

110TH CONGRESS
1ST SESSION

H. R. 3339

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Ms. MCCOLLUM of Minnesota (for herself, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. CLYBURN, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MARKEY, Mr. RAHALL, Ms. WATERS, Ms. WOOLSEY, Mr. KANJORSKI, Mr. WAXMAN, Mr. DEFazio, Mr. FARR, Mr. SKELTON, Ms. HOOLEY, Mr. ELLISON, Mr. WALZ of Minnesota, Mr. INSLEE, Ms. KAPTUR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. COHEN, Mr. HINCHEY, Ms. ESHOO, Mr. NADLER, Mrs. JONES of Ohio, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Ms. LEE, Mr. McDERMOTT, Mr. BRALEY of Iowa, and Ms. LINDA T. SÁNCHEZ of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Bruce Vento was a teacher, a state legis-
4 lator and a Member of Congress representing Min-
5 nesota's Fourth District from 1977 to 2000 who
6 dedicated his career to promoting worker's rights
7 and a clean, healthy environment;

8 (2) Congressman Vento died on October 10,
9 2000, from pleural mesothelioma, likely contracted
10 from minimal contact with asbestos while working in
11 factories as a young man;

12 (3)(A) the Administrator of the Environmental
13 Protection Agency has classified asbestos as a cat-
14 egory A human carcinogen, the highest cancer haz-
15 ard classification for a substance; and

16 (B) the International Agency for Research on
17 Cancer has classified asbestos as a class 1 human
18 carcinogen;

19 (4) many people in the United States incor-
20 rectly believe that—

21 (A) asbestos has been banned in the
22 United States; and

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

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

4 (A) 55 percent was used in roofing prod-
5 ucts;

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

7 (C) 19 percent was used in other products,
8 such as friction products;

9 (6) the Department of Commerce estimates
10 that the United States imports more than
11 \$100,000,000 of brake parts per year;

12 (7) available evidence suggests that—

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

15 (B) some of those products are imported
16 from foreign countries in which asbestos is
17 poorly regulated;

18 (8) there is no known safe level of exposure to
19 asbestos;

20 (9) even low levels of exposure to asbestos may
21 cause asbestos-related diseases, including mesothe-
22 lioma;

23 (10) millions of workers in the United States
24 have been, and continue to be, exposed to dangerous
25 levels of asbestos;

1 (11) worker deaths from noncancerous lung dis-
2 ease can occur at levels of exposure to asbestos
3 below the levels allowed by the Occupational Safety
4 and Health Administration as of the date of enact-
5 ment of this Act;

6 (12) the University of Minnesota, along with
7 health care providers, Minnesota State legislators,
8 and community partners, has initiated the Min-
9 nesota Taconite Workers Lung Health Partnership,
10 to provide a greater understanding of taconite work-
11 ers health issues, study the causes of the increase in
12 deaths to mesothelioma among taconite mine work-
13 ers, and provide recommendations to limit risk to
14 workers and their families;

15 (13) families of workers are put at risk because
16 of asbestos brought home by the workers on the
17 shoes, clothes, skin, and hair of the workers;

18 (14) approximately $\frac{1}{3}$ of mesothelioma victims
19 were exposed to asbestos while serving the United
20 States on Navy ships or shipyards;

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

24 (16) the Environmental Working Group esti-
25 mates that as many as 10,000 citizens of the United

1 States die each year from mesothelioma and other
2 asbestos-related diseases;

3 (17)(A) mesothelioma responds poorly to con-
4 ventional chemotherapy; and

5 (B) although new combination treatments for
6 mesothelioma have demonstrated some benefits—

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

10 (ii) the majority of mesothelioma patients
11 die within 2 years of diagnosis of the disease;

12 (18) in hearings before Congress in the early
13 1970s, the example of asbestos was used to justify
14 the need for comprehensive legislation on toxic sub-
15 stances;

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

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

23 (21) in 1991, the United States Court of Ap-
24 peals for the 5th Circuit overturned portions of the

1 regulations, and the Federal Government did not ap-
2 peal the decision to the Supreme Court;

