

117TH CONGRESS  
2D SESSION

# H. R. 7810

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2022

Ms. BONAMICI introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## 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 2022”.

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.—

11 “(i) IN GENERAL.—The term ‘com-  
12 mercial asbestos’ means asbestiform fibers  
13 that have been extracted and processed  
14 from any of the following minerals:

15 “(I) Chrysotile (serpentine).

16 “(II) Crocidolite (riebeckite).

17 “(III) Amosite (cummingtonite-  
18 grunerite).

19 “(IV) Anthophyllite asbestos.

20 “(V) Tremolite asbestos.

21 “(VI) Actinolite asbestos.

22 “(VII) Richterite.

23 “(VIII) Winchite.

24 “(ii) EXCLUSION.—The term ‘com-  
25 mercial asbestos’ does not include asbestos

1 fibers that are not extracted or processed  
2 for the value of the asbestos fibers.

3 “(B) DISTRIBUTE IN COMMERCE.—

4 “(i) IN GENERAL.—Except as pro-  
5 vided in clause (ii), the terms ‘distribute in  
6 commerce’ and ‘distribution in commerce’  
7 have the meanings given the terms in sec-  
8 tion 3.

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

13 “(I) end-use of a mixture or arti-  
14 cle containing commercial asbestos  
15 and installed in a building or other  
16 structure before the date of enactment  
17 of the Alan Reinstein Ban Asbestos  
18 Now Act of 2022; or

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

1           “(C) MIXTURE OR ARTICLE CONTAINING  
2           COMMERCIAL ASBESTOS.—The term ‘mixture or  
3           article containing commercial asbestos’ does not  
4           include a mixture or article in which commer-  
5           cial asbestos is present solely as an impurity (as  
6           defined in section 720.3 of title 40, Code of  
7           Federal Regulations (or successor regulations)).

8           “(2) APPLICABILITY.—

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

12               “(i) apply only—

13                       “(I) to chemical substances; and

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

17               “(ii) have no effect on—

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

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

23                               “(aa) regulating cosmetics  
24                               under the Federal Food, Drug,

1 and Cosmetic Act (21 U.S.C. 301  
2 et seq.); and

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

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

11 “(3) PROHIBITION OF MANUFACTURE, PROC-  
12 ESSING, USE, AND DISTRIBUTION IN COMMERCE.—  
13 Effective 1 year after the date of enactment of the  
14 Alan Reinstein Ban Asbestos Now Act of 2022, no  
15 person may manufacture, process, use, or distribute  
16 in commerce commercial asbestos or any mixture or  
17 article containing commercial asbestos.

18 “(4) CHLOR-ALKALI INDUSTRY.—Notwith-  
19 standing paragraph (3), an owner, operator, or  
20 agent of an owner or operator of a chlor-alkali facil-  
21 ity that is in operation on the date of enactment of  
22 the Alan Reinstein Ban Asbestos Now Act of 2022  
23 may, until the date that is 2 years after that date  
24 of enactment—

1           “(A) import processed commercial asbestos  
2           fibers solely for the purpose of manufacturing  
3           diaphragms for use in the chlor-alkali process;  
4           and

5           “(B) use, hold, or process commercial as-  
6           bestos fibers solely for the purpose of manufac-  
7           turing diaphragms for use in the chlor-alkali  
8           process.

9           “(5) EXEMPTION FOR NATIONAL SECURITY  
10          REASONS.—

11           “(A) IN GENERAL.—Notwithstanding any  
12           other provision of this subsection, the President  
13           may, on application, grant any person an ex-  
14           emption from the prohibition under paragraph  
15           (3) once for the manufacture, processing, use,  
16           or distribution in commerce of commercial as-  
17           bestos or any mixture or article containing com-  
18           mercial asbestos only if the President deter-  
19           mines that—

20           “(i) the manufacture, processing, use,  
21           or distribution in commerce of commercial  
22           asbestos or any mixture or article con-  
23           taining commercial asbestos by the person  
24           is necessary to protect the national secu-  
25           rity interests of the United States; and

1 “(ii) no feasible alternative to the  
2 manufacture, processing, use, or distribu-  
3 tion in commerce of commercial asbestos  
4 or any mixture or article containing com-  
5 mercial asbestos exists for the intended  
6 use.

7 “(B) DURATION.—

8 “(i) IN GENERAL.—The period of an  
9 exemption granted under subparagraph  
10 (A) shall not exceed 3 years.

