



June 8, 2022

The Honorable Tom Carper
Chairman
Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The U.S. Chamber of Commerce opposes S. 4244, the “Alan Reinstein Ban Asbestos Now (ARBAN) Act.” We appreciate the Committee’s interest in asbestos and its potential impact on public health. We believe that the Frank R. Lautenberg Chemical Safety Act (P.L. 114-182), bipartisan legislation that amended and improved the Toxic Substances and Control Act (TSCA), provides the best framework for assessing and addressing asbestos and other chemical mineral risks. We urge the committee to allow the Environmental Protection Agency to continue its effort to provide appropriate risk evaluation and management for asbestos.

The well-established TSCA process for risk evaluation and risk management provides an effective, science-based framework for addressing chemicals of concern. Agency efforts in this area with respect to asbestos are extensive, ongoing, and have spanned multiple Administrations. Legislative intervention into these efforts could undermine public confidence in and stakeholder support for TSCA processes.

We are also concerned that enactment of S. 4244 would harm the chlor-alkali industry at a time when the U.S. faces inflation and a shortage of chlorine supplies. This industry provides necessary building blocks for many critical supply chains. The bill’s negative effects on the chlor-alkali industry would extend to other sectors, including water treatment, pharmaceuticals, agriculture, food processing, textiles, and energy production. Supply chains already strained by the COVID-19 pandemic are not prepared for the production limitations that would result from enactment of the bill in its current form. As part of the business community’s engagement with EPA to identify and address the potential impacts of TSCA regulation of asbestos use in the chlor-alkali industry, we believe the TSCA process will allow the agency to craft a risk management plan that addresses public health concerns without causing unnecessary disruption to businesses that depend on chlor-alkali products.

In addition, we are concerned that the bill defines “asbestos” in a manner inconsistent with existing statutes and regulations, including the Asbestos Information Act, Asbestos Hazard Emergency Response Act, Clean Air Act, and OSHA’s asbestos general standard. Conflicting definitions of what is “asbestos” will expose industry to litigation and complicate industry’s good faith efforts to comply with the law.

The Alan Reinstein Ban Asbestos Now Act is flawed legislation that risks disrupting EPA’s process that is already underway. The Committee should allow EPA to carry out its TSCA work. We look forward to working with your Committee on these issues and appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Durbin". The signature is fluid and cursive, with the first name "Marty" written in a larger, more prominent script than the last name "Durbin".

Marty Durbin
Senior Vice President, Policy
President, Global Energy Institute
U.S. Chamber of Commerce

cc: Members of the Senate Environment and Public Works Committee