

110TH CONGRESS  
2D SESSION

# H. R. 6903

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2008

Mr. GENE GREEN of Texas (for himself, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, Mrs. CAPPS, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. SCHAKOWSKY, Ms. MATSUL, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bruce Vento Ban As-  
5 bestos and Prevent Mesothelioma Act of 2008”.

6 **SEC. 2. ASBESTOS-CONTAINING PRODUCTS.**

7 (a) IN GENERAL.—The Toxic Substances Control Act  
8 (15 U.S.C. 2601 et seq.) is amended by adding at the end  
9 the following:

1                   **“TITLE VI—ASBESTOS-**  
2                   **CONTAINING PRODUCTS**

3 **“SEC. 601. DEFINITIONS.**

4           “In this title:

5                   “(1) ASBESTOS.—The term ‘asbestos’ has the  
6           meaning given that term in section 202(3).

7                   “(2) ASBESTOS-CONTAINING PRODUCT.—The  
8           term ‘asbestos-containing product’ means any prod-  
9           uct (including any part) to which asbestos is delib-  
10          erately added, or used, or in which asbestos is other-  
11          wise present in any concentration, except concentra-  
12          tions present solely from contamination from—

13                   “(A) ambient air; or

14                   “(B) water that complies with the Safe  
15          Drinking Water Act (42 U.S.C. 300f et seq.)  
16          and the regulations issued under that Act.

17                   “(3) COSMETIC.—The term ‘cosmetic’ has the  
18          meaning given that term in section 201 of the Fed-  
19          eral Food, Drug and Cosmetic Act (21 U.S.C. 321).

20                   “(4) DISTRIBUTE IN COMMERCE.—

21                   “(A) IN GENERAL.—The term ‘distribute  
22          in commerce’ has the meaning given the term  
23          in section 3.

24                   “(B) EXCLUSIONS.—The term ‘distribute  
25          in commerce’ does not include—

1           “(i) the sale, introduction or delivery  
2           for introduction into commerce, or holding  
3           of an asbestos-containing product, or an  
4           interest in real property (and improve-  
5           ments thereon), by a person that is an end  
6           user;

7           “(ii) the sale, introduction or delivery  
8           for introduction into commerce, or holding  
9           of an asbestos-containing product by a per-  
10          son solely for the purpose of disposal of  
11          the asbestos-containing product in compli-  
12          ance with applicable Federal, State, and  
13          local requirements; or

14          “(iii) the sale, introduction or delivery  
15          for introduction into commerce, or holding  
16          of a motor vehicle that was manufactured  
17          and sold before the date of enactment of  
18          this title and that has an asbestos-con-  
19          taining product installed in or on the  
20          motor vehicle.

21                 “(5) DRUG.—The term ‘drug’ has the meaning  
22                 given that term in section 201 of the Federal Food,  
23                 Drug and Cosmetic Act (21 U.S.C. 321).

1           “(6) MOTOR VEHICLE.—The term ‘motor vehi-  
2           cle’ has the meaning given that term in section  
3           30102(a)(6) of title 49, United States Code.

4           “(7) PERSON.—The term ‘person’ means—

5                   “(A) any individual;

6                   “(B) any trust, corporation (including a  
7                   government corporation), company, association,  
8                   firm, partnership, joint venture, sole proprietor-  
9                   ship, or other for-profit or nonprofit business  
10                  entity (including any manufacturer, importer,  
11                  distributor, or processor);

12                  “(C) any Federal, State, or local depart-  
13                  ment, agency, or instrumentality; and

14                  “(D) any interstate body.

15   **“SEC. 602. PUBLIC EDUCATION PROGRAM.**

16           “(a) IN GENERAL.—Not later than 1 year after the  
17           date of enactment of this title, the Administrator, in con-  
18           sultation with the Chairman of the Consumer Product  
19           Safety Commission, the Director of the Centers for Dis-  
20           ease Control and Prevention, the Secretary of Labor, and  
21           other appropriate Federal agencies, shall establish a plan  
22           and initiate a program—

23                   “(1) to increase awareness of the dangers posed  
24           by—

1           “(A) asbestos-containing products in  
2 homes and workplaces; and

3           “(B) asbestos-related diseases;

