IN GENERAL.**—Subject to subsection (b), the
 25 Administrator shall promulgate—

1 “(1) not later than 1 year after the date of en-
2 actment of this subtitle, proposed regulations that—

3 “(A) prohibit persons from importing,
4 manufacturing, processing, or distributing in
5 commerce asbestos-containing products; and

6 “(B) provide for implementation of sub-
7 sections (b) and (c); and

8 “(2) not later than 2 years after the date of en-
9 actment of this subtitle, final regulations that, effec-
10 tive beginning 60 days after the date of promulga-
11 tion, prohibit persons from importing, manufac-
12 turing, processing, or distributing in commerce as-
13 bestos-containing products.

14 “(b) EXEMPTIONS.—

15 “(1) IN GENERAL.—Any person may petition
16 the Administrator for, and the Administrator may
17 grant, an exemption from the requirements of sub-
18 section (a) if the Administrator determines that—

19 “(A) the exemption would not result in an
20 unreasonable risk of injury to public health or
21 the environment; and

22 “(B) the person has made good faith ef-
23 forts to develop, but has been unable to develop,
24 a substance, or identify a mineral, that—

1 “(i) does not present an unreasonable
2 risk of injury to public health or the envi-
3 ronment; and

4 “(ii) may be substituted for an asbes-
5 tos-containing product.

6 “(2) TERMS AND CONDITIONS.—An exemption
7 granted under this subsection shall be in effect for
8 such period (not to exceed 1 year) and subject to
9 such terms and conditions as the Administrator may
10 prescribe.

11 “(3) GOVERNMENTAL USE.—The Administrator
12 shall provide an exemption from the requirements of
13 subsection (a), without review or limit on duration,
14 if the exemption for an asbestos-containing product
15 is—

16 “(A) sought by the Secretary of Defense
17 and the Secretary certifies, and provides a copy
18 of that certification to Congress, that—

19 “(i) use of the asbestos containing
20 product is necessary to the critical func-
21 tions of the Department;

22 “(ii) no reasonable alternatives to the
23 asbestos containing product exist for the
24 intended purpose; and

1 “(iii) use of the asbestos containing
2 product will not result in an unreasonable
3 risk to health or the environment; or

4 “(B) sought by the Administrator of the
5 National Aeronautics and Space Administration
6 and the Administrator of the National Aero-
7 nautics and Space Administration certifies, and
8 provides a copy of that certification to Con-
9 gress, that—

10 “(i) the asbestos-containing product is
11 necessary to the critical functions of the
12 National Aeronautics and Space Adminis-
13 tration;

14 “(ii) no reasonable alternatives to the
15 asbestos-containing product exist for the
16 intended purpose; and

17 “(iii) the use of the asbestos-con-
18 taining product will not result in an unrea-
19 sonable risk to health or the environment.

20 “(e) DISPOSAL.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), not later than 2 years after the date of
23 enactment of this subtitle, each person that pos-
24 sesses an asbestos-containing product that is subject
25 to the prohibition established under this section shall

1 dispose of the asbestos-containing product, by a
 2 means that is in compliance with applicable Federal,
 3 State, and local requirements.

4 ~~“(2) EXEMPTION.—Nothing in paragraph (1)—~~

5 ~~“(A) applies to an asbestos-containing~~
 6 ~~product that—~~

7 ~~“(i) is no longer in the stream of com-~~
 8 ~~merce; or~~

9 ~~“(ii) is in the possession of an end~~
 10 ~~user; or~~

11 ~~“(B) requires that an asbestos-containing~~
 12 ~~product described in subparagraph (A) be re-~~
 13 ~~moved or replaced.~~

14 **“SEC. 224. PUBLIC EDUCATION PROGRAM.**

15 ~~“(a) IN GENERAL.—Not later than 1 year after the~~
 16 ~~date of enactment of this subtitle, the Administrator, in~~
 17 ~~consultation with the Chairman of the Consumer Product~~
 18 ~~Safety Commission, the Director of the Centers for Dis-~~
 19 ~~ease Control and Prevention, and the Secretary of Labor,~~
 20 ~~shall establish a plan—~~

21 ~~“(1) to increase awareness of the dangers posed~~
 22 ~~by—~~

23 ~~“(A) asbestos-containing products and con-~~
 24 ~~taminants in homes and workplaces; and~~

25 ~~“(B) asbestos-related diseases;~~

1 “(2) to provide current and comprehensive in-
2 formation to asbestos-related disease patients, family
3 members of patients, and front-line health care pro-
4 viders on—

5 “(A) the dangers of asbestos exposure;

6 “(B) asbestos-related labeling information;

7 “(C) health effects of exposure to asbestos;

8 “(D) symptoms of asbestos exposure; and

9 “(E) available and developing treatments

10 for asbestos-related diseases, including clinical

11 trials;

12 “(3) to encourage asbestos-related disease pa-
13 tients, family members of patients, and front-line
14 health care providers to participate in research and
15 treatment endeavors relating to asbestos; and

16 “(4) to encourage health care providers and re-
17 searchers to provide to asbestos-related disease pa-
18 tients and family members of patients information
19 relating to research, diagnostic, and clinical treat-
20 ments relating to asbestos.

21 “(b) GREATEST RISKS.—In establishing the pro-
22 gram, the Administrator shall give priority to asbestos-
23 containing products and contaminant-asbestos products
24 used by consumers and workers that pose the greatest risk
25 of injury to human health.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.”.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents in sections 1 of the Toxic Substances Control Act
6 (15 U.S.C. prec. 2601) is amended—

7 (1) by inserting before the item relating to sec-
8 tion 201 the following:

“Subtitle A—General Provisions”;

9 and

10 (2) by adding at the end of the items relating
11 to title II the following:

“Subtitle B—Asbestos-Containing Products

“Sec. 221. Definitions.

