

Opening Statement
Chairman Paul D. Tonko
Subcommittee on Environment and Climate Change
Committee on Energy and Commerce
Hearing on “Ban Asbestos Now: Taking Action to Save Lives and Livelihoods”
May 8, 2019

Today’s legislative hearing will examine H.R. 1603, the Alan Reinstein Ban Asbestos Now Act of 2019.

And I would like to start by recognizing Linda Reinstein, Alan’s widow, and their daughter Emily, who are with us today.

I have worked with Linda for a number of years on chemical safety efforts. She is a tireless champion for countless Americans suffering from asbestos-related diseases and fighting for a TSCA program that actually works to protect people from toxic risks.

Linda is a powerful voice for the millions of Americans who get up every morning and go to work, and raise their families; who have done everything right, but who are now facing the painful consequences of some ill-fated toxic exposure they may not even understand, and from a federal government that has, for far too long, failed to take these risks seriously enough.

As a result, today asbestos can be found in countless consumer products, despite our knowing for decades that it is harmful to human health. The dangers of asbestos are not new to anyone. We know the carcinogenic effects of exposure and that asbestos-related diseases kill tens of thousands of Americans each year.

I am so proud to be holding this hearing today, and I hope we are able to move forward on behalf of all the people— the victims and their families— that Linda is here to help represent.

I look forward to hearing from her on today’s second panel along with our other

witnesses. The Alan Reinstein Ban Asbestos Now Act was introduced by

Congresswoman Bonamici, Congresswoman Slotkin, and Chairman Pallone earlier this year. The subcommittee thanks them for their urgent and timely work.

This legislation would prohibit the manufacture, processing, and distribution of asbestos and asbestos- containing mixtures and articles one year after its enactment. It allows for a limited exemption for national security purposes and requires a report to Congress on legacy uses— for example, asbestos already in buildings.

In March, this Subcommittee heard from workers, representing firefighters, teachers, autoworkers and others who have seen the consequences of long-term health impacts of workplace exposure.

More than 60 countries have moved forward with asbestos bans to date. For the sake of our consumers and our loved ones, the United States must do the same—in fact we have tried to do in the past.

30 years ago, EPA attempted such a ban, which was overturned by the courts in 1991.

It was the most glaring example of the inadequacy of our nation's Toxic Substances Control Act, and one of the reasons Congress advanced the Lautenberg Act to reform TSCA. My Republican counterpart Mr. Shimkus was the leader on that effort and, to his credit, worked to find compromise and give EPA the authorities necessary to better protect Americans from toxic threats.

Based on the available public health and scientific data, and the heartbreaking experience of Linda's family and hundreds of thousands of others like her, that means stopping asbestos use once and for all.

This morning I suspect we will hear that EPA already has a process under way.

Asbestos was selected as one of the first ten chemicals for consideration under the Lautenberg Act, and the Agency recently issued a SNUR requiring notification if previous uses are reintroduced into commerce.

Unfortunately, that is not good enough. I am sure other Members will discuss concerns with the asbestos risk evaluation. But between that and the Agency's treatment of methylene chloride, I have little confidence that EPA will move forward on a reasonable timeline with the only acceptable outcome: a complete asbestos ban.

We are approaching three years since the enactment of the Lautenberg Act, and it is likely a ban— if proposed at all— will take many years to finalize.

Congress came together to give EPA additional authorities precisely so that substances such as asbestos that are nearly universally agreed to present an unreasonable risk could be properly regulated.

The bill's supporters are right to think that, if this is the direction EPA claims to be heading, we can ensure a ban moves forward with confidence on a certain timeline.

I hope that Members on both sides of the aisle will consider how we might be able to come together, build upon the bipartisan success of the Lautenberg Act, and help protect Americans from preventable asbestos-related diseases. Thank you again to Assistant Administrator Dunn and our other witnesses for being here this morning. I look forward to the discussion.

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