4           “(2) to provide current and comprehensive in-  
5 formation to asbestos-related disease patients, family  
6 members of patients, and front-line health care pro-  
7 viders on—

8           “(A) the dangers of asbestos exposure;

9           “(B) asbestos-related labeling information;

10          “(C) health effects of exposure to asbestos;

11          “(D) symptoms of asbestos exposure; and

12          “(E) available and developing treatments  
13 for asbestos-related diseases, including clinical  
14 trials;

15          “(3) to encourage asbestos-related disease pa-  
16 tients, family members of patients, and front-line  
17 health care providers to participate in research and  
18 treatment endeavors relating to asbestos; and

19          “(4) to encourage health care providers and re-  
20 searchers to provide to asbestos-related disease pa-  
21 tients and family members of patients information  
22 relating to research, diagnostic, and clinical treat-  
23 ments relating to asbestos.

24          “(b) GREATEST RISKS.—In establishing the pro-  
25 gram, the Administrator shall give priority to asbestos-

1 containing products used by consumers and workers that  
2 present or will present the greatest risk of injury to human  
3 health.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated such sums as are nec-  
6 essary to carry out this section.

7 **“SEC. 603. PROHIBITION ON ASBESTOS-CONTAINING PROD-**  
8 **UCTS.**

9 “(a) PROHIBITION.—

10 “(1) IN GENERAL.—Subject to subsection (b),  
11 no person shall import, manufacture, process, or dis-  
12 tribute in commerce asbestos-containing products.

13 “(2) EFFECTIVE DATE.—The prohibition under  
14 paragraph (1) shall take effect 2 years after the date  
15 of enactment of this title.

16 “(b) EXEMPTIONS.—

17 “(1) IN GENERAL.—

18 “(A) PETITION.—Any person may petition  
19 the Administrator for an exemption from the  
20 requirements of subsection (a) for an asbestos-  
21 containing product and the Administrator may  
22 grant, by rule, such an exemption if the Admin-  
23 istrator finds that—

1           “(i) the use of the asbestos-containing  
2           product will not present an unreasonable  
3           risk of injury to health or the environment;

4           “(ii) there is no alternative to the as-  
5           bestos-containing product that is the sub-  
6           ject of the petition; and

7           “(iii) the use of the asbestos-con-  
8           taining product is in compliance with all  
9           Federal and State laws and regulations.

10          “(B) TERMS AND CONDITIONS.—An ex-  
11          emption granted under this paragraph shall be  
12          in effect for such period (not to exceed a total  
13          of 3 years) and subject to such terms and con-  
14          ditions as the Administrator may prescribe.

15          “(C) INFORMATION ON USERS.—Any per-  
16          son seeking an exemption under this paragraph  
17          from the requirements of subsection (a) for an  
18          asbestos-containing product shall include in the  
19          petition to the Administrator the names of any  
20          manufacturer, importer, distributor, or proc-  
21          essor of the asbestos-containing product known  
22          to the person seeking the exemption at the time  
23          of submission of the petition.

24          “(2) GOVERNMENTAL USE.—

1           “(A) IN GENERAL.—An exemption from  
2 the requirements of subsection (a) shall apply,  
3 only to the extent necessary for the critical  
4 functions described in a certification provided  
5 under clause (i) or (ii), if the exemption is—

6           “(i) sought by the Secretary of De-  
7 fense, and the Secretary provides a copy of  
8 a certification to the Administrator and  
9 Congress that—

10           “(I) describes the scope of each  
11 use of the asbestos-containing prod-  
12 uct, and certifies that each use is nec-  
13 essary to the critical functions of the  
14 Department of Defense;

15           “(II) certifies that no reasonable  
16 alternatives to the asbestos-containing  
17 product exist for the intended uses;

18           “(III) certifies that use of the as-  
19 bestos-containing product will not  
20 present an unreasonable risk of injury  
21 to health or the environment; and

22           “(IV) certifies that the use of the  
23 asbestos-containing product is in com-  
24 pliance with all Federal laws and reg-  
25 ulations; or



1           “(ii) sought by the Administrator of  
2           the National Aeronautics and Space Ad-  
3           ministration, and the Administrator of the  
4           National Aeronautics and Space Adminis-  
5           tration provides a copy of a certification to  
6           the Administrator and Congress that—

7                   “(I) certifies that the asbestos-  
8                   containing product is necessary to the  
9                   critical functions of the National Aer-  
10                  onautics and Space Administration;

11                   “(II) certifies that no reasonable  
12                   alternatives to the asbestos-containing  
13                   product exist for the intended use;

14                   “(III) certifies that the use of the  
15                   asbestos-containing product will not  
16                   present an unreasonable risk of injury  
17                   to health or the environment; and

18                   “(IV) certifies that the use of the  
19                   asbestos-containing product is in com-  
20                   pliance with all Federal laws and reg-  
21                   ulations.