“Sec. 222. National Institute for Occupational Safety and Health study.

“Sec. 223. Prohibition on asbestos-containing products.

“Sec. 224. Public education program.”.

12 **SEC. 4. ASBESTOS-RELATED DISEASES.**

13 (a) IN GENERAL.—Subpart 1 of part C of title IV
14 of the Public Health Service Act (42 U.S.C. 285 et seq.)
15 is amended by adding at the end the following:

16 **“SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.**

17 “(a) IN GENERAL.—The Secretary, acting through
18 the Director of NIH and the Director of the Centers for
19 Disease Control and Prevention, shall expand, intensify,
20 and coordinate programs for the conduct and support of
21 research on diseases caused by exposure to asbestos, par-
22 ticularly mesothelioma, asbestosis, and pleural injuries.

1 “(b) ADMINISTRATION.—The Secretary shall carry
2 out this section in collaboration with—

3 “(1) the Administrator of the Agency for Toxic
4 Substances and Disease Registry;

5 “(2) the Director of the National Institute for
6 Occupational Safety and Health; and

7 “(3) the head of any other agency, as the Sec-
8 retary determines to be appropriate.

9 “(c) ASBESTOS-RELATED DISEASE REGISTRY.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this section, the Director
12 of the Centers for Disease Control and Prevention,
13 in cooperation with the Director of the National In-
14 stitute for Occupational Safety and Health and the
15 Administrator of the Agency for Toxic Substances
16 and Disease Registry, shall establish a mechanism
17 by which to obtain, coordinate, and provide data and
18 specimens from—

19 “(A) State cancer registries and other can-
20 cer registries;

21 “(B) the National Mesothelioma Virtual
22 Registry and Tissue Bank; and

23 “(C) each entity participating in the asbes-
24 tos-related disease research and treatment net-
25 work established under section 417F(a).

1 “(2) TREATMENT.—The data and specimens
2 described in paragraph (1) shall form the basis for
3 establishing a national clearinghouse for data and
4 specimens relating to asbestos-related diseases, with
5 a particular emphasis on mesothelioma.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
7 dition to amounts made available for the purposes de-
8 scribed in subsection (a) under other law, there are au-
9 thorized to be appropriated to carry out this section such
10 sums as are necessary for fiscal year 2008 and each fiscal
11 year thereafter.

12 **“SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND**
13 **TREATMENT NETWORK.**

14 “(a) ESTABLISHMENT.—For each of fiscal years
15 2008 through 2012, the Director of NIH, in collaboration
16 with other applicable Federal, State, and local agencies
17 and departments, shall establish and maintain an asbes-
18 tos-related disease research and treatment network (re-
19 ferred to in this section as the ‘Network’) to support the
20 detection, prevention, treatment, and cure of asbestos-re-
21 lated diseases, with particular emphasis on malignant
22 mesothelioma.

23 “(b) INCLUSIONS.—The Network shall include—

24 “(1) intramural research initiatives of the Na-
25 tional Institutes of Health; and

1 “(2) at least 10 extramural asbestos-related dis-
 2 ease research and treatment centers, as selected by
 3 the Director of NIH in accordance with subsection
 4 (e).

5 “(e) EXTRAMURAL ASBESTOS-RELATED DISEASE
 6 RESEARCH AND TREATMENT CENTERS.—

7 “(1) IN GENERAL.—For each fiscal year during
 8 which the Network is operated and maintained
 9 under subsection (a), the Director of NIH shall se-
 10 lect for inclusion in the Network not less than 10
 11 nonprofit hospitals, universities, or medical or re-
 12 search institutions incorporated or organized in the
 13 United States that, as determined by the Director of
 14 NIH—

15 “(A) have exemplary experience and quali-
 16 fications in research and treatment of asbestos-
 17 related diseases;

18 “(B) have access to an appropriate popu-
 19 lation of patients with asbestos-related diseases;
 20 and

21 “(C) are geographically distributed
 22 throughout the United States, with special con-
 23 sideration given to areas of high incidence of
 24 asbestos-related diseases.

1 “(2) REQUIREMENTS.—Each center selected
2 under paragraph (1) shall—

3 “(A) be chosen by the Director of NIH
4 after competitive peer review;

5 “(B) conduct laboratory and clinical re-
6 search, including clinical trials, relating to—

7 “(i) mechanisms for effective thera-
8 peutic treatment of asbestos-related dis-
9 eases;

10 “(ii) early detection and prevention of
11 asbestos-related diseases;

12 “(iii) palliation of asbestos-related dis-
13 ease symptoms; and

14 “(iv) pain management with respect
15 to asbestos-related diseases;

16 “(C) offer to asbestos-related disease pa-
17 tients travel and lodging assistance as nec-
18 essary—

19 “(i) to accommodate the maximum
20 number of patients practicable; and

21 “(ii) to serve a number of patients at
22 the center sufficient to conduct a meaning-
23 ful clinical trial;

24 “(D) seek to collaborate with at least 1
25 medical center of the Department of Veterans

1 Affairs to provide research benefits and care to
2 veterans who have suffered excessively from as-
3 bestos-related diseases, particularly mesothe-
4 lioma; and

5 “(E) coordinate the research and treat-
6 ment efforts of the center (including specimen
7 sharing and use of common infomatics) with
8 other entities included in—

9 “(i) the Network; and

10 “(ii) the National Virtual Mesothe-
11 lioma Registry and Tissue Bank.

12 “(3) PERIOD OF INCLUSION.—A center selected
13 by the Director of NIH under this subsection shall
14 be included in the Network for—

15 “(A) the 1-year period beginning on the
16 date of selection of the center; or

17 “(B) such longer period as the Director of
18 NIH determines to be appropriate.

