

## Report on Importation of Asbestos Brakes

15-H-018-ITA-IA

Draft due to OCFAO – March 2, 2015; close of business

*The manufacture of asbestos brakes has been banned in the United States for about 10 years yet the Committee understands that some imported brake pads are still manufactured with asbestos. Commerce shall submit a report within 120 days of enactment of this Act regarding the current policy with respect to the importation of asbestos-containing brakes and an assessment of the ability of U.S.-based manufacturers to produce brakes without asbestos or other banned substances.*

### Background

The U.S. Environmental Protection Agency (EPA) issued a final rule banning most asbestos-containing products on July 12, 1989. In 1991, this regulation was overturned by the Fifth Circuit Court of Appeals. As a result of the Court's decision, only a few asbestos-containing products remain banned. These include corrugated paper, rollboard, and other paper products, spray on asbestos surfacing materials, and "new uses" of asbestos. Asbestos is not banned from use in brake pads and linings.<sup>1</sup>

While it is legal to sell and produce asbestos containing brake products in the United States, little if any production of asbestos containing brake products occurs in the United States. Likewise the sale of brake products containing asbestos is also limited. U.S. manufacturers produce brakes using a variety of alternative materials such as copper. These alternatives offer improved wear resistance and braking performance, but new environmental concerns have surfaced regarding some of them.

EPA concluded a memorandum of understanding on January 21, 2015 with most major automotive vehicle parts trade associations to reduce the environmental impacts from brake materials. The agreement calls for the voluntary reduction of copper and other materials in motor vehicle brakes. The Copper-Free Brake Initiative calls for cutting copper in brake friction materials to less than 5 percent by 2021 and 0.5 percent by 2025. This voluntary initiative also calls for cutting the amount of mercury, lead, cadmium, asbestiform fibers and chromium-6 salts in motor vehicle brake pads and it includes provisions for the study of lower impact alternates. These steps will decrease runoff of these materials from roads into the nation's streams, rivers and lakes, where these materials can harm fish, amphibians and plants.<sup>2</sup>

### Imports

Roughly \$2.2 million in asbestos containing brake friction materials and pads were imported into the United States in 2013 (most recent full year available). This is just over one percent of total imports of brake pads and linings. While 2014 imports through November have increased slightly, imports remain at roughly 50 percent of 2009 levels of \$4.5 million. China is the largest supplier providing above half of U.S. imports but again significantly below its 2009 levels.

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<sup>1</sup> For more information, please see: <http://www2.epa.gov/asbestos/us-federal-bans-asbestos>

<sup>2</sup> More information can be found at:

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/06a4e6aa5b75467d85257dd400689069!opendocument>

	2009	2010	2011	2012	2013
<b>Total</b>	<b>4,510,177</b>	<b>2,223,832</b>	<b>2,330,266</b>	<b>3,306,517</b>	<b>2,174,843</b>
China	1,868,592	725,819	592,412	1,195,376	1,167,409
Canada	171,955	85,718	284,635	1,076,303	199,861
Germany	183,364	138,177	230,457	251,761	185,055
Argentina	8,677	0	21,299	89,185	155,343
Spain	62,300	56,324	31,159	211,504	112,303

The United States imported \$180 million in non-asbestos brake friction materials and pads in 2013. Brazil is the largest provider of non-asbestos brake friction materials and pads followed by China.

	2009	2010	2011	2012	2013
<b>Total</b>	<b>109,888,170</b>	<b>146,154,774</b>	<b>158,040,534</b>	<b>178,805,658</b>	<b>179,393,336</b>
Brazil	40,204,291	49,001,180	53,805,075	54,240,912	46,044,010
China	11,597,710	20,235,752	26,873,212	28,082,940	34,409,017
Japan	10,113,592	13,893,108	16,366,056	30,229,020	26,205,672
India	8,723,799	15,079,380	13,248,825	14,622,316	17,941,727
Mexico	3,909,582	4,144,051	6,583,628	5,763,593	13,481,470

EPA has an Asbestos Abatement/Management Ombudsman. The Ombudsman provides information to the public sector, including individual citizens and community services, about the handling, abatement, and management of asbestos in schools, the work place, and the home.<sup>3</sup> The information includes pertinent regulations and best practices for handling and disposal of asbestos containing products.