22           “(B) CONTENTS.—A certification required  
23           under subparagraph (A) shall include a descrip-  
24           tion of the critical functions, and shall identify  
25           any authorized manufacturer, importer,

1 distributor, or contract-authorized user of the  
2 exemption on behalf of the Department of De-  
3 fense or the National Aeronautics and Space  
4 Administration.

5 “(C) LIMITATION.—A certification under  
6 this paragraph shall not be effective for more  
7 than 5 years, unless the Secretary of Defense  
8 or the Administrator of the National Aero-  
9 nautics and Space Administration recertifies  
10 within 5 years after a prior certification.

11 “(3) DIAPHRAGMS FOR EXISTING CHLOR-AL-  
12 KALI ELECTROLYSIS INSTALLATIONS.—

13 “(A) IN GENERAL.—The requirements of  
14 subsection (a) shall not apply to any chlor-alkali  
15 electrolysis installation in existence and using  
16 asbestos diaphragms as of the date of enact-  
17 ment of this title, or to caustic soda produced  
18 at such an installation that contains asbestos in  
19 an amount less than .01 percent.

20 “(B) REVIEW.—

21 “(i) IN GENERAL.—Not later than 3  
22 years after the date of enactment of this  
23 title, and every 6 years thereafter, the Ad-  
24 ministrator shall review the exemption pro-

1           vided under subparagraph (A) to deter-  
2           mine the appropriateness of the exemption.

3           “(ii) SCOPE.—In conducting the re-  
4           view of the exemption provided under sub-  
5           paragraph (A), the Administrator shall ex-  
6           amine whether the chlor-alkali electrolysis  
7           installation presents or will present an un-  
8           reasonable risk of injury to health or the  
9           environment, including the risk of injury to  
10          an individual relating to the operation by  
11          the individual of each chlor-alkali elec-  
12          trolysis installation described in subpara-  
13          graph (A).

14          “(iii) PUBLIC PARTICIPATION.—In  
15          conducting the review of the exemption  
16          provided under subparagraph (A), the Ad-  
17          ministrator shall provide public notice and  
18          a 30-day period of public comment.

19          “(C) DECISION RELATING TO EXTENSION  
20          OF EXEMPTION.—Upon completion of a review  
21          of a chlor-alkali electrolysis installation under  
22          subparagraph (B)(i), if the Administrator de-  
23          termines that the chlor-alkali electrolysis instal-  
24          lation presents or will present an unreasonable  
25          risk of injury to health or the environment, the

1 Administrator shall terminate the exemption  
2 provided to the electrolysis installation under  
3 subparagraph (A).

4 “(4) AGGREGATE PRODUCTS.—

5 “(A) IN GENERAL.—Subsection (a)(1)  
6 shall not apply to aggregate products (extracted  
7 from stone, sand, or gravel operations) that—

8 “(i) are imported, manufactured,  
9 processed, or distributed in commerce for  
10 the uses described in subparagraph (D) of  
11 this paragraph; and

12 “(ii) have been tested using a test  
13 method established under subparagraph  
14 (B) and determined to have an asbestos  
15 content that is less than—

16 “(I) 0.25 percent; or

17 “(II) if a lower asbestos content  
18 level has been established by the Ad-  
19 ministrator under subparagraph (C),  
20 such level.

21 “(B) ASBESTOS TEST METHOD.—(i) Not  
22 later than 1 year after the date of enactment of  
23 this title, the Administrator shall issue guidance  
24 establishing the test method, including the sam-  
25 pling frequency, for purposes of compliance

1 with this paragraph. In developing the test  
2 method under this clause, the Administrator  
3 shall evaluate and take into account—

4 “(I) the most accurate and precise  
5 test methods for sampling and analysis of  
6 asbestos-containing aggregate products;

7 “(II) actual and potential human ex-  
8 posures to asbestos-containing aggregate  
9 products; and

10 “(III) activity-based monitoring of as-  
11 bestos-containing aggregate products.

