



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 19 1998

**MEMORANDUM**

SUBJECT: Draft Meeting Highlights and a Summary of Proposed Legislation

FROM: Ramona Trovato, Co-Chair *Ramona*  
Senior Staff Planning Committee

TO: Members, Senior Staff Planning Committee  
Co-Chairs, Program Implementation Committee  
Co-Chairs, Research Strategy Committee

Thank you for participating in the Senior Staff Planning Committee meeting on March 3. We had a very good discussion of the legislation proposed in this session of Congress to protect children's environmental health and safety. We concluded the meeting with support for the Boxer/Moran proposal with some suggestions for additions to the bill. I am enclosing the draft meeting highlights for your review. In addition, as requested by some Committee members, I am also enclosing a summary table and copies of the legislation that we discussed. If you have any questions, please call me at (202) 260-7778.

Enclosures

**DRAFT MEETING HIGHLIGHTS AND REMAINING ISSUES**  
**Children's Environmental Health and Safety Task Force**  
**Senior Staff Planning Committee Conference Call**  
**March 3, 1998**

**I. Meeting Highlights**

The Senior Staff Planning Committee reviewed legislation proposed in this session of Congress to protect children's health and safety:

1. S599/HR2451 - Children's Environmental Protection Act (Boxer/Moran)
2. S769 - Right To Know More and Pollution Prevention Act (Lautenberg)
3. HR1636 - Children's Environmental Protection and Right To Know Act (Waxman/Saxon)
4. HR3262 - Children's Protection and Community Cleanup Act (Pallone)

The Committee members supported the Boxer/Moran proposal, and suggested some additions:

- Environmental Health Education. Focus explicitly on education and training of health care professionals about environmental health and children.
- Registries and Data Collection. Children's cancer, birth defects, and asthma registries were proposed. The Committee also proposed a population-based exposure database to better understand risks to children.
- Enforcement. The Committee wanted stronger enforcement authority under TSCA and SDWA.
- Cost-Effectiveness Studies. Include cost-effectiveness studies in risk management.

The Committee members also suggested clarification in the following areas: (1) restrictiveness of the current language. The Committee felt that "eliminating" risk maybe too costly to implement; and (2) the potentially broad scope of the safe products list. The Committee wanted clarification on which types of products would be included and whether pre-market approvals were being mandated. They were also concerned about language giving EPA the authority to ban products.

**II. Action Items, Updates, and Next Steps**

- The Program Implementation Work Group will meet next on March 26.
- Committee co-chairs will present the research and program implementation plans and the priorities to the Task Force on April 28.
- Items to be discussed separately at future meetings include economic analysis, government-wide and agency-specific goals, regulatory reform legislation, and disease registries.
- Establish a communication network through the Internet.
- EPA agreed to gather additional data on the effectiveness of Proposition 65.
- ATSDR agreed to provide a list of substances already included in the biennial list of carcinogens.

## Meeting Attendees

|                   |          |
|-------------------|----------|
| Camile Middleholz | DOT      |
| Heather Stockwell | DOE      |
| Claudia Abendroth | OMB      |
| Pamela Gilbert    | CPSC     |
| Fred Siskin       | DOL      |
| Barbara Weber     | DOA      |
| Dalton Paxman     | DHHS     |
| Barry Johnson     | ATSDR    |
| Phil Ellis        | Treasury |
| Sarah Riber       | CEA      |
| Lois Schiffer     | DOJ      |
| Jerry Clifford    | EPA      |
| Polly Hoppin      | DHHS     |
| Ed Chu            | EPA      |
| Suzanne Stoiber   | DHHS     |
| Paula Goode       | EPA      |
| Ramona Trovato    | EPA      |
| Sylvia Liu        | DOJ      |
| Rob Amler         | ATSDR    |
| Dick Jackson      | CDC      |

## OVERVIEW OF CHILDREN'S ENVIRONMENTAL PROTECTION LEGISLATION

|                               | <b>S. 599/H.R. 2451- Children's Environmental Protection Act</b>                                                                                                                                       | <b>S.769 - Right To Know More and Pollution Prevention Act of 1997</b>           | <b>H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997</b>                                                     | <b>H.R. 3262 -Children's Protection and Community Cleanup Act of 1998</b>                                |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Sponsor</b>                | Boxer/Moran                                                                                                                                                                                            | Lautenberg                                                                       | Waxman/Saxon                                                                                                                             | Pallone                                                                                                  |
| <b>Co-sponsors</b>            | Lautenberg, Torricelli, Wellstone, and Murray<br>House: Dellums, Lowey, Faleomavaega, Kennedy J, Kennedy P, Pelosi, McHale, McDermott, Gejdenson, Stark, Frost, Gutierrez, Ackerman, Eshoo and Sherman | Torricelli, Boxer, Wellstone, Daschle, Durbin, Kerry, Graham, Kennedy and Murray | 127 Co-sponsors including Pallone, Markey, Miller, Moran, etc.                                                                           | 45 co-sponsors including Waxman, Lewis, Markey, Serrano, etc.                                            |
| <b>Status (as of 2/26/98)</b> | Introduced April 16, 1997; Referred to EPW<br>House: Introduced Sept 10, 1997<br>Referred to House Subc. On Finance and Hazardous Materials                                                            | Introduced May 20, 1997; Referred to EPW.                                        | Introduced May 15, 1997 - referred to Commerce Committee; On May 29, 1997 - referred to Subcommittee on Finance and Hazardous Materials. | Introduced February 25, 1998 - referred to Transportation & Infrastructure, Ways and Means and Commerce. |

|                                           | S. 599/H.R. 2451- Children's Environmental Protection Act | S.769 - Right To Know More and Pollution Prevention Act of 1997                                                                                                                                                                                                                                                                                                                                                                                                       | H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997                                                                                                                                                                                                                                                                                                                                                        | H.R. 3262 - Children's Protection and Community Cleanup Act of 1998 |
|-------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| New Reporting Thresholds and Requirements |                                                           | Amends EPCRA to require Administrator to establish thresholds for toxic chemicals that may present significant risks to children's health or the environment. Includes lead, mercury, dioxin, cadmium, chromium and other specified bioaccumulative chemicals as substances subject to such thresholds. Expands reporting procedures to cover any facilities with more than 10 employees that exceed threshold amounts to report regardless if covered by a SIC Code. | Amends EPCRA to require EPA to establish thresholds for toxic chemicals with may present significant risks to children's health or the environment.<br><br>EPA must set a reporting threshold that will ensure reporting of at least 80% of the aggregate of all releases of certain chemicals from facilities subject to TRI reporting. Chemicals subject to the requirement are: lead, mercury, dioxin, cadmium and chromium.      |                                                                     |
|                                           |                                                           | Dioxin and specified bioaccumulative chemicals would be subject to toxic chemicals release form reporting requirements under EPCRA.                                                                                                                                                                                                                                                                                                                                   | Dioxin and specified bioaccumulative chemicals would be added to toxic chemicals release form reporting requirements under EPCRA.                                                                                                                                                                                                                                                                                                    |                                                                     |
|                                           |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Requires HHS Secretary to publish a list of substances which are toxic due to carcinogenic, neurotoxic or reproductive toxic effects.<br><br>Amends Federal Hazardous Substances Act using Prop 65 as a model to require manufacturers to report the identity of toxic ingredients in their products to which children are exposed to publicly disclose the presence of these ingredients to the Consumer Product Safety Commission. |                                                                     |

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| <b>Pollution Prevention Plans</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                    | A facility required to submit TRI report must complete a P2 Plan and update it biennially. It must include: 1) two and five year P2 goals for targeted production processes, identify intended reductions in the quantity of each toxic chemical manufactured, processed or otherwise used; 2) a statement of progress toward previous goals; 3) a materials accounting assessment and a full cost accounting analysis of toxic chemicals in the targeted process; and 4) identification and feasibility assessment of options for reducing the use of toxic chemicals or the generation of by products in the targeted process and a schedule for implementing those with a payback period of less than two years. |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          |
| <b>Materials Accounting Information</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Expands information to be included in toxic chemical release forms, including the number of employees and potential exposures at reporting facilities as well as materials accounting information.<br><br>Specifies the amount of the chemical recycled at the facility that was used during the calendar year at the facility.                                                                                                                                                                                                                                                                                                                                                                                     | Expands TRI to disclose the amount of toxic chemicals shipped in and out of a facility, stored on-site and otherwise used. Expands information including number of employees and occupational exposures at reporting facilities.<br><br>Vague on whether the use of the recycled chemical must occur in the same calendar year as the recycling. |                                                                                                                                                          |
| <b>EPA Reporting Requirements</b>       | Directs Administrator to evaluate, develop and issue revised standards on environmental health risks to vulnerable subpopulations (children, the elderly and seriously ill) in all risk assessments and characterizations, environmental or public health standards or general regulatory decisions. Requires a Report to Congress.<br><br>EPA is to reevaluate all standards within 15 years (the first 20 are to be completed within six years). |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                  | Four years after enactment, the President shall report a discussion on the progress made in cleaning up special priority facilities and other NPL sites. |

|  | <b>S. 599/H.R. 2451- Children's Environmental Protection Act</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>S.769 - Right To Know More and Pollution Prevention Act of 1997</b> | <b>H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997</b> | <b>H.R. 3262 - Children's Protection and Community Cleanup Act of 1998</b>                                                                                                                                                                                                                                                                                    |
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|  | <p>Requires Administrator to identify pollutants commonly used or found in areas reasonably accessible to children (homes, schools, day care centers, shopping malls, parks, etc) and establish guidelines to reduce and eliminate exposure to pollutants in such areas including advice on integrated pest management.</p> <p>Administrator must also create a family right to know information kit, make all information publicly available and prohibit the use of any product not on the safer for children list in federal properties and areas.</p> |                                                                        |                                                                                      | <p>EPA and Agency for Toxic Substances and Disease registry required to create a scientifically peer-reviewed list of environmental pollutants commonly found at facilities listed or proposed for listing on the NPL with known, likely or suspected health risks to which fetuses and children are especially susceptible within one year of enactment.</p> |

|  | S. 599/H.R. 2451- Children's Environmental Protection Act | S.769 - Right To Know More and Pollution Prevention Act of 1997                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | H.R. 3262 - Children's Protection and Community Cleanup Act of 1998 |
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|  |                                                           | <p>Requires Administrator to: 1) standardize data and obtain and integrate information regarding toxic chemicals; 2) consolidate all annual reporting requirements of federal environmental laws for small businesses and entities subject to toxic chemical release reporting; and 3) provide the public a single point of contact for access to information gathered by the Administrator.</p> <p>Authorizes EPA to enter and inspect a facility subject to EPCRA (or any other facility or property owned or operated by the owner or operator of that facility) if, in the opinion of the EPA, entry is needed to determine compliance with and enforce EPCRA with respect to the facility.</p> <p>EPA is also authorized to inspect and obtain samples from such facilities and properties and from containers of toxic chemicals or other materials maintained at the facility.</p> | <p>Requires EPA to consolidate all Federal environmental reporting requirements. Requires Administrator to: 1) standardize data and obtain and integrate information regarding toxic chemicals; 2) consolidate all annual reporting requirements of federal environmental laws for small businesses and entities subject to toxic chemical release reporting; and 3) provide the public a single point of contact for access to information gathered by the Administrator.</p> <p>Directs EPA building on the experience of the states, to use technology to facilitate reporting by regulated entities and improve access to the data by the public. Through the creation of standard data formats for information management. EPA must also establish a system for obtaining agency-held information about parent companies, facilities, industries, chemicals, geographic locations, ecological indicators and the regulatory status of chemicals and entities subject to agency regulation.</p> |                                                                     |
|  |                                                           | <p>Requires Administrator to establish a small business pollution prevention compliance and technical assistance program.</p> <p>Authorizes the Administrator to public a pollution prevention opportunity assessment manual and checklist for any commercial sector and allows small business in the relevant sector to complete the checklist in lieu of submitting a plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                     |

