March 3, 2020

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Steny Hoyer
Majority Leader
U.S. House of Representatives
1705 Longworth House Office Building
Washington, DC 20515

Re: H.R. 1603, the Alan Reinstein Ban Asbestos Now Act of 2019

Dear Speaker Pelosi and Majority Leader Hoyer:

We, the undersigned Attorneys General, write to commend the Committee on Energy and Commerce for reporting out the “Alan Reinstein Ban Asbestos Now Act of 2019,” H.R. 1603 (the “Reinstein Bill”) and to express strong support for scheduling the bill for floor consideration with due dispatch.

Asbestos is a known carcinogen for which there is no safe level of exposure, and it is ubiquitous in our built environment.1 Asbestos fibers released into the air and inhaled can and do cause life-threatening illnesses, including asbestosis (a serious, progressive, long-term disease of the lungs for which there is no known effective treatment), lung cancer, and mesothelioma (a rare form of cancer found in the thin membranes of the lung, chest, abdomen, and heart, that may present only many years after exposure and has no known cure). The potential for harm posed by the chemical is universally recognized, and addressing its risks was a significant priority in Congress’ effort to reform the Toxic Substances Control Act (TSCA) in 2016.2 In the four years since the passage of TSCA reform, this urgent priority has not been adequately addressed by the United States Environmental Protection Agency (EPA) as the agency proceeds to implement the statute.

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1 See Occupational Safety and Health Administration Safety and Health Topics: Asbestos, available at https://www.osha.gov/SLTC/asbestos/.
On July 12, 2019, the undersigned Attorneys General submitted a letter supporting the Reinstein Bill in committee, detailing the many reasons for promptly moving the bill, including EPA’s marked lack of progress in regulating asbestos, such as excluding exposures to legacy asbestos from the agency’s risk evaluation, relying on incomplete information in the risk evaluation, and potentially opening the door to new uses of asbestos through the significant new use rule process under TSCA, 15 U.S.C. § 2604(a)(2).

We believe the Reinstein Bill provisions are what is required to address the dire risks that asbestos continues to pose to human health in light of the failure to date to institute a proper ban of the toxic chemical. The bill would prohibit the manufacture, including importing, processing, and distribution, of asbestos in the U.S. within one year of enactment, effectively reinstating the ban EPA adopted thirty years ago. Other important aspects of the bill are its “Right-to-Know” requirements that would compel all asbestos importers and users of asbestos and asbestos-containing products during the last three years to report the amount of asbestos they have used and number of people exposed to it; mechanisms to study the risks presented by “legacy” asbestos; and broad coverage to include asbestos contaminated construction materials and consumer products.

We believe that this ban and other provisions are an appropriate and necessary governmental response to the dire risks that asbestos poses to human health. We accordingly support Congress’ continuing efforts to advance the bill, particularly in light of EPA’s failure to take appropriate action to address asbestos risks since TSCA was amended in 2016.

We urge leadership to move this crucial health and public safety legislation and promptly schedule the Reinstein Bill for consideration by the full House.

Sincerely,

XAVIER BECERRA
California Attorney General

MAURA HEALEY
Massachusetts Attorney General

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3 In addition to the eighteen Attorneys General who joined the prior letter, the Attorney General of Illinois has joined this letter in further support of the bill.


WILLIAM TONG  
Connecticut Attorney General

KATHLEEN JENNINGS  
Delaware Attorney General

CLARE E. CONNORS  
Hawaii Attorney General

KWAME RAOUL  
Illinois Attorney General

TOM MILLER  
Iowa Attorney General

AARON M. FREY  
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KEITH ELLISON  
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GURBIR S. GREWAL  
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BOB FERGUSON  
Washington State Attorney General

KARL A. RACINE  
District of Columbia Attorney General
cc: The Honorable Kevin McCarthy
    The Honorable Frank Pallone, Jr.
    The Honorable Greg Walden
    The Honorable Paul Tonko
    The Honorable John Shimkus
    The Honorable Suzanne Bonamici
    The Honorable Edward J. Markey
    The Honorable Tom Carper
    The Honorable Jeff Merkley