12 “(ii) Not later than 3 years after the date  
13 of enactment of this title, and at least every 3  
14 years thereafter, the Administrator shall pro-  
15 mulgate final regulations establishing the test  
16 method, including the sampling frequency, for  
17 purposes of compliance with this paragraph. In  
18 establishing the test method under this clause,  
19 the Administrator shall evaluate and take into  
20 account the factors described in clause (i)(I)  
21 through (III).

22 “(iii) No person shall import or distribute  
23 in commerce any aggregate product (extracted  
24 from stone, sand, or gravel operations) unless a  
25 test has been performed on the product using

1 the test method established under this subpara-  
2 graph.

3 “(C) REVIEW AND REVISION OF CONTENT  
4 LEVEL.—Not later than 3 years after the date  
5 of enactment of this title, and at least every 3  
6 years thereafter, the Administrator shall review  
7 the currently effective asbestos content level  
8 under subparagraph (A)(i)(I) or (II) and deter-  
9 mine whether the level for aggregate products  
10 results in asbestos exposures that are not pro-  
11 tective of human health and the environment. If  
12 the Administrator determines that the asbestos  
13 content level results in exposures that are not  
14 protective of human health and the environ-  
15 ment, the Administrator shall promulgate regu-  
16 lations establishing a lower asbestos content  
17 level within 3 years of the Administrator’s de-  
18 termination.

19 “(D) USES FOR EXEMPTED AGGREGATE  
20 PRODUCTS.—Aggregate products are exempted  
21 under subparagraph (A) only to the extent that  
22 they are imported, manufactured, processed, or  
23 distributed in commerce for use—

24 “(i) as an integral part of asphalt  
25 concrete;

1                   “(ii) as an integral part of Portland  
2                   cement concrete; or

3                   “(iii) as an integral part of other  
4                   similarly cemented materials.

5                   “(E) RECEIPT TO RECIPIENT.—Any per-  
6                   son who imports, manufactures, processes, or  
7                   distributes in commerce aggregate products ex-  
8                   empted pursuant to this paragraph shall pro-  
9                   vide to each recipient of such products a written  
10                  receipt that includes the following information:

11                  “(i) The amount of such products  
12                  provided to the recipient.

13                  “(ii) The date the products were pro-  
14                  vided to the recipient.

15                  “(iii) A certification that the products  
16                  have been tested pursuant to this para-  
17                  graph and determined to have an asbestos  
18                  content of less than the currently effective  
19                  asbestos content level under subparagraph  
20                  (A)(i)(II) or (II).

21                  “(5) CALCIUM CARBONATE, OLIVINE, TALC,  
22                  VERMICULITE, AND WOLLASTONITE.—

23                  “(A) IN GENERAL.—Except as provided in  
24                  subparagraph (D), subsection (a)(1) shall not  
25                  apply to calcium carbonate, olivine, tale,

1 vermiculite, and wollastonite, including any  
2 product containing calcium carbonate, olivine,  
3 talc, vermiculite, or wollastonite, that has been  
4 tested using a test method established under  
5 subparagraph (B) and determined to have an  
6 asbestos content that is less than—

7 “(i) 0.001 percent; or

8 “(ii) if a lower asbestos content level  
9 has been established by the Administrator  
10 under subparagraph (C), such level.

11 “(B) ASBESTOS TEST METHOD.—(i) Not  
12 later than 1 year after the date of enactment of  
13 this title, the Administrator shall issue guidance  
14 establishing the test method, including the sam-  
15 pling frequency, for purposes of compliance  
16 with this paragraph. In developing the test  
17 method under this clause, the Administrator  
18 shall evaluate and take into account—

19 “(I) the most accurate and precise  
20 test methods for sampling and analysis of  
21 asbestos-containing calcium carbonate, oli-  
22 vine, talc, vermiculite, and wollastonite;

23 “(II) actual and potential human ex-  
24 posures to asbestos-containing calcium car-



1 bonate, olivine, talc, vermiculite, and wol-  
2 lastonite; and

3 “(III) activity-based monitoring of as-  
4 bestos-containing calcium carbonate, oli-  
5 vine, talc, vermiculite, and wollastonite.