<sup>3</sup> Please see: <http://www2.epa.gov/asbestos>

DECEMBER 9, 2014

**RULES COMMITTEE PRINT 113-59**  
**TEXT OF HOUSE AMENDMENT TO THE SENATE**  
**AMENDMENT TO H.R. 83**

[Showing the text of the Consolidated and Further  
Continuing Appropriations Act, 2015]

1 In lieu of the matter proposed to be inserted by the  
2 Senate, insert the following:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consolidated and Fur-  
5 ther Continuing Appropriations Act, 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.
- Sec. 6. Availability of funds.
- Sec. 7. Technical allowance for estimating differences.
- Sec. 8. Adjustments to compensation.
- Sec. 9. Study of electric rates in the insular areas.
- Sec. 10. Amendments to the Consolidated Natural Resources Act.
- Sec. 11. Payments in lieu of taxes.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND  
DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIA-  
TIONS ACT, 2015

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agency and Food and Drug Administration
- Title VII—General Provisions
- Title VIII—Ebola Response and Preparedness

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2015

Title I—Department of Commerce  
Title II—Department of Justice  
Title III—Science  
Title IV—Related Agencies  
Title V—General Provisions  
Title VI—Travel Promotion, Enhancement, and Modernization Act of 2014  
Title VII—Revitalize American Manufacturing and Innovation Act of 2014

DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,  
2015

Title I—Military Personnel  
Title II—Operation and Maintenance  
Title III—Procurement  
Title IV—Research, Development, Test and Evaluation  
Title V—Revolving and Management Funds  
Title VI—Other Department of Defense Programs  
Title VII—Related Agencies  
Title VIII—General Provisions  
Title IX—Overseas Contingency Operations  
Title X—Ebola Response and Preparedness

DIVISION D—ENERGY AND WATER DEVELOPMENT AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2015

Title I—Corps of Engineers—Civil  
Title II—Department of the Interior  
Title III—Department of Energy  
Title IV—Independent Agencies  
Title V—General Provisions

DIVISION E—FINANCIAL SERVICES AND GENERAL GOVERNMENT  
APPROPRIATIONS ACT, 2015

Title I—Department of the Treasury  
Title II—Executive Office of the President and Funds Appropriated to the  
President  
Title III—The Judiciary  
Title IV—District of Columbia  
Title V—Independent Agencies  
Title VI—General Provisions—This Act  
Title VII—General Provisions—Government-wide  
Title VIII—General Provisions—District of Columbia

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2015

Title I—Department of the Interior  
Title II—Environmental Protection Agency  
Title III—Related Agencies

**DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED  
AGENCIES APPROPRIATIONS ACT, 2015**

Report language included in House Report 113-448 (“the House report”) or Senate Report 113-181 (“the Senate report”) that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly. In cases where the House report or the Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations (“the Committees”).

Each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to: funds provided in this Act; unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2015; and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2015. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in this statement, or in the House report or the Senate report and not changed by this Act or statement, shall be construed as the position of the Congress and shall not be subject to reductions or reprogramming without prior approval of the Committees. Further, any department or agency funded in this Act that plans a reduction-in-force shall notify the Committees by letter no later than 30 days in advance of the date of any such planned personnel action.

When a department or agency submits a reprogramming or transfer request to the Committees and does not receive identical responses, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the differences between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the

reprogramming or transfer request shall be considered unapproved. Departments and agencies shall not submit reprogramming notifications after July 1, 2015, except in extraordinary circumstances. Any such notification shall include a description of the extraordinary circumstances.

In compliance with section 535 of this Act, the Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, for the Committees' review not later than 45 days after enactment of this Act.



