

114TH CONGRESS
1ST SESSION

S. 700

To amend the Asbestos Information Act of 1988 to establish a public database of asbestos-containing products, to require public disclosure of information pertaining to the manufacture, processing, distribution, and use of asbestos-containing products in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2015

Mr. DURBIN (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Asbestos Information Act of 1988 to establish a public database of asbestos-containing products, to require public disclosure of information pertaining to the manufacture, processing, distribution, and use of asbestos-containing products in the United States, 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 “Reducing Exposure
5 to Asbestos Database Act of 2015” or the “READ Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

7 (2) the International Agency for Research on
8 Cancer has classified asbestos as a class 1 human
9 carcinogen;

10 (3) despite the enactment of the Asbestos Infor-
11 mation Act of 1988 (15 U.S.C. 2607 note; Public
12 Law 100–577), which sought to improve trans-
13 parency and public awareness of the presence of as-
14 bestos in commercial materials and products, many
15 people in the United States still incorrectly believe
16 that—

17 (A) asbestos has been banned in the
18 United States; and

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

21 (4) asbestos is still being imported and used,
22 and is otherwise present as a contaminant, in some
23 consumer and industrial products in the United
24 States;

25 (5) according to the Environmental Protection
26 Agency, the manufacture, importation, processing,

1 and distribution in commerce of many asbestos-con-
2 taining products are not banned in the United
3 States, including—

4 (A) cement corrugated sheet;

5 (B) cement flat sheet;

6 (C) clothing;

7 (D) pipeline wrap;

8 (E) roofing felt;

9 (F) vinyl floor tile;

10 (G) cement shingle;

11 (H) millboard;

12 (I) cement pipe;

13 (J) automatic transmission components;

14 (K) clutch facings;

15 (L) friction materials;

16 (M) disc brake pads;

17 (N) drum brake linings;

18 (O) brake blocks;

19 (P) gaskets;

20 (Q) non-roofing coatings; and

21 (R) roof coatings;

22 (6) consumers and workers are at risk of asbes-
23 tos exposure, and families of workers are also put at
24 risk because of asbestos brought home by the work-

1 ers on the shoes, clothes, skin, and hair of the work-
2 ers;

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

7 (8) the National Institutes of Health reported
8 to Congress that mesothelioma is a difficult disease
9 to detect, diagnose, and treat;

10 (9) mesothelioma responds poorly to conven-
11 tional chemotherapy, and although new combination
12 treatments for mesothelioma have demonstrated
13 some benefits—

14 (A) the median survival period for meso-
15 thelioma is only 1 year after diagnosis of the
16 disease; and

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

20 (10) until asbestos is completely banned from
21 being used in or imported into the United States,
22 transparent and accessible information about the lo-
23 cation and identity of asbestos and asbestos-con-
24 taining products in the United States is necessary to

1 better protect consumers, workers, families, and the
2 people of the United States.

3 **SEC. 3. ESTABLISHMENT OF ASBESTOS-CONTAINING PROD-**
4 **UCT DATABASE.**

5 The Asbestos Information Act of 1988 (15 U.S.C.
6 2607 note; Public Law 100–577) is amended—

7 (1) in section 4—

8 (A) by redesignating paragraphs (3)
9 through (7) as paragraphs (4) through (8), re-
10 spectively; and

11 (B) by inserting after paragraph (2) the
12 following:

13 “(3) ASBESTOS-CONTAINING PRODUCT.—The
14 term ‘asbestos-containing product’ means any prod-
15 uct (including any part) to which asbestos is delib-
16 erately or knowingly added or in which asbestos is
17 deliberately used or knowingly present in any con-
18 centration.”;

19 (2) in section 2, by inserting “(referred to in
20 this Act as the ‘Administrator’)” after “Adminis-
21 trator of the Environmental Protection Agency”;
22 and

23 (3) by adding at the end the following:

1 **“SEC. 5. ASBESTOS-CONTAINING PRODUCT DATABASE.**

2 “(a) IN GENERAL.—Using funds otherwise made
3 available to the Administrator, the Administrator shall, in
4 accordance with this section, establish and maintain a
5 database of asbestos-containing products (referred to in
6 this Act as the ‘database’) that is—

7 “(1) publicly available;

8 “(2) searchable; and

9 “(3) accessible through the website of the Ad-
10 ministrator.

11 “(b) SUBMISSION OF DETAILED IMPLEMENTATION
12 PLAN TO CONGRESS.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this section, the Ad-
15 ministrator shall submit to the appropriate congres-
16 sional committees a detailed plan for establishing
17 and maintaining the database, including plans for
18 the operation, content, maintenance, and
19 functionality of the database.

