

June 3, 2022

The Honorable Thomas R. Carper  
Chair, Committee on Environment and Public  
Works  
U.S. Senate  
513 Hart Senate Office Building  
Washington, DC 20515

The Honorable Shelley Moore Capito  
Ranking Member, Committee on Environment  
and Public Works  
U.S. Senate  
172 Russell Senate Office Building  
Washington, DC 20515

The Honorable Frank Pallone, Jr.  
Chair, Committee on Energy and  
Commerce  
U.S. House of Representatives  
2107 Rayburn House Office Building  
Washington, DC 20515

The Honorable Cathy McMorris Rodgers  
Ranking Member, Committee on Energy and  
Commerce  
U.S. House of Representatives  
1035 Longworth House Office Building  
Washington, DC 20515

*Re: S. 4244 and H.R. 7810, the Alan Reinstein Ban Asbestos Now Act of 2022*

Dear Chairperson Carper, Ranking Member Capito, Chairperson Pallone, and Ranking Member Rodgers:

On behalf of the [Environmental Protection Network](https://www.epn.org/) (EPN), we are writing to express our strong support for the Alan Reinstein Ban Asbestos Now Act of 2022 (ARBAN), recently introduced in the Senate by Senator Merkley (S. 4244) and in the House by Representative Bonamici (H.R. 7810).

EPN is a volunteer organization that harnesses the expertise of more than 550 former Environmental Protection Agency (EPA) career staff and confirmation-level appointees from Democratic and Republican administrations to provide the unique perspective of former regulators with decades of historical knowledge and subject matter expertise.

During our time at EPA, we worked on programs to protect the public from exposure to asbestos. We understand the uniquely hazardous properties of asbestos, which causes lung cancer, mesothelioma, asbestosis, and a host of other cancerous and noncancerous diseases and is unsafe even at very low concentrations. Almost from its inception, EPA has devoted considerable resources and expertise to countering the dangers of asbestos emitted to air, found at Superfund sites, managed as waste, incorporated in various consumer products, and present in schools and other buildings to which millions of Americans are exposed. EPA has spent over 20 years cleaning up asbestos contamination from vermiculite mining in the small town of Libby, Montana, which has killed 694 residents and sickened 2,400. Few, if any, pollutants regulated by EPA have been as pervasive in our environment and have continued to pose as grave a threat to human health as asbestos.

According to current estimates, 40,000 people in the U.S. die each year from exposure to asbestos. EPA leaders have long recognized that eliminating the ongoing importation and use of asbestos and asbestos-containing products is essential to prevent additional exposure and protect people from more disease and death. But this goal has remained elusive since EPA's 1989 regulatory ban of most asbestos uses under the Toxic Substances Control Act (TSCA) was vacated and remanded to EPA for further proceedings by the U.S. Court of Appeals, Fifth Circuit, in 1991.

Like many others, we were hopeful that the 2016 Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act would enable EPA to make long-overdue progress on banning asbestos. EPN applauds the current administration for proposing in April 2022 a Part 1 risk management rule banning ongoing uses of chrysotile asbestos, while concurrently initiating a Part 2 risk evaluation for legacy uses and associated disposal of chrysotile and all other asbestos fibers. However, the Part 1 proposal is limited to six conditions of use and does not address the five other fiber types, leaving the door open to additional asbestos importation and use. Industry is also opposing the proposed ban on chrysotile use in the chlor-alkali industry, and the final Part 1 rule will likely be subject to litigation that further delays its implementation.

As a result, we believe that only Congress can quickly ban asbestos, and we strongly support the enactment of ARBAN to protect the health and well-being of all Americans. ARBAN will expeditiously prohibit the importation, manufacturing, processing, use, and distribution of all forms of commercial asbestos, asbestos-containing mixtures, and products. It will also require Right-to-Know reporting on asbestos and a public education/technical assistance program.

We urge the House and Senate to pass ARBAN as soon as possible, to prevent further unnecessary loss of human lives.

Thank you for this opportunity to express our views.

Sincerely,

Michelle Roos  
Executive Director  
Environmental Protection Network

cc: Honorable Suzanne Bonamici  
Honorable Jeff Merkley