6 “(ii) Not later than 3 years after the date  
7 of enactment of this title, the Administrator  
8 shall promulgate final regulations establishing  
9 the test method, including the sampling fre-  
10 quency, for purposes of compliance with this  
11 paragraph. In establishing the test method  
12 under this clause, the Administrator shall evalu-  
13 ate and take into account the factors described  
14 in clause (i)(I) through (III).

15 “(iii) Not later than 3 years after the date  
16 of promulgation of final regulations under  
17 clause (ii), and at least every 3 years thereafter,  
18 the Administrator shall evaluate the currently  
19 effective test method established under those  
20 regulations to determine whether the test meth-  
21 od should be revised, taking into account the  
22 factors described in clause (i)(I) through (III).  
23 If the Administrator determines that the test  
24 method should be revised, the Administrator  
25 shall promulgate regulations establishing a new

1 test method for purposes of compliance with  
2 this paragraph.

3 “(iv) No person shall import or distribute  
4 in commerce any calcium carbonate, olivine,  
5 talc, vermiculite, or wollastonite unless it has  
6 been tested using the test method established  
7 under this subparagraph.

8 “(C) REVIEW AND REVISION OF CONTENT  
9 LEVEL.—Not later than 3 years after the date  
10 of enactment of this title, and at least every 3  
11 years thereafter, the Administrator shall review  
12 the asbestos content level under subparagraph  
13 (A)(i) or (ii) for calcium carbonate, olivine, talc,  
14 vermiculite, and wollastonite and determine  
15 whether the level is protective of human health  
16 and the environment. If the Administrator de-  
17 termines that the asbestos content level is not  
18 protective of human health and the environ-  
19 ment, the Administrator shall promulgate regu-  
20 lations establishing a lower asbestos content  
21 level.

22 “(D) PROHIBITED USES.—Notwith-  
23 standing subparagraph (A) and any other provi-  
24 sion of this Act, subsection (a)(1) shall apply to  
25 asbestos-containing calcium carbonate, olivine,

1 talc, vermiculite, and wollastonite imported,  
2 manufactured, processed, or distributed in com-  
3 merce for use in, or for processing—

4 “(i) food that is intended for human  
5 consumption;

6 “(ii) products used by individuals for  
7 personal health or cosmetic reasons, in-  
8 cluding soaps and shampoos;

9 “(iii) drugs for use with respect to hu-  
10 mans;

11 “(iv) consumer garden products;

12 “(v) cosmetics;

13 “(vi) products designed or intended  
14 primarily for use by children 12 years of  
15 age or younger; or

16 “(vii) any other product with respect  
17 to which the Administrator has determined  
18 the presence of asbestos-containing calcium  
19 carbonate, olivine, talc, vermiculite, or wol-  
20 lastonite endangers human health or the  
21 environment.

22 “(E) RECEIPT TO RECIPIENT.—Any per-  
23 son who imports, manufactures, processes, or  
24 distributes in commerce calcium carbonate, oli-  
25 vine, talc, vermiculite, or wollastonite exempted

1           pursuant to this paragraph shall provide to  
2           each recipient of such mineral products a writ-  
3           ten receipt that includes the following informa-  
4           tion:

5                   “(i) The amount of such mineral  
6                   products provided to the recipient.

7                   “(ii) The date the mineral products  
8                   were provided to the recipient.

9                   “(iii) A certification that the mineral  
10                  products have been tested pursuant to this  
11                  paragraph and determined to have an as-  
12                  bestos content of less than the currently  
13                  effective asbestos content level under sub-  
14                  paragraph (A)(i) or (ii), which shall in-  
15                  clude a statement indicating the asbestos  
16                  content level found through such tests.

17                  “(F) ADDITIONAL MINERALS.—The Ad-  
18                  ministrators may, by rule, add an additional  
19                  mineral to the list of minerals subject to this  
20                  paragraph if the Administrator determines that  
21                  any mined deposit of the mineral is associated  
22                  with asbestos.

