

September 28, 2020

The Honorable Nancy Pelosi
Speaker of the House
H-232 The Capitol
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Republican Leader
H-204 The Capitol
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

On behalf of the 400 member companies of the National Stone, Sand & Gravel Association (NSSGA), and the more than 100,000 men and women they employ, I write to express our opposition to a vote on Tuesday (Sept. 29) under suspension of H.R. 1603, the Alan Reinstein Ban Asbestos Now Act of 2019. Though the bill rightly seeks to ban the importation into and use of commercial asbestos in the U.S., regrettably, H.R. 1603's current definition of "asbestos" is incorrect. We have repeatedly asked for this easy fix in its definition.

NSSGA's members are responsible for the essential raw materials found in every home, building, road, bridge and public works project. We are not in the asbestos business, however, in its current form, this misguided legislation seeks to put us there.

I wish to be clear, NSSGA not only *supports the goal* of H.R. 1603, we have urged that the definition of "asbestos" be broadened to include certain *asbestiform* minerals that are not currently regulated.

Here's the problem: The bill's current definition significantly—and avoidably—deviates from the longstanding, mineralogically accurate definition used by the U.S. Environmental Protection Agency, the California Air Resources Board, the U.S. Occupational Safety & Health Administration, the U.S. Mine Safety & Health Administration, and other regulatory agencies.

The effect of H.R. 1603 as currently written would instead be to sweep common minerals into the ban that are *simply not asbestos*. The resulting *and entirely predictable* confusion would effectively ban or severely restrict not only the supply of vital construction materials in many parts of the U.S., but would impact agriculture, viticulture, and everyday construction projects in those places as well. In addition, the current mis-definition of "asbestos" would result in the misdirection of healthcare resources by conflating the health effects of asbestos with the vastly more common non-asbestos minerals.

Simply put, enacting this legislation would create unnecessary construction supply-chain interruptions and increased costs for the necessary raw materials that comprise countless public works projects.

NSSGA represents aggregates producers and those who manufacture equipment and provide services that support the construction materials industry. Our members are essential to the work of this country, and we represent more than 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States.

Despite our continued collaboration with stakeholders, our concerns over the definition of asbestos were never addressed and no changes were made in the underlying bill text. However, there is new language included in the current bill text that only serves to move the bill's focus away from its intent and causes NSSGA members additional concern. This specific text leaves a deliberate opening for vague

interpretations of asbestos at any federal agency, not just the Food and Drug Administration, and facilitates asbestos definitions to change across any agency in the future. The consequences of advancing a bill without resolving these key definitions, in the vacuum of a vote under suspension, that includes additional sections without any debate or stakeholder deliberation, are real.

NSSGA opposes H.R. 1603 as introduced on the floor and urges you and your colleagues to vote against its passage as written. Our industry wants to continue the good-faith and productive negotiations achieved throughout 2019 that facilitated a near unanimous approval during the full committee markup. However, this vote will instead result in confusion, litigation, and more inaction on addressing serious health concerns related to true asbestos. If proper definitions of asbestos are not included, this will not just impact aggregates producers, but there will also be a tremendous impact on our collective work to improve our nation's infrastructure.

I appreciate your close consideration of these concerns and hope that NSSGA can continue to be a valued partner in advancing meaningful public health legislation that bans the importation and deliberate use of commercial asbestos. Thank you again for your time and interest on this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Johnson', with a long horizontal flourish extending to the right.

Michael W. Johnson
President and CEO
National Stone, Sand and Gravel Association

cc: Members of the House of Representatives