19 “(d) GRANTS.—The Director of NIH shall provide to
20 each center selected for inclusion in the Network under
21 subsection (c) for the fiscal year a grant in an amount
22 equal to \$1,000,000 to support the detection, prevention,
23 treatment, and cure of asbestos-related diseases; with par-
24 ticular emphasis on malignant mesothelioma.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$10,000,000 for each of fiscal years 2008 through 2012.

4 **“SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.**

5 “(a) IN GENERAL.—The Secretary, acting through
6 the United States Army Medical Research and Materiel
7 Command, shall support research on mesothelioma and
8 other asbestos-related diseases that has clear scientific
9 value and direct relevance to the health of members and
10 veterans of the Armed Forces, in accordance with the ap-
11 propriate congressionally directed medical research pro-
12 gram, with the goal of advancing the understanding, early
13 detection, and treatment of asbestos-related mesothelioma
14 and other asbestos-related diseases.

15 “(b) ADMINISTRATION.—The Secretary shall carry
16 out this section in collaboration with—

17 “(1) the Director of NIH;

18 “(2) the Director of the National Institute of
19 Occupational Safety and Health; and

20 “(3) the head of any other agency, as the Sec-
21 retary determines to be appropriate.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 such sums as are necessary for fiscal year 2008 and each
25 fiscal year thereafter.”

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Ban Asbestos in America*
3 *Act of 2007”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1)(A) the Administrator of the Environmental*
7 *Protection Agency has classified asbestos as a category*
8 *A human carcinogen, the highest cancer hazard classi-*
9 *fication for a substance; and*

10 *(B) the International Agency for Research on*
11 *Cancer has classified asbestos as a class 1 human car-*
12 *cinogen;*

13 *(2) many people in the United States incorrectly*
14 *believe that—*

15 *(A) asbestos has been banned in the United*
16 *States; and*

17 *(B) there is no risk of exposure to asbestos*
18 *through the use of new commercial products;*

19 *(3) the United States Geological Survey reported*
20 *that, in 2006, the United States used 2,000 metric*
21 *tons of asbestos, of which approximately—*

22 *(A) 55 percent was used in roofing prod-*
23 *ucts;*

24 *(B) 26 percent was used in coatings; and*

25 *(C) 19 percent was used in other products,*
26 *such as friction products;*

1 (4) *the Department of Commerce estimates that*
2 *the United States imports more than \$100,000,000 of*
3 *brake parts per year;*

4 (5) *available evidence suggests that—*

5 (A) *imports of some types of asbestos-con-*
6 *taining products are increasing; and*

7 (B) *some of those products are imported*
8 *from foreign countries in which asbestos is poor-*
9 *ly regulated;*

10 (6) *there is no known safe level of exposure to as-*
11 *bestos;*

12 (7) *even low levels of exposure to asbestos may*
13 *cause asbestos-related diseases, including mesothe-*
14 *lioma;*

15 (8) *millions of workers in the United States have*
16 *been, and continue to be, exposed to dangerous levels*
17 *of asbestos;*

18 (9) *worker deaths from noncancerous lung dis-*
19 *ease can occur at levels of exposure to asbestos below*
20 *the levels allowed by the Occupational Safety and*
21 *Health Administration as of the date of enactment of*
22 *this Act;*

23 (10) *families of workers are put at risk because*
24 *of asbestos brought home by the workers on the shoes,*
25 *clothes, skin, and hair of the workers;*

1 (11) *approximately 1/3 of mesothelioma victims*
2 *were exposed to asbestos while serving the United*
3 *States on Navy ships or shipyards;*

4 (12) *the National Institutes of Health reported to*
5 *Congress in 2006 that mesothelioma is a difficult dis-*
6 *ease to detect, diagnose, and treat;*

7 (13) *the Environmental Working Group esti-*
8 *mates that as many as 10,000 citizens of the United*
9 *States die each year from mesothelioma and other as-*
10 *bestos-related diseases;*

11 (14)(A) *mesothelioma responds poorly to conven-*
12 *tional chemotherapy; and*

13 (B) *although new combination treatments for*
14 *mesothelioma have demonstrated some benefits—*

15 (i) *the median survival period for mesothe-*
16 *lioma is only 1 year after diagnosis of the dis-*
17 *ease; and*

18 (ii) *the majority of mesothelioma patients*
19 *die within 2 years of diagnosis of the disease;*

20 (15) *in hearings before Congress in the early*
21 *1970s, the example of asbestos was used to justify the*
22 *need for comprehensive legislation on toxic substances;*

23 (16) *in 1976, Congress passed the Toxic Sub-*
24 *stances Control Act (15 U.S.C. 2601 et seq.);*

1 (17) in 1989, the Administrator of the Environ-
2 mental Protection Agency promulgated final regula-
3 tions under title II of the Toxic Substances Control
4 Act (15 U.S.C. 2641 et seq.) to phase out asbestos in
5 consumer products by 1997;

6 (18) in 1991, the United States Court of Appeals
7 for the 5th Circuit overturned portions of the regula-
8 tions, and the Federal Government did not appeal the
9 decision to the Supreme Court;

10 (19) as a result, while new applications for as-
11 bestos were banned, asbestos is still being imported
12 and used, and is otherwise present as a contaminant,
13 in some consumer and industrial products in the
14 United States;

15 (20) the National Cancer Institute recognizes a
16 clear need for new agents to improve the outlook for
17 patients with mesothelioma and other asbestos-related
18 diseases;

19 (21) the National Institutes of Health should
20 continue to improve detection, treatment, and man-
21 agement of asbestos-related diseases, such as mesothe-
22 lioma, including by providing continued support for
23 the pleural mesothelioma treatment and research pro-
24 gram and peritoneal surgical initiatives;

