

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO THE RULES COMMITTEE PRINT 114-38
OFFERED BY MS. DELBENE OF WASHINGTON**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Reducing Exposure
3 to Asbestos Database Act of 2016” or the “READ Act”.

4 SEC. 2. FINDINGS.

5 Congress finds that—

6 (1) 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;

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

13 (3) despite the enactment of the Asbestos Infor-
14 mation Act of 1988 (15 U.S.C. 2607 note; Public
15 Law 100-577), which sought to improve trans-
16 parency and public awareness of the presence of as-
17 bestos in commercial materials and products, many

1 people in the United States still incorrectly believe
2 that—

3 (A) asbestos has been banned in the
4 United States; and

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

7 (4) asbestos is still being imported and used,
8 and is otherwise present as a contaminant, in some
9 consumer and industrial products in the United
10 States;

11 (5) according to the Environmental Protection
12 Agency, the manufacture, importation, processing,
13 and distribution in commerce of many asbestos-con-
14 taining products are not banned in the United
15 States, including—

16 (A) cement corrugated sheet;

17 (B) cement flat sheet;

18 (C) clothing;

19 (D) pipeline wrap;

20 (E) roofing felt;

21 (F) vinyl floor tile;

22 (G) cement shingle;

23 (H) millboard;

24 (I) cement pipe;

25 (J) automatic transmission components;

- 1 (K) clutch facings;
- 2 (L) friction materials;
- 3 (M) disc brake pads;
- 4 (N) drum brake linings;
- 5 (O) brake blocks;
- 6 (P) gaskets;
- 7 (Q) non-roofing coatings; and
- 8 (R) roof coatings;

9 (6) consumers and workers are at risk of asbes-
10 tos exposure, and families of workers are also put at
11 risk because of asbestos brought home by the work-
12 ers on the shoes, clothes, skin, and hair of the work-
13 ers;

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

18 (8) the National Institutes of Health reported
19 to Congress that mesothelioma is a difficult disease
20 to detect, diagnose, and treat;

21 (9) mesothelioma responds poorly to conven-
22 tional chemotherapy, and although new combination
23 treatments for mesothelioma have demonstrated
24 some benefits—

1 (A) the median survival period for meso-
2 thelioma is only 1 year after diagnosis of the
3 disease; and

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

7 (10) until asbestos is completely banned from
8 being used in or imported into the United States,
9 transparent and accessible information about the lo-
10 cation and identity of asbestos and asbestos-con-
11 taining products in the United States is necessary to
12 better protect consumers, workers, families, and the
13 people of the United States.

14 **SEC. 3. ESTABLISHMENT OF ASBESTOS-CONTAINING PROD-**
15 **UCT DATABASE.**

16 The Asbestos Information Act of 1988 (15 U.S.C.
17 2607 note; Public Law 100–577) is amended—

18 (1) in section 4—

19 (A) by redesignating paragraphs (3)
20 through (7) as paragraphs (4) through (8), re-
21 spectively; and

22 (B) by inserting after paragraph (2) the
23 following:

24 “(3) ASBESTOS-CONTAINING PRODUCT.—The
25 term ‘asbestos-containing product’ means any prod-

1 uct (including any part) to which asbestos is delib-
2 erately or knowingly added or in which asbestos is
3 deliberately used or knowingly present in any con-
4 centration.”;

5 (2) in section 2, by inserting “(referred to in
6 this Act as the ‘Administrator’)” after “Adminis-
7 trator of the Environmental Protection Agency”;
8 and

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

10 **“SEC. 5. ASBESTOS-CONTAINING PRODUCT DATABASE.**

11 “(a) IN GENERAL.—Using funds otherwise made
12 available to the Administrator, the Administrator shall, in
13 accordance with this section, establish and maintain a
14 database of asbestos-containing products (referred to in
15 this Act as the ‘database’) that is—

16 “(1) publicly available;

17 “(2) searchable; and

18 “(3) accessible through the website of the Ad-
19 ministrator.

20 “(b) SUBMISSION OF DETAILED IMPLEMENTATION
21 PLAN TO CONGRESS.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this section, the Ad-
24 ministrator shall submit to the appropriate congres-
25 sional committees a detailed plan for establishing

1 and maintaining the database, including plans for
2 the operation, content, maintenance, and
3 functionality of the database.

4 “(2) INTEGRATION.—The plan described in
5 paragraph (1) shall detail the integration of the
6 database into the overall information technology im-
7 provement objectives and plans of the Administrator.

