

119TH CONGRESS  
1ST SESSION

# S. 2811

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, use, and distribution in commerce of commercial asbestos and mixtures and articles containing commercial asbestos, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2025

Mr. MERKLEY (for himself, Mr. BLUMENTHAL, Mr. PADILLA, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, use, and distribution in commerce of commercial asbestos and mixtures and articles containing commercial asbestos, 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 “Alan Reinstein Ban  
5 Asbestos Now Act of 2025”.

1 **SEC. 2. COMMERCIAL ASBESTOS BAN AND REPORTING.**

2 Section 6 of the Toxic Substances Control Act (15  
3 U.S.C. 2605) is amended—

4 (1) by redesignating subsection (j) as sub-  
5 section (k); and

6 (2) by inserting after subsection (i) the fol-  
7 lowing:

8 “(j) ASBESTOS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) COMMERCIAL ASBESTOS.—The term  
11 ‘commercial asbestos’ means the asbestiform  
12 varieties of the following, if extracted and proc-  
13 essed for their commercial value:

14 “(i) Chrysotile (serpentine).

15 “(ii) Crocidolite (riebeckite).

16 “(iii) Amosite (cummingtonite-  
17 grunerite).

18 “(iv) Anthophyllite.

19 “(v) Tremolite.

20 “(vi) Actinolite.

21 “(vii) Richterite.

22 “(viii) Winchite.

23 “(B) DISTRIBUTE IN COMMERCE; DIS-  
24 TRIBUTION IN COMMERCE.—

25 “(i) IN GENERAL.—Except as pro-  
26 vided in clause (ii), the terms ‘distribute in

1 commerce’ and ‘distribution in commerce’  
2 have the meanings given the terms in sec-  
3 tion 3.

4 “(ii) EXCLUSIONS.—The terms ‘dis-  
5 tribute in commerce’ and ‘distribution in  
6 commerce’ do not include, with respect to  
7 commercial asbestos—

8 “(I) end-use of a mixture or arti-  
9 cle containing commercial asbestos  
10 and installed in a building or other  
11 structure, product, or equipment be-  
12 fore the date of enactment of the Alan  
13 Reinstein Ban Asbestos Now Act of  
14 2025; or

15 “(II) distribution of a mixture or  
16 article containing commercial asbestos  
17 solely for the purpose of disposal of  
18 the mixture or article in compliance  
19 with applicable Federal, State, and  
20 local requirements.

21 “(C) MIXTURE OR ARTICLE CONTAINING  
22 COMMERCIAL ASBESTOS.—The term ‘mixture or  
23 article containing commercial asbestos’ does not  
24 include a mixture or article in which commer-  
25 cial asbestos is present solely as an impurity (as

1 defined in section 720.3 of title 40, Code of  
2 Federal Regulations (or successor regulations)).

3 “(2) APPLICABILITY.—

4 “(A) IN GENERAL.—The prohibitions, re-  
5 quirements, and definition of the term ‘commer-  
6 cial asbestos’ in this subsection shall—

7 “(i) apply only—

8 “(I) to chemical substances; and

9 “(II) for purposes of regulating  
10 chemical substances under this Act;  
11 and

12 “(ii) have no effect on—

13 “(I) any other prohibition or def-  
14 inition of the term ‘asbestos’; or

15 “(II) any other requirement reg-  
16 ulating asbestos, including for pur-  
17 poses of—

18 “(aa) regulating cosmetics  
19 under the Federal Food, Drug,  
20 and Cosmetic Act (21 U.S.C. 301  
21 et seq.); and

22 “(bb) determining whether a  
23 cosmetic contains asbestos as an  
24 ingredient or as an impurity to  
25 an ingredient.

1           “(B) IMPURITIES.—Nothing in this sub-  
2           section applies to any chemical substance, mix-  
3           ture, or article in which commercial asbestos is  
4           present solely as an impurity.