1 (22) *the Department of Defense should study dis-*
2 *eases related to asbestos exposure in the military and*
3 *veteran population, including by conducting research*
4 *in coordination with the National Institutes of Health*
5 *on the early detection and treatment of mesothelioma;*

6 (23) *with some exceptions relating to certain*
7 *uses, asbestos has been banned in 40 countries, in-*
8 *cluding Argentina, Australia, Austria, Belgium,*
9 *Chile, Croatia, the Czech Republic, Denmark, Esto-*
10 *nia, Finland, France, Germany, Iceland, Ireland,*
11 *Italy, Japan, Latvia, Luxembourg, the Netherlands,*
12 *Norway, Poland, Portugal, Saudi Arabia, the Slovak*
13 *Republic, Spain, Sweden, Switzerland, and the*
14 *United Kingdom;*

15 (24) *asbestos was banned throughout the Euro-*
16 *pean Union in 2005; and*

17 (25) *banning asbestos from being used in or im-*
18 *ported into the United States will provide certainty*
19 *to manufacturers, builders, environmental remedi-*
20 *ation firms, workers, and consumers that after a spe-*
21 *cific date, asbestos will not be used, added, or allowed*
22 *to be knowingly present as a contaminant in new*
23 *construction and manufacturing materials used in*
24 *this country.*

1 **SEC. 3. ASBESTOS-CONTAINING PRODUCTS.**

2 (a) *IN GENERAL.*—*Title II of the Toxic Substances*
 3 *Control Act (15 U.S.C. 2641 et seq.) is amended—*

4 (1) *by inserting before section 201 (15 U.S.C.*
 5 *2641) the following:*

6 **“Subtitle A—General Provisions”;**

7 (2) *in section 202(3) (15 U.S.C. 2642(3))—*

8 (A) *in each of subparagraphs (A) through*
 9 *(D), by striking the commas at the end of the*
 10 *subparagraphs and inserting semicolons;*

11 (B) *in subparagraph (E), by striking “, or”*
 12 *and inserting a semicolon;*

13 (C) *in subparagraph (F), by striking the*
 14 *period at the end and inserting a semicolon; and*

15 (D) *by adding at the end the following:*

16 “(G) *any material formerly classified as*
 17 *tremolite, including—*

18 “(i) *winchite asbestos; and*

19 “(ii) *richterite asbestos; and*

20 “(H) *any asbestiform amphibole mineral.”;*

21 *and*

22 (3) *by adding at the end the following:*

23 **“Subtitle B—Asbestos-Containing**
 24 **Products**

25 **“SEC. 221. DEFINITIONS.**

26 *“In this subtitle:*

1 “(1) *APPROPRIATE FEDERAL ENTITY.*—*The term*
2 ‘*appropriate Federal entity*’ *means any appropriate*
3 *Federal entity, as determined by the Director, includ-*
4 *ing—*

5 “(A) *the Agency for Toxic Substances and*
6 *Disease Registry;*

7 “(B) *the Department of Health and Human*
8 *Services;*

9 “(C) *the Environmental Protection Agency;*

10 “(D) *the Mine Safety and Health Adminis-*
11 *tration;*

12 “(E) *the National Institute of Standards*
13 *and Technology;*

14 “(F) *the United States Geological Survey;*

15 “(G) *the National Institute of Environ-*
16 *mental Health Sciences;*

17 “(H) *the National Institute for Occupa-*
18 *tional Safety and Health; and*

19 “(I) *the Occupational Health and Safety*
20 *Administration.*

21 “(2) *ASBESTOS-CONTAINING PRODUCT.*—*The*
22 term ‘*asbestos-containing product*’ *means any product*
23 *(including any part) to which asbestos is deliberately*
24 *or knowingly added or in which asbestos is delib-*

1 *erately used or knowingly present in any concentra-*
 2 *tion.*

3 “(3) *ELONGATED MINERAL PARTICLE.*—*The term*
 4 *‘elongated mineral particle’ means a single crystal or*
 5 *similarly elongated polycrystalline aggregate particle*
 6 *with a length to width ratio of 3 to 1 or greater.*

7 “(4) *BIOPERSISTENT ELONGATED MINERAL PAR-*
 8 *TICLE.*—*The term ‘biopersistent elongated mineral*
 9 *particle’ means an elongated mineral particle that—*

10 “(A) *occurs naturally in the environment;*

11 *and*

12 “(B) *is similar to asbestos in—*

13 “(i) *resistance to dissolution;*

14 “(ii) *leaching; and*

15 “(iii) *other physical, chemical, or bio-*
 16 *logical processes expected from contact with*
 17 *lung cells and other cells and fluids in the*
 18 *human body.*

19 “(5) *DIRECTOR.*—*The term ‘Director’ means the*
 20 *Director of the National Institute for Occupational*
 21 *Safety and Health.*

22 “(6) *PERSON.*—*The term ‘person’ means—*

23 “(A) *any individual;*

24 “(B) *any corporation, company, associa-*
 25 *tion, firm, partnership, joint venture, sole pro-*

1 *prietorship, or other for-profit or nonprofit busi-*
 2 *ness entity (including any manufacturer, im-*
 3 *porter, distributor, or processor);*

4 *“(C) any Federal, State, or local depart-*
 5 *ment, agency, or instrumentality; and*

6 *“(D) any interstate body.*

7 **“SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFE-**
 8 **TY AND HEALTH STUDIES.**