8 “(3) IMPLEMENTATION.—The plan described in
9 paragraph (1) shall include—

10 “(A) a detailed implementation schedule
11 for the database; and

12 “(B) plans for a public awareness cam-
13 paign conducted by the Administrator to in-
14 crease awareness of the database.

15 “(c) DATE OF INITIAL AVAILABILITY.—Not later
16 than 180 days after the date on which the Administrator
17 submits the plan under subsection (b)(1), the Adminis-
18 trator shall establish the database.

19 “(d) SUBMISSION OF INFORMATION ON ASBESTOS-
20 CONTAINING PRODUCTS.—

21 “(1) IN GENERAL.—Beginning on the date that
22 is 270 days after the date of enactment of this sec-
23 tion, and not less frequently than annually there-
24 after, any person who manufactured, processed, dis-
25 tributed, sold, imported, transported, or stored an

1 asbestos-containing product in the immediately pre-
2 ceding calendar year shall submit to the Adminis-
3 trator a written report, in a form to be determined
4 by the Administrator, containing information suffi-
5 cient to identify the characteristics and location of
6 the asbestos-containing products.

7 “(2) CONTENTS.—The report under paragraph
8 (1) shall include—

9 “(A) the type or class of asbestos-con-
10 taining product;

11 “(B) the manufacturer of the asbestos-con-
12 taining product;

13 “(C) any applicable import history of the
14 asbestos-containing product;

15 “(D) the name and street address of any
16 location accessible by the public in which the
17 person has reasonable knowledge that the as-
18 bestos-containing product has been present
19 within the immediately preceding calendar year;
20 and

21 “(E) any additional information the Ad-
22 ministrator determines is appropriate to enable
23 consumers and workers to avoid exposure to as-
24 bestos-containing products.

1 “(e) ORGANIZATION OF DATABASE.—The Adminis-
2 trator shall—

3 “(1) categorize the information available on the
4 database—

5 “(A) in a manner consistent with the pub-
6 lic interest; and

7 “(B) in such manner as the Administrator
8 determines will facilitate easy use by con-
9 sumers; and

10 “(2) ensure, to the maximum extent prac-
11 ticable, that the database is sortable and accessible
12 by—

13 “(A) the date on which information is sub-
14 mitted for inclusion in the database;

15 “(B) the name of the asbestos-containing
16 product;

17 “(C) the model name;

18 “(D) the name of the manufacturer;

19 “(E) the name of the importer, if applica-
20 ble;

21 “(F) the name of the reporting person;

22 “(G) the name and street address of any
23 location in which an asbestos-containing prod-
24 uct is reported to have been present; and

1 “(H) any other element the Administrator
2 considers to be in the public interest.

3 **“SEC. 6. PENALTIES.**

4 “(a) IN GENERAL.—Any person who knowingly man-
5 ufactured, processed, distributed, sold, imported, trans-
6 ported, or stored an asbestos-containing product in the im-
7 mediately preceding calendar year and who did not submit
8 a report to the Administrator under section 5 shall be lia-
9 ble for a civil penalty of \$10,000 for each day after the
10 deadline under section 5(d)(1) the report has not been
11 submitted.

12 “(b) FALSE OR INACCURATE INFORMATION.—Any
13 person who knowingly provides false or inaccurate infor-
14 mation in a report under section 5 or who knowingly fails
15 to provide information required in a report under section
16 5 shall be liable for a civil penalty of \$10,000 for each
17 violation of this paragraph.”.

18 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

19 Not later than 2 years after the Administrator of the
20 Environmental Protection Agency establishes the database
21 of asbestos-containing products under section 5(a) of the
22 Asbestos Information Act of 1988 (15 U.S.C. 2607 note;
23 Public Law 100–577) (referred to in this section as the
24 “database”), the Comptroller General of the United States

1 shall submit to the appropriate congressional committees
2 a report that contains—

3 (1) an analysis of the utility of the database, in-
4 cluding—

5 (A) an assessment of the extent of use of
6 the database by consumers, including—

7 (i) whether the database is accessed
8 by a broad range of the public; and

9 (ii) whether consumers find the data-
10 base to be useful; and

11 (B) efforts by the Administrator to inform
12 the public about the database;

13 (2) recommendations for measures to increase
14 use of the database by consumers; and

15 (3) recommendations for measures to further
16 reduce the harm caused by exposure to asbestos, in-
17 cluding bans on the importation and use of asbestos-
18 containing products.

