

110TH CONGRESS
1ST SESSION

S. 742

AN ACT

To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ban Asbestos in Amer-
3 ica Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1)(A) the Administrator of the Environmental
7 Protection Agency has classified asbestos as a cat-
8 egory A human carcinogen, the highest cancer haz-
9 ard classification for a substance; and

10 (B) the International Agency for Research on
11 Cancer has classified asbestos as a class 1 human
12 carcinogen;

13 (2) many people in the United States incor-
14 rectly believe that—

15 (A) asbestos has been banned in the
16 United States; and

17 (B) there is no risk of exposure to asbestos
18 through the use of new commercial products;

19 (3) the United States Geological Survey re-
20 ported that, in 2006, the United States used 2,000
21 metric tons of asbestos, of which approximately—

22 (A) 55 percent was used in roofing prod-
23 ucts;

24 (B) 26 percent was used in coatings; and

25 (C) 19 percent was used in other products,
26 such as friction products;

1 (4) the Department of Commerce estimates
2 that the United States imports more than
3 \$100,000,000 of brake parts per year;

4 (5) available evidence suggests that—

5 (A) imports of some types of asbestos-con-
6 taining products are increasing; and

7 (B) some of those products are imported
8 from foreign countries in which asbestos is
9 poorly regulated;

10 (6) families of workers are put at risk because
11 of asbestos brought home by the workers on the
12 shoes, clothes, skin, and hair of the workers;

13 (7) the National Institutes of Health reported
14 to Congress in 2006 that mesothelioma is a difficult
15 disease to detect, diagnose, and treat;

16 (8) the Environmental Working Group esti-
17 mates that as many as 10,000 citizens of the United
18 States die each year from mesothelioma and other
19 asbestos-related diseases;

20 (9)(A) mesothelioma responds poorly to conven-
21 tional chemotherapy; and

22 (B) although new combination treatments for
23 mesothelioma have demonstrated some benefits—

1 (i) the median survival period for mesothe-
2 lioma is only 1 year after diagnosis of the dis-
3 ease; and

4 (ii) the majority of mesothelioma patients
5 die within 2 years of diagnosis of the disease;

6 (10) in hearings before Congress in the early
7 1970s, the example of asbestos was used to justify
8 the need for comprehensive legislation on toxic sub-
9 stances;

10 (11) in 1976, Congress passed the Toxic Sub-
11 stances Control Act (15 U.S.C. 2601 et seq.);

12 (12) in 1989, the Administrator of the Environ-
13 mental Protection Agency promulgated final regula-
14 tions under title II of the Toxic Substances Control
15 Act (15 U.S.C. 2641 et seq.) to phase out asbestos
16 in consumer products by 1997;

17 (13) in 1991, the United States Court of Ap-
18 peals for the 5th Circuit overturned portions of the
19 regulations, and the Federal Government did not ap-
20 peal the decision to the Supreme Court;

21 (14) as a result, while new applications for as-
22 bestos were banned, asbestos is still being imported
23 and used, and is otherwise present as a contami-
24 nant, in some consumer and industrial products in
25 the United States;

1 (15) the National Cancer Institute recognizes a
2 clear need for new agents to improve the outlook for
3 patients with mesothelioma and other asbestos-re-
4 lated diseases;

5 (16) the National Institutes of Health should
6 continue to improve detection, treatment, and man-
7 agement of asbestos-related diseases, such as meso-
8 thelioma, including by providing continued support
9 for the pleural mesothelioma treatment and research
10 program and peritoneal surgical initiatives;

11 (17) the Department of Defense should study
12 diseases related to asbestos exposure in the military
13 and veteran population, including by conducting re-
14 search in coordination with the National Institutes
15 of Health on the early detection and treatment of
16 mesothelioma;

17 (18) with some exceptions relating to certain
18 uses, asbestos has been banned in 40 countries, in-
19 cluding Argentina, Australia, Austria, Belgium,
20 Chile, Croatia, the Czech Republic, Denmark, Esto-
21 nia, Finland, France, Germany, Iceland, Ireland,
22 Italy, Japan, Latvia, Luxembourg, the Netherlands,
23 Norway, Poland, Portugal, Saudi Arabia, the Slovak
24 Republic, Spain, Sweden, Switzerland, and the
25 United Kingdom;

1 (19) asbestos was banned throughout the Euro-
2 pean Union in 2005; and

3 (20) banning asbestos from being used in or
4 imported into the United States will provide cer-
5 tainty to manufacturers, builders, environmental re-
6 mediation firms, workers, and consumers that after
7 a specific date, asbestos will not be used, added, or
8 allowed to be knowingly present as a contaminant in
9 new construction and manufacturing materials used
10 in this country.