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| <b>New Standards Setting Requirements</b> | Amends TSCA to include provisions to protect vulnerable subpopulations (children, pregnant women, the elderly and individuals with long serious illnesses) from exposure to environmental pollutants. |                                                                        |                                                                                      | EPA and ATSDR shall revise guidelines for preparation of toxicological profile of hazardous substances considering exposure pathways and health effects of particular concern to fetuses and children, development of exposure levels specific to different age ranges and identification of priority data need specific to children's health. |

|                                      | S. 599/H.R. 2451- Children's Environmental Protection Act                                                                                                                                                                                             | S.769 - Right To Know More and Pollution Prevention Act of 1997 | H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997 | H.R. 3262 - Children's Protection and Community Cleanup Act of 1998                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Interagency Coordination on Research | Work with Agriculture and HHS to coordinate and support the development and implementation of research initiatives to examine the health effects and toxicity of pesticides and other pollutants on vulnerable subpopulations and report to Congress. |                                                                 |                                                                               | <p>Within one year of enactment, EPA and HHS shall develop an administrative process for reviewing regulations, risk assessment policies and procedures; develop a peer-reviewed list of regulations and risk assessment policies that require revision and priorities the list based on the degree of risk posed to children and identify regulations which will require additional research to be revised.</p> <p>EPA, ATSDR, the Centers for Disease Control and the National Institute of Environmental Health Sciences shall develop guidelines for addressing children's health issues in health studies and research programs including studies and research conducted by ATSDR and other federal agencies, state departments of health and university based investigators.</p> <p>ATSTR, working with EPA, CDC and NIEHS shall develop criteria for determining what type of child specific health studies should be conducted based on the results of a health assessment conducted by the ATSDR.</p> <p>COSTS: Manufacturers and processors of the hazardous substance in question will bear the costs for these research programs.</p> |

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| Other Agency Requirements |                                                           |                                                                 |                                                                               | <p>Requires ATSDR to consider potential risk to children's health when conducting a health assessment at a facility. Assessments must acknowledge the existence of potential exposure pathways that are of particular concern to children and include a comparison of expected exposure levels for children posed by a release from the facility and any recommended, child specific exposure or tolerance levels.</p> <p>Requires ATSDR to establish an exposure registry for all children exposed to hazardous substances as a result of a release at a NPL facility.</p> <p>ATSDR will develop, assemble and distribute educational materials to the public on medical surveillance, screening and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances that are of particular concern to children.</p> <p>Develop and implement a children's health care training program for health care providers serving communities affected by the release of hazardous substances.</p> <p>Requires ATSDR to create and distribute a family right to know information kit that includes helpful information and guidance to families regarding children's health including information on potential health effects of exposure to hazardous substances.</p> |

|                               | <b>S. 599/H.R. 2451- Children's Environmental Protection Act</b> | <b>S.769 - Right To Know More and Pollution Prevention Act of 1997</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>H.R. 1636 - Children's Environmental Protection and Right To Know Act of 1997</b>                                                                                                                                                                                                                                                          | <b>H.R. 3262 - Children's Protection and Community Cleanup Act of 1998</b> |
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| <b>Enforcement Provisions</b> |                                                                  | Authorizes citizen suits for any past or ongoing failure to complete and submit a TRI reporting form. Also, creates a citizen suit for failure to submit a Pollution Prevention Plan Summary or Progress Report.                                                                                                                                                                                                                                                                                                                                  | Authorizes citizen suits against EPA for failure to establish thresholds. Permits citizen suits with respect to violations under the Federal Hazardous Substances Act and for any past or ongoing failure to complete and submit a TRI reporting form.                                                                                        |                                                                            |
| <b>CBI/Trade Secrets</b>      |                                                                  | Allows a person to withhold an element or portion of materials accounting information if the person shows it is a trade secret on the basis of the same four factors that apply to specific chemical identity information under the current TRI program: a) has taken reasonable measures to protect confidentiality; 2) not required to be disclosed under any Federal or state law; 3) disclosure is likely to cause substantial harm to competitive position and 4) chemical identity is not readily discoverable through reverse engineering. | Permits withholding of portions of chemical use information reported by facilities for purposes of protecting trade secrets. The commission may grant exemptions from such reporting requirements if a substance would not cause substantial personal injury or illness as a result of foreseeable handling, including ingestion by children. |                                                                            |

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S 599 IS

105th CONGRESS

1st Session

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

April 16, 1997

Mrs. BOXER (for herself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Children's Environmental Protection Act'.

SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.

The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

'TITLE V--ENVIRONMENTAL PROTECTION FOR CHILDREN

'SEC. 501. FINDINGS AND POLICY.

'(a) FINDINGS- Congress finds that--

'(1) public health and safety depends on citizens and local officials knowing the toxic dangers that exist in their homes, communities, and neighborhoods;

'(2) children and other vulnerable subpopulations are more at risk from environmental pollutants than adults and therefore face unique health threats that need special attention;

'(3) risk assessments of pesticides and other environmental pollutants conducted by the Environmental Protection Agency do not clearly differentiate between the risks to children and the risks to adults;

'(4) a study conducted by the National Academy of Sciences on the effects of pesticides in the diets of infants and children concluded that approaches to risk assessment typically do not consider risks to children and, as a result, current standards and tolerances often fail to adequately protect infants and children;

'(5) data are lacking that would allow adequate quantification and evaluation of child-specific and other vulnerable subpopulation-specific susceptibility and exposure to environmental pollutants;

'(6) data are lacking that would allow adequate quantification and evaluation of child-specific and other vulnerable subpopulation-specific bioaccumulation of environmental pollutants; and

'(7) the absence of data precludes effective government regulation of environmental pollutants, and denies individuals the ability to exercise a right to know and make informed decisions to protect their families.

'(b) POLICY- It is the policy of the United States that--

'(1) all environmental and public health standards set by the Environmental Protection Agency must, with an adequate margin of safety, protect children and other vulnerable subpopulations that are at greater risk from exposure to environmental pollutants;

'(2) information, including a safer-for-children product list, should be made readily available by the Environmental Protection Agency to the general public and relevant Federal and State agencies to advance the public's right-to-know, and

and State agencies to advance the public's right-to-know, and allow the public to avoid unnecessary and involuntary exposure;

(3) not later than 1 year after the safer-for-children list is created, only listed products or chemicals that minimize potential health risks to children shall be used in Federal properties and areas; and

(4) scientific research opportunities should be identified by the Environmental Protection Agency, the Department of Health and Human Services (including the National Institute of Environmental Health Sciences and the Agency for Toxic Substances and Disease Registry), the National Institutes of Health, and other Federal agencies, to study the short-term and long-term health effects of cumulative, simultaneous, and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

#### SEC. 502. DEFINITIONS.

In this title:

(1) AREAS THAT ARE REASONABLY ACCESSIBLE TO CHILDREN- The term 'areas that are reasonably accessible to children' means homes, schools, day care centers, shopping malls, movie theaters, and parks.

(2) CHILDREN- The term 'children' means individuals who are 18 years of age or younger.

(3) ENVIRONMENTAL POLLUTANT- The term 'environmental pollutant' means a hazardous substance, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), or a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(4) FEDERAL PROPERTIES AND AREAS- The term 'Federal properties and areas' means areas owned or controlled by the United States.

(5) VULNERABLE SUBPOPULATIONS- The term 'vulnerable subpopulations' means children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Administrator as likely to experience elevated health risks from environmental pollutants.

#### SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS.

(a) IN GENERAL- The Administrator shall--

(1) consistently and explicitly evaluate and consider environmental health risks to vulnerable subpopulations in all of the risk assessments, risk characterizations, environmental and public health standards, and regulatory decisions carried out by the Administrator;

(2) ensure that all Environmental Protection Agency standards protect children and other vulnerable subpopulations with an adequate margin of safety; and

(3) develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in the Federal Register an explanation of why the separate assessment or finding is not used.

#### (b) REEVALUATION OF CURRENT PUBLIC HEALTH AND ENVIRONMENTAL STANDARDS-

(1) IN GENERAL- As part of any risk assessment, risk characterization, environmental or public health standard or regulation, or general regulatory decision carried out by the Administrator, the Administrator shall evaluate and consider the environmental health risks to children and other vulnerable subpopulations.

(2) IMPLEMENTATION- In carrying out paragraph (1), not later than 1 year after the date of enactment of this title, the Administrator shall--

(A) develop an administrative strategy and an administrative process for reviewing standards;

(B) publish in the Federal Register a list of standards

(a) TOXICITY DATA- The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations.

(b) BIENNIAL REPORTS- The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall submit biennial reports to Congress on actions taken to carry out this section.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.'.

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HR 2451 IH  
105th CONGRESS  
1st Session

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 10, 1997

Mr. MORAN of Virginia introduced the following bill; which was referred to the Committee on Commerce

A BILL

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Children's Environmental Protection Act'.

SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.

(a) IN GENERAL- The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

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'SEC. 501. FINDINGS AND POLICY.

'(a) FINDINGS- Congress finds that--

'(1) public health and safety depends on citizens and local officials knowing the toxic dangers that exist in their homes, communities, and neighborhoods;

'(2) children eat more food, drink more fluids, and breathe more air in proportion to their body weight than adults;

'(3) these factors put children at greater risk from environmental pollutants than adults, and as a result children face unique health threats that need special attention;

'(4) risk assessments of pesticides and other environmental pollutants conducted by the Environmental Protection Agency do not clearly differentiate between the risks to children and the risks to adults;

'(5) a study conducted by the National Academy of Sciences on the effects of pesticides in the diets of infants and children concluded that approaches to risk assessment typically do not consider risks to children and, as a result, current standards and tolerances often fail to adequately protect infants and children;

'(6) data are lacking that would allow adequate quantification and evaluation of child-specific and other vulnerable subpopulation-specific susceptibility and exposure to environmental pollutants;

'(7) data are lacking that would allow adequate quantification and evaluation of child-specific and other vulnerable subpopulation-specific bioaccumulation of environmental pollutants;

'(8) the absence of data precludes effective government regulation of environmental pollutants, and denies individuals the ability to exercise a right to know and make informed decisions to protect their families; and

'(9) research must be coordinated within the Environmental Protection Agency and other Federal agencies to identify key data needs to ensure the best science and to enhance the Nation's understanding of environmental health and safety threats to children.

'(b) POLICY- It is the policy of the United States that--

'(1) policies, programs, activities, and standards of the Environmental Protection Agency must address disproportionate

risks to children that result from environmental health risks;

`(2) information, including a safer-for-children product list, should be made readily available by the Environmental Protection Agency to the general public and relevant Federal and State agencies to advance the public's right-to-know, and allow the public to avoid unnecessary and involuntary exposure; and

`(3) scientific research opportunities should be identified by the Environmental Protection Agency, the Department of Health and Human Services (including the National Institute of Environmental Health Sciences and the Agency for Toxic Substances and Disease Registry), the National Institutes of Health, and other Federal agencies, to study the short-term and long-term health effects of cumulative, simultaneous, and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

SEC. 502. DEFINITIONS.

`In this title:

`(1) AREAS THAT ARE REASONABLY ACCESSIBLE TO CHILDREN- The term 'areas that are reasonably accessible to children' means homes, schools, day care centers, shopping malls, movie theaters, and parks.

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`(2) ensure that all Environmental Protection Agency standards protect children and other vulnerable subpopulations with an adequate margin of safety; and

`(3) develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in the Federal Register an explanation of why the separate assessment or finding is not used.

`(b) REEVALUATION OF CURRENT PUBLIC HEALTH AND ENVIRONMENTAL STANDARDS-

`(1) IN GENERAL- As part of any risk assessment, risk characterization, environmental or public health standard or regulation, or general regulatory decision carried out by the Administrator, the Administrator shall evaluate and consider the environmental health risks to children and other vulnerable subpopulations.

`(2) IMPLEMENTATION- In carrying out paragraph (1), not later than 1 year after the date of enactment of this title, the Administrator shall--

(A) develop an administrative strategy and an administrative process for reviewing standards;

(B) publish in the Federal Register a list of standards that may need revision to ensure the protection of children and vulnerable subpopulations;

(C) prioritize the list according to the standards that are most important for expedited review to protect children and vulnerable subpopulations;

(D) identify which standards on the list will require additional research in order to be reevaluated and outline the time and resources required to carry out the research; and

(E) identify, through public input and peer review, not fewer than 20 public health and environmental standards of the Environmental Protection Agency to be repromulgated on an expedited basis to meet the criteria of this subsection.

(3) REVISED STANDARDS- Not later than 6 years after the date of enactment of this title, the Administrator shall propose not fewer than 20 revised standards that meet the criteria of this subsection.

