

Statement of Chairman Frank Pallone, Jr. (as prepared for delivery)
Hearing on “Ban Asbestos Now: Taking Action to Save Lives and Livelihoods”
E&C Subcommittee on Environment and Climate Change

May 8, 2019

It has been 40 years since the Environmental Protection Agency (EPA) began its work to ban asbestos under the Toxic Substances Control Act (TSCA). It has been 30 years since EPA finalized that ban. And it has been 28 years since that ban was struck down in court.

Twenty-eight years of frustration, of sickness and loss. We have known the dangers of asbestos for decades. Enough is enough.

I wish today’s hearing wasn’t necessary – that this bill wasn’t necessary. But asbestos is still being imported into the United States, it is still being used in this country and it is still killing about 40,000 Americans every year.

Today this Committee is beginning to take action by discussing H.R. 1603, the Alan Reinstein Ban Asbestos Now Act, which Reps. Bonamici, Slotkin and I introduced in March. Our bill would ban the manufacture, import, processing and distribution of asbestos. It would also require the EPA to assess and report on the risks posed by “legacy asbestos” that is found in buildings.

In addition to Reps. Bonamici and Slotkin, I want to thank some of those who have worked tirelessly to get us to this point.

Linda Reinstein, whose husband Alan is the bill’s namesake, will testify this morning. Linda, thank you for everything you have done and everything that I know you will continue to do to get asbestos out of commerce, out of our products, out of our workplaces and out of our homes.

I would also like to thank national and local labor unions who have been fighting for decades to protect workers from asbestos diseases. AFL-CIO is also here today. In March, we heard from the International Association of Firefighters, the United Autoworkers, and the American Federation of Teachers who all testified before this Committee about the risks their workers continue to face from asbestos. Those stories, and those people at risk, are why we are here.

I also want to acknowledge Susan Moran, who is in the audience today. Susan’s late husband, Andy Igrejas, was an integral part of this Committee’s work to reform TSCA.

And, finally, I would like to thank Subcommittee Ranking Member Mr. Shimkus, who worked closely with me, Chairman Tonko and other Committee members to reform TSCA back in 2016.

The Frank R. Lautenberg Chemical Safety Act for the 21st Century empowered EPA to ban asbestos. In fact, this Committee’s report on the Lautenberg Act – written under Republican leadership – states, and I’m quoting now:

“To many members of the Committee, an important measure of TSCA reform proposals has been whether the proposal would enable EPA to take broader regulatory action to protect against

unreasonable risks from asbestos. The Committee expects this legislation to enable that regulatory action.”

That was from the Committee report on our expectations.

Unfortunately, it is now clear that, despite the best efforts of our Committee, the Trump EPA is not using the tools we gave it to regulate dangerous chemicals. Asbestos is the poster-child for the problems we are seeing in the implementation of the Lautenberg Act.

EPA’s actions under the Lautenberg Act have been so legally suspect that I believe we need to pass this bill regardless of whether EPA were to announce that it is moving forward with a full ban of asbestos. We don’t have time for more legal maneuvering and a drawn-out court battle while tens of thousands of people are dying.

It is deeply disappointing that 40 years after EPA began work to ban asbestos under TSCA and three years after we passed the Lautenberg Act to reform that statute, we need to pass another law to ban this deadly substance. But it is clear that Congress must act, and so we will.

Thank you, I yield back.

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