

115TH CONGRESS
1ST SESSION

S. 2072

To amend the Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency to take action to eliminate human exposure to asbestos, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2017

Mr. MERKLEY (for himself, Mr. BOOKER, Mrs. FEINSTEIN, Mr. DURBIN, Mr. SANDERS, Mr. TESTER, Mr. WHITEHOUSE, 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 Toxic Substances Control Act to require the Administrator of the Environmental Protection Agency to take action to eliminate human exposure to 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 2017”.

1 **SEC. 2. ASBESTOS BAN.**

2 (a) IN GENERAL.—The Toxic Substances Control Act
3 (15 U.S.C. 2601 et seq.) is amended by adding at the end
4 the following:

5 **“TITLE VII—ASBESTOS**

6 **“SEC. 701. DEFINITION OF ASBESTOS.**

7 “In this title, the term ‘asbestos’ means all forms of
8 asbestos.

9 **“SEC. 702. ELIMINATION OF ASBESTOS EXPOSURE.**

10 “(a) IMPORTATION, USE, AND EXPOSURE ASSESS-
11 MENT.—Notwithstanding any other provision of this Act,
12 not later than 90 days after the date of enactment of the
13 Alan Reinstein Ban Asbestos Now Act of 2017, the Ad-
14 ministrator shall carry out and publish an identification
15 and assessment of the current and reasonably anticipated
16 importation, distribution in commerce, and uses of, and
17 exposures to, asbestos.

18 “(b) EXPOSURE ELIMINATION.—

19 “(1) IN GENERAL.—As soon as practicable, but
20 not later than 18 months after the date of enact-
21 ment of the Alan Reinstein Ban Asbestos Now Act
22 of 2017, the Administrator shall impose, by rule,
23 prohibitions, restrictions, and other conditions, in-
24 cluding prohibitions on the manufacture, processing,
25 use, distribution in commerce, and disposal of asbes-
26 tos and mixtures and articles containing asbestos,

1 that the Administrator determines to be necessary to
2 eliminate human or environmental exposure to as-
3bestos.

4 “(2) SELECTION OF CONDITIONS.—In imposing
5 prohibitions and other conditions under paragraph
6 (1), the Administrator shall select requirements that
7 permanently eliminate the possibility of exposure to
8 asbestos.

9 “(c) TIMING OF EXPOSURE REDUCTIONS.—

10 “(1) IN GENERAL.—Except as provided in an
11 exemption granted by the President under sub-
12 section (d), beginning on the date that is 1 year
13 after the date on which the Administrator issues the
14 rule described in subsection (b)(1), no person shall
15 manufacture, process, use, distribute in commerce,
16 or dispose of any form of asbestos or any mixture
17 or article containing any form of asbestos for any
18 use or under any condition other than a use or con-
19 dition described in that rule.

20 “(2) EFFECTIVE DATE.—In any rule issued
21 under this title, the Administrator shall specify the
22 date on which any prohibition, restriction, or other
23 condition shall take effect, and that date shall be as
24 soon as practicable, but not later than 1 year, after
25 the date of promulgation of the rule.

1 “(d) EXEMPTION FOR NATIONAL SECURITY REA-
2 SONS.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of this title, the President may grant an
5 exemption from the requirements of this section for
6 any use of asbestos if the President determines
7 that—

8 “(A) the use of asbestos is necessary to
9 protect the national security interests of the
10 United States;

11 “(B) no reasonable alternative to the as-
12 bestos use exists for the intended purpose; and

13 “(C) the use of asbestos will not result in
14 an unreasonable risk to health or the environ-
15 ment (without consideration of costs or other
16 nonrisk factors), including an unreasonable risk
17 to a potentially exposed or susceptible sub-
18 population identified as relevant by the Admin-
19 istrator under the conditions of use.

20 “(2) TERMS AND CONDITIONS.—An exemption
21 under paragraph (1) shall be subject to such terms
22 and conditions as the President may prescribe.

23 “(3) DURATION.—

1 “(A) IN GENERAL.—The duration of an
2 exemption under paragraph (1) shall not exceed
3 a period of 3 years.

4 “(B) ADDITIONAL EXEMPTION.—The
5 President may grant an additional exemption
6 under paragraph (1), for a period not to exceed
7 3 years, by making a new determination under
8 that paragraph.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents for the Toxic Substances Control Act (15 U.S.C.
11 2601 et seq.) is amended by adding at the end the fol-
12 lowing:

“TITLE VII—ASBESTOS

“Sec. 701. Definition of asbestos.

“Sec. 702. Elimination of asbestos exposure.”.

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