3 (22) as a result, while new applications for as-
4 bestos were banned, asbestos is still being imported
5 and used, and is otherwise present as a contami-
6 nant, in some consumer and industrial products in
7 the United States;

8 (23) the National Cancer Institute recognizes a
9 clear need for new agents to improve the outlook for
10 patients with mesothelioma and other asbestos-re-
11 lated diseases;

12 (24) the National Institutes of Health should
13 continue to improve detection, treatment, and man-
14 agement of asbestos-related diseases, such as meso-
15 thelioma, including by providing continued support
16 for the pleural mesothelioma treatment and research
17 program and peritoneal surgical initiatives;

18 (25) the Department of Defense should study
19 diseases related to asbestos exposure in the military
20 and veteran population, including by conducting re-
21 search in coordination with the National Institutes
22 of Health on the early detection and treatment of
23 mesothelioma;

24 (26) with some exceptions relating to certain
25 uses, asbestos has been banned in 40 countries, in-

1 cluding Argentina, Australia, Austria, Belgium,
2 Chile, Croatia, the Czech Republic, Denmark, Esto-
3 nia, Finland, France, Germany, Iceland, Ireland,
4 Italy, Japan, Latvia, Luxembourg, the Netherlands,
5 Norway, Poland, Portugal, Saudi Arabia, the Slovak
6 Republic, Spain, Sweden, Switzerland, and the
7 United Kingdom;

8 (27) asbestos was banned throughout the Euro-
9 pean Union in 2005; and

10 (28) banning asbestos from being used in or
11 imported into the United States will provide cer-
12 tainty to manufacturers, builders, environmental re-
13 mediation firms, workers, and consumers that after
14 a specific date, asbestos will not be used, added, or
15 allowed to be knowingly present as a contaminant in
16 new construction and manufacturing materials used
17 in this country.

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

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

21 (1) by inserting before section 201 (15 U.S.C.
22 2641) the following:

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

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

1 (A) in each of subparagraphs (A) through
2 (D), by striking the commas at the end of the
3 subparagraphs and inserting semicolons;

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

6 (C) in subparagraph (F), by striking the
7 period at the end and inserting a semicolon;
8 and

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

10 “(G) any material formerly classified as
11 tremolite, including—

12 “(i) winchite asbestos; and

13 “(ii) richterite asbestos; and

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

15 and

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

17 **“Subtitle B—Asbestos-Containing**
18 **Products**

19 **“SEC. 221. DEFINITIONS.**

20 “In this subtitle:

21 “(1) APPROPRIATE FEDERAL ENTITY.—The
22 term ‘appropriate Federal entity’ means any appro-
23 priate Federal entity, as determined by the Director,
24 including—

1 “(A) the Agency for Toxic Substances and
2 Disease Registry;

3 “(B) the Department of Health and
4 Human Services;

5 “(C) the Environmental Protection Agen-
6 cy;

7 “(D) the Mine Safety and Health Adminis-
8 tration;

9 “(E) the National Institute of Standards
10 and Technology;

11 “(F) the United States Geological Survey;

12 “(G) the National Institute of Environ-
13 mental Health Sciences;

14 “(H) the National Institute for Occupa-
15 tional Safety and Health; and

16 “(I) the Occupational Health and Safety
17 Administration.

18 “(2) ASBESTOS-CONTAINING PRODUCT.—The
19 term ‘asbestos-containing product’ means any prod-
20 uct (including any part) to which asbestos is delib-
21 erately or knowingly added or in which asbestos is
22 deliberately used or knowingly present in any con-
23 centration.

24 “(3) ELONGATED MINERAL PARTICLE.—The
25 term ‘elongated mineral particle’ means a single

1 crystal or similarly elongated polycrystalline aggre-
2 gate particle with a length to width ratio of 3 to 1
3 or greater.

4 “(4) BIOPERSISTENT ELONGATED MINERAL
5 PARTICLE.—The term ‘biopersistent elongated min-
6 eral particle’ means an elongated mineral particle
7 that—

8 “(A) occurs naturally in the environment;
9 and

10 “(B) is similar to asbestos in—

11 “(i) resistance to dissolution;

12 “(ii) leaching; and

13 “(iii) other physical, chemical, or bio-
14 logical processes expected from contact
15 with lung cells and other cells and fluids in
16 the human body.