(4) COMPLETED REVISION OF STANDARDS- Not later than 15 years after the date of enactment of this title, the Administrator shall complete the revision of all standards in accordance with this subsection.

(5) REPORT- The Administrator shall report to Congress on an annual basis on progress made by the Administrator in carrying out the objectives and policy of this subsection.

SEC. 504. SAFER ENVIRONMENT FOR CHILDREN.

Not later than 1 year after the date of enactment of this title, the Administrator shall--

(1) identify environmental pollutants commonly used or found in areas that are reasonably accessible to children;

(2) create a scientifically peer reviewed list of substances identified under paragraph (1) with known, likely, or suspected health risks to children;

(3) create a scientifically peer reviewed list of safer-for-children substances and products recommended by the Administrator for use in areas that are reasonably accessible to children that, when applied as recommended by the manufacturer, will minimize potential risks to children from exposure to environmental pollutants;

(4) establish guidelines to help reduce and eliminate exposure of children to environmental pollutants in areas reasonably accessible to children, including advice on how to establish an integrated pest management program;

(5) create a family right-to-know information kit that includes a summary of helpful information and guidance to families, such as the information created under paragraph (3), the guidelines established under paragraph (4), information on the potential health effects of environmental pollutants, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information, as determined by the Administrator in cooperation with the Centers for Disease Control;

(6) make all information created pursuant to this subsection available to Federal and State agencies, the public, and on the Internet; and

(7) review and update the lists created under paragraphs (2) and (3) at least once each year.

SEC. 505. RESEARCH TO IMPROVE INFORMATION ON EFFECTS ON CHILDREN.

(a) TOXICITY DATA- The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate and support the development and implementation of basic

and applied research initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations.

`(b) BIENNIAL REPORTS- The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall submit biennial reports to Congress on actions taken to carry out this section.

`SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated such sums as are necessary to carry out this title.'.

(b) TECHNICAL AMENDMENT- The table of contents of the Toxic Substances Control Act (contained in section 1 of such Act) is amended by adding at the end the following:

`TITLE V--ENVIRONMENTAL PROTECTION FOR CHILDREN

`Sec. 501. Findings and policy.

`Sec. 502. Definitions.

`Sec. 503. Safeguarding children and other vulnerable subpopulations.

`Sec. 504. Safer environment for children.

`Sec. 505. Research to improve information on effects on children.

`Sec. 506. Authorization of appropriations.'.

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S 769 IS  
105th CONGRESS  
1st Session

To amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

IN THE SENATE OF THE UNITED STATES

May 20, 1997

Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. KERRY, Mrs. BOXER, Mr. GRAHAM, Mr. WELLSTONE, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the 'Right-To-Know-More and Pollution Prevention Act of 1997'.

(b) TABLE OF CONTENTS- The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I--PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL USE

Sec. 101. Reporting requirements.

Sec. 102. Disclosure of toxic chemical use.

Sec. 103. Environmental reporting and public access to information.

Sec. 104. Trade secret protection.

Sec. 105. Civil actions.

TITLE II--COMMUNITY RIGHT TO KNOW AND POLLUTION PREVENTION PLANNING

Sec. 201. Toxic chemical release forms.

Sec. 202. Pollution prevention planning.

Sec. 203. Information gathering and access.

Sec. 204. Public availability.

Sec. 205. Federal facilities.

Sec. 206. Enforcement.

TITLE I--PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL USE

SEC. 101. REPORTING REQUIREMENTS.

(a) THRESHOLDS FOR TOXIC CHEMICALS WITH CERTAIN SIGNIFICANT RISKS- Section 313(f) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)) is amended--

(1) in paragraph (1), by adding at the end the following:

`(C) With respect to each of the toxic chemicals described in paragraph (3) that are released from a facility, the amount of the threshold for the toxic chemical under that paragraph.'; and

(2) by adding at the end the following:

`(3) THRESHOLDS FOR TOXIC CHEMICALS WITH CERTAIN SIGNIFICANT RISKS-

`(A) ESTABLISHMENT OF THRESHOLDS- Not later than 2 years after the date of enactment of this paragraph, the Administrator shall establish a threshold for each toxic chemical that the Administrator determines may present a significant risk to children's health or the environment because of--

`(i) the tendency of the toxic chemical to persist or to bioaccumulate or disrupt endocrine systems; or

`(ii) other characteristics of the toxic chemical.

(B) CHEMICALS TO BE INCLUDED- Among the toxic chemicals for which the Administrator shall establish thresholds under subparagraph (A) shall be lead, mercury, dioxin, cadmium, chromium, and the substances listed as bioaccumulative chemicals of concern in the notice published by the Administrator at 60 Fed. Reg. 15393.'

(b) ADDITIONAL CHEMICALS- Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended--

- (1) by striking 'are those' and inserting the following: 'are--
- (1) the';
- (2) by striking the period at the end and inserting '; or'; and
- (3) by adding at the end the following:
  - (2) dioxin and substances listed as bioaccumulative chemicals of concern in the notice published by the Administrator at 60 Federal Register 15393.'

(c) RELEASES- Subsections (a) and (b)(1) of section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) are amended by striking 'or otherwise used' and inserting 'otherwise used, or released'.

(d) CIVIL ACTIONS- Section 326(a)(1)(B) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(B)) is amended--

- (1) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and
- (2) by inserting after clause (ii) the following:
  - (iii) Establish a reporting threshold for a toxic chemical described in section 313(f)(3).'

(e) REVISED THRESHOLDS- Section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)) is amended in the first sentence by striking 'paragraph (1)' and inserting 'subparagraph (A) or (B) of paragraph (1)'.

## SEC. 102. DISCLOSURE OF TOXIC CHEMICAL USE.

(a) TOXIC CHEMICAL RELEASE FORM-

(1) IN GENERAL- Section 313(g) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(g)) is amended--

(A) in paragraph (1)(C)--

- (i) by inserting 'for the preceding calendar year' after 'items of information';
- (ii) in clause (i) by striking 'is' and inserting 'was';
- (iii) in clause (ii) by striking 'preceding';
- (iv) in clause (iv) by striking 'annual quantity of the toxic chemical entering' and inserting 'quantity of the toxic chemical that entered'; and
- (v) by adding at the end the following:
  - (v) The number of employees (including contractors) at the reporting facility, the number of employees (including contractors) at the reporting facility who were potentially exposed to the toxic chemical;
  - (vi) The following materials accounting information:

(I) A description of the uses of the toxic chemical at the facility.

(II) The starting (as of January 1) inventory of the toxic chemical at the facility.

(III) The quantity of the toxic chemical produced at the facility.

(IV) The quantity of the toxic chemical that was transported to the facility and the mode of transportation used.

(V) The quantity of the toxic chemical consumed at the facility.

(VI) The quantity of the toxic chemical that was shipped out of the facility as a product or in a product and the quantities

intended for industrial use, commercial use, consumer use, and any additional categories of use that the Administrator may designate by regulation.

`(VII) The quantity of the toxic chemical that entered any waste stream (or that was otherwise released into the environment) prior to recycling, treatment, or disposal (as required to be reported under section 6607(b)(1) of the Pollution Prevention Act of 1990 (42 U.S.C. 13107(b)(1))).

`(VIII) The amount of toxic chemical at the facility as of December 31.

`(IX) The amount of the toxic chemical recycled at the facility that was used during the calendar year at the facility.

`(X) The toxic chemical use of the chemical that is calculated by adding the quantities reported under subclauses (II), (III), (IV), and (IX) and subtracting the quantity reported under subclause (VIII).

`(XI) If the sum of the quantities reported under subclauses (II), (III), (IV), and (IX) does not equal the sum of the quantities reported under subclauses (V), (VI), (VII), and (VIII), a statement of the cause of the discrepancy.

    (vii) The reduction (from the calendar year preceding the calendar year for which the form is submitted) in the quantity of the toxic chemical that is reported under clause (vi) (VII), as a result of the following: equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control.

    (viii) The reduction (from the calendar year preceding the calendar year for which the form is submitted) in the quantity of toxic chemical use as defined in subclause (X) as a result of the following: equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control.'; and

(B) by adding at the end the following:

    (3) COMPUTATIONS- Quantities reported under this subsection shall be complete and verifiable by computations under generally accepted principles of materials accounting.'.

    (2) DEFINITION OF MATERIALS ACCOUNTING INFORMATION-

        (A) IN GENERAL- Section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049) is amended--

            (i) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

            (ii) by inserting after paragraph (6) the following:

    (7) MATERIALS ACCOUNTING INFORMATION- The term 'materials accounting information' means the information described in section 313(g)(1)(vi).'

        (B) CONFORMING AMENDMENT- Section 6603(4) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(4)) is amended by striking '329(8)' and inserting '329'.

    (3) REGULATION- Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate a regulation regarding the information to be provided under clauses (v), (vi), (vii), and (viii) of section 313(g)(1)(C) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(g)(1)(C)), as added by paragraph (1).

(b) OTHER REQUIREMENTS- The Administrator of the Environmental Protection Agency shall by regulation integrate the reporting requirements under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) and the Pollution Prevention Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 103. ENVIRONMENTAL REPORTING AND PUBLIC ACCESS TO INFORMATION.

(a) STREAMLINED DATA COLLECTION AND DISSEMINATION- Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is amended by adding at the end the following:

(m) STREAMLINED DATA COLLECTION AND DISSEMINATION-

(1) IN GENERAL- To enhance public access and use of information resources, to facilitate compliance with reporting requirements, and to promote multimedia permitting, reporting, and pollution prevention, not later than 3 years after the date of enactment of this subsection, the Administrator shall--

(A) create standard data formats for information management;

(B) integrate information resources, using common company, facility, industry, geographic, and chemical identifiers and any other identifiers that the Administrator considers appropriate;

(C) establish a system for indexing, locating, and obtaining agency-held information about parent companies, facilities, industries, chemicals, geographic locations, ecological indicators, and the regulatory status of toxic chemicals and entities subject to agency regulation;

(D) consolidate all annual reporting requirements under this title and other Federal environmental laws for small businesses, including by permitting reporting to a single point of contact using a single form or electronic reporting system; and

(E) provide the public a single point of contact for access to all the publicly available information gathered by the Administrator for any regulated entity.

(2) CONSOLIDATION- Not later than 5 years after the date of enactment of this subsection, the Administrator shall consolidate all annual reporting under this title and other Federal environmental laws administered by the Administrator for each entity required to report, including by permitting reporting to a single point of contact using a single form or electronic reporting system.

(3) EASE OF COMPLIANCE- In improving the means by which the Administrator provides information to the public and requires information be reported by regulated entities, as required by paragraphs (1) and (2), the Administrator, building on the experiences of the States, shall use technology to facilitate reporting by regulated entities and improve access to the data by the public.'.

(b) DISCLOSURE OF USES OF TOXIC CHEMICALS-

(1) BASIC REQUIREMENT- Section 313(a) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(a)) is amended in the second sentence by inserting 'toxic chemical uses and' before 'releases'.

(2) USE OF RELEASE FORM- Section 313(h) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(h)) is amended in the second sentence by inserting 'the uses of toxic chemicals at covered facilities and' before 'releases of toxic chemicals to the environment'.

SEC. 104. TRADE SECRET PROTECTION.

Section 322 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11042) is amended--

(1) in subsection (a)(1) by adding the following at the end:

(C) WITHHOLDING OF MATERIALS ACCOUNTING INFORMATION- A

person that is required to submit materials accounting information under section 313(g)(1)(C)(vi) may withhold an element or portion (as defined by a regulation promulgated by the Administrator under subsection (c)) of the information if the person complies with paragraph (2) with respect to the information to be withheld.';

(2) in subsection (b)(4) by inserting 'or other information withheld' after 'The chemical identity';

(3) in subsection (d)--

(A) in paragraph (1), in the first sentence, by striking 'toxic chemical which' and inserting 'toxic chemical or other information that';

(B) in paragraph (2), by inserting 'or other information withheld' after 'specific chemical identity';

(C) in paragraph (3)--

(i) in subparagraph (A), by inserting 'or other information withheld' after 'specific chemical identity';

(ii) in subparagraph (B), by inserting 'or other information withheld' after 'chemical identity'; and

(iii) in subparagraph (C), in the first sentence, by inserting 'or other information withheld' after 'chemical identity' each place it appears; and

(D) in paragraph (4)(A), by inserting 'or other information withheld' after 'chemical identity';

(4) in subsection (f), by inserting 'or other information withheld under subsection (a)(1)' after 'specific chemical identity'; and

(5) in subsection (h)--

(A) in paragraph (1), by inserting 'or other information withheld' before 'is claimed as a'; and

(B) in paragraph (2), by inserting 'or other information withheld' after 'identity of a toxic chemical'.