11 **SEC. 3. ASBESTOS-CONTAINING PRODUCTS.**

12 (a) IN GENERAL.—Title II of the Toxic Substances
13 Control Act (15 U.S.C. 2641 et seq.) is amended—

14 (1) by inserting before section 201 (15 U.S.C.
15 2641) the following:

16 **“Subtitle A—General Provisions”;**

17 (2) in section 202(3) (15 U.S.C. 2642(3))—

18 (A) in each of subparagraphs (A) through
19 (D), by striking the commas at the end of the
20 subparagraphs and inserting semicolons;

21 (B) in subparagraph (E), by striking “,
22 or” and inserting a semicolon;

23 (C) in subparagraph (F), by striking the
24 period at the end and inserting a semicolon;
25 and

1 (D) by adding at the end the following:

2 “(G) any material formerly classified as
3 tremolite, including—

4 “(i) winchite asbestos; and

5 “(ii) richterite asbestos; and

6 “(H) any asbestiform amphibole mineral.”;

7 and

8 (3) by adding at the end the following:

9 **“Subtitle B—Asbestos-Containing**
10 **Products**

11 **“SEC. 221. DEFINITIONS.**

12 “In this subtitle:

13 “(1) APPROPRIATE FEDERAL ENTITY.—The
14 term ‘appropriate Federal entity’ means any appro-
15 priate Federal entity, as determined by the Director,
16 including—

17 “(A) the Agency for Toxic Substances and
18 Disease Registry;

19 “(B) the Department of Health and
20 Human Services;

21 “(C) the Environmental Protection Agen-
22 cy;

23 “(D) the Mine Safety and Health Adminis-
24 tration;

1 “(E) the National Institute of Standards
2 and Technology;

3 “(F) the United States Geological Survey;

4 “(G) the National Institute of Environ-
5 mental Health Sciences;

6 “(H) the National Institute for Occupa-
7 tional Safety and Health; and

8 “(I) the Occupational Health and Safety
9 Administration.

10 “(2) ASBESTOS-CONTAINING PRODUCT.—The
11 term ‘asbestos-containing product’ means any prod-
12 uct (including any part) to which asbestos is delib-
13 erately or knowingly added or in which asbestos is
14 deliberately used or knowingly present in any con-
15 centration.

16 “(3) ELONGATED MINERAL PARTICLE.—The
17 term ‘elongated mineral particle’ means a single
18 crystal or similarly elongated polycrystalline aggre-
19 gate particle with a length to width ratio of 3 to 1
20 or greater.

21 “(4) BIOPERSISTENT ELONGATED MINERAL
22 PARTICLE.—The term ‘biopersistent elongated min-
23 eral particle’ means an elongated mineral particle
24 that—

1 “(A) occurs naturally in the environment;

2 and

3 “(B) is similar to asbestos in—

4 “(i) resistance to dissolution;

5 “(ii) leaching; and

6 “(iii) other physical, chemical, or bio-
7 logical processes expected from contact
8 with lung cells and other cells and fluids in
9 the human body.

10 “(5) DIRECTOR.—The term ‘Director’ means
11 the Director of the National Institute for Occupa-
12 tional Safety and Health.

13 “(6) PERSON.—The term ‘person’ means—

14 “(A) any individual;

15 “(B) any corporation, company, associa-
16 tion, firm, partnership, joint venture, sole pro-
17 prietorship, or other for-profit or nonprofit
18 business entity (including any manufacturer,
19 importer, distributor, or processor);

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

22 “(D) any interstate body.