Calendar No. 428

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4660**

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IN THE SENATE OF THE UNITED STATES

JUNE 2, 2014

Received

JUNE 10, 2014

Read twice and placed on the calendar

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**AN ACT**

Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2015, 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 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2015, and for other pur-  
6 poses, namely:

113TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
2d Session } 113-448

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES  
APPROPRIATIONS BILL, 2015

MAY 15, 2014.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. WOLF, from the Committee on Appropriations,  
submitted the following

**R E P O R T**

together with

**MINORITY VIEWS**

[To accompany H.R. 4660]

The Committee on Appropriations submits the following report in  
explanation of the accompanying bill making appropriations for  
Commerce, Justice, Science, and related agencies for the fiscal year  
ending September 30, 2015, and for other purposes.

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than \$16,400,000 for China antidumping and countervailing duty enforcement and compliance activities. The Committee awaits a report included in the statement accompanying Public Law 113-76, the Consolidated Appropriations Act, 2014, regarding antidumping and countervailing duty laws. ITA shall include in this report a review of the extent to which existing laws address the anti-competitive actions of Chinese state-owned or state-invested enterprises operating in the U.S. market.

*Trade enforcement remedies.*—ITA shall, in cooperation with the Office of the U.S. Trade Representative, employ all remedies authorized by World Trade Organization rules to counter the effects of the Chinese government's extensive subsidies and their impact on U.S. products and services. The Committee awaits an assessment regarding the extent to which existing laws address these concerns, as directed in the statement accompanying Public Law 113-76, the Consolidated Appropriations Act, 2014.

*Trade secrets.*—The Committee remains concerned about the insufficient level of attention given to trade secret theft and the pace at which it is being addressed by the U.S. government. The Committee awaits a report from Commerce on this matter as directed in the statement accompanying Public Law 113-76, the Consolidated Appropriations Act, 2014.

*Human rights training.*—ITA shall continue to ensure that current and new customer-facing employees receive human rights training and provide a report to the Committee no later than 120 days after the enactment of this Act regarding these efforts.

*Support for firms.*—The Committee encourages ITA to ensure that it is providing adequate support and services for women-, minority- and veteran-owned firms that are seeking assistance in gaining access to foreign markets for their products and services. The Committee recognizes that these firms possess tremendous economic potential if they participate more actively and effectively in export markets. As such, the Committee urges ITA to reach out to and promote such firms to enable them to contribute to our trade goals of creating jobs and increasing exports.

*Bio-based chemical feed stock materials.*—The Committee directs ITA to conduct a study to determine the extent, if any, of potential impacts to U.S. bio-based chemical producers caused by foreign incentives or other market distorting policies outside the United States and identify potential remedies to mitigate these market distortions. Commerce shall provide this report to the Committee no later than 120 days after enactment of this Act.

*Asbestos brakes.*—The manufacture of asbestos brakes has been banned in the United States for about 10 years yet the Committee understands that some imported brake pads are still manufactured with asbestos. Commerce shall submit a report within 120 days of enactment of this Act regarding the current policy with respect to the importation of asbestos-containing brakes and an assessment of the ability of U.S.-based manufacturers to produce brakes without asbestos or other banned substances.

**Motor & Equipment Manufacturers Association**

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June 12, 2014

The Honorable Frank R. Wolf  
U.S. House of Representatives  
233 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Wolf:

On behalf of MEMA, I'm writing to thank you for your efforts to include language regarding asbestos in H.R. 4660, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015.

As you know, the mining of asbestos has been banned in the United States due to associated health risks from exposure to it. Within the automotive aftermarket industry in the United States, our members have stopped using asbestos on friction brake pads. Yet according to tariff data [published](#) by the U.S. government, asbestos in brake materials continues to be imported into the U.S. by other countries, including China.

Your appropriations language is important because it directs the Department of Commerce to issue a report clarifying government policy regarding the importation and use of asbestos in motor vehicle parts. We believe this is a positive step which will eventually eliminate asbestos in all motor vehicle parts.

We thank you again for your action on this, and we appreciate your continued efforts on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Ann Wilson". The signature is written in a cursive, flowing style.

Ann Wilson  
Senior Vice President