23                  “(6) TACONITE PELLETS.—Subsection (a)(1)  
24                  shall not apply to taconite pellets or iron ore that  
25                  will be used to produce taconite pellets. The exemp-

1       tion under this paragraph shall not apply to tailings,  
2       waste material, or other byproducts of iron ore ex-  
3       traction.

4       “(c) DISPOSAL.—

5               “(1) IN GENERAL.—Except as provided in para-  
6       graph (2), not later than 3 years after the date of  
7       enactment of this title, each person that is subject  
8       to the prohibition established under this section that  
9       possesses an asbestos-containing product shall dis-  
10      pose of the asbestos-containing product, by a means  
11      that is in compliance with applicable Federal, State,  
12      and local requirements.

13              “(2) EXEMPTION.—Nothing in paragraph (1)  
14      requires that an asbestos-containing product be re-  
15      moved or replaced.

16      “(d) COMPLIANCE TESTING.—

17              “(1) IN GENERAL.—In accordance with para-  
18      graph (2), not later than 1 year after the date on  
19      which the prohibition takes effect under subsection  
20      (a), and annually thereafter, to ensure compliance  
21      with this section, the Administrator shall carry out  
22      tests on an appropriate quantity of products, as de-  
23      termined by the Administrator, to determine if the  
24      products are asbestos-containing products.

1           “(2) APPROPRIATE TEST METHODOLOGIES.—In  
2 carrying out the compliance testing under paragraph  
3 (1), the Administrator shall use the appropriate test  
4 methodology for each product that is the subject of  
5 the compliance testing.

6           “(3) ANNUAL REPORT.—

7           “(A) IN GENERAL.—Upon completion of  
8 each annual testing period described in para-  
9 graph (1), the Administrator shall prepare a re-  
10 port for the annual testing period covered by  
11 the report, describing those products that are  
12 asbestos-containing products.

13           “(B) PUBLIC AVAILABILITY.—Not later  
14 than 90 days after the date of completion of  
15 each annual testing period described in para-  
16 graph (1), the Administrator shall make the re-  
17 port for the annual testing period covered by  
18 the report available to the public.

19           “(e) SAVINGS CLAUSE.—Except as specifically pro-  
20 vided in this title, nothing in this title shall be construed  
21 to override, change, or otherwise affect the obligations of  
22 any person, including a Federal agency, to comply with  
23 the regulations contained in part 763 of title 40 of the  
24 Code of Federal Regulations.

1 **“SEC. 604. CRIMINAL PENALTY.**

2 “Notwithstanding section 16(b), any person who  
3 knowingly or willfully violates any provision of this title  
4 shall, in addition to or in lieu of any civil penalty which  
5 may be imposed under section 16(a) for such violation,  
6 be subject, upon conviction, to a fine of not more than  
7 \$25,000 for each day of violation, or to imprisonment for  
8 not more than 5 years, or both.

9 **“SEC. 605. CITIZEN PETITIONS.**

10 “(a) IN GENERAL.—Any person may petition the Ad-  
11 ministrator to initiate a proceeding for the issuance,  
12 amendment, or repeal of a rule or order under this title.

13 “(b) FILING AND CONTACT.—Such petition shall be  
14 filed in the principal office of the Administrator and shall  
15 set forth the facts which it is claimed establish that it is  
16 necessary to issue, amend, or repeal a rule or order under  
17 this title.

18 “(c) HEARING OR INVESTIGATION.—The Adminis-  
19 trator may hold a public hearing or may conduct such in-  
20 vestigation or proceeding as the Administrator deems ap-  
21 propriate in order to determine whether or not such peti-  
22 tion should be granted.

23 “(d) GRANTING OR DENIAL.—Within 90 days after  
24 filing of a petition described in subsection (a), the Admin-  
25 istrator shall either grant or deny the petition. If the Ad-  
26 ministrator grants such petition, the Administrator shall

1 promptly commence an appropriate proceeding in accord-  
2 ance with this title. If the Administrator denies such peti-  
3 tion, the Administrator shall publish in the Federal Reg-  
4 ister the Administrator's reasons for such denial. The  
5 granting or denial of a petition under this subsection shall  
6 not affect any deadline or other requirement of this title.