23 **“SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL**
24 **SAFETY AND HEALTH STUDIES.**

25 “(a) STUDIES.—

1 “(1) CURRENT STATE OF SCIENCE STUDY.—

2 “(A) IN GENERAL.—The Director, in con-
3 sultation with the United States Geological Sur-
4 vey, the Environmental Protection Agency, the
5 National Academy of Sciences, and appropriate
6 Federal entities, shall conduct a study and, not
7 later than 1 year after the date of enactment of
8 this subtitle, submit to the Administrator, the
9 Committees on Environment and Public Works
10 and Health, Education, Labor, and Pensions of
11 the Senate, the Committees on Energy and
12 Commerce and Education and Labor of the
13 House of Representatives, and other Federal
14 agencies a report containing—

15 “(i) a description of the current state
16 of the science relating to—

17 “(I) the disease mechanisms and
18 health effects of exposure to non-
19 asbestiform minerals and elongated
20 mineral particles; and

21 “(II) methods for measuring and
22 analyzing non-asbestiform minerals
23 and elongated mineral particles; and

24 “(ii) recommendations for—

1 “(I) future research relating to
2 diseases caused by exposure to—

3 “(aa) non-asbestiform min-
4 erals; and

5 “(bb) elongated mineral par-
6 ticles;

7 “(II) exposure assessment prac-
8 tice needs;

9 “(III) any new classification of
10 naturally occurring elongated mineral
11 particles; and

12 “(IV) 1 or more definitions and
13 dimensions to be used for the quan-
14 tification and risk assessment of—

15 “(aa) non-asbestiform min-
16 erals; and

17 “(bb) elongated mineral par-
18 ticles.

19 “(B) COMPONENTS.—The report described
20 in subparagraph (A) shall include—

21 “(i) peer-reviewed published literature;

22 “(ii) regulatory decisions; and

23 “(iii) information obtained from the
24 National Institute for Occupational Safety
25 Asbestos Research Roadmap.

1 “(2) MODE OF ACTION AND HEALTH EFFECTS
2 STUDY.—

3 “(A) IN GENERAL.—The Director, in con-
4 sultation with the Environmental Protection
5 Agency, the National Academy of Sciences, and
6 appropriate Federal entities, shall conduct a
7 study—

8 “(i) to evaluate the known or potential
9 mode of action and health effects of—

10 “(I) non-asbestiform minerals;
11 and

12 “(II) elongated mineral particles;
13 and

14 “(ii) to develop recommendations for a
15 means by which to identify, distinguish,
16 and measure any non-asbestiform mineral
17 or elongated mineral particle that—

18 “(I) may cause any disease or
19 health effect; or

20 “(II) does not cause any disease
21 or health effect.

22 “(B) REPORT.—Not later than 18 months
23 after the date of enactment of this subtitle, the
24 Director shall submit to the Committees on En-
25 vironment and Public Works and Health, Edu-

1 cation, Labor, and Pensions of the Senate, and
2 the Committees on Energy and Commerce and
3 Education and Labor of the House of Rep-
4 resentatives, a report containing—

5 “(i) a description of the manner by
6 which non-asbestiform minerals and elon-
7 gated mineral particles possess the ability
8 to remain biopersistent in the human body,
9 with regard to the ability of non-
10 asbestiform minerals and elongated min-
11 eral particles—

12 “(I) to exhibit resistance to dis-
13 solution and leaching; and

14 “(II) to induce other physical,
15 chemical, and biological processes as a
16 result of contact with—

17 “(aa) lung cells; and

18 “(bb) other cells and fluids
19 in the human body connected to
20 a disease;

21 “(ii) a description of the means by
22 which to identify, distinguish, and measure
23 any non-asbestiform mineral or elongated
24 mineral particle that—

1 “(I) may cause any disease or
2 health effect, as determined by the
3 Director, including—

4 “(aa) mesothelioma;

5 “(bb) any other form of can-
6 cer; and

7 “(cc) any other non-cancer
8 form of disease; and

9 “(II) does not cause any disease
10 or health effect; and

11 “(iii) recommendations for such con-
12 trols as the Director determines to be ap-
13 propriate to protect human health.

14 “(3) AUTHORIZATION OF APPROPRIATIONS.—

15 There are authorized to be appropriated such sums
16 as are necessary to carry out this subsection.

17 “(b) METHODOLOGY STUDY.—

18 “(1) IN GENERAL.—On the date on which the
19 Director submits the report described in subsection
20 (a)(2)(B), the Director shall initiate a study—

21 “(A) to develop improved sampling and an-
22 alytical methods for non-asbestiform minerals
23 and elongated mineral particles; and

24 “(B) to clarify the mechanism of action.

