

119TH CONGRESS
1ST SESSION

S. 2811

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2025

Mr. MERKLEY (for himself, Mr. BLUMENTHAL, Mr. PADILLA, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, use, and distribution in commerce of commercial asbestos and mixtures and articles containing commercial asbestos, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alan Reinstein Ban
5 Asbestos Now Act of 2025”.

1 **SEC. 2. COMMERCIAL ASBESTOS BAN AND REPORTING.**

2 Section 6 of the Toxic Substances Control Act (15
3 U.S.C. 2605) is amended—

4 (1) by redesignating subsection (j) as sub-
5 section (k); and

6 (2) by inserting after subsection (i) the fol-
7 lowing:

8 “(j) ASBESTOS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) COMMERCIAL ASBESTOS.—The term
11 ‘commercial asbestos’ means the asbestiform
12 varieties of the following, if extracted and proc-
13 essed for their commercial value:

14 “(i) Chrysotile (serpentine).

15 “(ii) Crocidolite (riebeckite).

16 “(iii) Amosite (cummingtonite-
17 grunerite).

18 “(iv) Anthophyllite.

19 “(v) Tremolite.

20 “(vi) Actinolite.

21 “(vii) Richterite.

22 “(viii) Winchite.

23 “(B) DISTRIBUTE IN COMMERCE; DIS-
24 TRIBUTION IN COMMERCE.—

25 “(i) IN GENERAL.—Except as pro-
26 vided in clause (ii), the terms ‘distribute in

commerce’ and ‘distribution in commerce’
have the meanings given the terms in sec-
tion 3.

“(ii) EXCLUSIONS.—The terms ‘dis-
tribute in commerce’ and ‘distribution in
commerce’ do not include, with respect to
commercial asbestos—

“(I) end-use of a mixture or arti-
cle containing commercial asbestos
and installed in a building or other
structure, product, or equipment be-
fore the date of enactment of the Alan
Reinstein Ban Asbestos Now Act of
2025; or

“(II) distribution of a mixture or
article containing commercial asbestos
solely for the purpose of disposal of
the mixture or article in compliance
with applicable Federal, State, and
local requirements.

“(C) MIXTURE OR ARTICLE CONTAINING
COMMERCIAL ASBESTOS.—The term ‘mixture or
article containing commercial asbestos’ does not
include a mixture or article in which commer-
cial asbestos is present solely as an impurity (as

defined in section 720.3 of title 40, Code of
Federal Regulations (or successor regulations)).

“(2) APPLICABILITY.—

“(A) IN GENERAL.—The prohibitions, re-
quirements, and definition of the term ‘commer-
cial asbestos’ in this subsection shall—

“(i) apply only—

“(I) to chemical substances; and

“(II) for purposes of regulating
chemical substances under this Act;
and

“(ii) have no effect on—

“(I) any other prohibition or def-
inition of the term ‘asbestos’; or

“(II) any other requirement reg-
ulating asbestos, including for pur-
poses of—

“(aa) regulating cosmetics
under the Federal Food, Drug,
and Cosmetic Act (21 U.S.C. 301
et seq.); and

“(bb) determining whether a
cosmetic contains asbestos as an
ingredient or as an impurity to
an ingredient.

1 “(B) IMPURITIES.—Nothing in this sub-
2 section applies to any chemical substance, mix-
3 ture, or article in which commercial asbestos is
4 present solely as an impurity.

5 “(3) PROHIBITION OF MANUFACTURE, PROC-
6 ESSING, USE, AND DISTRIBUTION IN COMMERCE.—
7 Effective on the date of enactment of the Alan
8 Reinstein Ban Asbestos Now Act of 2025, no person
9 may manufacture, process, use, or distribute in com-
10 merce commercial asbestos or any mixture or article
11 containing commercial asbestos.

12 “(4) CHLOR-ALKALI INDUSTRY.—Notwith-
13 standing paragraph (3), an owner, operator, or
14 agent of an owner or operator of a chlor-alkali facil-
15 ity that is in operation on the date of enactment of
16 the Alan Reinstein Ban Asbestos Now Act of 2025
17 may, until January 1, 2030—

18 “(A) use, hold, or process commercial as-
19 bestos fibers solely for the purpose of manufac-
20 turing diaphragms for use in the chlor-alkali
21 process; and

22 “(B) use asbestos diaphragms in chlor-al-
23 kali production.

24 “(5) EXEMPTION FOR NATIONAL SECURITY
25 REASONS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of this subsection, the President
3 may, on application, grant any person an ex-
4 emption from the prohibition under paragraph
5 (3) once for the manufacture, processing, use,
6 or distribution in commerce of commercial as-
7 bestos or any mixture or article containing com-
8 mercial asbestos only if the President deter-
9 mines that—

10 “(i) the manufacture, processing, use,
11 or distribution in commerce of commercial
12 asbestos or any mixture or article con-
13 taining commercial asbestos by the person
14 is necessary to protect the national secu-
15 rity interests of the United States; and

16 “(ii) no feasible alternative to the
17 manufacture, processing, use, or distribu-
18 tion in commerce of commercial asbestos
19 or any mixture or article containing com-
20 mercial asbestos exists for the intended
21 use.

22 “(B) DURATION.—

23 “(i) IN GENERAL.—The period of an
24 exemption granted under subparagraph
25 (A) shall not exceed 3 years.

1 “(ii) EXTENSION.—The President
2 may, in accordance with subparagraph (A),
3 extend an exemption granted under that
4 subparagraph once, for a period not to ex-
5 ceed 3 years.

6 “(C) TERMS AND CONDITIONS.—An ex-
7 emption granted under this paragraph (includ-
8 ing any extension granted under subparagraph
9 (B)(ii)) shall include such terms and conditions
10 as are necessary to achieve the maximum extent
11 practicable reduction in exposure to commercial
12 asbestos.

13 “(D) PUBLICATION.—

14 “(i) APPLICATIONS.—Not later than
15 30 days after receipt of an application for
16 an exemption under this paragraph (in-
17 cluding an extension under subparagraph
18 (B)(ii)), the President shall publish the ap-
19 plication in the Federal Register.

20 “(ii) EXEMPTIONS.—Not later than
21 30 days after granting an exemption under
22 this paragraph (including an extension
23 under subparagraph (B)(ii)), the President
24 shall publish in the Federal Register—

1 “(I) a notice of the exemption;
2 and

3 “(II) the terms and conditions
4 included under subparagraph (C).

5 “(iii) EXCEPTION.—The President, on
6 a determination that publication under this
7 subparagraph of information relating to an
8 application or granting of a particular ex-
9 emption would harm the national security
10 interests of the United States—

11 “(I) shall not publish that infor-
12 mation in the Federal Register; but

13 “(II) shall provide that informa-
14 tion to the Committee on Energy and
15 Commerce of the House of Represent-
16 atives and the Committee on Environ-
17 ment and Public Works of the Senate.

18 “(E) APPLICATION OF WAIVER AUTHOR-
19 ITY.—Notwithstanding section 22, the Adminis-
20 trator may not issue a waiver under that sec-
21 tion with respect to commercial asbestos.”.

○