5           “(3) PROHIBITION OF MANUFACTURE, PROC-  
6           ESSING, USE, AND DISTRIBUTION IN COMMERCE.—  
7           Effective on the date of enactment of the Alan  
8           Reinstein Ban Asbestos Now Act of 2025, no person  
9           may manufacture, process, use, or distribute in com-  
10          merce commercial asbestos or any mixture or article  
11          containing commercial asbestos.

12          “(4) CHLOR-ALKALI INDUSTRY.—Notwith-  
13          standing paragraph (3), an owner, operator, or  
14          agent of an owner or operator of a chlor-alkali facil-  
15          ity that is in operation on the date of enactment of  
16          the Alan Reinstein Ban Asbestos Now Act of 2025  
17          may, until January 1, 2030—

18                 “(A) use, hold, or process commercial as-  
19                 bestos fibers solely for the purpose of manufac-  
20                 turing diaphragms for use in the chlor-alkali  
21                 process; and

22                 “(B) use asbestos diaphragms in chlor-al-  
23                 kali production.

24          “(5) EXEMPTION FOR NATIONAL SECURITY  
25          REASONS.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of this subsection, the President  
3 may, on application, grant any person an ex-  
4 emption from the prohibition under paragraph  
5 (3) once for the manufacture, processing, use,  
6 or distribution in commerce of commercial as-  
7 bestos or any mixture or article containing com-  
8 mercial asbestos only if the President deter-  
9 mines that—

10           “(i) the manufacture, processing, use,  
11 or distribution in commerce of commercial  
12 asbestos or any mixture or article con-  
13 taining commercial asbestos by the person  
14 is necessary to protect the national secu-  
15 rity interests of the United States; and

16           “(ii) no feasible alternative to the  
17 manufacture, processing, use, or distribu-  
18 tion in commerce of commercial asbestos  
19 or any mixture or article containing com-  
20 mercial asbestos exists for the intended  
21 use.

22           “(B) DURATION.—

23           “(i) IN GENERAL.—The period of an  
24 exemption granted under subparagraph  
25 (A) shall not exceed 3 years.

1                   “(ii) EXTENSION.—The President  
2                   may, in accordance with subparagraph (A),  
3                   extend an exemption granted under that  
4                   subparagraph once, for a period not to ex-  
5                   ceed 3 years.

6                   “(C) TERMS AND CONDITIONS.—An ex-  
7                   emption granted under this paragraph (includ-  
8                   ing any extension granted under subparagraph  
9                   (B)(ii)) shall include such terms and conditions  
10                  as are necessary to achieve the maximum extent  
11                  practicable reduction in exposure to commercial  
12                  asbestos.

13                  “(D) PUBLICATION.—

14                         “(i) APPLICATIONS.—Not later than  
15                         30 days after receipt of an application for  
16                         an exemption under this paragraph (in-  
17                         cluding an extension under subparagraph  
18                         (B)(ii)), the President shall publish the ap-  
19                         plication in the Federal Register.

20                         “(ii) EXEMPTIONS.—Not later than  
21                         30 days after granting an exemption under  
22                         this paragraph (including an extension  
23                         under subparagraph (B)(ii)), the President  
24                         shall publish in the Federal Register—

1                   “(I) a notice of the exemption;  
2                   and

3                   “(II) the terms and conditions  
4                   included under subparagraph (C).

5                   “(iii) EXCEPTION.—The President, on  
6                   a determination that publication under this  
7                   subparagraph of information relating to an  
8                   application or granting of a particular ex-  
9                   emption would harm the national security  
10                  interests of the United States—

11                  “(I) shall not publish that infor-  
12                  mation in the Federal Register; but

13                  “(II) shall provide that informa-  
14                  tion to the Committee on Energy and  
15                  Commerce of the House of Represent-  
16                  atives and the Committee on Environ-  
17                  ment and Public Works of the Senate.

18                  “(E) APPLICATION OF WAIVER AUTHOR-  
19                  ITY.—Notwithstanding section 22, the Adminis-  
20                  trator may not issue a waiver under that sec-  
21                  tion with respect to commercial asbestos.”.

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