

September 17, 2021

The Honorable Jeff Merkley
Speaker of the House
U.S. Senate
Hart Senate Office Building, 313
Washington, DC 20510

The Honorable Steve Daines
U.S. Senate
Hart Senate Office Building, 320
Washington, DC 20510

RE: SUPPORT for the Alan Reinstein Ban Asbestos Now (ARBAN) Discussion Draft

Dear Senators Merkley and Daines:

We write to thank you for your leadership and collaboration on the draft legislation to ban commercial importation and use of asbestos in the United States.

Based on the legislative discussion draft shared by Sen. Merkley, and the continued collaboration of your two offices, we believe there is now a path forward for bipartisan action in the Senate to eliminate asbestos, and products that contain it, from commerce in the United States. Enactment of a commercial asbestos ban in this Congress would be a landmark victory for public health advocates, leading scientists, labor unions, and asbestos victims, all of whom were disappointed when the Alan Reinstein Ban Asbestos Now (ARBAN) Act of 2019, (H.R. 1603 and S. 717) failed to advance in the waning days of the previous Congress, despite overwhelming Congressional and stakeholder support.

For decades, we have urged Congress to act to protect the American public from the devastating effects of asbestos exposure. As reiterated in Congressional hearings, there is no safe level of exposure to asbestos. Each year more than 40,000 Americans die from asbestos-related illnesses and diseases. Nearly 70 countries around the world have already banned asbestos, and it is past time for the United States, the world's largest economy, to do the same.

The discussion draft seeks to prohibit commercial importation, processing and use of raw asbestos and products to which asbestos has been intentionally added for commercial purposes. It would accomplish the following important objectives:

1. Ban commercial importation and use of all six recognized asbestos fibers, plus Libby Amphibole, winchite, and richerite, within one year of enactment;
2. Transition the chlor-alkali industry to non-asbestos technology within 8 years;
3. Require a study by the National Academy of Sciences to assess the ongoing risks of "legacy" asbestos still present in millions of residences, businesses, factories, public buildings, and schools;

4. Require current importers, processors and distributors of raw asbestos, and asbestos-containing products to report to EPA and disclose to the public how much asbestos is in U.S. commerce, where and how it is used, and who is exposed.

The definition of asbestos in the discussion draft is based on the definition Congress adopted in the 1986 Asbestos Hazard Emergency Response Act (AHERA) (Toxic Substances Control Act (TSCA) Title II. The AHERA definition would effectively implement a commercial asbestos ban since it captures the asbestos fibers that have been intentionally included in asbestos-containing products used in the U.S. Moreover, EPA has consistently applied the AHERA definition across all its programs, including its recent work to evaluate the risks of asbestos under the 2016 amendments to TSCA.

Since the 2021 ARBAN language would not apply to products where asbestos is present only as an impurity, there would be no need for Congress to address the more complex definitional issues associated with talc and other products contaminated by asbestos. Changing the ARBAN definition to address these issues would have significant implications for a wide range of federal programs and would be premature at this time.

In sum, leading public health advocates, scientists, unions, and asbestos victims all agree that it is past time to ban asbestos. As champions of this legislation, we are confident that the discussion draft and your continued collaboration bring this goal within reach.

We respectfully urge you to proceed quickly to introduce the discussion draft as a bill and pledge to work with you to move the bill forward with strong bipartisan support.

Thank you for your continued support,

Organizations, Associations and Labor Unions

American Federation of Teachers
American Public Health Association
Asbestos Disease Awareness Organization (ADAO)
Beautycounter
Brazilian Association of People Exposed to Asbestos (ABREA)

Collegium Ramazzini
Environmental Information Association
Environmental Protection Network
International Association of Fire Fighters
International Association of Heat and Frost Insulators and Allied Workers
Safer Chemicals, Healthy Families
U.S. Public Interest Research Groups

Individuals

Brad Black, MD
Barry Castleman, ScD
Philip Landrigan, MD, MSc
Richard Lemen, PhD, MSPH
Arthur Frank, MD, PhD
Raja Flores, MD
Steven Markowitz, MD, DrPH

Celeste Monforton, DrPH, MPH
Christine Oliver, MD, MPH, MSc
Andrea Wolf, MD, MPH
Barbara Minty McQueen, Widow of the late Steve McQueen
Linda Reinstein
Robert Sussman, JD
Jordan Zevon, Son of the late Warren Zevon

