

## **Asbestos Ban Included in Litigation Reform Bill**

*Judiciary Committee legislation would outlaw deadly substance within two years*

(WASHINGTON, D.C.) – The Senate Judiciary Committee has adopted an amendment to ban asbestos as part of an asbestos litigation reform proposal. In addition to a nationwide ban on putting asbestos into consumer products, the legislation would also outlaw the importation of products containing asbestos. Today's development comes one year after Sen. Patty Murray (D-Wash.) first introduced legislation to ban asbestos.

Today's good news comes after weeks of negotiations between Sen. Murray and Sen. Orrin Hatch (R-Utah), the Judiciary Committee Chairman who authored the asbestos litigation reform bill. Initially, Hatch's legislation proposed shielding asbestos manufacturers from any future lawsuits, but did not address the fact that 13,000 metric tons of asbestos are put into American products each year. Murray had called this oversight "the elephant in the room" for asbestos litigation reform.

But at today's Judiciary Committee markup, Sen. Hatch offered, and the Committee agreed to, an amendment to ban most uses of asbestos in consumer products. The Committee also accepted an amendment from Sen. Dianne Feinstein (D-Calif.) and Sen. Herb Kohl (D-Wis.) to tighten the ban.

The asbestos ban adopted by the Judiciary Committee is similar to Senator Murray's "Ban Asbestos in America Act," (S.1115) in several important ways. Most significantly, it requires the Environmental Protection Agency (EPA) to finalize rules banning asbestos within 2 years of passage of the Act. Like Murray's bill, the amendment requires an exemption process for companies unable to find substitutes for asbestos, if these companies can demonstrate that asbestos use will not result in harm to public health or the environment. In addition, the ban requires asbestos products still on the shelves to be disposed of within 3 years, in accordance with federal and state requirements.

6/27/2003

There are also several differences between the Judiciary Committee's asbestos ban and Senator Murray's bill. The Judiciary-adopted language dropped all of the other parts of the Ban Asbestos in America Act, such as the National Academy of Sciences study of current science on asbestos, the Blue Ribbon Panel to improve protections for workers and consumers, the public education campaign to warn workers of the dangers of asbestos, and increased funding for mesothelioma research.

In addition, the new language includes two specific exemptions from the asbestos ban. The proposal would allow the continued use of asbestos to manufacture chlorine and would allow asbestos to be used in roofing sealants. Finally, the new language allows the Department of Defense and the National Aeronautics and Space Administration to be exempt from the ban.

But while the use of asbestos in roofing sealants would still be allowed, the Judiciary Committee accepted an amendment by Senators Feinstein and Kohl to require an Environmental Protection Agency (EPA) study of the risks of asbestos in roofing products. The study must be completed within 18 months, six months before the ban would take effect. Based on the results of the study, EPA would retain the authority to ban asbestos in roofing products.

The Feinstein-Kohl amendment will also require the Secretary of Defense and NASA Administrator to certify that the agencies' use of asbestos meets several specific criteria. DOD and NASA must demonstrate that the asbestos use is necessary for critical functions of the respective agencies, that no alternatives are available, and that use of the product will not result in an unreasonable risk to health or the environment.

Senator Murray said today, "Most people believe asbestos is already banned. We need to turn this myth into reality – and fully ban asbestos in the United States – to ensure we prevent more Americans from becoming asbestos victims. I am pleased the Judiciary Committee has incorporated an asbestos ban into its asbestos liability reform legislation. If Congress is going to protect corporations far into the future, Congress must also prevent future Americans from becoming exposed to asbestos."

Senator Murray continued, "I greatly appreciate the efforts of Senators Feinstein and Kohl to include the ban in the bill currently before the Judiciary Committee. In addition, I appreciate Senator Leahy's strong commitment to the effort. I am also pleased by Sen. Hatch's willingness to work with us on this critical issue."

The proposal would ban most uses of asbestos in consumer products, for example friction products and gaskets. It also will prevent imports of asbestos containing products such as sheet panels, tubes, pipes and brake linings from countries where asbestos is still widely used.

In June of 2002, Senator Murray introduced the Ban Asbestos in America Act. Last month she reintroduced the legislation, which has been cosponsored by Senators Dayton, Baucus, Boxer, Cantwell, Leahy, Jeffords, Feinstein, Feingold and Lautenberg.

The Senate Judiciary Committee is scheduled to continue its consideration of S. 1125 on Thursday, June 26. At this time, Sen. Feinstein and Sen. Kohl are expected to offer an amendment to include another key component of the Ban Asbestos in America Act: the requirement to create a national mesothelioma registry and authorizations of \$10 million for 10 mesothelioma research and treatment centers nationwide for the next five years.

For more information on asbestos, please visit Sen. Murray's website:

<http://murray.senate.gov/asbestos/>

6/27/2003