

S 742

Ban Asbestos in America Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Mar 1, 2007

Current Status: Received in the House.

Latest Action: Received in the House. (Oct 5, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/742>

Sponsor

Name: Sen. Murray, Patty [D-WA]

Party: Democratic • **State:** WA • **Chamber:** Senate

Cosponsors (20 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baucus, Max [D-MT]	D · MT		Mar 1, 2007
Sen. Boxer, Barbara [D-CA]	D · CA		Mar 1, 2007
Sen. Brown, Sherrod [D-OH]	D · OH		Mar 1, 2007
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Mar 1, 2007
Sen. Durbin, Richard J. [D-IL]	D · IL		Mar 1, 2007
Sen. Feingold, Russell D. [D-WI]	D · WI		Mar 1, 2007
Sen. Feinstein, Dianne [D-CA]	D · CA		Mar 1, 2007
Sen. Harkin, Tom [D-IA]	D · IA		Mar 1, 2007
Sen. Kennedy, Edward M. [D-MA]	D · MA		Mar 1, 2007
Sen. Kerry, John F. [D-MA]	D · MA		Mar 1, 2007
Sen. Leahy, Patrick J. [D-VT]	D · VT		Mar 1, 2007
Sen. Reid, Harry [D-NV]	D · NV		Mar 1, 2007
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Mar 28, 2007
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Mar 28, 2007
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 28, 2007
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Apr 17, 2007
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jul 10, 2007
Sen. Isakson, Johnny [R-GA]	R · GA		Jul 26, 2007
Sen. Klobuchar, Amy [D-MN]	D · MN		Jul 30, 2007
Sen. Cantwell, Maria [D-WA]	D · WA		Aug 2, 2007

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Aug 2, 2007

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
110 HR 3339	Related bill	Aug 2, 2007: Referred to the Subcommittee on Health.
110 HR 3285	Identical bill	Aug 1, 2007: Referred to the Subcommittee on Health.

Ban Asbestos in America Act of 2007 - (Sec. 3) Amends the Toxic Substances Control Act to include within the meaning of the term "asbestos" asbestiform varieties of: (1) any material formerly classified as tremolite, including winchite asbestos and richterite asbestos; and (2) any asbestiform amphibole mineral.

Requires the Director of the National Institute for Occupational Safety and Health to conduct a study that: (1) describes the science concerning the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles and methods for measuring and analyzing such minerals; and (2) recommends future research relating to diseases caused by exposure to such minerals, exposure assessment practice needs, new classification of naturally occurring elongated mineral particles, and definitions and dimensions to be used for the quantification and risk assessment of such minerals.

Requires the Director to conduct and submit to the Administrator of the Environmental Protection Agency (EPA) and specified congressional committees a study to: (1) evaluate the mode of action and health effects of such minerals; and (2) recommend means by which to identify, distinguish, and measure any such minerals that may or may not cause any disease or health effect.

Requires the Director to report to specified congressional committees on: (1) the manner by which such minerals remain biopersistent in the human body, exhibit resistance to dissolution and leaching, and induce other physical, chemical, and biological processes as a result of contact with cells and fluids in the body connected to a disease; (2) a description of the means by which to identify, distinguish, and measure such minerals that may or may not cause any disease or health effect; and (3) recommendations for controls to protect human health.

Requires the Director to initiate a study to: (1) develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and (2) clarify the mechanism of action.

Requires the Administrator to establish a plan to: (1) increase awareness of the dangers posed by products having asbestos-containing materials in homes and workplaces and by asbestos-related diseases; (2) provide information to, and encourage participation in research and treatment endeavors by, asbestos-related disease patients and their families and front-line health care providers; and (3) encourage health care providers and researchers to provide to patients and their families information relating to research, diagnostic, and clinical treatments relating to asbestos. Requires the Administrator to give priority to products that have asbestos-containing materials, that are used by consumers and workers, and that pose the greatest risk of injury to human health.