11 “(ii) EXTENSION.—The President  
12 may, in accordance with subparagraph (A),  
13 extend an exemption granted under that  
14 subparagraph once, for a period not to ex-  
15 ceed 3 years.

16 “(C) TERMS AND CONDITIONS.—An ex-  
17 emption granted under this paragraph (includ-  
18 ing any extension granted under subparagraph  
19 (B)(ii)) shall include such terms and conditions  
20 as are necessary to achieve the maximum extent  
21 practicable reduction in exposure to commercial  
22 asbestos.

23 “(D) PUBLICATION.—

24 “(i) APPLICATIONS.—Not later than  
25 30 days after receipt of an application for

1 an exemption under this paragraph (in-  
2 cluding an extension under subparagraph  
3 (B)(ii)), the President shall publish the ap-  
4 plication in the Federal Register.

5 “(ii) EXEMPTIONS.—Not later than  
6 30 days after granting an exemption under  
7 this paragraph (including an extension  
8 under subparagraph (B)(ii)), the President  
9 shall publish in the Federal Register—

10 “(I) a notice of the exemption;

11 and

12 “(II) the terms and conditions  
13 included under subparagraph (C).

14 “(iii) EXCEPTION.—The President, on  
15 a determination that publication under this  
16 subparagraph of information relating to an  
17 application or granting of a particular ex-  
18 emption would harm the national security  
19 interests of the United States—

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

22 “(II) shall provide that informa-  
23 tion to the Committee on Energy and  
24 Commerce of the House of Represent-



atives and the Committee on Environment and Public Works of the Senate.

“(E) APPLICATION OF WAIVER AUTHORITY.—Notwithstanding section 22, the Administrator may not issue a waiver under that section with respect to commercial asbestos.

“(6) REPORTS.—

“(A) TIMING AND COVERAGE.—

“(i) PREVIOUS ACTION.—Not later than 120 days after the date of enactment of the Alan Reinstein Ban Asbestos Now Act of 2022, any person who has manufactured, processed, used, or distributed in commerce commercial asbestos or any mixture or article containing commercial asbestos during the 3-year period preceding that date of enactment shall submit to the Administrator a report described in subparagraph (B).

“(ii) LATER ACTION.—Any person manufacturing, processing, using, or distributing in commerce commercial asbestos or any mixture or article containing commercial asbestos during the period that begins on the date of enactment of the Alan

1 Reinstein Ban Asbestos Now Act of 2022  
2 and ends on the date on which the prohibi-  
3 tion under paragraph (3) takes effect shall  
4 submit to the Administrator a report de-  
5 scribed in subparagraph (B) not later than  
6 60 days after—

7 “(I) the date of enactment of the  
8 Alan Reinstein Ban Asbestos Now Act  
9 of 2022, for any person who has man-  
10 ufactured, processed, used, or distrib-  
11 uted in commerce commercial asbestos  
12 or any mixture or article containing  
13 commercial asbestos before that date  
14 of enactment; or

15 “(II) the date on which the per-  
16 son initiates that manufacture, proc-  
17 essing, use, or distribution in com-  
18 merce, for any person initiating that  
19 manufacture, processing, use, or dis-  
20 tribution in commerce on or after that  
21 date of enactment.

22 “(iii) REPORTS BY CHLOR-ALKALI IN-  
23 DUSTRY.—An owner, operator, or agent of  
24 an owner or operator of a chlor-alkali facil-  
25 ity importing, using, holding, or processing

1 an article containing commercial asbestos  
2 pursuant to paragraph (4) in a calendar  
3 year shall submit to the Administrator a  
4 report described in subparagraph (B)—

5 “(I) not later than March 1 of  
6 the following calendar year; and

7 “(II) annually thereafter until  
8 the person has submitted such a re-  
9 port with respect to each calendar  
10 year after the date of enactment of  
11 the Alan Reinstein Ban Asbestos Now  
12 Act of 2022 in which that person im-  
13 ported, used, held, or processed such  
14 an article.

15 “(iv) REPORTS DURING EXEMPTED  
16 PERIOD.—Any person granted an exemp-  
17 tion under paragraph (5) shall submit to  
18 the Administrator a report described in  
19 subparagraph (B) not later than 27  
20 months after—

21 “(I) the date on which the ex-  
22emption is granted; and

23 “(II) the date on which the ex-  
24emption is extended, if applicable.