#### SEC. 105. CIVIL ACTIONS.

(a) PAST AND ONGOING VIOLATIONS- Section 326(a)(1)(A) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(A)) is amended by inserting 'any past or ongoing' after 'An owner or operator of a facility for'.

(b) VENUE- Section 326 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(b)) is amended--

(1) in subsection (b), by striking paragraph (2) and inserting the following:

(2) ACTIONS AGAINST THE ADMINISTRATOR-

(A) PETITIONS IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT-

(i) IN GENERAL- Review of an action of the Administrator described in clause (ii) shall be sought by filing a petition for review in the United States Court of Appeals for the District of Columbia.

(ii) ACTIONS OF THE ADMINISTRATOR- The actions of the Administrator described in this clause are--

(I) a final agency action in response to a petition filed under section 313(e);

(II) a final agency action to revise a threshold under section 313(f)(2);

(III) a final rule to modify nationally the reporting frequency under section 313(i);

(IV) any other rulemaking of general applicability under this title; and

(V) any other action that is based on a determination of nationwide scope or effect if, in taking the action, the Administrator publishes a finding that the action is based on such a determination.

(B) PETITIONS FOR REVIEW IN OTHER CIRCUITS-

(i) IN GENERAL- Review of an action of the Administrator described in clause (ii) shall be sought by filing a petition for review in the United States Court of Appeals for the circuit in which the geographic region to which the action relates is situated.

(ii) ACTIONS OF THE ADMINISTRATOR- The actions of the Administrator described in this clause are--

(I) a final rule to modify the reporting frequency under section 313(i) for a particular geographic region; and

(II) any other rulemaking specific to a particular geographic region.

(C) CIVIL ACTIONS IN UNITED STATES DISTRICT COURT- An action of the Administrator under subsection (a) other than an action described in subparagraph (A) or (B) shall be brought in the United States District Court for the District of Columbia.'; and

(2) by adding at the end the following:

(i) TIME FOR FILING PETITION FOR REVIEW OF ACTION BY THE ADMINISTRATOR; EXCLUSIVE MEANS OF REVIEW-

(1) TIME FOR FILING PETITION- A petition for review of an action of the Administrator under subparagraph (A) or (B) of subsection (b) (2) shall be filed not later than 60 days after the date on which notice of the action is published in the Federal Register.

(2) EXCLUSIVE MEANS OF REVIEW- An action of the Administrator with respect to which review can be or could have been obtained under subparagraph (A) or (B) of subsection (b) (2) shall not be subject to judicial review in a civil or criminal enforcement proceeding.'.

TITLE II--COMMUNITY RIGHT TO KNOW AND POLLUTION PREVENTION PLANNING  
SEC. 201. TOXIC CHEMICAL RELEASE FORMS.

Section 313(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(b)) is amended--

(1) by striking paragraph (2); and

(2) in paragraph (1)--

(A) by striking '(A) The requirements' and inserting 'The requirements';

(B) by striking 'and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985)';

(C) by striking subparagraph (B) and inserting the following:

(2) DELETION OF FACILITIES-

(A) IN GENERAL- The Administrator, at the instance of the Administrator or in response to a petition, may delete by rule a particular facility or category of facilities from the requirements of this section based on a determination that reporting by the owner or operator of the facility or category of facilities is inconsistent with the efficient operation of this title.

(B) CONSIDERATIONS- In making a determination under subparagraph (A), the Administrator may consider the toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of toxic chemicals at the facility or category of facilities, and such other factors as the Administrator considers appropriate.';

(D) in subparagraph (C) --

(i) by striking '(C) For purposes' and inserting '(3) DEFINITIONS- For purposes';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B); and

(iii) in subparagraph (B) (as redesignated by clause (ii)), by redesignating subclauses (I) and (II) as clauses (i) and (ii).

SEC. 202. POLLUTION PREVENTION PLANNING.

(a) IN GENERAL- Title III of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) is amended--

(1) by redesignating subtitle C as subtitle D; and

(2) by inserting after subtitle B the following:

SUBTITLE C--POLLUTION PREVENTION PLANNING

SEC. 316. POLLUTION PREVENTION PLANS.

(a) DEFINITIONS- In this section:

(1) AUTHORIZED STATE- The term 'authorized State' means a State authorized under subsection (m) to carry out the Administrator's authorities and responsibilities under this section.

(2) BYPRODUCT- The term 'byproduct' means a toxic chemical that--

(A) is generated prior to storage, recycling (except in-process recycling), treatment, control, disposal, or release;

(B) is not intended for use as a product; and

(C) is required to be reported under section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. 13107).

(3) FACILITY- The term 'facility' means a facility for which a toxic chemical release form is required to be submitted under section 313.

(4) IN-PROCESS RECYCLING- The term 'in-process recycling' means the practice of returning a recycled toxic chemical to a production process using dedicated equipment that is directly connected to and physically integrated with a production process.

(5) PILOT FACILITY- The term 'pilot facility' means a facility, or designated area of a facility, used for pilot-scale development of a product or process not primarily involved in the production of a good for commercial sale.

(6) POLLUTION PREVENTION- The term 'pollution prevention' means--

(A) toxic use reduction; or

(B) source reduction.

(7) PRODUCTION PROCESS- The term 'production process' means a process, line, method, activity, or technique used to produce a product or to reach a planned result.

(8) RECOVERY-

(A) IN GENERAL- The term 'recovery' means the act of extracting or removing the toxic chemical from a waste stream that includes--

(i) the reclamation of the toxic chemical from a stream that entered a waste treatment or pollution control device or process (including an air pollution control device or process, wastewater treatment or control device or process, Federal or State permitted treatment or control device or process, and any other type of treatment or control device or process) where destruction of the stream or destruction or removal of certain constituents of the stream occurs; and

(ii) the reclamation for reuse of an otherwise used toxic chemical that is spent or contaminated and that must be recovered for further use in the original operation or any other operation.

(9) RECYCLING- The term 'recycling' means--

(A) the recovery for reuse of a toxic chemical from a gaseous, aerosol, aqueous, liquid, or solid stream; or

(B) the reuse or the recovery for reuse of a toxic chemical that is a hazardous waste or is a constituent of a

hazardous waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as determined by the Administrator.

(10) RESEARCH AND DEVELOPMENT LABORATORY- The term 'research and development laboratory' means a facility or a designated area of a facility used for research, development, and testing activity, and not primarily involved in the production of a good for commercial sale, in which a toxic chemical is used by or under the direct supervision of a technically qualified person.

(11) SOURCE REDUCTION- The term 'source reduction' has the meaning given the term in section 6603 of the Pollution Prevention Act of 1990 (42 U.S.C. 13103).

(12) TARGETED PRODUCTION PROCESS- The term 'targeted production process' means a production process or a group of production processes (identified by the owner or operator of a facility) that accounts for 90 percent or more of--

(A) the total toxic chemical use calculated in accordance with section 313(g)(1)(C)(vi)(X); or

(B) the total quantity of byproducts generated at the facility.

(13) TOXIC USE REDUCTION- The term 'toxic use reduction' means the reduction in the quantity of toxic chemical use reported under section 313(g)(1)(C)(viii) that is reduced so as to reduce potential exposure to the public, workers, consumers, and the environment.

(b) POLLUTION PREVENTION PLANNING-

(1) IN GENERAL- To promote the assessment and implementation of pollution prevention alternatives, the owner or operator of a facility shall periodically complete a pollution prevention plan.

(2) INITIAL PLAN AND UPDATES- The owner or operator of a facility shall--

(A) complete a pollution prevention plan on or before July 1 of the second calendar year that begins after the date of enactment of this section; and

(B) review and update the pollution prevention plan biennially thereafter.

(3) CONTENTS OF POLLUTION PREVENTION PLANS-

(A) ITEMS TO BE INCLUDED- Except as provided in section 317, a pollution prevention plan shall include--

(i) a statement of management policy regarding pollution prevention;

(ii) a written certification by the owner or operator of the facility regarding the accuracy and completeness of the plan;

(iii) 2- and 5-year pollution prevention goals for targeted production processes, including a numerical statement regarding the intended reduction in the quantity of each toxic chemical manufactured, processed, or otherwise used;

(iv) a statement of progress achieved toward previously submitted pollution prevention goals;

(v) an analysis of each targeted production process, including--

(I) an assessment of materials accounting information of toxic chemicals with respect to the targeted production process; and

(II) a full cost accounting of the direct and indirect costs (including liabilities) of toxic chemical purchase, use, and waste management;

(vi) an evaluation of the options for reducing the use of toxic chemicals or the generation of byproducts in the targeted production unit process by means of the substitution of raw materials, reformulation or

redesign of products, production unit modifications, and improvement in operation and maintenance, including--

- (I) identification of options that minimize potential exposure to workers, consumers, the public, and the environment; and
- (II) an assessment of the technical and economic feasibility of the options identified under subclause (I);

- (vii) an identification of options identified under clause (vi)(I) that are technically feasible and have a payback period of less than 2 years;

- (viii) a schedule for implementing the options identified under clause (vii) that the owner or operator of the facility intends to implement; and

- (ix) if there is an option identified under clause (vii) that is not included in the schedule developed under clause (viii), a statement of the reason why the option is not included.

- (B) ITEMS NOT TO BE INCLUDED- A pollution prevention plan shall not include a waste management or control activity.

(4) POLLUTION PREVENTION PLAN SUMMARIES-

- (A) IN GENERAL- For each pollution prevention plan, the owner or operator of a facility shall prepare a pollution plan summary.

- (B) CONTENTS- A pollution plan summary shall include the information reported under--

- (i) clauses (i), (ii), (iii), and (iv) of paragraph (3)(A); or

- (ii) if applicable, subparagraphs (A), (B), (C), and (D) of section 317(c)(2).

(c) POLLUTION PREVENTION PLAN PROGRESS REPORTS-

- (1) IN GENERAL- Beginning with the second full calendar year after a pollution prevention plan has been prepared under subsection (b), the owner or operator of a facility shall prepare a pollution prevention plan progress report annually for the facility in accordance with the schedule for the submission of toxic release forms under section 313.

- (2) CONTENTS- A pollution prevention progress report shall include--

- (A) a description of the facility and identification of each targeted production process;

- (B) a numerical statement demonstrating the progress of the facility towards achieving each of its 5-year goals for pollution prevention; and

- (C) if the annual progress of the facility does not achieve the level of progress anticipated in the pollution prevention plan schedule for implementation, an explanation of the reasons why that level of progress was not achieved.

- (d) GUIDELINES FOR PREPARATION OF POLLUTION PREVENTION PLANS- Not later than 2 years after the date of enactment of this section, the Administrator shall by regulation establish guidelines for the preparation of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports.

(e) AVAILABILITY OF POLLUTION PREVENTION PLANS, SUMMARIES, AND REPORTS-

- (1) POLLUTION PREVENTION PLANS-

- (A) IN GENERAL- The owner or operator of a facility shall--

- (i) retain each pollution prevention plan at the facility; and

- (ii) make each pollution prevention plan available for inspection by the Administrator or authorized State.

- (B) NOT PUBLIC RECORDS- A document or other record obtained from or reviewed at a facility owned or operated

by a private person shall not be considered to be a public record.

(2) POLLUTION PREVENTION PLAN SUMMARIES AND PROGRESS REPORTS-

(A) SUBMISSION- The owner or operator of a facility shall submit a pollution prevention plan summary for the facility and progress reports, with the toxic release forms required under section 313 for the year in which the summary is required, to the Administrator and to the State in which the facility is located, in a format that is compatible with electronic information storage and retrieval and compatible with the data submitted under section 313 (except in a case in which the Administrator determines that preparation in electronic format would create a significant hardship).

(B) PUBLIC AVAILABILITY- The Administrator shall, using electronic and other means, make pollution plan summaries and progress reports available to the public consistent with section 313(j).

(f) REQUIRED MODIFICATION-

(1) IN GENERAL- The Administrator or an authorized State may require the modification of a pollution prevention plan or pollution prevention plan summary if the Administrator or authorized State determines that the pollution prevention plan does not meet the requirements of subsection (b) or the pollution prevention plan summary does not meet the requirements of subsection (b)(4).