Requires the Administrator to promulgate regulations that prohibit importing, manufacturing, processing, or distributing asbestos-containing materials, subject to: (1) a limited exemption, upon petition, as long as the exemption would not result in an unreasonable risk of injury to health or the environment and the person has made good faith efforts to develop or identify a substitute substance or mineral that does not present such a risk; (2) specified exemptions sought by the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) for the use of an asbestos containing material that is necessary to critical functions when no reasonable alternatives exist and when its use will not result in an unreasonable risk to health or the environment; and (3) an exemption for any diaphragm electrolysis installation in existence as of the date of this Act's enactment. Requires the Administrator to: (1) review the diaphragm electrolysis installation exemption every three years; (2) examine the risk of injury to an individual relating to operation of such installation; and (3) provide for public notice and comment. Authorizes the Administrator to terminate such exemption if the installation poses an unreasonable risk of injury.

Requires each person to dispose of asbestos-containing material that is subject to the prohibition by a means that complies with federal, state, and local requirements not later than two years after this Act's enactment. Exempts asbestos-containing material that: (1) is no longer in the stream of commerce; or (2) is in the possession of an end user. Specifies that the prohibition does not require that the material be removed or replaced.

Requires the Administrator, annually, to carry out and report on compliance tests.

(Sec. 4) Amends the Public Health Service Act to direct the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health (NIH) and the Director of the Centers for Disease Control and Prevention (CDC), to expand, intensify, and coordinate research programs on diseases caused by asbestos exposure, particularly mesothelioma, asbestosis, and pleural injuries.

Requires the Director of the CDC to establish a mechanism to obtain, coordinate, and provide data and specimens from cancer registries, the National Mesothelioma Virtual Registry and Tissue Bank, and specified asbestos-related disease research and treatment networks. Provides for establishment of a national clearinghouse for data and specimens relating to asbestos-related diseases. Authorizes appropriations for research on asbestos-related diseases.

Requires the Director of the National Institutes of Health (NIH) to establish and maintain an asbestos-related disease research and treatment network that includes NIH's intramural research initiatives and at least ten extramural asbestos-related disease research and treatment centers. Requires the Director of NIH to select for inclusion in such network specified nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States. Requires each selected center to: (1) conduct laboratory and clinical research relating to mechanisms for effective therapeutic treatment, early detection and prevention, palliation of symptoms, and pain management with respect to asbestos-related diseases, (2) offer patients travel and lodging assistance; (3) seek to collaborate with at least one Department of Veterans Affairs medical center to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, and (4) coordinate research and treatment efforts with other entities in the network and the National Virtual Mesothelioma Registry and Tissue Bank. Requires centers to be in the network for one year. Requires the Director of NIH to provide each center a grant to support the detection, prevention, treatment, and cure of asbestos-related diseases.

Directs the Secretary, acting through the U.S. Army Medical Research and Materiel Command, to support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of such diseases.

Actions Timeline

- **Oct 5, 2007:** Message on Senate action sent to the House.
- **Oct 5, 2007:** Held at the desk.
- **Oct 5, 2007:** Received in the House.
- **Oct 4, 2007:** Measure laid before Senate by unanimous consent. (consideration: CR S12728-12737; text of measure as reported: CR S12728-12731)
- **Oct 4, 2007:** The committee substitute as amended agreed to by Unanimous Consent.
- **Oct 4, 2007:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.(text as passed Senate: CR S12731-12734)
- **Oct 4, 2007:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent. (text as passed Senate: CR S12731-12734)
- **Oct 3, 2007:** By Senator Boxer from Committee on Environment and Public Works filed written report. Report No. 110-189.
- **Aug 2, 2007:** Committee on Environment and Public Works. Reported by Senator Boxer with an amendment in the nature of a substitute. Without written report.
- **Aug 2, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 321.
- **Jul 31, 2007:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 1, 2007:** Introduced in Senate
- **Mar 1, 2007:** Read twice and referred to the Committee on Environment and Public Works.