9 *“(a) STUDIES.—*

10 *“(1) CURRENT STATE OF SCIENCE STUDY.—*

11 *“(A) IN GENERAL.—The Director, in con-*
 12 *sultation with the United States Geological Sur-*
 13 *vey, the Environmental Protection Agency, the*
 14 *National Academy of Sciences, and appropriate*
 15 *Federal entities, shall conduct a study and, not*
 16 *later than 1 year after the date of enactment of*
 17 *this subtitle, submit to the Administrator, the*
 18 *Committees on Environment and Public Works*
 19 *and Health, Education, Labor, and Pensions of*
 20 *the Senate, the Committees on Energy and Com-*
 21 *merce and Education and Labor of the House of*
 22 *Representatives, and other Federal agencies a re-*
 23 *port containing—*

24 *“(i) a description of the current state*
 25 *of the science relating to—*

1 “(I) the disease mechanisms and
2 health effects of exposure to non-
3 asbestiform minerals and elongated
4 mineral particles; and

5 “(II) methods for measuring and
6 analyzing non-asbestiform minerals
7 and elongated mineral particles; and

8 “(ii) recommendations for—

9 “(I) future research relating to
10 diseases caused by exposure to—

11 “(aa) non-asbestiform min-
12 erals; and

13 “(bb) elongated mineral par-
14 ticles;

15 “(II) exposure assessment practice
16 needs;

17 “(III) any new classification of
18 naturally occurring elongated mineral
19 particles; and

20 “(IV) 1 or more definitions and
21 dimensions to be used for the quan-
22 tification and risk assessment of—

23 “(aa) non-asbestiform min-
24 erals; and

1 “(bb) *elongated mineral par-*
2 *ticles.*

3 “(B) *COMPONENTS.—The report described*
4 *in subparagraph (A) shall include—*

5 “(i) *peer-reviewed published literature;*

6 “(ii) *regulatory decisions; and*

7 “(iii) *information obtained from the*
8 *National Institute for Occupational Safety*
9 *Asbestos Research Roadmap.*

10 “(2) *MODE OF ACTION AND HEALTH EFFECTS*
11 *STUDY.—*

12 “(A) *IN GENERAL.—The Director, in con-*
13 *sultation with the Environmental Protection*
14 *Agency, the National Academy of Sciences, and*
15 *appropriate Federal entities, shall conduct a*
16 *study—*

17 “(i) *to evaluate the known or potential*
18 *mode of action and health effects of—*

19 “(I) *non-asbestiform minerals;*
20 *and*

21 “(II) *elongated mineral particles;*
22 *and*

23 “(ii) *to develop recommendations for a*
24 *means by which to identify, distinguish,*

1 *and measure any non-asbestiform mineral*
2 *or elongated mineral particle that—*

3 “(I) *may cause any disease or*
4 *health effect; or*

5 “(II) *does not cause any disease*
6 *or health effect.*

7 “(B) *REPORT.—Not later than 18 months*
8 *after the date of enactment of this subtitle, the*
9 *Director shall submit to the Committees on En-*
10 *vironment and Public Works and Health, Edu-*
11 *cation, Labor, and Pensions of the Senate, and*
12 *the Committees on Energy and Commerce and*
13 *Education and Labor of the House of Represent-*
14 *atives, a report containing—*

15 “(i) *a description of the manner by*
16 *which non-asbestiform minerals and elon-*
17 *gated mineral particles possess the ability to*
18 *remain biopersistent in the human body,*
19 *with regard to the ability of non-asbestiform*
20 *minerals and elongated mineral particles—*

21 “(I) *to exhibit resistance to dis-*
22 *solution and leaching; and*

23 “(II) *to induce other physical,*
24 *chemical, and biological processes as a*
25 *result of contact with—*

1 “(aa) lung cells; and

2 “(bb) other cells and fluids in
3 the human body connected to a
4 disease;

5 “(ii) a description of the means by
6 which to identify, distinguish, and measure
7 any non-asbestiform mineral or elongated
8 mineral particle that—

9 “(I) may cause any disease or
10 health effect, as determined by the Di-
11 rector, including—

12 “(aa) mesothelioma;

13 “(bb) any other form of can-
14 cer; and

15 “(cc) any other non-cancer
16 form of disease; and

17 “(II) does not cause any disease
18 or health effect; and

19 “(iii) recommendations for such con-
20 trols as the Director determines to be appro-
21 priate to protect human health.

22 “(3) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums as
24 are necessary to carry out this subsection.

25 “(b) METHODOLOGY STUDY.—

1 “(1) *IN GENERAL.*—On the date on which the
2 Director submits the report described in subsection
3 (a)(2)(B), the Director shall initiate a study—

4 “(A) to develop improved sampling and an-
5 alytical methods for non-asbestiform minerals
6 and elongated mineral particles; and

7 “(B) to clarify the mechanism of action.

8 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—
9 There are authorized to be appropriated such sums as
10 are necessary to carry out this subsection.

11 **“SEC. 223. PUBLIC EDUCATION PROGRAM.**

12 “(a) *IN GENERAL.*—Not later than 1 year after the
13 date of enactment of this subtitle, the Administrator, in con-
14 sultation with the Chairman of the Consumer Product Safe-
15 ty Commission, the Director of the Centers for Disease Con-
16 trol and Prevention, and the Secretary of Labor, shall estab-
17 lish a plan—

18 “(1) to increase awareness of the dangers posed
19 by—

20 “(A) products having asbestos-containing
21 materials in homes and workplaces; and

22 “(B) asbestos-related diseases;

23 “(2) to provide current and comprehensive infor-
24 mation to asbestos-related disease patients, family

1 *members of patients, and front-line health care pro-*
2 *viders on—*

3 *“(A) the dangers of asbestos exposure;*

4 *“(B) asbestos-related labeling information;*

5 *“(C) health effects of exposure to asbestos;*

6 *“(D) symptoms of asbestos exposure; and*

7 *“(E) available and developing treatments*
8 *for asbestos-related diseases, including clinical*
9 *trials;*

