



October 25, 2022

The Honorable Tom Carper  
Chair, Committee on Environment and Public Works  
United States Senate  
513 Hart Senate Office Building

The Honorable Frank Pallone, Jr.  
Chair, Committee on Energy and Commerce U.S.  
House of Representatives  
2107 Rayburn House Office Building

The Honorable Shelley Moore Capito  
Ranking Member, Committee on Environment and  
Public Works  
United States Senate  
172 Russell Senate Office Building

The Honorable Cathy McMorris Rodgers Ranking  
Member, Committee on Energy and Commerce  
U.S. House of Representatives  
1035 Longworth House Office Building

RE: Support for the Alan Reinstein Ban Asbestos Now (ARBAN) Act of 2022 during the Lame Duck Session

Dear Chairman Carper, Ranking Member Capito, Chairman Pallone, and Ranking Member Rodgers,

On behalf of the [Asbestos Disease Awareness Organization](#) (ADAO), an independent nonprofit, we urge you to make the [Alan Reinstein Ban Asbestos Now \(ARBAN\) Act of 2022](#) a priority during the lame duck session to protect Americans from the deadly carcinogen asbestos.

A *ProPublica* investigation published on October 20, [The U.S. Never Banned Asbestos. These Workers Are Paying the Price](#), provides extensive documentation that chlor-alkali producers have long exposed workers to dangerously high chrysotile asbestos levels despite claiming to follow “safe” practices for handling this deadly carcinogen. The article reaffirmed what we have known for more than a century—there is no safe or controlled use of asbestos. The reporting recounts how workers at OxyChem (an industry-leading chlor-alkali company) were repeatedly exposed to harmful asbestos fibers for decades, putting them, their families, and the surrounding communities at risk of fatal asbestos-caused diseases.

As this recent report confirms, despite universal recognition that asbestos is a carcinogen, its import and use are still legal and lethal in the U.S. today. More than 40,000 Americans die each year from painful asbestos-caused illnesses including mesothelioma, asbestosis, and cancers of the lung, larynx, and ovaries. ADAO compiled [mortality data](#) that lists how many asbestos-caused deaths have occurred in each state from 1991-2019, and the numbers don't lie. Asbestos is a major threat to your constituents.

In recent years, EPA has taken many landmark steps to implement the revisions Congress made to the Toxic Substances Control Act in 2016, but its proposed Chrysotile Asbestos Part 1 rule bans only one fiber in six conditions of use. The final rule is expected to be published in late 2023 and will undoubtedly be challenged by



industry in court, likely leading to further delays of meaningful regulation. This is unnecessary and unacceptable and is why we need Congress to act now.

As these court proceedings and legal rules drag on, Americans remain in danger of preventable asbestos-caused diseases and deaths, as over thousands of tons of raw asbestos enter the country every year. But while we have seen many producers implement alternatives to asbestos that are both safe and profitable, a very small number of plants within the chlor-alkali industry continue to use asbestos. However, the switch made by plants around the nation and world proves that eliminating the use of this deadly substance is a win-win for public health and the economy.

ARBAN was introduced by Senator Jeff Merkley and Representative Suzanne Bonamici on May 18, 2022. It is the most comprehensive asbestos ban legislation put before Congress in over 30 years. ARBAN would eliminate the commercial use of all six recognized asbestos fiber types and the Libby Amphibole.

Congress has repeatedly shown that members on both sides of the aisle want to end the scourge of asbestos. We are proud that ARBAN has long commanded bipartisan support. In 2019, ARBAN was reported out of the Committee on Energy and Commerce with a resounding 47-1 vote. With the midterm election approaching and the lame duck session on the horizon, we have an opportunity to move ARBAN over the finish line, building on the progress that has been made for this important legislation. Every moment we delay meaningful action on asbestos prolongs the pain and suffering that is caused by exposure to this deadly substance

Thank you for all you do for the American public. We are honored to work with you, and we look forward to moving ARBAN forward in the coming weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Reinstein", written in a cursive style.

Linda Reinstein

CC: Sen. Jeff Merkley  
Rep. Suzanne Bonamici  
Bob Sussman, ADAO Counsel