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

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

21 “(A) any individual;

22 “(B) any corporation, company, associa-
23 tion, firm, partnership, joint venture, sole pro-
24 prietorship, or other for-profit or nonprofit

1 business entity (including any manufacturer,
2 importer, distributor, or processor);

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

5 “(D) any interstate body.

6 **“SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL**
7 **SAFETY AND HEALTH STUDIES.**

8 “(a) STUDIES.—

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

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

23 “(i) a description of the current state
24 of the science relating to—

1 “(I) the disease mechanisms and
2 health effects of exposure to non-
3 asbestiform minerals and elongated
4 mineral particles; and

5 “(II) methods for measuring and
6 analyzing non-asbestiform minerals
7 and elongated mineral particles; and

8 “(ii) recommendations for—

9 “(I) future research relating to
10 diseases caused by exposure to—

11 “(aa) non-asbestiform min-
12 erals; and

13 “(bb) elongated mineral par-
14 ticles;

15 “(II) exposure assessment prac-
16 tice needs;

17 “(III) any new classification of
18 naturally occurring elongated mineral
19 particles; and

20 “(IV) 1 or more definitions and
21 dimensions to be used for the quan-
22 tification and risk assessment of—

23 “(aa) non-asbestiform min-
24 erals; and

1 “(bb) elongated mineral par-
2 ticles.

3 “(B) COMPONENTS.—The report described
4 in subparagraph (A) shall include—

5 “(i) peer-reviewed published literature;

6 “(ii) regulatory decisions; and

7 “(iii) information obtained from the
8 National Institute for Occupational Safety
9 Asbestos Research Roadmap.

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

12 “(A) IN GENERAL.—The Director, in con-
13 sultation with the Environmental Protection
14 Agency, the National Academy of Sciences, and
15 appropriate Federal entities, shall conduct a
16 study—

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

19 “(I) non-asbestiform minerals;

20 and

21 “(II) elongated mineral particles;

22 and

23 “(ii) to develop recommendations for a
24 means by which to identify, distinguish,

1 and measure any non-asbestiform mineral
2 or elongated mineral particle that—

3 “(I) may cause any disease or
4 health effect; or

5 “(II) does not cause any disease
6 or health effect.

7 “(B) REPORT.—Not later than 18 months
8 after the date of enactment of this subtitle, the
9 Director shall submit to the Committees on En-
10 vironment and Public Works and Health, Edu-
11 cation, Labor, and Pensions of the Senate, and
12 the Committees on Energy and Commerce and
13 Education and Labor of the House of Rep-
14 resentatives, a report containing—

15 “(i) a description of the manner by
16 which non-asbestiform minerals and elon-
17 gated mineral particles possess the ability
18 to remain biopersistent in the human body,
19 with regard to the ability of non-
20 asbestiform minerals and elongated min-
21 eral particles—

22 “(I) to exhibit resistance to dis-
23 solution and leaching; and

1 “(II) to induce other physical,
2 chemical, and biological processes as a
3 result of contact with—

4 “(aa) lung cells; and

5 “(bb) other cells and fluids
6 in the human body connected to
7 a disease;

8 “(ii) a description of the means by
9 which to identify, distinguish, and measure
10 any non-asbestiform mineral or elongated
11 mineral particle that—

12 “(I) may cause any disease or
13 health effect, as determined by the
14 Director, including—

15 “(aa) mesothelioma;

16 “(bb) any other form of can-
17 cer; and

18 “(cc) any other non-cancer
19 form of disease; and

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

22 “(iii) recommendations for such con-
23 trols as the Director determines to be ap-
24 propriate to protect human health.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this subsection.

4 “(b) METHODOLOGY STUDY.—

5 “(1) IN GENERAL.—On the date on which the

6 Director submits the report described in subsection

7 (a)(2)(B), the Director shall initiate a study—

8 “(A) to develop improved sampling and an-

9 alytical methods for non-asbestiform minerals

10 and elongated mineral particles; and

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

12 “(2) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated such sums

14 as are necessary to carry out this subsection.