1 “(2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this subsection.

4 **“SEC. 223. PUBLIC EDUCATION PROGRAM.**

5 “(a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this subtitle, the Administrator, in
7 consultation with the Chairman of the Consumer Product
8 Safety Commission, the Director of the Centers for Dis-
9 ease Control and Prevention, and the Secretary of Labor,
10 shall establish a plan—

11 “(1) to increase awareness of the dangers posed
12 by—

13 “(A) products having asbestos-containing
14 materials in homes and workplaces; and

15 “(B) asbestos-related diseases;

16 “(2) to provide current and comprehensive in-
17 formation to asbestos-related disease patients, family
18 members of patients, and front-line health care pro-
19 viders on—

20 “(A) the dangers of asbestos exposure;

21 “(B) asbestos-related labeling information;

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

23 “(D) symptoms of asbestos exposure; and

1 “(E) available and developing treatments
2 for asbestos-related diseases, including clinical
3 trials;

4 “(3) to encourage asbestos-related disease pa-
5 tients, family members of patients, and front-line
6 health care providers to participate in research and
7 treatment endeavors relating to asbestos; and

8 “(4) to encourage health care providers and re-
9 searchers to provide to asbestos-related disease pa-
10 tients and family members of patients information
11 relating to research, diagnostic, and clinical treat-
12 ments relating to asbestos.

13 “(b) GREATEST RISKS.—In establishing the pro-
14 gram, the Administrator shall give priority to products
15 that have asbestos-containing materials and are used by
16 consumers and workers that pose the greatest risk of in-
17 jury to human health.

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

21 **“Subtitle C—Prohibition on**
22 **Asbestos-Containing Materials**

23 **“SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.**

24 “In this subtitle:

1 “(1) IN GENERAL.—The term ‘distribute in
2 commerce’ has the meaning given the term in sec-
3 tion 3.

4 “(2) EXCLUSIONS.—The term ‘distribute in
5 commerce’ does not include—

6 “(A) the possession of an asbestos-con-
7 taining material by a person that is an end
8 user; or

9 “(B) the possession of an asbestos-con-
10 taining material by a person solely for the pur-
11 pose of disposal of the asbestos-containing ma-
12 terial in compliance with applicable Federal,
13 State, and local requirements.

14 **“SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATE-**
15 **RIALS.**

16 “(a) IN GENERAL.—Subject to subsection (b), the
17 Administrator shall promulgate—

18 “(1) not later than 1 year after the date of en-
19 actment of this subtitle, proposed regulations that—

20 “(A) prohibit persons from importing,
21 manufacturing, processing, or distributing in
22 commerce asbestos-containing materials; and

23 “(B) provide for implementation of sub-
24 sections (b) and (c); and

1 “(2) not later than 2 years after the date of en-
2 actment of this subtitle, final regulations that, effec-
3 tive beginning 60 days after the date of promulga-
4 tion, prohibit persons from importing, manufac-
5 turing, processing, or distributing in commerce as-
6 bestos-containing materials.

7 “(b) EXEMPTIONS.—

8 “(1) IN GENERAL.—Any person may petition
9 the Administrator for, and the Administrator may
10 grant, an exemption from the requirements of sub-
11 section (a) if the Administrator determines that—

12 “(A) the exemption would not result in an
13 unreasonable risk of injury to health or the en-
14 vironment; and

15 “(B) the person has made good faith ef-
16 forts to develop, but has been unable to develop,
17 a substance, or identify a mineral, that—

18 “(i) does not present an unreasonable
19 risk of injury to health or the environment;
20 and

21 “(ii) may be substituted for an asbes-
22 tos-containing material.

23 “(2) TERMS AND CONDITIONS.—An exemption
24 granted under this subsection shall be in effect for
25 such period (not to exceed a total of 3 years) and

1 subject to such terms and conditions as the Adminis-
2 trator may prescribe.