10 *“(3) to encourage asbestos-related disease pa-*
11 *tients, family members of patients, and front-line*
12 *health care providers to participate in research and*
13 *treatment endeavors relating to asbestos; and*

14 *“(4) to encourage health care providers and re-*
15 *searchers to provide to asbestos-related disease pa-*
16 *tients and family members of patients information re-*
17 *lating to research, diagnostic, and clinical treatments*
18 *relating to asbestos.*

19 *“(b) GREATEST RISKS.—In establishing the program,*
20 *the Administrator shall give priority to products that have*
21 *asbestos-containing materials and are used by consumers*
22 *and workers that pose the greatest risk of injury to human*
23 *health.*

1 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated such sums as are necessary*
 3 *to carry out this section.*

4 **“Subtitle C—Prohibition on**
 5 **Asbestos-Containing Materials**

6 **“SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.**

7 *“In this subtitle:*

8 “(1) *IN GENERAL.*—*The term ‘distribute in com-*
 9 *merce’ has the meaning given the term in section 3.*

10 “(2) *EXCLUSIONS.*—*The term ‘distribute in com-*
 11 *merce’ does not include—*

12 “(A) *the possession of an asbestos-con-*
 13 *taining material by a person that is an end*
 14 *user; or*

15 “(B) *the possession of an asbestos-con-*
 16 *taining material by a person solely for the pur-*
 17 *pose of disposal of the asbestos-containing mate-*
 18 *rial in compliance with applicable Federal,*
 19 *State, and local requirements.*

20 **“SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATE-**
 21 **RIALS.**

22 “(a) *IN GENERAL.*—*Subject to subsection (b), the Ad-*
 23 *ministrator shall promulgate—*

24 “(1) *not later than 1 year after the date of enact-*
 25 *ment of this subtitle, proposed regulations that—*

1 “(A) prohibit persons from importing, man-
2 ufacturing, processing, or distributing in com-
3 merce asbestos-containing materials; and

4 “(B) provide for implementation of sub-
5 sections (b) and (c); and

6 “(2) not later than 2 years after the date of en-
7 actment of this subtitle, final regulations that, effec-
8 tive beginning 60 days after the date of promulgation,
9 prohibit persons from importing, manufacturing,
10 processing, or distributing in commerce asbestos-con-
11 taining materials.

12 “(b) EXEMPTIONS.—

13 “(1) IN GENERAL.—Any person may petition the
14 Administrator for, and the Administrator may grant,
15 an exemption from the requirements of subsection (a)
16 if the Administrator determines that—

17 “(A) the exemption would not result in an
18 unreasonable risk of injury to health or the envi-
19 ronment; and

20 “(B) the person has made good faith efforts
21 to develop, but has been unable to develop, a sub-
22 stance, or identify a mineral, that—

23 “(i) does not present an unreasonable
24 risk of injury to health or the environment;
25 and

1 “(i) may be substituted for an asbes-
2 tos-containing material.

3 “(2) *TERMS AND CONDITIONS.*—*An exemption*
4 *granted under this subsection shall be in effect for*
5 *such period (not to exceed a total of 3 years) and sub-*
6 *ject to such terms and conditions as the Adminis-*
7 *trator may prescribe.*

8 “(3) *GOVERNMENTAL USE.*—

9 “(A) *IN GENERAL.*—*The Administrator*
10 *shall provide an exemption from the require-*
11 *ments of subsection (a), without review or limit*
12 *on duration, if the exemption for asbestos-con-*
13 *taining material is—*

14 “(i) *sought by the Secretary of Defense*
15 *and the Secretary certifies, and provides a*
16 *copy of that certification to the Adminis-*
17 *trator and Congress, that—*

18 “(I) *use of the asbestos containing*
19 *material is necessary to the critical*
20 *functions of the Department;*

21 “(II) *no reasonable alternatives to*
22 *the asbestos containing material exist*
23 *for the intended purpose; and*

24 “(III) *use of the asbestos con-*
25 *taining material will not result in an*

1 *unreasonable risk to health or the envi-*
2 *ronment; or*

3 *“(ii) sought by the Administrator of*
4 *the National Aeronautics and Space Ad-*
5 *ministration and the Administrator of the*
6 *National Aeronautics and Space Adminis-*
7 *tration certifies, and provides a copy of that*
8 *certification to Congress, that—*

9 *“(I) the asbestos-containing mate-*
10 *rial is necessary to the critical func-*
11 *tions of the National Aeronautics and*
12 *Space Administration;*

13 *“(II) no reasonable alternatives to*
14 *the asbestos-containing material exist*
15 *for the intended purpose; and*

16 *“(III) the use of the asbestos-con-*
17 *taining material will not result in an*
18 *unreasonable risk to health or the envi-*
19 *ronment.*

20 *“(B) ADMINISTRATIVE PROCEDURE ACT.—*
21 *Any exemption provided by the Administrator*
22 *under subparagraph (A), and any certification*
23 *made by the Secretary of Defense under subpara-*
24 *graph (A)(i) shall not be subject to the provisions*
25 *of subchapter II of chapter 5, and chapter 7, of*

1 *title 5, United States Code (commonly known as*
2 *the ‘Administrative Procedure Act’).*

3 “(4) *DIAPHRAGMS FOR EXISTING ELECTROLYSIS*
4 *INSTALLATIONS.—*

5 “(A) *IN GENERAL.—The requirements of*
6 *subsection (a) shall not apply to any diaphragm*
7 *electrolysis installation in existence as of the*
8 *date of enactment of this subtitle.*

9 “(B) *REVIEW.—*

10 “(i) *IN GENERAL.—Not later than 3*
11 *years after the date of enactment of this*
12 *subtitle, and every 6 years thereafter, the*
13 *Administrator shall review the exemption*
14 *provided under subparagraph (A) to deter-*
15 *mine the appropriateness of the exemption.*