20 “(2) INTEGRATION.—The plan described in
21 paragraph (1) shall detail the integration of the
22 database into the overall information technology im-
23 provement objectives and plans of the Administrator.

24 “(3) IMPLEMENTATION.—The plan described in
25 paragraph (1) shall include—

1 “(A) a detailed implementation schedule
2 for the database; and

3 “(B) plans for a public awareness cam-
4 paign conducted by the Administrator to in-
5 crease awareness of the database.

6 “(c) DATE OF INITIAL AVAILABILITY.—Not later
7 than 180 days after the date on which the Administrator
8 submits the plan under subsection (b)(1), the Adminis-
9 trator shall establish the database.

10 “(d) SUBMISSION OF INFORMATION ON ASBESTOS-
11 CONTAINING PRODUCTS.—

12 “(1) IN GENERAL.—Beginning on the date that
13 is 270 days after the date of enactment of this sec-
14 tion, and not less frequently than annually there-
15 after, any person who manufactured, processed, dis-
16 tributed, sold, imported, transported, or stored an
17 asbestos-containing product in the immediately pre-
18 ceding calendar year shall submit to the Adminis-
19 trator a written report, in a form to be determined
20 by the Administrator, containing information suffi-
21 cient to identify the characteristics and location of
22 the asbestos-containing products.

23 “(2) CONTENTS.—The report under paragraph
24 (1) shall include—

1 “(A) the type or class of asbestos-con-
2 taining product;

3 “(B) the manufacturer of the asbestos-con-
4 taining product;

5 “(C) any applicable import history of the
6 asbestos-containing product;

7 “(D) the name and street address of any
8 location accessible by the public in which the
9 person has reasonable knowledge that the as-
10 bestos-containing product has been present
11 within the immediately preceding calendar year;
12 and

13 “(E) any additional information the Ad-
14 ministrator determines is appropriate to enable
15 consumers and workers to avoid exposure to as-
16 bestos-containing products.

17 “(e) ORGANIZATION OF DATABASE.—The Adminis-
18 trator shall—

19 “(1) categorize the information available on the
20 database—

21 “(A) in a manner consistent with the pub-
22 lic interest; and

23 “(B) in such manner as the Administrator
24 determines will facilitate easy use by con-
25 sumers; and

1 “(2) ensure, to the maximum extent prac-
 2 ticable, that the database is sortable and accessible
 3 by—

4 “(A) the date on which information is sub-
 5 mitted for inclusion in the database;

6 “(B) the name of the asbestos-containing
 7 product;

8 “(C) the model name;

9 “(D) the name of the manufacturer;

10 “(E) the name of the importer, if applica-
 11 ble;

12 “(F) the name of the reporting person;

13 “(G) the name and street address of any
 14 location in which an asbestos-containing prod-
 15 uct is reported to have been present; and

16 “(H) any other element the Administrator
 17 considers to be in the public interest.

18 **“SEC. 6. PENALTIES.**

19 “(a) IN GENERAL.—Any person who knowingly man-
 20 ufactured, processed, distributed, sold, imported, trans-
 21 ported, or stored an asbestos-containing product in the im-
 22 mediately preceding calendar year and who did not submit
 23 a report to the Administrator under section 5 shall be lia-
 24 ble for a civil penalty of \$10,000 for each day after the

1 deadline under section 5(d)(1) the report has not been
2 submitted.

3 “(b) FALSE OR INACCURATE INFORMATION.—Any
4 person who knowingly provides false or inaccurate infor-
5 mation in a report under section 5 or who knowingly fails
6 to provide information required in a report under section
7 5 shall be liable for a civil penalty of \$10,000 for each
8 violation of this paragraph.”.

9 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

10 Not later than 2 years after the Administrator of the
11 Environmental Protection Agency establishes the database
12 of asbestos-containing products under section 5(a) of the
13 Asbestos Information Act of 1988 (15 U.S.C. 2607 note;
14 Public Law 100–577) (referred to in this section as the
15 “database”), the Comptroller General of the United States
16 shall submit to the appropriate congressional committees
17 a report that contains—

18 (1) an analysis of the utility of the database, in-
19 cluding—

20 (A) an assessment of the extent of use of
21 the database by consumers, including—

22 (i) whether the database is accessed
23 by a broad range of the public; and

24 (ii) whether consumers find the data-
25 base to be useful; and

- 1 (B) efforts by the Administrator to inform
2 the public about the database;
- 3 (2) recommendations for measures to increase
4 use of the database by consumers; and
- 5 (3) recommendations for measures to further
6 reduce the harm caused by exposure to asbestos, in-
7 cluding bans on the importation and use of asbestos-
8 containing products.