(2) TIME FOR COMPLETION OF REQUIRED MODIFICATION- Any modification required by the Administrator or authorized State shall be completed by the owner or operator of the facility not later than 90 days after the date on which the Administrator or the State provides written notice that the modification is required.

(g) PRODUCT FORMULAS- Nothing in this subtitle authorizes the Administrator or a State to require that information concerning nontoxic chemicals, or product formulas for mixtures that include only nontoxic chemicals, be included in a pollution prevention plan, summary, or progress report.

(h) GROUPING OF PROCESSES- The Administrator may publish rules establishing criteria pursuant to which the Administrator may permit an owner or operator of a facility to consider production processes that use similar ingredients to produce 1 or more similar products as a single production process.

(i) TRAINING- The Administrator or an authorized State may require that individuals that prepare pollution prevention plans for facilities in particular industrial categories or subcategories receive training or attend seminars and workshops on the proper preparation of toxic release inventories and pollution prevention plans and on the use of available pollution prevention measures.

(j) RESEARCH AND DEVELOPMENT LABORATORIES- The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention progress report concerning a research and development laboratory located at the facility.

(k) PILOT FACILITIES- The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report for a pilot facility.

(l) TECHNICAL ASSISTANCE-

(1) IN GENERAL- At the request of the owner or operator of a facility, the Administrator or an authorized State may provide technical assistance in pollution prevention planning.

(2) REIMBURSEMENT- The Administrator may seek full (or in the case of a small business, full or partial) reimbursement

for any technical assistance provided to a facility.

(3) NO REQUIREMENT OF PARTICULAR MEASURES OR STANDARDS- Nothing in this subsection authorizes the Administrator to require that a particular pollution prevention measure be implemented or that a pollution prevention performance standard be achieved at a facility or targeted production process.

(m) STATE ADMINISTRATION-

(1) REQUEST FOR STATE AUTHORIZATION-

(A) GUIDELINES- Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance that would be useful to the States in submitting a program for approval under this paragraph.

(B) SUBMISSION OF PROGRAMS- A State may submit to the Administrator a program for carrying out this section in the State.

(C) IMPLEMENTATION OF STATE PROGRAMS- On and after the date that is 180 days after date on which the Administrator receives a State program under subparagraph (B), the State may carry out the program in the State in place of the Federal program under this section, unless the Administrator notifies the State that the program is not approved.

(2) CRITERIA FOR STATE AUTHORIZATION-

(A) IN GENERAL- The Administrator shall approve a State program submitted under paragraph (1) if the Administrator determines that the State program requires that--

(i) each facility develop a pollution prevention plan that includes materials accounting for full cost accounting; and

(ii) each pollution prevention plan address the reduction of the use and generation as byproduct of toxic chemicals subject to this section so as to reduce overall risks to the public, workers, consumers, and the environment without shifting risks between them.

(B) DISAPPROVAL- If the Administrator does not approve a State program, the Administrator shall notify the State in writing of any revisions or modifications that are necessary to obtain approval.

(3) WITHDRAWAL OF STATE AUTHORIZATION-

(A) IN GENERAL- If the Administrator determines after public hearing that a State program approved under paragraph (1) no longer meets the criteria of paragraph (2), the Administrator shall so notify the State in writing. If appropriate corrective action is not taken within a reasonable time (not to exceed 90 days after notification), the Administrator shall withdraw authorization of the program and establish a Federal program under this section.

(B) NOTIFICATION- The Administrator shall not withdraw authorization of a State program unless the Administrator first notifies the State and makes public in writing the reasons for the withdrawal.

(4) NO PREEMPTION OF STATE PROGRAMS- Nothing in this subsection affects the authority of a State or political subdivision of a State to establish or continue in effect any regulation or any other measure relating to pollution prevention.

(n) REPORTS-

(1) IN GENERAL- Not later than 4 years after the date of enactment of this section and not less frequently than every 3 years thereafter, the Administrator shall submit a report to the President and Congress that describes the pollution prevention plans that have been prepared under this section.

(2) MATTERS TO BE ADDRESSED- A report under paragraph (1) shall include--

(A) a detailed analysis that indicates the progress achieved toward any pollution prevention goals established by the Administrator under section 6604 of the Pollution Prevention Act of 1990 (42 U.S.C. 13103); and

(B) a detailed analysis of the steps that need to be taken to ensure that the goals are achieved, including an identification of the industrial categories or subcategories that should be the highest priority for pollution prevention measures and that need improvement with respect to pollution prevention.

SEC. 317. SMALL BUSINESS POLLUTION PREVENTION COMPLIANCE AND TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM- The Administrator shall establish a small business pollution prevention compliance and technical assistance program to assist owners and operators of facilities in identifying and applying methods of pollution prevention.

(b) ELEMENTS OF PROGRAM- The program under subsection (a) shall--

(1) provide compliance assistance, technical assistance, and other assistance to small businesses;

(2) use funds provided under this subsection for matching grants to State and local government agencies for programs to promote the use of pollution prevention techniques by small businesses; and

(3) allow small businesses to comply with the pollution prevention planning requirements of this by title complying with subsection (c).

(c) USE OF MANUAL AND CHECKLIST IN LIEU OF POLLUTION PREVENTION PLAN-

(1) IN GENERAL- The Administrator may by regulation allow a small business in a commercial sector for which a pollution prevention opportunity assessment manual and checklist have been published under paragraph (2) to comply with the pollution prevention planning requirements of subsections (a) and (b) of section 316 by completing the checklist and retaining on site the manual and checklist in lieu of preparing a pollution prevention plan.

(2) CONTENTS OF MANUAL AND CHECKLIST- The Administrator may publish a manual and checklist for any commercial sector by the use of which a small business in the commercial sector would develop--

(A) a statement of management policy regarding pollution prevention;

(B) a written certification by the owner or operator of the facility regarding the accuracy and completeness of the plan;

(C) 2- and 5-year pollution prevention goals for targeted production processes, including a numerical statement regarding the intended reduction in the quantity of each toxic chemical produced or used and each toxic chemical generated as a byproduct;

(D) a statement of progress achieved toward previously submitted pollution prevention goals;

(E) an estimate of the costs associated with toxic chemical purchase, use, and waste management;

(F) an evaluation of production processes and material, storage, and treatment practices;

(G) an evaluation of toxic use reduction and source reduction opportunities; and

(H) an economic impact analysis of options for achieving reductions in toxic chemical use and byproduct generation.'.

(b) CIVIL ACTION- Section 326(a)(1)(A) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(A)) is amended by adding at the end the following:

`(v) Complete and submit a pollution plan summary or pollution plan progress report under section 316.'.

(c) TABLE OF CONTENTS- The table of contents in section 300(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. prec. 11001) is amended by striking the item relating to subtitle C and inserting the following:

`SUBTITLE C--POLLUTION PREVENTION PLANNING

`Sec. 316. Pollution prevention plans.

`Sec. 317. Small business pollution prevention compliance and technical assistance program.

`SUBTITLE D--GENERAL PROVISIONS.'.

SEC. 203. INFORMATION GATHERING AND ACCESS.

Section 325 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045) is amended by adding at the end the following:

`(g) PROVISION OF INFORMATION AND RECORDS; INSPECTIONS-

`(1) DEFINITIONS- In this subsection:

`(A) AUTHORIZED OFFICER- The term 'authorized officer' means--

`(i) an officer, employee, or representative of the Administrator; or

`(ii) an officer, employee, or representative of an authorized State carrying out that section 316.

`(B) AUTHORIZED STATE- The term 'authorized state' means a State that is authorized to carry out and enforce section 316 under section 317.

`(2) PROVISION OF INFORMATION AND RECORDS- At the request of an authorized officer, a person who has or may have information relevant to the identification, nature, or quantity of materials, including hazardous chemicals, extremely hazardous substances, toxic chemicals, or other materials subject to this title that may have been manufactured, processed, or otherwise used, stored, or otherwise managed (including recycling, treating, combusting, releasing, or transferring from a facility subject to the requirements of this title) shall--

`(A) furnish to the authorized officer information pertaining to the identification, nature, and quantity of the materials; and

`(B) at the option and expense of the person--

`(i) afford the authorized officer access at all reasonable times to the facility or location to inspect and copy all documents and records relating to the identification, nature, and quantity of the material; or

`(ii) copy and furnish to the authorized officer all such documents and records.

`(3) INSPECTIONS-

`(A) IN GENERAL- At the request of an authorized officer, the owner or operator of a facility subject to the requirements of this title shall permit the authorized officer to enter, at reasonable times--

`(i) the facility; or

`(ii) any other facility, establishment, or other place or property owned or operated by the owner or operator of the facility, if, in the opinion of the authorized officer, entry is needed to determine compliance with and enforce this title with respect to the facility.

`(B) SAMPLES- An authorized officer may inspect and obtain--

`(i) samples from any facility subject to the requirements of this title or from a facility, establishment, or other place or property described in subparagraph (A) (ii); or

(ii) samples of any containers of toxic chemicals or other materials maintained at the facility.

(C) PROMPT COMPLETION- An inspection under this paragraph shall be completed with reasonable promptness.

(D) RECEIPT FOR SAMPLES AND COPIES OF ANALYSES- If an authorized officer obtains a sample under subparagraph (B), the authorized officer shall--

(i) before leaving the premises, give to the owner or operator of the facility a receipt describing the sample obtained and, if requested, a portion of the sample; and

(ii) furnish promptly to the owner or operator of the facility a copy of the results of any analysis made of the sample.

(4) COMPLIANCE ORDERS-

(A) ISSUANCE- If the owner or operator of a facility failed to comply with a request of an authorized officer under this subsection, the Administrator or authorized State may, after such notice and opportunity for consultation as is reasonably appropriate under the circumstances, issue an order directing compliance with the request.

(B) CIVIL ACTION-

(i) IN GENERAL- The Administrator may request the Attorney General to commence a civil action to compel compliance with a request or order under this subsection.

(ii) RELIEF- If the court finds that there is a reasonable basis on which to believe that there may be a violation of this title, unless the court finds that, under the circumstances of the case, the request or order under this subsection was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law, the court--

(I) shall enter an order directing compliance with the request or order; and

(II) may assess a civil penalty of not more than \$10,000 for each day of noncompliance.

(5) OTHER AUTHORITY- Nothing in this subsection precludes the Administrator or an authorized State from securing access or obtaining information in any other lawful manner.'

SEC. 204. PUBLIC AVAILABILITY.

Section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j)) is amended in the second sentence by striking 'on a cost reimbursable basis'.

SEC. 205. FEDERAL FACILITIES.

Section 329(7) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049(7)) is amended by inserting before the period at the end the following: 'or the United States'.

SEC. 206. ENFORCEMENT.

Section 325(c)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045(b)(1)) is amended by striking 'or 313' and inserting ', 313, or 316'.

105TH CONGRESS  
1ST SESSION

# H. R. 1636

To disclose environmental risks to children's health and expand the public's right to know about toxic chemical use and release, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Mr. WAXMAN (for himself, Mr. SAXTON, Mr. PALLONE, Mr. MARKEY, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. SHAYS, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. DICKS, Mr. FOGLIETTA, Mr. BARRETT of Wisconsin, Ms. DEGETTE, Mr. JACKSON of Illinois, Mr. LANTOS, Mr. GUTIERREZ, Mr. HORN, Ms. MCCARTHY of Missouri, Mrs. ROUKEMA, Mr. FORD, Mr. MOAKLEY, Mr. CLAY, Mr. YATES, Mr. CASTLE, Ms. PELOSI, Mr. COYNE, Mr. CAPPS, Mr. DAVIS of Illinois, Mr. GEJDENSON, Mr. CUMMINGS, Mr. MILLER of California, Ms. ESHOO, Mrs. KENNELLY of Connecticut, Mr. DELLUMS, Mr. KUCINICH, Mr. HINCHEY, Mrs. MEEK of Florida, Mr. BERMAN, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MENENDEZ, Mr. WEXLER, Mr. FILNER, Mr. PASCRELL, Mr. PAYNE, Mr. BARCIA, Ms. RIVERS, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. BONIOR, Mr. WYNN, Mr. BROWN of California, Mr. DEFazio, Mr. CLYBURN, Mr. KENNEDY of Massachusetts, Mrs. MORELLA, Mr. THOMPSON, Mr. CONYERS, Mr. ALLEN, Mr. EVANS, Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. HOOLEY of Oregon, Mr. RUSH, Mr. NADLER, Mr. PASTOR, Ms. FURSE, Ms. WOOLSEY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. BLUMENAUER, Mrs. CLAYTON, Mr. CARDIN, Mr. FRANKS of New Jersey, Mr. KIND, Ms. DELAURO, Mr. MCGOVERN, Mr. DELAHUNT, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. LAFALCE, Mr. ACKERMAN, Mrs. LOWEY, Mr. ROTHMAN, Mr. DIXON, Mr. MEEHAN, Mr. MCDERMOTT, Mr. ADAM SMITH of Washington, Mr. STARK, Mr. SKAGGS, and Mr. BAESLER) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To disclose environmental risks to children's health and ex-

pand the public's right to know about toxic chemical use and release, 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 AND TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Children’s Environmental Protection and Right to Know  
6 Act of 1997”.