1           “(B) CONTENTS.—Each report submitted  
2           under subparagraph (A) shall include—

3                   “(i) the name and address of the per-  
4                   son submitting the report;

5                   “(ii) the name, title, and contact in-  
6                   formation of an authorized representative  
7                   of the person submitting the report;

8                   “(iii) the location of the facility or fa-  
9                   cilities where the manufacture, processing,  
10                  use, or distribution in commerce of com-  
11                  mercial asbestos or mixtures or articles  
12                  containing commercial asbestos has oc-  
13                  curred, or will occur, during the reporting  
14                  period;

15                  “(iv) a description of the manufac-  
16                  ture, processing, use, or distribution activ-  
17                  ity during the reporting period of the per-  
18                  son submitting the report and the intended  
19                  and known uses of commercial asbestos  
20                  and each mixture or article containing  
21                  commercial asbestos by that person and all  
22                  other persons to whom the commercial as-  
23                  bestos, mixture, or article is sold or other-  
24                  wise distributed in commerce;

1 “(v) the quantity of commercial asbes-  
2 tos, and the quantity and concentration of  
3 commercial asbestos in any mixture or ar-  
4 ticle containing commercial asbestos, that  
5 is manufactured, processed, used, or dis-  
6 tributed in commerce, or expected to be  
7 manufactured, processed, used, or distrib-  
8 uted in commerce, by the person during  
9 the reporting period;

10 “(vi) reasonable estimates of the  
11 quantity of commercial asbestos to be dis-  
12 posed of as a result of the reported manu-  
13 facture, processing, use, or distribution ac-  
14 tivities, and the manner of the disposal;  
15 and

16 “(vii) reasonably ascertainable esti-  
17 mates of—

18 “(I) the number of individuals  
19 who, as a result of the reported manu-  
20 facture, processing, use, and distribu-  
21 tion activities—

22 “(aa) have been exposed to  
23 commercial asbestos or mixtures  
24 or articles containing commercial  
25 asbestos; and

1 “(bb) will be so exposed; and

2 “(II) the nature, duration, fre-  
3 quency, and levels of any exposure de-  
4 scribed in subclause (I).

5 “(C) REPORTING PERIOD.—For purposes  
6 of subparagraph (B), the reporting period for a  
7 report submitted under—

8 “(i) subparagraph (A)(i) shall be the  
9 3-year period preceding the date of enact-  
10 ment of the Alan Reinstein Ban Asbestos  
11 Now Act of 2022;

12 “(ii) subparagraph (A)(ii) shall be the  
13 period that begins on the date of enact-  
14 ment of the Alan Reinstein Ban Asbestos  
15 Now Act of 2022 and ends on the date on  
16 which the prohibition under paragraph (3)  
17 takes effect;

18 “(iii) subparagraph (A)(iii) shall be  
19 the calendar year before the calendar year  
20 in which the report is submitted;

21 “(iv) subparagraph (A)(iv)(I) shall be  
22 the period that begins on the date on  
23 which an exemption is granted under para-  
24 graph (5) and ends on the date on which

1           that exemption expires (not including any  
2           extension of that exemption); and

3           “(v) subparagraph (A)(iv)(II) shall be  
4           the period that begins on the date on  
5           which an exemption is extended under  
6           paragraph (5)(B)(ii) and ends on the date  
7           on which that extension expires.

8           “(D) REPORTING FORMS AND INSTRUCTIONS.—Not later than 30 days after the date  
9           of enactment of the Alan Reinstein Ban Asbestos Now Act of 2022, the Administrator shall  
10          publish a notice in the Federal Register that  
11          provides instructions for reporting under this  
12          paragraph and a form or forms for use by persons submitting reports under this paragraph.

13          “(E) AVAILABILITY.—Not later than 90  
14          days after the date on which a report is submitted under subparagraph (A), the Administrator shall, subject to section 14, make that report available to the public.

15          “(F) SUMMARY AND ANALYSIS.—Not later  
16          than 180 days after the date on which a report  
17          is submitted under subparagraph (A), the Administrator shall, subject to section 14, make

1           available to the public a summary and analysis  
2           of the information that report contains.”.

3 **SEC. 3. PUBLIC EDUCATION.**

4       The Administrator of the Environmental Protection  
5 Agency shall—

6           (1) publicize the prohibition under paragraph  
7           (3) of subsection (j) of section 6 of the Toxic Sub-  
8           stances Control Act (15 U.S.C. 2605); and

9           (2) provide to persons who may be subject to  
10          that prohibition assistance in complying with that  
11          subsection.

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