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

16 “(a) IN GENERAL.—Not later than 1 year after the

17 date of enactment of this subtitle, the Administrator, in

18 consultation with the Chairman of the Consumer Product

19 Safety Commission, the Director of the Centers for Dis-

20 ease Control and Prevention, and the Secretary of Labor,

21 shall establish a plan—

22 “(1) to increase awareness of the dangers posed

23 by—

1 “(A) asbestos-containing materials and
2 products and contaminants in homes and work-
3 places; and

4 “(B) asbestos-related diseases;

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

9 “(A) the dangers of asbestos exposure;

10 “(B) asbestos-related labeling information;

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

12 “(D) symptoms of asbestos exposure; and

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

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

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

1 “(b) GREATEST RISKS.—In establishing the pro-
2 gram, the Administrator shall give priority to asbestos-
3 containing materials and products used by consumers and
4 workers that pose the greatest risk of injury to human
5 health.

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

9 **“Subtitle C—Prohibition on**
10 **Asbestos-Containing Materials**

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

12 “In this subtitle:

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

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

18 “(A) the possession of an asbestos-con-
19 taining material by a person that is an end
20 user; or

21 “(B) the possession of an asbestos-con-
22 taining material by a person solely for the pur-
23 pose of disposal of the asbestos-containing ma-
24 terial in compliance with applicable Federal,
25 State, and local requirements.

1 **“SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATE-**
2 **RIALS.**

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

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

7 “(A) prohibit persons from importing,
8 manufacturing, processing, or distributing in
9 commerce asbestos-containing materials; and

10 “(B) provide for implementation of sub-
11 sections (b) and (c); and

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

18 “(b) EXEMPTIONS.—

19 “(1) IN GENERAL.—Any person may petition
20 the Administrator for, and the Administrator may
21 grant, an exemption from the requirements of sub-
22 section (a) if the Administrator determines that—

23 “(A) the exemption would not result in an
24 unreasonable risk of injury to health or the en-
25 vironment; and

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

4 “(i) does not present an unreasonable
5 risk of injury to health or the environment;
6 and

7 “(ii) may be substituted for an asbes-
8 tos-containing material.

9 “(2) TERMS AND CONDITIONS.—An exemption
10 granted under this subsection shall be in effect for
11 such period (not to exceed a total of 3 years) and
12 subject to such terms and conditions as the Adminis-
13 trator may prescribe.

14 “(3) GOVERNMENTAL USE.—

15 “(A) IN GENERAL.—The Administrator
16 shall provide an exemption from the require-
17 ments of subsection (a), without review or limit
18 on duration, if the exemption for asbestos-con-
19 taining material is—

20 “(i) sought by the Secretary of De-
21 fense and the Secretary certifies, and pro-
22 vides a copy of that certification to the Ad-
23 ministrator and Congress, that—

1 “(I) use of the asbestos con-
2 taining material is necessary to the
3 critical functions of the Department;

4 “(II) no reasonable alternatives
5 to the asbestos containing material
6 exist for the intended purpose; and

7 “(III) use of the asbestos con-
8 taining material will not result in an
9 unreasonable risk to health or the en-
10 vironment; or

11 “(ii) sought by the Administrator of
12 the National Aeronautics and Space Ad-
13 ministration and the Administrator of the
14 National Aeronautics and Space Adminis-
15 tration certifies, and provides a copy of
16 that certification to Congress, that—

17 “(I) the asbestos-containing ma-
18 terial is necessary to the critical func-
19 tions of the National Aeronautics and
20 Space Administration;

21 “(II) no reasonable alternatives
22 to the asbestos-containing material
23 exist for the intended purpose; and

24 “(III) the use of the asbestos-
25 containing material will not result in

1 an unreasonable risk to health or the
2 environment.

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

11 “(4) DIAPHRAGMS FOR EXISTING ELEC-
12 TROLYSIS INSTALLATIONS.—

13 “(A) IN GENERAL.—The requirements of
14 subsection (a) shall not apply to any diaphragm
15 electrolysis installation in existence as of the
16 date of enactment of this subtitle.