16 “(ii) *SCOPE.—In conducting the re-*
17 *view of the exemption provided under sub-*
18 *paragraph (A), the Administrator shall ex-*
19 *amine the risk of injury to an individual*
20 *relating to the operation by the individual*
21 *of each diaphragm electrolysis installation*
22 *described in subparagraph (A).*

23 “(iii) *PUBLIC PARTICIPATION.—In*
24 *conducting the review of the exemption pro-*
25 *vided under subparagraph (A), the Admin-*

1 *istrator shall provide public notice and a*
2 *30-day period of public comment.*

3 *“(C) DECISION RELATING TO EXTENSION OF*
4 *EXEMPTION.—Upon completion of a review of a*
5 *diaphragm electrolysis installation under sub-*
6 *paragraph (B)(i), if the Administrator deter-*
7 *mines that the diaphragm electrolysis installa-*
8 *tion poses an unreasonable risk of injury to*
9 *health or the environment, the Administrator*
10 *may terminate the exemption provided to the di-*
11 *aphragm electrolysis installation under subpara-*
12 *graph (A).*

13 *“(c) DISPOSAL.—*

14 *“(1) IN GENERAL.—Except as provided in para-*
15 *graph (2), not later than 2 years after the date of en-*
16 *actment of this subtitle, each person that possesses as-*
17 *bestos-containing material that is subject to the prohi-*
18 *bition established under this section shall dispose of*
19 *the asbestos-containing material, by a means that is*
20 *in compliance with applicable Federal, State, and*
21 *local requirements.*

22 *“(2) EXEMPTION.—Nothing in paragraph (1)—*

23 *“(A) applies to asbestos-containing material*
24 *that—*

1 “(i) is no longer in the stream of com-
2 merce; or

3 “(ii) is in the possession of an end
4 user; or

5 “(B) requires that asbestos-containing mate-
6 rial described in subparagraph (A) be removed
7 or replaced.

8 “(d) COMPLIANCE TESTING.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 and in accordance with paragraph (3), not later than
11 1 year after the date on which the Administrator pro-
12 mulgates the regulations under subsection (a), and
13 annually thereafter, to ensure compliance with those
14 regulations, the Administrator shall carry out tests on
15 an appropriate quantity of products, as determined
16 by the Administrator, to determine if the products
17 have asbestos-containing material.

18 “(2) EXEMPTED PRODUCTS.—In carrying out
19 the compliance testing under paragraph (1), the Ad-
20 ministrator shall not carry out any test on any prod-
21 uct that contains any material that is the subject of
22 an exemption described in subsection (b).

23 “(3) APPROPRIATE TEST METHODOLOGIES.—In
24 carrying out the compliance testing under paragraph
25 (1), the Administrator shall use the appropriate test

1 *methodology for each product that is the subject of the*
 2 *compliance testing.*

3 “(4) *ANNUAL REPORT.*—

4 “(A) *IN GENERAL.*—Upon completion of
 5 *each annual testing period described in para-*
 6 *graph (1), the Administrator shall prepare a re-*
 7 *port for the annual testing period covered by the*
 8 *report, describing those products that have asbes-*
 9 *tos-containing material.*

10 “(B) *PUBLIC AVAILABILITY.*—Not later than
 11 *90 days after the date of completion of each an-*
 12 *nuual testing period described in paragraph (1),*
 13 *the Administrator shall make the report for the*
 14 *annual testing period covered by the report*
 15 *available to the public.”.*

16 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 17 *in sections 1 of the Toxic Substances Control Act (15 U.S.C.*
 18 *prec. 2601) is amended—*

19 (1) *by inserting before the item relating to sec-*
 20 *tion 201 the following:*

“Subtitle A—General Provisions”;

21 *and*

22 (2) *by adding at the end of the items relating to*
 23 *title II the following:*

“Subtitle B—Asbestos-Containing Products

“Sec. 221. Definitions.

“Sec. 222. *National Institute for Occupational Safety and Health report and study.*”

“Sec. 223. *Public education program.*”

“Subtitle C—*Prohibition on Asbestos-Containing Materials*”

“Sec. 231. *Prohibition on asbestos-containing materials.*”.

1 **SEC. 4. ASBESTOS-RELATED DISEASES.**

2 *Subpart 1 of part C of title IV of the Public Health*
3 *Service Act (42 U.S.C. 285 et seq.) is amended by adding*
4 *at the end the following:*

5 **“SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.**

6 *“(a) IN GENERAL.—The Secretary, acting through the*
7 *Director of NIH and the Director of the Centers for Disease*
8 *Control and Prevention, shall expand, intensify, and co-*
9 *ordinate programs for the conduct and support of research*
10 *on diseases caused by exposure to asbestos, particularly*
11 *mesothelioma, asbestosis, and pleural injuries.*

12 *“(b) ADMINISTRATION.—The Secretary shall carry out*
13 *this section in collaboration with—*

14 *“(1) the Administrator of the Agency for Toxic*
15 *Substances and Disease Registry;*

16 *“(2) the Director of the National Institute for*
17 *Occupational Safety and Health; and*

18 *“(3) the head of any other agency, as the Sec-*
19 *retary determines to be appropriate.*

20 **“(c) ASBESTOS-RELATED DISEASE REGISTRY.—**

21 *“(1) IN GENERAL.—Not later than 1 year after*
22 *the date of enactment of this section, the Director of*

1 *the Centers for Disease Control and Prevention, in co-*
2 *operation with the Director of the National Institute*
3 *for Occupational Safety and Health and the Adminis-*
4 *trator of the Agency for Toxic Substances and Disease*
5 *Registry, shall establish a mechanism by which to ob-*
6 *tain, coordinate, and provide data and specimens*
7 *from—*