7       (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

**TITLE I—CHILDREN’S ENVIRONMENTAL PROTECTION**

**Subtitle A—Disclosure of Industrial Releases That Present a Significant Risk  
to Children**

Sec. 101. Reporting requirements.

**Subtitle B—Disclosure of High Health Risk Chemicals in Children’s  
Consumer Products**

Sec. 111. Listing of toxic substances.

Sec. 112. Reporting of toxic chemicals in consumer products.

Sec. 113. Exemptions.

Sec. 114. Private citizen enforcement.

Sec. 115. Preemption.

**TITLE II—PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL  
USE**

Sec. 201. Disclosure of toxic chemical use.

Sec. 202. Disclosure of toxic chemical use by comparable facilities.

Sec. 203. Streamlining environmental reporting and public access to informa-  
tion.

Sec. 204. Trade secret protection.

Sec. 205. Civil actions.

1 **SEC. 2. FINDINGS.**

2 Congress finds that requirements to disclose informa-  
3 tion about environmental risks have been shown to im-  
4 prove health and safety by—

5 (1) prompting those causing such risks to re-  
6 duce the risks; and

7 (2) enabling individuals to take actions to pro-  
8 tect themselves from those risks.

9 **TITLE I—CHILDREN’S**  
10 **ENVIRONMENTAL PROTECTION**  
11 **Subtitle A—Disclosure of Industrial**  
12 **Releases That Present a Signifi-**  
13 **cant Risk to Children**

14 **SEC. 101. REPORTING REQUIREMENTS.**

15 (a) REVISED THRESHOLDS.—Section 313(f)(1) of  
16 the Emergency Planning and Community Right-To-Know  
17 Act of 1986 (42 U.S.C. 11023(f)(1)) is amended by insert-  
18 ing the following after subparagraph (B):

19 “(C) With respect to each of the toxic chemicals  
20 described in clause (i) which are released from a fa-  
21 cility, the amount established pursuant to clause (ii):

22 “(i) Within 24 months of enactment of the  
23 Children’s Environmental Protection and Right  
24 to Know Act of 1997, the Administrator shall  
25 establish a threshold for each toxic chemical  
26 which the Administrator determines may

1 present a significant risk to children's health or  
2 the environment due to its persistence or poten-  
3 tial to bioaccumulate or disrupt endocrine sys-  
4 tems, or to other characteristics. Such toxic  
5 chemicals shall include lead, mercury, dioxin,  
6 cadmium, and chromium, and substances listed  
7 as bioaccumulative chemicals of concern at 60  
8 Federal Register 15393.

9 “(ii) The Administrator shall establish a  
10 threshold for each toxic chemical described in  
11 clause (i) at a level which will ensure reporting  
12 on at least 80 percent of the aggregate of all  
13 releases of the chemical from facilities that (I)  
14 have 10 or more full-time employees and (II)  
15 are in Standard Industrial Classification Codes  
16 20 through 39 or in the Standard Industrial  
17 Classification Codes added under subsection  
18 (b)(1)(B) of this section.”.

19 (b) ADDITIONAL CHEMICALS.—Section 313(c) of the  
20 Emergency Planning and Community Right-To-Know Act  
21 of 1986 (42 U.S.C. 11023(c)) is amended by inserting the  
22 following before the period: “and dioxin and substances  
23 listed as bioaccumulative chemicals of concern at 60 Fed-  
24 eral Register 15393”.

1 (c) RELEASES.—Section 313(a) and section  
2 313(b)(1) of the Emergency Planning and Community  
3 Right-To-Know Act of 1986 (42 U.S.C. 11023(a) and  
4 (b)(1)) are each amended by striking “or otherwise used”  
5 and inserting “otherwise used, or released”.

6 (d) REPORTING THRESHOLDS.—Section  
7 326(a)(1)(B) of the Emergency Planning and Community  
8 Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(B))  
9 is amended by adding at the end the following:

10 “(vii) Establish reporting thresholds for chemi-  
11 cals referred to in section 313(f)(1)(C).”.

12 (e) REVISED THRESHOLDS.—Section 313(f)(2) of  
13 the Emergency Planning and Community Right-To-Know  
14 Act of 1986 (42 U.S.C. 11046(f)(2)) is amended by strik-  
15 ing “paragraph (1)” and inserting “subparagraph (A) or  
16 subparagraph (B) of paragraph (1)”.

17 **Subtitle B—Disclosure of High**  
18 **Health Risk Chemicals in Chil-**  
19 **dren’s Consumer Products**

20 **SEC. 111. LISTING OF TOXIC SUBSTANCES.**

21 Section 2 of the Federal Hazardous Substances Act  
22 (15 U.S.C. 1261) is amended as follows:

23 (1) Subsection (g) is amended by striking “(g)  
24 The term” and inserting “(g)(1) The term” and by  
25 inserting at the end the following:

1       “(2) Within one year after the date of enactment of  
2 this paragraph, and annually thereafter, the Secretary,  
3 acting through the National Toxicology Program, shall  
4 publish a list of substances or mixtures of substances  
5 which are toxic due to their carcinogenic, neurotoxic, or  
6 reproductive toxic effects. Such list shall include any  
7 chemical that has been identified by any Federal agency  
8 as a carcinogen, neurotoxin, or reproductive toxin. At a  
9 minimum, such list shall include each chemical identified  
10 as a Group A or Group B carcinogen in 53 Federal Reg-  
11 ister 41118 et seq., each chemical identified as adversely  
12 affecting the nervous system in criteria documents of the  
13 National Institute for Occupational Safety and Health,  
14 each chemical identified by the Consumer Product Safety  
15 Commission as having sufficient evidence in humans or  
16 animals of carcinogenicity, neurotoxicity, human devel-  
17 opmental toxicity, or male or female reproductive toxicity,  
18 each chemical regulated as a neurotoxin or reproductive  
19 toxin or developmental toxin by the Environmental Protec-  
20 tion Agency and each chemical on the Biennial List of  
21 Carcinogens submitted to the Congress by the Secretary  
22 of Health and Human Services. The Secretary shall in-  
23 clude with such information reasonably available informa-  
24 tion on adverse health effects which have resulted in the  
25 listing of the substance or mixture of substances as toxic.

1       “(3) In carrying out paragraph (2), the Secretary  
2 shall secure data sufficient to identify substances or mix-  
3 tures of substances which are toxic within the meaning  
4 of paragraph (2) and to which infants and young children  
5 are exposed by requiring manufacturers or producers to  
6 generate such data and by obtaining existing data from  
7 any Federal, State, or local government agency.”.

8               (2) By adding at the end the following:

9       “(u) The term ‘eligible product’ means any toy, or  
10 other article intended for use by children, except that after  
11 the date 3 years after the date of the enactment of the  
12 Children’s Environmental Protection and Right to Know  
13 Act of 1997, the term ‘eligible product’ means any  
14 consumer product as defined in section 3 of the Consumer  
15 Product Safety Act (15 U.S.C. 2052).”.

16 **SEC. 112. REPORTING OF TOXIC CHEMICALS IN CONSUMER**  
17 **PRODUCTS.**

18       (a) **REPORTING.**—The Federal Hazardous Sub-  
19 stances Act (15 U.S.C. 1261 and following) is amended  
20 by adding at the end the following:

21 **“SEC. 25. REPORTING OF TOXIC CHEMICALS.**

22       “(a) **IN GENERAL.**—A manufacturer or importer of  
23 any eligible product which contains, or is composed of, a  
24 substance or mixture of substances listed under section

1 2(g)(2) shall report each of the following to the Commis-  
2 sion:

3 “(1) The identity of the manufacturer or im-  
4 porter and the model name and model number of the  
5 eligible product.

6 “(2) The identity of the substance or mixture  
7 of substances listed under section 2(g)(2) and its  
8 concentration in the eligible product.

9 “(3) The information known to the manufac-  
10 turer or importer that would support a determina-  
11 tion that the eligible product is not a misbranded  
12 hazardous substance or a banned hazardous sub-  
13 stance.

14 “(b) PUBLICATION.—The Commission shall annually  
15 publish in the Federal Register and make available to the  
16 public electronically the information received under sub-  
17 section (a).

18 “(c) REGULATIONS.—The Commission may promul-  
19 gate such regulations as necessary to carry out this sec-  
20 tion.

21 “(d) EFFECTIVE DATE.—Subsection (a) of this sec-  
22 tion shall take effect with respect to a substance or mix-  
23 ture of substances one year after the date on which the  
24 substance or mixture of substances is listed under section  
25 2(g)(2).”.

1 (b) PROHIBITED ACTS.—(1) Section 4 of the Federal  
2 Hazardous Substances Act (15 U.S.C. 1263) is amended  
3 by adding at the end the following:

4 “(l) The failure to report as required under section  
5 25 of this Act.”.

6 (2) Section 5(c)(1) of such Act (15 U.S.C.  
7 1264(c)(1)) is amended by striking “and (k)” and insert-  
8 ing “(k), and (l)”.

9 **SEC. 113. EXEMPTIONS.**

10 (a) IN GENERAL.—Section 3(c) of the Federal Haz-  
11 ardous Substances Act (15 U.S.C. 1262(c)) is amended  
12 by adding the following at the end thereof: “The Commis-  
13 sion may also promulgate regulations exempting from the  
14 reporting requirements of section 25 any substance or  
15 mixture of substances. This subsection shall not apply to  
16 any substance or mixture of substances unless, upon an  
17 adequate showing, the Commission establishes that such  
18 substance or mixture would not, by reason of containing  
19 a substance or mixture of substances listed under section  
20 2(g)(2), cause substantial personal injury or substantial  
21 illness during or as a proximate result of any customary  
22 or reasonably foreseeable handling or use, including rea-  
23 sonably foreseeable ingestion by children.”.

24 (b) OTHER PROVISIONS OF LAW.—Section 3(d) of  
25 such Act (15 U.S.C. 1262(d)) is amended by striking

1 “adequate requirements satisfying the purposes of” and  
2 inserting “requirements at least as stringent as”.

3 **SEC. 114. PRIVATE CITIZEN ENFORCEMENT.**

4 The Federal Hazardous Substances Act (15 U.S.C.  
5 1261 and following) is amended by adding at the end the  
6 following:

7 **“SEC. 26. PRIVATE CITIZEN ENFORCEMENT.**

8 “(a) IN GENERAL.—Any person, other than the Com-  
9 mission, may commence a civil action on his or her own  
10 behalf—

11 “(1) against any person for violation of section  
12 4(a), (b), or (l) (15 U.S.C. 1263(a), (b), or (l)); or

13 “(2) against the Commission for the failure to  
14 perform any nondiscretionary act or duty under the  
15 Children’s Environmental Protection and Right to  
16 Know Act of 1997.

17 The district courts shall have jurisdiction, without regard  
18 to the amount in controversy or the citizenship of the par-  
19 ties, over any action brought under paragraph (1) or (2)  
20 and in any such action the court may apply any appro-  
21 priate civil penalties under section 5 or order the Commis-  
22 sion to perform such act or duty, as the case may be.

23 “(b) ACTIONS PROHIBITED.—No action may be com-  
24 menced pursuant to this section unless—

1           “(1) the plaintiff has given notice of its intent  
2           to bring such action at least 60 days prior to the  
3           commencement of the action to the Commission and,  
4           for a violation of section 4, to the violator; and

5           “(2) for a violation of section 4, the Commis-  
6           sion has not commenced and is not diligently pursu-  
7           ing a civil action on behalf of the United States.