17 “(B) REVIEW.—

18 “(i) IN GENERAL.—Not later than 3
19 years after the date of enactment of this
20 subtitle, and every 6 years thereafter, the
21 Administrator shall review the exemption
22 provided under subparagraph (A) to deter-
23 mine the appropriateness of the exemption.

24 “(ii) SCOPE.—In conducting the re-
25 view of the exemption provided under sub-

1 paragraph (A), the Administrator shall ex-
2 amine the risk of injury to an individual
3 relating to the operation by the individual
4 of each diaphragm electrolysis installation
5 described in subparagraph (A).

6 “(iii) PUBLIC PARTICIPATION.—In
7 conducting the review of the exemption
8 provided under subparagraph (A), the Ad-
9 ministrator shall provide public notice and
10 a 30-day period of public comment.

11 “(C) DECISION RELATING TO EXTENSION
12 OF EXEMPTION.—Upon completion of a review
13 of a diaphragm electrolysis installation under
14 subparagraph (B)(i), if the Administrator de-
15 termines that the diaphragm electrolysis instal-
16 lation poses an unreasonable risk of injury to
17 health or the environment, the Administrator
18 may terminate the exemption provided to the
19 diaphragm electrolysis installation under sub-
20 paragraph (A).

21 “(c) DISPOSAL.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), not later than 2 years after the date of
24 enactment of this subtitle, each person that pos-
25 sesses asbestos-containing material that is subject to

1 the prohibition established under this section shall
 2 dispose of the asbestos-containing material, by a
 3 means that is in compliance with applicable Federal,
 4 State, and local requirements.

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

6 “(A) applies to asbestos-containing mate-
 7 rial that—

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

10 “(ii) is in the possession of an end
 11 user; or

12 “(B) requires that asbestos-containing ma-
 13 terial described in subparagraph (A) be re-
 14 moved or replaced.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
 16 tents in sections 1 of the Toxic Substances Control Act
 17 (15 U.S.C. prec. 2601) is amended—

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

“Subtitle A—General Provisions”;

20 and

21 (2) by adding at the end of the items relating
 22 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-

1 stitute for Occupational Safety and Health and the
2 Administrator of the Agency for Toxic Substances
3 and Disease Registry, shall establish a mechanism
4 by which to obtain, coordinate, and provide data and
5 specimens from—

6 “(A) State cancer registries and other can-
7 cer registries;

8 “(B) the National Mesothelioma Virtual
9 Registry and Tissue Bank; and

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

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

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

1 **“SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND**
2 **TREATMENT NETWORK.**

3 “(a) ESTABLISHMENT.—For each of fiscal years
4 2008 through 2012, the Director of NIH, in collaboration
5 with other applicable Federal, State, and local agencies
6 and departments, shall establish and maintain an asbes-
7 tos-related disease research and treatment network (re-
8 ferred to in this section as the ‘Network’) to support the
9 detection, prevention, treatment, and cure of asbestos-re-
10 lated diseases, with particular emphasis on malignant
11 mesothelioma.

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

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

15 “(2) at least 10 extramural asbestos-related dis-
16 ease research and treatment centers, as selected by
17 the Director of NIH in accordance with subsection
18 (c).

19 “(c) EXTRAMURAL ASBESTOS-RELATED DISEASE
20 RESEARCH AND TREATMENT CENTERS.—

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

1 United States that, as determined by the Director of
2 NIH—

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

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

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

13 “(2) REQUIREMENTS.—Each center selected
14 under paragraph (1) shall—

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

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

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

22 “(ii) early detection and prevention of
23 asbestos-related diseases;

24 “(iii) palliation of asbestos-related dis-
25 ease symptoms; and

1 “(iv) pain management with respect
2 to asbestos-related diseases;

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

6 “(i) to accommodate the maximum
7 number of patients practicable; and

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

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

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

21 “(i) the Network; and

22 “(ii) the National Virtual Mesothe-
23 lioma Registry and Tissue Bank.

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

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

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

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

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2008 through 2012.

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

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

1 detection, and treatment of asbestos-related mesothelioma
2 and other asbestos-related diseases.

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

5 “(1) the Director of NIH;

6 “(2) the Director of the National Institute of
7 Occupational Safety and Health; and

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

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

○