8 “(A) *State cancer registries and other can-*
9 *cer registries;*

10 “(B) *the National Mesothelioma Virtual*
11 *Registry and Tissue Bank; and*

12 “(C) *each entity participating in the asbes-*
13 *tos-related disease research and treatment net-*
14 *work established under section 417F(a).*

15 “(2) *TREATMENT.—The data and specimens de-*
16 *scribed in paragraph (1) shall form the basis for es-*
17 *tablishing a national clearinghouse for data and*
18 *specimens relating to asbestos-related diseases, with a*
19 *particular emphasis on mesothelioma.*

20 “(d) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
21 *tion to amounts made available for the purposes described*
22 *in subsection (a) under other law, there are authorized to*
23 *be appropriated to carry out this section such sums as are*
24 *necessary for fiscal year 2008 and each fiscal year there-*
25 *after.*

1 **“SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND**
2 **TREATMENT NETWORK.**

3 “(a) *ESTABLISHMENT.*—For each of fiscal years 2008
4 through 2012, the Director of NIH, in collaboration with
5 other applicable Federal, State, and local agencies and de-
6 partments, shall establish and maintain an asbestos-related
7 disease research and treatment network (referred to in this
8 section as the ‘Network’) to support the detection, preven-
9 tion, treatment, and cure of asbestos-related diseases, with
10 particular emphasis on malignant mesothelioma.

11 “(b) *INCLUSIONS.*—The Network shall include—

12 “(1) *intramural research initiatives of the Na-*
13 *tional Institutes of Health; and*

14 “(2) *at least 10 extramural asbestos-related dis-*
15 *ease research and treatment centers, as selected by the*
16 *Director of NIH in accordance with subsection (c).*

17 “(c) *EXTRAMURAL ASBESTOS-RELATED DISEASE RE-*
18 *SEARCH AND TREATMENT CENTERS.*—

19 “(1) *IN GENERAL.*—For each fiscal year during
20 which the Network is operated and maintained under
21 subsection (a), the Director of NIH shall select for in-
22 clusion in the Network not less than 10 nonprofit hos-
23 pitals, universities, or medical or research institu-
24 tions incorporated or organized in the United States
25 that, as determined by the Director of NIH—

1 “(A) have exemplary experience and quali-
2 fications in research and treatment of asbestos-
3 related diseases;

4 “(B) have access to an appropriate popu-
5 lation of patients with asbestos-related diseases;
6 and

7 “(C) are geographically distributed through-
8 out the United States, with special consideration
9 given to areas of high incidence of asbestos-re-
10 lated diseases.

11 “(2) *REQUIREMENTS.*—Each center selected
12 under paragraph (1) shall—

13 “(A) be chosen by the Director of NIH after
14 competitive peer review;

15 “(B) conduct laboratory and clinical re-
16 search, including clinical trials, relating to—

17 “(i) mechanisms for effective thera-
18 peutic treatment of asbestos-related diseases;

19 “(ii) early detection and prevention of
20 asbestos-related diseases;

21 “(iii) palliation of asbestos-related dis-
22 ease symptoms; and

23 “(iv) pain management with respect to
24 asbestos-related diseases;

1 “(C) offer to asbestos-related disease pa-
2 tients travel and lodging assistance as nec-
3 essary—

4 “(i) to accommodate the maximum
5 number of patients practicable; and

6 “(ii) to serve a number of patients at
7 the center sufficient to conduct a meaning-
8 ful clinical trial;

9 “(D) seek to collaborate with at least 1 med-
10 ical center of the Department of Veterans Affairs
11 to provide research benefits and care to veterans
12 who have suffered excessively from asbestos-re-
13 lated diseases, particularly mesothelioma; and

14 “(E) coordinate the research and treatment
15 efforts of the center (including specimen sharing
16 and use of common informatics) with other enti-
17 ties included in—

18 “(i) the Network; and

19 “(ii) the National Virtual Mesothe-
20 lioma Registry and Tissue Bank.

21 “(3) PERIOD OF INCLUSION.—A center selected
22 by the Director of NIH under this subsection shall be
23 included in the Network for—

24 “(A) the 1-year period beginning on the
25 date of selection of the center; or

1 “(B) such longer period as the Director of
2 NIH determines to be appropriate.

3 “(d) GRANTS.—The Director of NIH shall provide to
4 each center selected for inclusion in the Network under sub-
5 section (c) for the fiscal year a grant in an amount equal
6 to \$1,000,000 to support the detection, prevention, treat-
7 ment, and cure of asbestos-related diseases, with particular
8 emphasis on malignant mesothelioma.

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$10,000,000 for each of fiscal years 2008 through 2012.

12 **“SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.**

13 “(a) IN GENERAL.—The Secretary, acting through the
14 United States Army Medical Research and Materiel Com-
15 mand, shall support research on mesothelioma and other
16 asbestos-related diseases that has clear scientific value and
17 direct relevance to the health of members and veterans of
18 the Armed Forces, in accordance with the appropriate con-
19 gressionally directed medical research program, with the
20 goal of advancing the understanding, early detection, and
21 treatment of asbestos-related mesothelioma and other asbes-
22 tos-related diseases.

23 “(b) ADMINISTRATION.—The Secretary shall carry out
24 this section in collaboration with—

25 “(1) the Director of NIH;

1 “(2) *the Director of the National Institute of Oc-*
2 *cupational Safety and Health; and*

3 “(3) *the head of any other agency, as the Sec-*
4 *retary determines to be appropriate.*

5 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
6 *authorized to be appropriated to carry out this section such*
7 *sums as are necessary for fiscal year 2008 and each fiscal*
8 *year thereafter.”.*

Calendar No. 321

110TH CONGRESS
1ST Session

S. 742

A BILL

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

AUGUST 2, 2007

Reported with an amendment