8           “(c) INTERVENTION.—In any action brought on be-  
9           half of the United States following receipt of a notice pur-  
10          suant to subsection (b)(1), the person giving such notice  
11          may intervene as of right as a plaintiff in such action.

12          “(d) COSTS AND FEES.—In an action brought under  
13          subsection (a), the court shall award to any substantially  
14          prevailing plaintiff (and in an action brought under sub-  
15          section (c), to the party intervening pursuant to subsection  
16          (c) if that party contributed significantly to the success  
17          of the plaintiff) the costs of litigation including reasonable  
18          attorney fees, unless the court finds such award to be in-  
19          appropriate under the circumstances.

20          “(e) BURDEN OF PROOF.—In an action brought  
21          under paragraph (1) of subsection (a), if the person al-  
22          leged to be in violation of section 4 asserts that a sub-  
23          stance or mixture of substances is not a hazardous sub-  
24          stance by reason of containing a substance or mixture of  
25          substances listed under section 2(g)(2), the burden of

1 proof shall be on such person to establish that such sub-  
2 stance or mixture of substances is not a hazardous sub-  
3 stance.

4 “(f) PENALTY FUND.—(1) Penalties received under  
5 subsection (a) shall be deposited in a special fund in the  
6 United States Treasury. Amounts in such fund are au-  
7 thorized to be appropriated and shall remain available  
8 until expended, for use by the Commission to finance com-  
9 pliance and enforcement activities under this Act. The  
10 Commission shall annually report to the Congress about  
11 the sums deposited into the fund, the sources thereof, and  
12 the actual and proposed uses thereof.

13 “(2) Notwithstanding paragraph (1), the court in any  
14 action under this section to apply civil penalties shall have  
15 discretion to order that such civil penalties, in lieu of being  
16 deposited in the fund referred to in paragraph (1), be used  
17 in projects which are consistent with this Act and designed  
18 to enhance public awareness of the health effects of toxic  
19 substances or mixtures and of possible children’s exposure  
20 to toxic substances or mixtures in eligible products. The  
21 court shall obtain the view of the Commission in exercising  
22 such discretion and selecting any such projects.”.

23 **SEC. 115. PREEMPTION.**

24 Nothing in this subtitle shall affect the authority of  
25 any State or political subdivision of a State to establish

1 or continue in effect any regulation or any other measure  
2 relating to any substance or mixture or article containing  
3 a substance or mixture, including consumer products.

4 **TITLE II—PUBLIC RIGHT TO**  
5 **KNOW ABOUT TOXIC CHEMI-**  
6 **CAL USE**

7 **SEC. 201. DISCLOSURE OF TOXIC CHEMICAL USE.**

8 (a) FORM.—(1) Section 313(g)(1)(C) of the Emer-  
9 gency Planning and Community Right-To-Know Act of  
10 1986 (42 U.S.C. 11023(g)(1)(C)) is amended by inserting  
11 at the end the following:

12 “(v) Number of employees, including contrac-  
13 tors, at the reporting facility; number of employees,  
14 including contractors, at the reporting facility ex-  
15 posed to the chemical; and an estimate of occupa-  
16 tional exposures to the chemical. Within 24 months  
17 after the date of enactment of the Children’s Envi-  
18 ronmental Protection and Right to Know Act of  
19 1997, the Administrator shall promulgate rules re-  
20 garding the information to be provided under this  
21 clause.

22 “(vi) The following annual materials accounting  
23 information:

24 “(I) A description of the uses of the chemi-  
25 cal at the facility.

1           “(II) The starting inventory of the chemi-  
2 cal at the facility.

3           “(III) The quantity of the chemical pro-  
4 duced at the facility.

5           “(IV) The quantity of the chemical  
6 brought into the facility and the mode of trans-  
7 portation.

8           “(V) The quantity of the chemical  
9 consumed at the facility.

10          “(VI) The quantity of the chemical shipped  
11 out of the facility as or in products and the  
12 quantities intended for industrial use; commer-  
13 cial use; and consumer use; and for additional  
14 categories of use that the Administrator may  
15 designate.

16          “(VII) The quantity of the chemical enter-  
17 ing any waste stream (or otherwise released  
18 into the environment) prior to recycling, treat-  
19 ment, or disposal.

20          “(VIII) The ending inventory of the chemi-  
21 cal at the facility.

22          “(IX) The amount of the chemical recycled  
23 at the facility that is subsequently used at the  
24 facility.

1           “(X) The ‘toxic chemical use’ of the chemi-  
2           cal, which shall be calculated by adding the  
3           quantities reported under subclauses (II), (III),  
4           (IV), and (IX) and subtracting the quantity re-  
5           ported under subclause (VIII).

6           Quantities reported under this clause shall be com-  
7           plete and verifiable by computations under conven-  
8           tional materials accounting practices. If the sum of  
9           the quantities reported under subclauses (II), (III),  
10          (IV), and (IX) does not equal the sum of the quan-  
11          tities reported under subclauses (V), (VI), (VII), and  
12          (VIII), an explanation of the difference shall be pro-  
13          vided.

14          “(vii) The reduction (from the prior calendar  
15          year) in the quantity of the toxic chemical entering  
16          any waste stream (or otherwise released to the envi-  
17          ronment) prior to recycling, treatment, or disposal  
18          (as reported under section 6607(b)(1) of the Pollu-  
19          tion Prevention Act of 1990), as a result of the fol-  
20          lowing: equipment or technology modifications; proc-  
21          ess or procedure modifications; reformulation or re-  
22          design of products; substitution of raw materials;  
23          and improvements in housekeeping, maintenance,  
24          training, or inventory control.

1           “(viii) The reduction (from the prior calendar  
2       year) in the quantity of toxic chemical use as defined  
3       in subclause (X) as a result of the following: equip-  
4       ment or technology modifications; process or proce-  
5       dure modifications; reformulation or redesign of  
6       products; substitution of raw materials; and im-  
7       provements in housekeeping, maintenance, training,  
8       or inventory control.”.

9       (2) Section 313(g)(1)(C) of such Act is amended by  
10      inserting “for the preceding calendar year” after “items  
11      of information” and by striking “the preceding calendar  
12      year” in clause (ii) and inserting “the calendar year con-  
13      cerned”.

14      (b) OTHER REQUIREMENTS.—The Administrator of  
15      the Environmental Protection Agency shall integrate the  
16      reporting requirements under the Emergency Planning  
17      and Community Right-To-Know Act of 1986 (42 U.S.C.  
18      11001 et seq.), the Pollution Prevention Act of 1990 (42  
19      U.S.C. 12101 et seq.), and this Act.

20      **SEC. 202. DISCLOSURE OF TOXIC CHEMICAL USE BY COM-**  
21      **PARABLE FACILITIES.**

22      Section 313(b)(1)(B) of the Emergency Planning and  
23      Community Right-To-Know Act of 1986 (42 U.S.C.  
24      11023(b)(1)(B)) is amended as follows:

1 (1) By striking “(B) The Administrator” and  
2 inserting “(B)(i) The Administrator”.

3 (2) By adding at the end the following:

4 “(ii) Effective beginning with the 1998 report-  
5 ing year, facilities identified by the Standard Indus-  
6 trial Codes listed in the Federal Register notice at  
7 61 Fed. Reg. 33587–33619 shall be subject to the  
8 requirements of this section.

9 “(iii) Within 24 months after the date of enact-  
10 ment of this clause, the Administrator shall promul-  
11 gate a final regulation that adds all additional cat-  
12 egories of facilities that used or released toxic chemi-  
13 cals in volumes similar to the uses or releases of fa-  
14 cilities that are covered by this section as of such  
15 date of enactment. This clause shall not apply to  
16 any farm.”.

17 **SEC. 203. STREAMLINING ENVIRONMENTAL REPORTING**  
18 **AND PUBLIC ACCESS TO INFORMATION.**

19 (a) STREAMLINED DATA COLLECTION AND DISSEMI-  
20 NATION.—Section 313 of the Emergency Planning and  
21 Community Right-To-Know Act of 1986 (42 U.S.C.  
22 11023) is amended by adding at the end the following:

23 “(m) STREAMLINED DATA COLLECTION AND DIS-  
24 SEMINATION.—

1           “(1) IN GENERAL.—To enhance public access  
2     and use of information resources, to facilitate com-  
3     pliance with reporting requirements, and to promote  
4     multimedia permitting, reporting, and pollution pre-  
5     vention, the Administrator shall, within 36 months  
6     after the enactment of this subsection, take each of  
7     the following actions:

8           “(A) Create standard data formats for in-  
9     formation management.

10          “(B) Integrate information resources,  
11     using common company, facility, industry, geo-  
12     graphic, and chemical identifiers, and other  
13     identifiers as the Administrator deems appro-  
14     priate.

15          “(C) Establish a system for indexing, lo-  
16     cating, and obtaining agency-held information  
17     about parent companies, facilities, industries,  
18     chemicals, geographic locations, ecological indi-  
19     cators, and the regulatory status of chemicals  
20     and entities subject to agency regulation.

21          “(D) Consolidate all annual reporting re-  
22     quirements, pursuant to this title and other  
23     Federal environmental laws, for small busi-  
24     nesses. Such consolidated reporting require-  
25     ments shall allow reporting to one point of con-

1           tact using one form or electronic reporting sys-  
2           tem.

3           “(E) Provide members of the public one  
4           point of contact for access to all the publicly  
5           available information gathered by the Environ-  
6           mental Protection Agency for any one regulated  
7           entity.

8           “(2) CONSOLIDATION.—The Administrator  
9           shall, within 5 years after the enactment of this sub-  
10          section, consolidate all annual reporting pursuant to  
11          this title and other Federal environmental laws for  
12          each entity subject to such reporting. Such consoli-  
13          dated reporting requirements shall allow reporting to  
14          one point of contact using one form or electronic re-  
15          porting system.

16          “(3) UNDERSTANDABLE LANGUAGE.—In im-  
17          proving the means by which the Administrator pro-  
18          vides information to the public and requires informa-  
19          tion be reported by regulated entities, as required by  
20          paragraphs (1) and (2), the Administrator shall use  
21          language and methods of communication that the  
22          Administrator believes to be clear and understand-  
23          able.”.

24          (b) DISCLOSURE OF USES OF TOXIC CHEMICALS.—  
25          (1) Section 313(a) of the Emergency Planning and Com-

1 munity Right-To-Know Act of 1986 is amended by strik-  
2 ing "releases" and inserting "toxic chemical uses and re-  
3 leases".

4 (2) Section 313(h) of the Emergency Planning and  
5 Community Right-To-Know Act of 1986 is amended by  
6 inserting "the uses of toxic chemicals at covered facilities  
7 and" before "the releases of toxic chemicals to the envi-  
8 ronment".

9 **SEC. 204. TRADE SECRET PROTECTION.**

10 Section 322 of the Emergency Planning and Commu-  
11 nity Right-To-Know Act of 1986 is amended as follows:

12 (1) In subsection (a)(1) by adding the following  
13 at the end thereof:

14 "(C) Any person required to submit mate-  
15 rials accounting information under section  
16 313(g)(1)(C)(vi) may withhold an element or  
17 portion of such information, as defined in regu-  
18 lations prescribed by the Administrator under  
19 subsection (c) of this section, if the person com-  
20 plies with paragraph (2) with respect to the in-  
21 formation to be withheld. This subparagraph  
22 shall not provide authority to withhold any in-  
23 formation referred to in the Pollution Preven-  
24 tion Act of 1990 (42 U.S.C. 13101 and follow-  
25 ing).".

1           (2) Subsection (b)(4) is amended by inserting  
2           “or other information withheld” after “The chemical  
3           identity”.

4           (3) Subsection (d)(1) is amended by inserting  
5           “or other information” after “toxic chemical”.

6           (4) Subsection (d)(2) is amended by inserting  
7           “or other information withheld” after “specific  
8           chemical identity”.

9           (5) Subsection (d)(3)(A) is amended by insert-  
10          ing “or other information withheld” after “specific  
11          chemical identity”.

12          (6) Subsection (d)(3)(B) is amended by insert-  
13          ing “or other information withheld” after “chemical  
14          identity”.