3 “(3) GOVERNMENTAL USE.—

4 “(A) IN GENERAL.—The Administrator
5 shall provide an exemption from the require-
6 ments of subsection (a), without review or limit
7 on duration, if the exemption for asbestos-con-
8 taining material is—

9 “(i) sought by the Secretary of De-
10 fense and the Secretary certifies, and pro-
11 vides a copy of that certification to the Ad-
12 ministrator and Congress, that—

13 “(I) use of the asbestos con-
14 taining material is necessary to the
15 critical functions of the Department;

16 “(II) no reasonable alternatives
17 to the asbestos containing material
18 exist for the intended purpose; and

19 “(III) use of the asbestos con-
20 taining material will not result in an
21 unreasonable risk to health or the en-
22 vironment; or

23 “(ii) sought by the Administrator of
24 the National Aeronautics and Space Ad-
25 ministration and the Administrator of the

1 National Aeronautics and Space Adminis-
2 tration certifies, and provides a copy of
3 that certification to Congress, that—

4 “(I) the asbestos-containing ma-
5 terial is necessary to the critical func-
6 tions of the National Aeronautics and
7 Space Administration;

8 “(II) no reasonable alternatives
9 to the asbestos-containing material
10 exist for the intended purpose; and

11 “(III) the use of the asbestos-
12 containing material will not result in
13 an unreasonable risk to health or the
14 environment.

15 “(B) ADMINISTRATIVE PROCEDURE ACT.—
16 Any exemption provided by the Administrator
17 under subparagraph (A), and any certification
18 made by the Secretary of Defense under sub-
19 paragraph (A)(i) shall not be subject to the pro-
20 visions of subchapter II of chapter 5, and chap-
21 ter 7, of title 5, United States Code (commonly
22 known as the ‘Administrative Procedure Act’).

23 “(4) DIAPHRAGMS FOR EXISTING ELEC-
24 TROLYSIS INSTALLATIONS.—

1 “(A) IN GENERAL.—The requirements of
2 subsection (a) shall not apply to any diaphragm
3 electrolysis installation in existence as of the
4 date of enactment of this subtitle.

5 “(B) REVIEW.—

6 “(i) IN GENERAL.—Not later than 3
7 years after the date of enactment of this
8 subtitle, and every 6 years thereafter, the
9 Administrator shall review the exemption
10 provided under subparagraph (A) to deter-
11 mine the appropriateness of the exemption.

12 “(ii) SCOPE.—In conducting the re-
13 view of the exemption provided under sub-
14 paragraph (A), the Administrator shall ex-
15 amine the risk of injury to an individual
16 relating to the operation by the individual
17 of each diaphragm electrolysis installation
18 described in subparagraph (A).

19 “(iii) PUBLIC PARTICIPATION.—In
20 conducting the review of the exemption
21 provided under subparagraph (A), the Ad-
22 ministrator shall provide public notice and
23 a 30-day period of public comment.

24 “(C) DECISION RELATING TO EXTENSION
25 OF EXEMPTION.—Upon completion of a review

1 of a diaphragm electrolysis installation under
2 subparagraph (B)(i), if the Administrator de-
3 termines that the diaphragm electrolysis instal-
4 lation poses an unreasonable risk of injury to
5 health or the environment, the Administrator
6 may terminate the exemption provided to the
7 diaphragm electrolysis installation under sub-
8 paragraph (A).

9 “(c) DISPOSAL.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), not later than 2 years after the date of
12 enactment of this subtitle, each person that pos-
13 sesses asbestos-containing material that is subject to
14 the prohibition established under this section shall
15 dispose of the asbestos-containing material, by a
16 means that is in compliance with applicable Federal,
17 State, and local requirements.

18 “(2) EXEMPTION.—Nothing in paragraph (1)—

19 “(A) applies to asbestos-containing mate-
20 rial that—

21 “(i) is no longer in the stream of com-
22 merce; or

23 “(ii) is in the possession of an end
24 user; or

1 “(B) requires that asbestos-containing ma-
2 terial described in subparagraph (A) be re-
3 moved or replaced.

4 “(d) COMPLIANCE TESTING.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
6 and in accordance with paragraph (3), not later than
7 1 year after the date on which the Administrator
8 promulgates the regulations under subsection (a),
9 and annually thereafter, to ensure compliance with
10 those regulations, the Administrator shall carry out
11 tests on an appropriate quantity of products, as de-
12 termined by the Administrator, to determine if the
13 products have asbestos-containing material.

14 “(2) EXEMPTED PRODUCTS.—In carrying out
15 the compliance testing under paragraph (1), the Ad-
16 ministrator shall not carry out any test on any prod-
17 uct that contains any material that is the subject of
18 an exemption described in subsection (b).

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

24 “(4) ANNUAL REPORT.—

1 “(A) IN GENERAL.—Upon completion of
2 each annual testing period described in para-
3 graph (1), the Administrator shall prepare a re-
4 port for the annual testing period covered by
5 the report, describing those products that have
6 asbestos-containing material.

7 “(B) PUBLIC AVAILABILITY.—Not later
8 than 90 days after the date of completion of
9 each annual testing period described in para-
10 graph (1), the Administrator shall make the re-
11 port for the annual testing period covered by
12 the report available to the public.”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents in sections 1 of the Toxic Substances Control Act
15 (15 U.S.C. prec. 2601) is amended—

16 (1) by inserting before the item relating to sec-
17 tion 201 the following:

 “Subtitle A—General Provisions”;

18 and

19 (2) by adding at the end of the items relating
20 to title II the following:

 “Subtitle B—Asbestos-Containing Products

 “Sec. 221. Definitions.

 “Sec. 222. National Institute for Occupational Safety and Health report and
 study.

 “Sec. 223. Public education program.

 “Subtitle C—Prohibition on Asbestos-Containing Materials

 “Sec. 231. Prohibition on asbestos-containing materials.”.

1 **SEC. 4. ASBESTOS-RELATED DISEASES.**

2 Subpart 1 of part C of title IV of the Public Health
3 Service Act (42 U.S.C. 285 et seq.) is amended by adding
4 at the end the following:

5 **“SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.**

6 “(a) **IN GENERAL.**—The Secretary, acting through
7 the Director of NIH and the Director of the Centers for
8 Disease Control and Prevention, shall expand, intensify,
9 and coordinate programs for the conduct and support of
10 research on diseases caused by exposure to asbestos, par-
11 ticularly mesothelioma, asbestosis, and pleural injuries.

12 “(b) **ADMINISTRATION.**—The Secretary shall carry
13 out this section in collaboration with—

14 “(1) the Administrator of the Agency for Toxic
15 Substances and Disease Registry;

16 “(2) the Director of the National Institute for
17 Occupational Safety and Health; and

18 “(3) the head of any other agency, as the Sec-
19 retary determines to be appropriate.

20 **“(c) ASBESTOS-RELATED DISEASE REGISTRY.**—

21 “(1) **IN GENERAL.**—Not later than 1 year after
22 the date of enactment of this section, the Director
23 of the Centers for Disease Control and Prevention,
24 in cooperation with the Director of the National In-
25 stitute for Occupational Safety and Health and the
26 Administrator of the Agency for Toxic Substances

1 and Disease Registry, shall establish a mechanism
2 by which to obtain, coordinate, and provide data and
3 specimens from—

4 “(A) State cancer registries and other can-
5 cer registries;

6 “(B) the National Mesothelioma Virtual
7 Registry and Tissue Bank; and

8 “(C) each entity participating in the asbes-
9 tos-related disease research and treatment net-
10 work established under section 417F(a).

11 “(2) TREATMENT.—The data and specimens
12 described in paragraph (1) shall form the basis for
13 establishing a national clearinghouse for data and
14 specimens relating to asbestos-related diseases, with
15 a particular emphasis on mesothelioma.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—In ad-
17 dition to amounts made available for the purposes de-
18 scribed in subsection (a) under other law, there are au-
19 thorized to be appropriated to carry out this section such
20 sums as are necessary for fiscal year 2008 and each fiscal
21 year thereafter.

22 **“SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND**
23 **TREATMENT NETWORK.**

24 “(a) ESTABLISHMENT.—For each of fiscal years
25 2008 through 2012, the Director of NIH, in collaboration

1 with other applicable Federal, State, and local agencies
2 and departments, shall establish and maintain an asbes-
3 tos-related disease research and treatment network (re-
4 ferred to in this section as the ‘Network’) to support the
5 detection, prevention, treatment, and cure of asbestos-re-
6 lated diseases, with particular emphasis on malignant
7 mesothelioma.

8 “(b) INCLUSIONS.—The Network shall include—

9 “(1) intramural research initiatives of the Na-
10 tional Institutes of Health; and

11 “(2) at least 10 extramural asbestos-related dis-
12 ease research and treatment centers, as selected by
13 the Director of NIH in accordance with subsection
14 (c).

15 “(c) EXTRAMURAL ASBESTOS-RELATED DISEASE
16 RESEARCH AND TREATMENT CENTERS.—

17 “(1) IN GENERAL.—For each fiscal year during
18 which the Network is operated and maintained
19 under subsection (a), the Director of NIH shall se-
20 lect for inclusion in the Network not less than 10
21 nonprofit hospitals, universities, or medical or re-
22 search institutions incorporated or organized in the
23 United States that, as determined by the Director of
24 NIH—

1 “(A) have exemplary experience and quali-
2 fications in research and treatment of asbestos-
3 related diseases;

4 “(B) have access to an appropriate popu-
5 lation of patients with asbestos-related diseases;
6 and

7 “(C) are geographically distributed
8 throughout the United States, with special con-
9 sideration given to areas of high incidence of
10 asbestos-related diseases.

11 “(2) REQUIREMENTS.—Each center selected
12 under paragraph (1) shall—

13 “(A) be chosen by the Director of NIH
14 after competitive peer review;

15 “(B) conduct laboratory and clinical re-
16 search, including clinical trials, relating to—

17 “(i) mechanisms for effective thera-
18 peutic treatment of asbestos-related dis-
19 eases;

20 “(ii) early detection and prevention of
21 asbestos-related diseases;

22 “(iii) palliation of asbestos-related dis-
23 ease symptoms; and

24 “(iv) pain management with respect
25 to asbestos-related diseases;

1 “(C) offer to asbestos-related disease pa-
2 tients travel and lodging assistance as nec-
3 essary—

4 “(i) to accommodate the maximum
5 number of patients practicable; and

6 “(ii) to serve a number of patients at
7 the center sufficient to conduct a meaning-
8 ful clinical trial;

9 “(D) seek to collaborate with at least 1
10 medical center of the Department of Veterans
11 Affairs to provide research benefits and care to
12 veterans who have suffered excessively from as-
13 bestos-related diseases, particularly mesothe-
14 lioma; and

15 “(E) coordinate the research and treat-
16 ment efforts of the center (including specimen
17 sharing and use of common infomatics) with
18 other entities included in—

19 “(i) the Network; and

20 “(ii) the National Virtual Mesothe-
21 lioma Registry and Tissue Bank.

22 “(3) PERIOD OF INCLUSION.—A center selected
23 by the Director of NIH under this subsection shall
24 be included in the Network for—

1 “(A) the 1-year period beginning on the
2 date of selection of the center; or

3 “(B) such longer period as the Director of
4 NIH determines to be appropriate.

5 “(d) GRANTS.—The Director of NIH shall provide to
6 each center selected for inclusion in the Network under
7 subsection (c) for the fiscal year a grant in an amount
8 equal to \$1,000,000 to support the detection, prevention,
9 treatment, and cure of asbestos-related diseases, with par-
10 ticular emphasis on malignant mesothelioma.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to carry out this section
13 \$10,000,000 for each of fiscal years 2008 through 2012.

14 **“SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.**

15 “(a) IN GENERAL.—The Secretary, acting through
16 the United States Army Medical Research and Materiel
17 Command, shall support research on mesothelioma and
18 other asbestos-related diseases that has clear scientific
19 value and direct relevance to the health of members and
20 veterans of the Armed Forces, in accordance with the ap-
21 propriate congressionally directed medical research pro-
22 gram, with the goal of advancing the understanding, early
23 detection, and treatment of asbestos-related mesothelioma
24 and other asbestos-related diseases.

1 “(b) ADMINISTRATION.—The Secretary shall carry
2 out this section in collaboration with—

3 “(1) the Director of NIH;

4 “(2) the Director of the National Institute of
5 Occupational Safety and Health; and

6 “(3) the head of any other agency, as the Sec-
7 retary determines to be appropriate.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 such sums as are necessary for fiscal year 2008 and each
11 fiscal year thereafter.”.

Passed the Senate October 4, 2007.

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

S. 742

AN ACT

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