7 **“SEC. 606. STATE AND FEDERAL LAW.**

8 “(a) NO PREEMPTION.—Nothing in this title or any  
9 regulation issued under this title shall be construed, inter-  
10 preted, or applied to—

11 “(1) preempt, displace, or supplant any other  
12 State or Federal law, whether statutory or common,  
13 or any action based on such a law; or

14 “(2) preempt a State from establishing any ad-  
15 ditional liability or more stringent requirements with  
16 respect to asbestos within such State.

17 “(b) NO FEDERAL CAUSE OF ACTION.—Nothing in  
18 this title creates a cause of action, or in any other way  
19 increases or diminishes the liability of any person, under  
20 any other law.

21 “(c) INTENT OF CONGRESS.—It is not the intent of  
22 Congress that this title or rules, regulations, or orders  
23 issued pursuant to this title be interpreted as influencing,  
24 in either the plaintiff's or defendant's favor, the disposi-  
25 tion of any civil action for damages relating to asbestos.



1       “(d) DRINKING WATER.—Nothing in this title shall  
2 be construed, interpreted, or applied to prohibit the impor-  
3 tation, manufacture, processing, or distribution in com-  
4 merce of drinking water in a manner that complies with  
5 the requirements of the Safe Drinking Water Act (42  
6 U.S.C. 300f et seq.) and regulations issued under that  
7 Act.”.

8       (b) DEFINITION AMENDMENTS.—Section 202(3) of  
9 such Act (15 U.S.C. 2642(3)) is amended—

10           (1) in each of subparagraphs (A) through (D),  
11 by striking the commas at the end of the subpara-  
12 graphs and inserting semicolons;

13           (2) in subparagraph (E), by striking “, or” and  
14 inserting a semicolon;

15           (3) in subparagraph (F), by striking the period  
16 at the end and inserting a semicolon; and

17           (4) by adding at the end the following:

18                   “(G) any material formerly classified as  
19 tremolite, including—

20                           “(i) winchite asbestos; and

21                           “(ii) richterite asbestos; and

22                           “(H) any asbestiform amphibole mineral.”.

23       (c) CONFORMING AMENDMENTS.—(1) The table of  
24 contents in sections 1 of the Toxic Substances Control Act

1 (15 U.S.C. prec. 2601) is amended by adding at the end  
2 the following:

“TITLE VI—ASBESTOS-CONTAINING PRODUCTS

“Sec. 601. Definitions.

“Sec. 602. Public education program.

“Sec. 603. Prohibition on asbestos-containing products.

“Sec. 604. Criminal penalty.

“Sec. 605. Citizen petitions.

“Sec. 606. State and Federal law.”.

3 (2) Section 7(a) of such Act (15 U.S.C. 2606(a)) is  
4 amended by inserting “or title VI” after “or title IV” both  
5 places it appears.

6 (3) Section 11(a) and (b) of such Act (15 U.S.C.  
7 2610(a) and (b)) are amended by inserting “or title VI”  
8 after “to title IV” both places it appears.

9 (4) Section 13(a)(1)(B) of such Act (15 U.S.C.  
10 2612(a)(1)(B)) is amended by inserting “or title VI” after  
11 “or title IV” each place it appears.

12 (5) Section 15(1) of such Act (15 U.S.C. 2614(1))  
13 is amended by inserting “or title VI” after “title II” both  
14 places it appears.

15 (6) Section 15(2) of such Act (15 U.S.C. 2614(2))  
16 is amended—

17 (A) by inserting “or title VI” after “section 5  
18 or 6” both places it appears; and

19 (B) by inserting “or title VI” after “section 5  
20 or 7”.

1           (7) Section 17 of such Act (15 U.S.C. 2616) is  
2 amended by inserting “or title VI” after “title IV” each  
3 place it appears.

4           (8) Section 19(a)(1)(A) of such Act (15 U.S.C.  
5 2618(a)(1)(A)) is amended by striking “title II or IV” and  
6 inserting “title II, IV, or VI”.

7           (9) Section 19(a)(3)(B) of such Act (15 U.S.C.  
8 2618(a)(3)(B)) is amended by inserting “or title VI” after  
9 “under title IV”.

10          (10) Section 20(a)(1) of such Act (15 U.S.C.  
11 2619(a)(1)) is amended by striking “title II or IV” both  
12 places it appears and inserting “title II, IV, or VI”.

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