15          (7) Subsection (d)(3)(C) is amended by insert-  
16          ing “or other information withheld” after “chemical  
17          identity” in each place it appears.

18          (8) Subsection (d)(4)(A) is amended by insert-  
19          ing “or other information withheld” after “chemical  
20          identity”.

21          (9) Subsection (f) is amended by inserting “or  
22          other information withheld under subsection (a)(1)”  
23          after “specific chemical identity”.

1           (10) Subsection (h)(1) is amended by inserting  
2           “or other information withheld” before “is claimed  
3           as a”.

4           (11) Subsection (h)(2) is amended by inserting  
5           “or other information withheld” after “identity of a  
6           toxic chemical”.

7 **SEC. 205. CIVIL ACTIONS.**

8           Section 326(a)(1)(A) of the Emergency Planning and  
9           Community Right-To-Know Act of 1986 (42 U.S.C.  
10          11046(a)(1)(A)) is amended by inserting “any past or on-  
11          going” after “An owner or operator of a facility for”.

○

## **TITLE V—CHILDREN'S ENVIRONMENTAL HEALTH**

### **SEC. 501. CHILDREN'S ENVIRONMENTAL HEALTH.**

(a) IN GENERAL.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), is amended by adding at the end the following:

### **“SEC. 128. CHILDREN'S ENVIRONMENTAL HEALTH.**

“(a) IDENTIFICATION AND EVALUATION OF SUBSTANCES HAZARDOUS TO CHILDREN.—

“(1) LISTING OF SUBSTANCES HAZARDOUS TO CHILDREN.—The Administrator of the Agency for Toxic Substances and Disease Registry (in this section referred to as ‘ATSDR’) and the Administrator of the Environmental Protection Agency shall create within 1 year after the date of enactment of this section (and review and revise every 2 years thereafter) a scientifically peer-reviewed list of environmental pollutants commonly found at facilities listed or proposed for listing on the National Priorities List with known, likely, or suspected health risks to which fetuses and children are especially susceptible.

“(2) REVISION OF GUIDELINES FOR PREPARATION OF TOXICOLOGICAL PROFILES.—Not later than 1 year after the date of enactment of this section,

1 the Administrator of ATSDR and the Administrator  
2 of the Environmental Protection Agency shall revise  
3 the guidelines for preparation of toxicological pro-  
4 files of hazardous substances (as developed pursuant  
5 to section 104(i)(3)) to include—

6 “(A) consideration of exposure pathways  
7 and health effects of particular concern with re-  
8 gard to fetuses and children;

9 “(B) development of exposure levels spe-  
10 cific to different age ranges, as appropriate;  
11 and

12 “(C) identification of priority data needs  
13 specific to fetal and children's environmental  
14 health.

15 “(3) PREPARATION AND REVISION OF TOXI-  
16 COLOGICAL PROFILES.—The Administrator of  
17 ATSDR shall prepare within 3 years after the date  
18 of enactment of this section (and review and revise  
19 every 5 years thereafter) scientifically peer-reviewed  
20 toxicological profiles of each of the substances listed  
21 pursuant to paragraph (1) using the guidelines re-  
22 vised pursuant to paragraph (2). Toxicological pro-  
23 files for substances listed under section 104(i)(2) be-  
24 fore the date of enactment of this section shall be

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1 revised using such guidelines not later than 3 years  
2 after such date of enactment.

3 “(b) REVISION OF PUBLIC HEALTH AND ENVIRON-  
4 MENTAL STANDARDS.—

5 “(1) IN GENERAL.—The Administrator of the  
6 Environmental Protection Agency or the Secretary  
7 of Health and Human Services, as appropriate, shall  
8 review, and revise where necessary, environmental  
9 and public health regulations, risk assessment poli-  
10 cies and procedures, and guidance documents, issued  
11 or used under this Act, to determine whether they  
12 consider and fully protect fetal and children's health.

13 “(2) REVIEW OF STANDARDS.—In carrying out  
14 paragraph (1), not later than 1 year after the date  
15 of enactment of this section, the Administrator, in  
16 cooperation with the Secretary, shall—

17 “(A) develop an administrative process for  
18 reviewing regulations, risk assessment policies  
19 and procedures, and guidance documents;

20 “(B) develop a peer-reviewed list of regula-  
21 tions, risk assessment policies and procedures,  
22 and guidance documents that require revision  
23 and prioritize the list based on the degree of  
24 risk posed to fetal and children's health; and

1           “(C) identify, through peer review, which  
2           regulations, risk assessment policies and proce-  
3           dures, and guidance documents on the list will  
4           require additional research in order to be re-  
5           vised and identify the time and resources re-  
6           quired to carry out the necessary research.

7           “(3) REVISION OF STANDARDS.—The Adminis-  
8           trator shall propose within 3 years after the date of  
9           enactment of this section (and review and revise  
10          every 5 years thereafter) revised regulations, risk as-  
11          sessment policies and procedures, and guidance doc-  
12          uments for those regulations, risk assessment poli-  
13          cies and procedures, and guidance documents identi-  
14          fied under paragraph (2)(B) that were not also iden-  
15          tified under paragraph (2)(C). All regulations, risk  
16          assessment policies and procedures, and guidance  
17          documents identified under paragraph (2)(B) shall  
18          be revised within 6 years after the date of enactment  
19          of this section.

20          “(4) EFFECTIVE DATE.—If the Administrator  
21          or the Secretary revises any regulations, risk assess-  
22          ment policies and procedures, and guidance docu-  
23          ments identified under paragraph (2)(B), notwith-  
24          standing any other provision of law, the effective

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1 date of such revision shall be no later than one year  
2 after the date of the issuance of such revision.

3 “(5) REPORT.—The Administrator shall submit  
4 to Congress every 2 years a report on the progress  
5 being made in carrying out the objectives of this  
6 subsection.

7 “(c) CONSIDERATION OF CHILDREN’S HEALTH IN  
8 HEALTH ASSESSMENTS.—When conducting a health as-  
9 sessment at a facility, the Administrator of ATSDR shall,  
10 at a minimum, consider—

11 “(1) the potential risk to fetal and children’s  
12 health posed by the facility, including long-term,  
13 synergistic, and cumulative health effects;

14 “(2) the existence of potential exposure path-  
15 ways that are of particular concern with regard to  
16 fetuses and children; and

17 “(3) the comparison of expected exposure levels  
18 for children posed by a release from the facility and  
19 any recommended, child-specific exposure or toler-  
20 ance levels.

21 “(d) CHILDREN’S ENVIRONMENTAL HEALTH RE-  
22 SEARCH.—

23 “(1) IN GENERAL.—In order to address the pri-  
24 ority data needs identified in the toxicological pro-  
25 files prepared pursuant to subsection (a) and to ob-

1       tain additional information on the health effects of  
2       hazardous substances on fetuses and children, fetal  
3       and children's environmental health concerns shall  
4       be systematically incorporated into health studies  
5       and research programs conducted pursuant to sec-  
6       tions 104(i)(5) and 104(i)(7) and all other health re-  
7       search initiatives pursuant to this Act.

8               “(2) GUIDELINES.—Not later than 1 year after  
9       the date of enactment of this section, the Adminis-  
10       trator of ATSDR, in cooperation with the Adminis-  
11       trator of the Environmental Protection Agency, the  
12       Centers for Disease Control and Prevention, and the  
13       Director of the National Institute of Environmental  
14       Health Sciences, shall develop guidelines for ad-  
15       dressing fetal and children's environmental health is-  
16       sues in health studies and research programs, in-  
17       cluding studies and research conducted by ATSDR  
18       and other Federal agencies, State departments of  
19       public health, and university-based investigators.

20               “(3) CHILD-SPECIFIC HEALTH STUDIES.—Not  
21       later than 1 year after the date of enactment of this  
22       section, the Administrator of ATSDR, in cooperation  
23       with the Administrator of the Environmental Protec-  
24       tion Agency, the Centers for Disease Control and  
25       Prevention, and the Director of the National Insti-

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1       tute of Environmental Health Sciences, shall develop  
2       criteria for determining when and what type of  
3       child-specific health study shall be conducted based  
4       on the results of a health assessment conducted by  
5       the Administrator.

6           “(4) COSTS.—It is the sense of Congress that  
7       the costs of research programs under this paragraph  
8       be borne by the manufacturers and processors of the  
9       hazardous substance in question using the same reg-  
10      ulations promulgated under section 104(i)(5)(D).

11      “(c) NATIONAL CHILDREN’S EXPOSURE REG-  
12      ISTRY.—To assist in carrying out this section, the Admin-  
13      istrator of ATSDR, in cooperation with the States, shall  
14      establish and maintain not later than 2 years after the  
15      date of enactment of this section an exposure registry for  
16      all children exposed to hazardous substances as the result  
17      of a release at a facility listed on the National Priorities  
18      List.

19      “(f) CHILDREN’S ENVIRONMENTAL HEALTH EDU-  
20      CATION PROGRAM.—Not later than 3 years after the date  
21      of enactment of this section, the Administrator of  
22      ATSDR, in cooperation with the Administrator of the En-  
23      vironmental Protection Agency, the Centers for Disease  
24      Control and Prevention, and the Director of the National  
25      Institute of Environmental Health Sciences, shall—

1           “(1) assemble, develop as necessary, and dis-  
2       tribute to State health departments, tribal health of-  
3       ficials, waste site information offices, school dis-  
4       tricts, health clinics, medical colleges, and, upon re-  
5       quest, to physicians and other health professionals,  
6       appropriate educational materials (including short  
7       courses) on the medical surveillance, screening, and  
8       methods of diagnosis and treatment of injury or dis-  
9       ease related to exposure to hazardous substances  
10      that are of particular concern with regard to fetuses  
11      and children;

12           “(2) develop and implement wherever health  
13      services are being provided pursuant to section  
14      104(i)(15)(C) a children's environmental health care  
15      training program for health care providers serving  
16      communities affected by the release of hazardous  
17      substances, including training in techniques for as-  
18      sessing exposure of children to hazardous sub-  
19      stances, methods of diagnosis and treatment of in-  
20      jury and disease related to exposure to hazardous  
21      substances that are of particular concern with re-  
22      gard to fetuses and children, and primary preven-  
23      tion; and

24           “(3) develop and distribute to State health de-  
25      partments, tribal health officials, waste site informa-

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1       tion offices, school districts, health clinics, and, upon  
2       request, to medical colleges, physicians, and other  
3       health professionals, a family right-to-know informa-  
4       tion kit that includes helpful information and guid-  
5       ance to families regarding children's environmental  
6       health, including—

7               “(A) information on the potential health  
8       effects of exposure to hazardous substances;

9               “(B) practical suggestions on how parents  
10       can reduce their children's exposure to hazard-  
11       ous substances;

12               “(C) the rights of families living in af-  
13       fected communities to receive health services  
14       under this Act;

15               “(D) how further information can be ob-  
16       tained on children's environmental health; and

17               “(E) other relevant information, as deter-  
18       mined by the Administrator.

19       “(g) PEDIATRIC PEER REVIEW.—All lists, profiles,  
20       studies, and results of research conducted under this sec-  
21       tion shall be reported or adopted only after appropriate  
22       peer review, including review by pediatricians and environ-  
23       mental health specialists. Peer reviews shall be conducted  
24       by panels consisting of no less than 3 members, who shall  
25       be disinterested scientific experts selected for such purpose

1 by the Administrator of ATSDR and the Administrator  
2 of the Environmental Protection Agency on the basis of  
3 their reputation for scientific objectivity and lack of insti-  
4 tutional ties with any person involved in the conduct of  
5 the study or research under review, or any person involved  
6 with the manufacture, processing, marketing, or distribu-  
7 tion of the hazardous substance, pollutant, or contaminant  
8 under investigation.”.

9 (b) DEFINITION.—Section 101 of the Com-  
10 prehensive Environmental Response, Compensation,  
11 and Liability Act of 1980 is amended by adding the  
12 following at the end:

13 “(39) The term “children” means individuals  
14 under 18 years of age.”.

15 **TITLE VI—BROWNFIELD REME-**  
16 **DIATION AND ENVIRON-**  
17 **MENTAL CLEANUP**

18 **SEC. 601. BROWNFIELDS TITLE.**

19 The Comprehensive Environmental Response, Com-  
20 pensation, and Liability Act of 1980 (42 U.S.C. 9601 and  
21 following) is amended by adding the following new title  
22 at the end: