

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3111

To require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1993

Mr. ZIMMER (for himself and Mr. SLATTERY) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Agriculture, Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology

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## A BILL

To require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Risk  
5 Reduction Act of 1993”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds that—

1           (1) the cost of protecting the quality of the en-  
2           vironment currently exceeds \$115,000,000,000 per  
3           year;

4           (2) providing protection to a continually in-  
5           creasing population from the potentially deleterious  
6           effects of newly discovered environmental hazards  
7           may result in increases in the cost referred to in  
8           paragraph (1);

9           (3) although the cost referred to in paragraph  
10          (1) is not necessarily excessive, the amount is too  
11          substantial for the funds to be used ineffectively or  
12          inefficiently;

13          (4) there is a need to coordinate the develop-  
14          ment and implementation of environmental policies  
15          among policymakers of the Federal Government and  
16          the governments of States and political subdivisions  
17          of States;

18          (5) a key role of the Federal Government in the  
19          development of environmental policy is to support  
20          research to upgrade environmental science and engi-  
21          neering;

22          (6) ecological resources are extraordinarily valu-  
23          able, and risks to the resources either directly or in-  
24          directly degrade human health and the economy;

1           (7) the most effective use of the funds referred  
2 to in paragraph (1) would—

3           (A) protect the greatest number of individ-  
4 uals from the most harm; and

5           (B) be supported by a public perception  
6 that subparagraph (A) is being carried out;

7           (8) risk reduction is the preferred technique for  
8 improving human health and the environment and  
9 pollution prevention methods should be considered, if  
10 feasible, in decisions related to reducing risk;

11           (9) the ranking of relative risk is a critical tool  
12 for determining which human health and environ-  
13 mental risks to reduce;

14           (10) the determination of safety is a social con-  
15 struct as well as a scientific one, and is based both  
16 on the values of individual control and social equity  
17 and on the knowledge of a defined risk;

18           (11) notwithstanding paragraph (10), scientific  
19 information plays an essential role in supporting en-  
20 vironmental decisions by policymakers, as members  
21 of the general public use scientific information to  
22 understand the likelihood, nature, and magnitude of  
23 potential risks;

1           (12) it is necessary to maintain a clear concep-  
2           tual distinction between the techniques of risk as-  
3           sessment and risk management;

4           (13) a risk assessment should—

5                 (A) be the most accurate and informative  
6                 quantitative evaluation of risk that is prac-  
7                 ticable to conduct; and

8                 (B) include a statement of important iden-  
9                 tifiable uncertainties;

10           (14) risk management is a political process as  
11           well as a technical one;

12           (15) risk management integrates the findings of  
13           a risk assessment with other considerations, such as  
14           economic considerations, legislative mandates, and  
15           the level of public concern;

16           (16) good risk management requires a reliable  
17           and strictly objective risk assessment;

18           (17) the ranking of relative risks to human  
19           health, welfare, and ecological resources is a complex  
20           task, and is best performed by technical experts who  
21           do not have interests that could bias objective judg-  
22           ment;

23           (18) applying technology and resources to ad-  
24           dress the highest ranked risks within the intent of  
25           existing environmental laws and identifying highly

1 ranked risks not addressed by law can significantly  
2 reduce risks to human health, welfare, and ecological  
3 resources;

4 (19) some populations of special concern appear  
5 to have a greater degree of sensitivity to certain spe-  
6 cific environmental hazards, including pregnant  
7 women and fetuses, children, the elderly, chronically  
8 ill individuals, and individuals with certain racial  
9 and genetic characteristics;

10 (20) better risk assessment methodologies and  
11 a long-term commitment to collecting monitoring  
12 data on the condition of ecological resources and ex-  
13 posure of humans and ecosystems to pollutants are  
14 necessary to ensure—

15 (A) the identification of the greatest risks  
16 to human health and the environment;

17 (B) that environmental laws are applied in  
18 such manner as to accomplish the intended re-  
19 sults of the laws; and

20 (C) that potential improvements to existing  
21 environmental laws are identified;

22 (21) ranking risks must be an ongoing process  
23 and must reflect improvements in environmental  
24 data and scientific understanding;

1           (22) the Administrator needs a major national  
2 data base concerning environmental hazards to aid  
3 in the adjustment of priorities and programs to di-  
4 rect resources to ensure success in efforts to address  
5 the hazards;

6           (23) the environmental monitoring and assess-  
7 ment program created under this Act provides the  
8 functional equivalent of an environmental statistics  
9 program;

10          (24) although the National Academy of  
11 Sciences has documented flaws in the administration  
12 and management of the environmental monitoring  
13 and assessment program of the Agency in an interim  
14 report issued June 1992, the flaws can be addressed  
15 through improvements in the program, and more  
16 time is needed to address the flaws; and

17          (25) effective and efficient strategies to reduce  
18 risks must quantify significant costs and benefits to  
19 the greatest extent possible.

20          (b) POLICY.—It is the policy of the United States  
21 that—

22           (1) the environmental protection activities ad-  
23 ministered by the Administrator shall attain the  
24 greatest risk reduction possible with the resources  
25 available to the Administrator; and

1 (2) the ability to reduce risks requires—

2 (A) accurate, quantitative estimates of the  
3 exposure of humans and ecosystems to all im-  
4 portant risk factors;

5 (B) accurate techniques for predicting the  
6 effects of the exposure referred to in subpara-  
7 graph (A);

8 (C) an adequate understanding of tech-  
9 nical, economic, social, and legal alternatives to  
10 achieve a reduction in exposure to risk factors;  
11 and

12 (D) accurate estimates of the costs and  
13 benefits of alternatives for reducing risks.

14 **SEC. 3. DEFINITIONS.**

15 As used in this Act:

16 (1) ADMINISTRATOR.—The term “Adminis-  
17 trator” means the Administrator of the Environ-  
18 mental Protection Agency.

19 (2) AGENCY.—The term “Agency” means the  
20 Environmental Protection Agency.

21 (3) ECOLOGICAL RESOURCE.—The term “eco-  
22 logical resource” means a nonhuman living thing or  
23 habitat (and the interaction between a nonhuman  
24 living thing and habitat) including a lake, stream,  
25 forest, wetland, desert, tundra, ocean, estuary,

1 beach, grassland, agricultural area, or a vegetated  
2 urban or suburban area.

3 (4) EFFECT.—The term “effect” means a dele-  
4 terious change in the condition—

5 (A) of a human or other living thing, (in-  
6 cluding death, cancer or other chronic illness,  
7 decreased reproductive capacity, or disfigure-  
8 ment or other debilitating condition); or

9 (B) of an inanimate thing important to  
10 human welfare (including destruction, degenera-  
11 tion, the loss of intended function, and in-  
12 creased costs for maintenance).

13 (5) ENVIRONMENTAL LAW.—The term “envi-  
14 ronmental law” means any environmental law ad-  
15 ministered by the Administrator that provides for  
16 the protection of the environment, including, but not  
17 limited to—

18 (A) title XIV of the Public Health Service  
19 Act (commonly known as the Safe Drinking  
20 Water Act, 42 U.S.C. 300f et seq.);

21 (B) the Federal Water Pollution Control  
22 Act (33 U.S.C. 1251 et seq.);

23 (C) the Clean Air Act (42 U.S.C. 7401 et  
24 seq.);

1 (D) the Federal Insecticide, Fungicide, and  
2 Rodenticide Act (7 U.S.C. 136 et seq.);

3 (E) the Toxic Substances Control Act (15  
4 U.S.C. 2601 et seq.);

5 (F) the Solid Waste Disposal Act (42  
6 U.S.C. 6901 et seq.);

7 (G) the Comprehensive Environmental Re-  
8 sponse, Compensation, and Liability Act of  
9 1980 (42 U.S.C. 9601 et seq.);

10 (H) the Superfund Amendments and Re-  
11 authorization Act of 1986 (Public Law  
12 99-499);

13 (I) the Marine Protection, Research, and  
14 Sanctuaries Act of 1972 (16 U.S.C. 1431 et  
15 seq.); and

16 (J) any law administered by the Adminis-  
17 trator concerning protection from sources of ra-  
18 diation.

19 (6) EXPOSURE.—The term “exposure” means  
20 the juxtaposition in time and space of a stressor  
21 with a human or other living thing or an inanimate  
22 thing important to human welfare, in such manner  
23 that an effect could result.

24 (7) IRREVERSIBILITY.—The term “irrevers-  
25 ibility” means the extent to which a return to condi-

1 tions prior to the occurrence of an effect are either  
2 very slow or will never occur (as determined by the  
3 Administrator).

4 (8) LIKELIHOOD.—The term “likelihood”  
5 means the estimated probability that an event will  
6 occur.

7 (9) MAGNITUDE.—The term “magnitude”  
8 means the number of individuals or the quantity of  
9 ecological resources or other resources that contrib-  
10 ute to human welfare that are materially affected by  
11 exposure to a stressor.

12 (10) RESPONSE.—The term “response” has the  
13 same meaning as the term “effect” under paragraph  
14 (4).

15 (11) RISK.—The term “risk” means the prob-  
16 ability of the occurrence of an effect and includes  
17 the potential for exposure.

18 (12) RISK ASSESSMENT.—The term “risk as-  
19 sessment” means a process that uses a factual base  
20 to—

21 (A) identify, characterize, and to the ex-  
22 tent practicable quantify the potential adverse  
23 effects of exposure of individuals, populations,  
24 habitats, ecosystems, or materials to hazardous  
25 pollutants, or other stressors; and

1 (B) to the extent practicable, identify and  
2 characterize identifiable important uncertain-  
3 ties.

4 (13) RISK MANAGEMENT.—The term “risk  
5 management” means, with respect to environmental  
6 decisionmaking, the process of weighing policy alter-  
7 natives and seeking the most appropriate regulatory  
8 action that integrates the results of a risk assess-  
9 ment with social, economic, political, and other ap-  
10 propriate concerns to arrive at a decision.

11 (14) SERIOUSNESS.—The term “seriousness”  
12 means the intensity of effect, independent of the  
13 magnitude.

14 (15) STRESSOR.—The term “stressor” means a  
15 physical, chemical, or biological factor that is capa-  
16 ble of causing an effect on human health, welfare,  
17 or ecological resources.

18 (16) SUSTAINABILITY.—With respect to ecologi-  
19 cal resources, the term “sustainability” means the  
20 ability to maintain diverse, self-reproducing biologi-  
21 cal communities that are capable of meeting the cur-  
22 rent needs of humans without compromising the  
23 ability of future generations to meet their needs, in-  
24 cluding—

1 (A) needs for natural resources such as  
2 food, fiber, lumber, fish, and game;

3 (B) environmental services such as flood  
4 mitigation, water storage, and the regulation of  
5 the chemistry of the atmosphere, oceans, and  
6 inland waters;

7 (C) opportunities for recreation and sci-  
8 entific study; and

9 (D) the need for appreciation of the beauty  
10 and diversity of nature.

11 (17) UNCERTAINTY.—The term “uncertainty”  
12 means the quantifiable and unquantifiable potential  
13 error in the estimation of risk that is caused by the  
14 quality or absence of data, or the assumptions used  
15 in risk estimation.

16 **SEC. 4. REDUCTION OF RISK.**

17 (a) IN GENERAL.—Through the careful assessment  
18 and ranking of relative risks and the options for the man-  
19 agement of the risks, the Administrator shall use the re-  
20 sources available to the Administrator pursuant to envi-  
21 ronmental laws to reduce those risks to human health and  
22 welfare, and risks to ecological resources, that the Admin-  
23 istrator determines to be the most likely, most serious,  
24 most irreversible, and of the greatest magnitude with the

1 goal of achieving the greatest overall reduction in risk pos-  
2 sible with the resources available.

3 (b) OPERATION OF LAW.—In carrying out subsection  
4 (a) the Administrator shall—

5 (1) act to reduce risk in a manner consistent  
6 with the requirements of the environmental laws and  
7 any other law;

8 (2) consider social, economic, and such other  
9 related concerns as the Administrator determines to  
10 be appropriate;

11 (3) base his determinations on the reports and  
12 findings of the Committees created under section 5;  
13 and

14 (4) utilize the risk assessment guidelines devel-  
15 oped under section 6 and the results of research con-  
16 ducted under section 7.

17 **SEC. 5. ADVISORY COMMITTEES.**

18 (a) In order to ensure that the reduction of risks re-  
19 ferred to in section 4(a) is based on the best available sci-  
20 entific understanding, the Administrator shall seek the ad-  
21 vice of the expert advisory committees established under  
22 subsections (b), (c), and (d) and shall utilize the reports  
23 of these advisory committees required in those subsections.

24 (b) COMMITTEE ON RELATIVE RISKS.—

1           (1) IN GENERAL.—The Administrator shall es-  
2           tablish a Committee on Relative Risks (hereafter in  
3           this subsection referred to as the “Committee”). The  
4           Committee shall be independent from the Science  
5           Advisory Board.

6           (2) PURPOSE.—The Committee shall provide  
7           expert advice concerning ranking the relative risks of  
8           stressors to human health, welfare, and ecological  
9           resources.

10          (3) MEMBERS.—

11           (A) IN GENERAL.—The Administrator  
12           shall appoint 15 members to the Committee. In  
13           making appointments to the Committee, the  
14           Administrator shall request nominations from  
15           the heads of the National Academy of Sciences,  
16           the National Academy of Engineering, the As-  
17           sistant to the President for Science and Tech-  
18           nology, the Society for Risk Analysis and such  
19           other individuals as the Administrator deter-  
20           mines to be appropriate.

21           (B) REPRESENTATION.—The Adminis-  
22           trator shall appoint a representative group of  
23           individuals on the basis of their recognized ex-  
24           pertise and ability of the individuals in the  
25           areas of human health effects (including physi-

1 cians and industrial hygienists), ecological ef-  
2 fects, welfare effects, law, engineering, econom-  
3 ics, risk communications, and such other spe-  
4 cialties related to risk management and risk as-  
5 sessment as the Administrator considers appro-  
6 priate.

7 (C) CONSIDERATIONS OF THE ADMINIS-  
8 TRATOR.—In making the appointments, the Ad-  
9 ministrator shall appoint members so as to rep-  
10 resent a balanced spectrum of expertise and  
11 ability. The Administrator shall take such ac-  
12 tion as is necessary to ensure that—

13 (i) the appointments are made only on  
14 the basis of the criteria referred to in the  
15 previous sentence, and not on other cri-  
16 teria, such as political affiliation; and

17 (ii) each member appointed to the  
18 Committee has no real or apparent conflict  
19 of interest with respect to serving on the  
20 Committee.

21 (D) LIST.—The Administrator shall pub-  
22 lish a list of the individuals who supply nomina-  
23 tions pursuant to this paragraph and their re-  
24 spective nominees.

25 (4) TERMS.—

1 (A) INITIAL TERMS.—Members initially  
2 appointed to the Committee shall serve for the  
3 following terms:

4 (i) Five members shall serve for an  
5 initial term of 2 years.

6 (ii) Five members shall serve for an  
7 initial term of 4 years.

8 (iii) Five members shall serve for an  
9 initial term of 6 years.

10 (B) SUBSEQUENT TERMS.—Upon comple-  
11 tion of a term referred to under subparagraph  
12 (A), each member of the Committee subse-  
13 quently appointed or reappointed shall serve for  
14 a term of 6 years. A vacancy on the Committee  
15 shall be filled in the same manner as the ap-  
16 pointment was made.

17 (5) CHAIRPERSON.—Members of the Committee  
18 shall elect a Chairperson from among the members.  
19 The Chairperson shall serve for a term of 2 years.

20 (6) CRITERIA AND GUIDELINES.—The Commit-  
21 tee shall establish appropriate criteria and guidelines  
22 to carry out the duties of the Committee under para-  
23 graph (7).

24 (7) DUTIES.—The Committee shall—

1 (A) identify and rank the greatest risks to  
2 human health, welfare, and ecological resources,  
3 taking into account and incorporate the overall  
4 likelihood, seriousness, magnitude, and  
5 irreversibility of each of the risks;

6 (B) identify a common list of the greatest  
7 risks to human health, welfare, and ecological  
8 resources; and

9 (C) assess the state of pertinent scientific  
10 understanding and other factors contributing to  
11 uncertainty in the ranking of relative risk.

12 (8) IDENTIFICATION.—The Committee shall  
13 identify risks in such manner as to also identify—

14 (A) the need for new laws or amendments  
15 to current laws; and

16 (B) priorities under existing laws.

17 (9) PUBLIC MEETINGS.—The Committee shall  
18 hold open public meetings to solicit input from the  
19 general public and such other sources as the Com-  
20 mittee determines to be appropriate.

21 (10) REPORTS.—

22 (A) REPORTS TO THE ADMINISTRATOR.—

23 In accordance with this subsection, the Chair-  
24 person of the Committee shall report to the Ad-

1 administrator the findings of the Committee based  
2 on the duties identified in paragraph (7).

3 (B) FREQUENCY OF REPORTS.—The  
4 Chairperson of the Committee shall report the  
5 findings of the Committee to the Administrator  
6 on or before August 1, 1995, and not less fre-  
7 quently than every 2 years thereafter. Upon re-  
8 ceipt of the report, the Administrator shall pub-  
9 lish a report in the Federal Register for public  
10 notice and comment and shall forward a copy of  
11 the report to the Science Advisory Board.

12 (C) REVIEW BY THE SCIENCE ADVISORY  
13 BOARD.—The Science Advisory Board shall re-  
14 view each report submitted to the Administrator  
15 pursuant to subparagraph (A) of this sub-  
16 section by not later than 3 months after the  
17 date of issuance of the report, and report the  
18 findings of each Review to the Committee and  
19 to the Administrator.

20 (D) PUBLIC REVIEW AND COMMENT.—The  
21 Administrator shall allow at least 90 days for  
22 public comment on any report and shall, within  
23 3 months of the issuance of a report, submit all  
24 comments received to the Committee.

1 (E) REVIEW BY COMMITTEE.—The Com-  
2 mittee shall review the findings of the Science  
3 Advisory Board, and the public comments and  
4 shall by not later than 3 months after the date  
5 of receipt of the findings and comments, revise  
6 the content of the report to take into consider-  
7 ation the findings of the Science Advisory  
8 Board and the public comments, and submit  
9 the revised report to the Administrator.

10 (F) REVISED REPORT.—The Administrator  
11 shall make available copies of the revised report  
12 to the individuals and entities referred to in  
13 subsection (e).

14 (c) COMMITTEE ON ENVIRONMENTAL BENEFITS.—

15 (1) IN GENERAL.—The Administrator shall es-  
16 tablish a Committee on Environmental Benefits  
17 (hereafter in this subsection referred to as the  
18 “Committee”) to provide expert advice on estimating  
19 quantitative benefits of reducing risks and the quan-  
20 titative costs of existing or proposed laws or regula-  
21 tions. The Committee shall be independent from the  
22 Science Advisory Board.

23 (2) MEMBERS.—

24 (A) IN GENERAL.—The Administrator  
25 shall appoint 15 members to the Committee. In

1 making appointments to the Committee, the  
2 Administrator shall request nominations from  
3 the Association of Environmental and Resource  
4 Economists and such other groups and individ-  
5 uals as the Administrator determines to be ap-  
6 propriate.

7 (B) REPRESENTATION.—The Adminis-  
8 trator shall appoint a representative group of  
9 individuals on the basis of their recognized ex-  
10 pertise and ability in areas including economics,  
11 engineering, public administration, health care,  
12 risk communication, and such other specialties  
13 related to risk management and risk assessment  
14 as the Administrator considers to be appro-  
15 priate.

16 (C) CONSIDERATIONS OF THE ADMINIS-  
17 TRATOR.—In making the appointments, the Ad-  
18 ministrator shall appoint members in such fash-  
19 ion as to represent a balanced spectrum of ex-  
20 pertise and ability. The Administrator shall  
21 take such action as is necessary to ensure  
22 that—

23 (i) the appointments are made only on  
24 the basis of the criteria referred to in the

1 previous sentence, and not on other cri-  
2 teria, such as political affiliation; and

3 (ii) each member appointed to the  
4 Committee has no real or apparent conflict  
5 of interest with respect to serving on the  
6 Committee.

7 (D) LIST.—The Administrator shall pub-  
8 lish a list of the individuals who supply nomina-  
9 tions pursuant to this paragraph.

10 (3) TERMS.—

11 (A) INITIAL TERMS.—Members initially  
12 appointed to the Committee shall serve for the  
13 following terms:

14 (i) Five members shall serve for an  
15 initial term of 2 years.

16 (ii) Five members shall serve for an  
17 initial term of 4 years.

18 (iii) Five members shall serve for an  
19 initial term of 6 years.

20 (B) SUBSEQUENT TERMS.—Upon comple-  
21 tion of a term referred to under subparagraph  
22 (A), each member of the Committee subse-  
23 quently appointed or reappointed shall serve for  
24 a term of 6 years. A vacancy on the Committee

1           shall be filled in the same manner as the ap-  
2           pointment was made.

3           (4) CHAIRPERSON.—Members of the Committee  
4           shall elect a chairperson from among the members.  
5           The Chairperson shall serve for a term of 2 years.

6           (5) CRITERIA AND GUIDELINES.—The Commit-  
7           tee shall establish appropriate criteria and guidelines  
8           to carry out the duties of the Committee under para-  
9           graph (6).

10          (6) DUTIES OF THE COMMITTEE.—The Com-  
11          mittee shall estimate, to the extent practicable, the  
12          monetary value, and such other values as the Com-  
13          mittee determines to be appropriate, of—

14                 (A) avoiding premature mortality;

15                 (B) avoiding cancer, other diseases, birth  
16                 defects, and other health effects that reduce the  
17                 quality of life;

18                 (C) preserving biological diversity and the  
19                 sustainability of ecological resources;

20                 (D) an aesthetic environment;

21                 (E) services performed by ecosystems  
22                 (such as flood mitigation, provision of food or  
23                 materials, or regulating the chemistry of the air  
24                 or water) that, if lost or degraded, would have  
25                 to be replaced by technology; and

1 (F) avoiding other risks identified by the  
2 Committee.

3 (7) PUBLIC MEETINGS.—The Committee shall  
4 hold open public meetings to solicit input from the  
5 general public and such other sources as the Com-  
6 mittee determines to be appropriate.

7 (8) REPORTS.—

8 (A) REPORTS TO THE ADMINISTRATOR.—  
9 In accordance with this subsection, the Chair-  
10 person of the Committee shall report to the Ad-  
11 ministrator the findings of the Committee based  
12 on the duties of the committee identified in  
13 paragraph (6).

14 (B) FREQUENCY OF REPORTS.—The  
15 Chairperson of the Committee shall report the  
16 findings of the Committee to the Administrator  
17 on or before August 1, 1995, and not less fre-  
18 quently than every 2 years thereafter. Upon re-  
19 ceipt of the report, the Administrator shall pub-  
20 lish a report in the Federal Register for public  
21 notice and comment and shall forward a copy of  
22 the report to the Science Advisory Board.

23 (C) REVIEW BY SCIENCE ADVISORY  
24 BOARD.—The Science Advisory Board shall re-  
25 view each report submitted to the Administrator

1 and to Congress pursuant to paragraph (8) by  
2 not later than 3 months after the date of issu-  
3 ance of the report, and report the findings of  
4 each review to the Committee and to the Ad-  
5 ministrator.

6 (D) PUBLIC REVIEW AND COMMENT.—The  
7 Administrator shall allow at least 90 days for  
8 public comment on any report and shall, within  
9 3 months of the issuance of a report, submit all  
10 comments received to the Committee.

11 (E) REVIEW BY COMMITTEE.—The Com-  
12 mittee shall review the findings of the Science  
13 Advisory Board and the public comments, and  
14 shall by not later than 3 months after the date  
15 of receipt of the findings and comments, revise  
16 the content of the report to take into consider-  
17 ation the findings of the Science Advisory  
18 Board and public comments, and submit the re-  
19 vised report to the Administrator.

20 (F) REVISED REPORT.—The Administrator  
21 shall make available copies of the revised report  
22 to the individuals and entities referred to in  
23 subsection (e).

24 (d) COMMITTEE ON COMMUNICATING RISK.—

1           (1) IN GENERAL.—The Administrator shall es-  
2           tablish a Committee on Communicating Risk (here-  
3           after in this subsection referred to as the “Commit-  
4           tee”). The Committee shall be independent from the  
5           Science Advisory Board.

6           (2) PURPOSE.—The Committee shall provide  
7           expert advice on communicating to the public infor-  
8           mation on risks in a manner that provides the public  
9           accurate and understandable information about  
10          those risks.

11          (3) MEMBERS.—

12           (A) IN GENERAL.—The Administrator  
13           shall appoint 15 members to the Committee. In  
14           making appointments to the Committee, the  
15           Administrator shall request nominations from  
16           the heads of the National Academy of Sciences,  
17           the National Academy of Engineering, the As-  
18           sistant to the President for Science and Tech-  
19           nology, the Society for Risk Analysis, and such  
20           other individuals as the Administrator deter-  
21           mines to be appropriate.

22           (B) REPRESENTATION.—The Adminis-  
23           trator shall appoint a representative group of  
24           individuals on the basis of their recognized ex-  
25           pertise and ability in communicating health and

1 risk information to the public, including edu-  
2 cators, risk communications experts, opinion re-  
3 search professionals, journalists, psychologists,  
4 health educators and other specialists the Ad-  
5 ministrator deems appropriate.

6 (C) CONSIDERATIONS OF THE ADMINIS-  
7 TRATOR.—In making the appointments, the Ad-  
8 ministrator shall appoint members so as to rep-  
9 resent a balanced spectrum of expertise and  
10 ability. The Administrator shall take such ac-  
11 tion as is necessary to ensure that the appoint-  
12 ments are made only on the basis of the criteria  
13 referred to in the previous sentence, and not on  
14 other criteria, such as political affiliation.

15 (4) TERMS.—

16 (A) INITIAL TERMS.—Members initially  
17 appointed to the Committee shall serve for the  
18 following terms:

19 (i) Five members shall serve for an  
20 initial term of 2 years.

21 (ii) Five members shall serve for an  
22 initial term of 4 years.

23 (iii) Five members shall serve for an  
24 initial term of 6 years.

1 (B) SUBSEQUENT TERMS.—Upon comple-  
2 tion of a term referred to under subparagraph  
3 (A), each member of the Committee subse-  
4 quently appointed or reappointed shall serve for  
5 a term of 6 years. A vacancy on the Committee  
6 shall be filled in the same manner as the ap-  
7 pointment was made.

8 (5) CHAIRPERSON.—Members of the Committee  
9 shall elect a Chairperson from among the members.  
10 The Chairperson shall serve for a term of 2 years.

11 (6) CRITERIA AND GUIDELINES.—The Commit-  
12 tee shall establish appropriate criteria and guidelines  
13 to carry out the duties of the Committee under para-  
14 graph (7).

15 (7) DUTIES.—The Committee shall—

16 (A) review the current procedures and pro-  
17 grams of the Agency for providing information  
18 to the public about public health and risks.

19 (B) Prepare guidelines for the Adminis-  
20 trator on communicating risks to the public and  
21 make recommendations on improvements to  
22 specific Agency programs reviewed under sub-  
23 paragraph (A) above.

24 (C) Through surveys or other methods  
25 identify—

1 (i) areas of public concern about pub-  
2 lic health and risk;

3 (ii) public misperceptions; and

4 (iii) generally what information the  
5 public needs to know and wants to know to  
6 make informed risk avoidance or other re-  
7 sponsive decisions.

8 (D) Develop and implement strategies for  
9 communicating to the public risk information  
10 that will be developed by this Act, including but  
11 not limited to—

12 (i) relative risk ranking information  
13 and the list of greatest risks identified  
14 under subsection (b)(7)(B);

15 (ii) the benefits valuation referred to  
16 in subsection (c)(6); and

17 (iii) environmental monitoring data.

18 (8) PUBLIC MEETINGS.—The Committee shall  
19 hold open public meetings to solicit input from the  
20 general public and such other sources as the Com-  
21 mittee determines to be appropriate.

22 (9) REPORTS.—

23 (A) REPORTS TO THE ADMINISTRATOR.—

24 In accordance with this subsection, the Chair-  
25 person of the Committee shall report to the Ad-

1 administrator the findings of the Committee based  
2 on the duties of the Committee identified in  
3 paragraph (7).

4 (B) FREQUENCY OF REPORTS.—The  
5 Chairperson of the Committee shall report the  
6 findings of the Committee with respect to the  
7 duties identified in paragraphs (7)(A), (B), and  
8 (C) of this subsection to the Administration on  
9 or before August 1, 1995, and not less fre-  
10 quently than every 2 years thereafter. Upon re-  
11 ceipt of the report, the Administrator shall for-  
12 ward a copy of the report to the Science Advi-  
13 sory Board.

14 (C) REVIEW BY THE SCIENCE ADVISORY  
15 BOARD.—The Science Advisory Board shall re-  
16 view each report submitted to the Administrator  
17 pursuant to this subsection by not later than 3  
18 months after the date of issuance of the report,  
19 and report the findings of each review to the  
20 Committee and to the Administrator.

21 (D) REVIEW BY COMMITTEE.—The Com-  
22 mittee shall review the findings of the Science  
23 Advisory Board and shall, by not later than 3  
24 months after the date of receipt of the findings,  
25 revise the content of the report to take into

1 consideration the findings of the Science Advi-  
2 sory Board and submit the revised report to the  
3 Administrator.

4 (E) REVISED REPORT.—The Administrator  
5 shall make available copies of the revised report  
6 to the individuals and entities referred to in  
7 subsection (f).

8 (10) Within 6 months after release of the final  
9 reports prepared under subsections (b) and (c) of  
10 this section for which the Committee is required to  
11 develop and implement communication strategies,  
12 the Committee shall have developed such strategies  
13 and begin implementation.

14 (e) COMPENSATION.—

15 (1) IN GENERAL.—Each member of a commit-  
16 tee established under this section who is not an offi-  
17 cer or employee of the Federal Government shall be  
18 compensated at a rate not to exceed the daily equiv-  
19 alent of the annual rate of basic pay prescribed for  
20 level IV of the Executive Schedule under section  
21 5315 of title 5, United States Code, for each day  
22 (including travel time) during which the member is  
23 engaged in the performance of the duties of the com-  
24 mittee. Each member of a committee established  
25 under this section who is an officer or employee of

1 the United States shall serve without compensation  
2 in addition to that received for service as an officer  
3 or employee of the United States.

4 (2) TRAVEL.—The members of the committees  
5 established under this section shall be allowed travel  
6 expenses, including per diem in lieu of subsistence,  
7 at rates authorized for employees of agencies under  
8 subchapter I of chapter 57 of title 5, United States  
9 Code, while away from their homes or regular places  
10 of business in the performance of services for the  
11 Commission.

12 (f) FINDINGS.—To ensure extensive opportunities for  
13 public participation and access, the Administrator shall  
14 communicate the findings in the reports of the committees  
15 and the Science Advisory Board reviews submitted to the  
16 Administrator pursuant to this section to—

17 (1) Congress;

18 (2) such other Federal agencies as the Adminis-  
19 trator determines to be appropriate;

20 (3) the governments of such States and political  
21 subdivisions of States as the Administrator deter-  
22 mines to be appropriate; and

23 (4) the general public.

24 (g) DISCLOSURE.—Each member of a committee es-  
25 tablished under this section shall, as a condition to serving

1 on the committee, agree to fully disclose financial inter-  
2 ests. The Administrator shall ensure that appropriate  
3 measures are carried out to avoid any conflict of interest  
4 with respect to a member.

5 (h) STUDIES.—The Administrator may enter into a  
6 contract, execute an agreement, or issue a grant for carry-  
7 ing out studies to generate information to assist a commit-  
8 tee established under this section in efforts to rank relative  
9 risks and estimate environmental benefits.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry  
11 out this section, there are authorized to be appropriated  
12 to the Agency such sums as may be necessary for each  
13 of fiscal years 1994 through 2000.

14 **SEC. 6. RISK ASSESSMENT GUIDELINES.**

15 (a) IN GENERAL.—

16 (1) RISK ASSESSMENTS.—To the extent prac-  
17 ticable, the Administrator shall protect human  
18 health and the environment by using careful risk as-  
19 sessments and the evaluation of options for reducing  
20 risks.

21 (2) PROHIBITION.—The Administrator may not  
22 interpret or apply any provision of this Act in such  
23 manner as to delay a pending regulatory decision  
24 based on the outcome of research or analysis of the  
25 Administrator.

1 (b) RISK ASSESSMENT GUIDELINES.—The Adminis-  
2 trator shall develop, and revise as appropriate, guidelines  
3 to ensure consistency and technical quality in risk assess-  
4 ments by specifying such minimum standards for different  
5 risk assessment approaches, as are appropriate for the  
6 scale of the problem, the level of scientific understanding,  
7 and the available data.

8 (c) INITIAL GUIDELINES.—The initial set of guide-  
9 lines referred to in subsection (b) shall include risk assess-  
10 ments involving—

- 11 (1) human mutagenicity;
- 12 (2) human carcinogenicity;
- 13 (3) human developmental toxicants;
- 14 (4) human reproductive effects;
- 15 (5) human systemic toxicants;
- 16 (6) ecological effects of sources of pollutants  
17 from single sites;
- 18 (7) ecological effects of pollutants that originate  
19 from many sites;
- 20 (8) ecological effects from physical alteration of  
21 the environment;
- 22 (9) ecological effects of introducing nonnative  
23 or genetically engineered organisms;
- 24 (10) pollutants affecting manmade materials;
- 25 and

1           (11) pollutants affecting the productivity of  
2       soils.

3       (d) ADDITIONAL GUIDELINES.—The Administrator  
4 shall develop such additional risk assessment guidelines as  
5 the Administrator determines to be warranted—

6           (1) by the state of pertinent scientific under-  
7       standing; and

8           (2) by the need for sound decisions to protect  
9       human health, welfare, and the environment.

10       (e) MINIMUM REQUIREMENTS.—The risk assessment  
11 guidelines developed under this section shall include how  
12 to conduct the following:

13           (1) A hazard identification that demonstrates  
14 whether exposure to a stressor is causally linked to  
15 an effect.

16           (2) An assessment that measures or estimates  
17 the exposure of well-defined individuals, habitats,  
18 populations, ecosystems, or materials to a stressor.

19           (3) An assessment that determines or estimates  
20 the magnitude of response of affected individuals,  
21 habitats, populations, ecosystems, or materials asso-  
22 ciated with different levels of exposure to a stressor  
23 under representative or reasonably foreseeable envi-  
24 ronmental conditions.

1           (4) A risk characterization that provides an  
2 overall description of the nature and magnitude of  
3 probable effects resulting from alternative risk man-  
4 agement options (including no action), together with  
5 a quantitative estimate of the accompanying uncer-  
6 tainties.

7           (f) PUBLICATION IN THE FEDERAL REGISTER AND  
8 REPORTS TO CONGRESS.—The Administrator shall—

9           (1) publish all initial risk assessment guidelines  
10 referred to in subsection (c) in the Federal Register  
11 not later than 5 years after the date of the enact-  
12 ment of this Act, and report annually to Congress  
13 on progress toward this goal and thereafter publish  
14 such additional guidelines as are required under sub-  
15 section (d) in the Federal Register as appropriate;

16           (2) ensure that the guidelines are reviewed by  
17 the Science Advisory Board; and

18           (3) after taking into account the findings of the  
19 review of the Science Advisory Board and public  
20 comments, modify the guidelines and publish such  
21 revised guidelines in the Federal Register as appro-  
22 priate.

23 **SEC. 7. RISK ASSESSMENT RESEARCH.**

24           (a) IN GENERAL.—In order to provide the most cost-  
25 effective use of environmental resources and to ensure that

1 the risk assessment process of the Agency is based on sta-  
2 tistically sound and adequate environmental data and sci-  
3 entific understanding, the Administrator shall conduct a  
4 long-term core research program concerning environ-  
5 mental risk assessment research.

6 (b) ENVIRONMENTAL MONITORING AND ASSESS-  
7 MENT PROGRAM.—As part of the program referred to in  
8 subsection (a), the Administrator shall conduct a research  
9 program to—

10 (1) design and evaluate methods and networks  
11 to collect monitoring data on the current and chang-  
12 ing condition of the environment (including human  
13 health, ecological resources, materials, and exposure  
14 to environmental stressors) that are relevant to mak-  
15 ing decisions at the Federal level about alternative  
16 risk assessment and risk reduction options;

17 (2) in cooperation with the heads of other Fed-  
18 eral agencies with relevant programs, implement the  
19 monitoring programs referred to in paragraph (1);

20 (3) manage data from the monitoring programs  
21 in forms and formats that are technically accurate,  
22 objective, and readily accessible to the scientific com-  
23 munity and the general public (including providing  
24 attention to unavoidable uncertainties with respect  
25 to the data and the interpretation of the data); and

1           (4) provide annual statistical reports and peri-  
2           odic interpretive reports of the results of the mon-  
3           itoring programs to Congress and the general public.

4           (c) ENVIRONMENTAL RISK ASSESSMENT RESEARCH  
5 PROGRAM.—As part of the program referred to in sub-  
6 section (a), the Administrator shall conduct a long-term  
7 core program to establish a firm scientific basis for initial  
8 and subsequent risk assessment guidelines, including  
9 methods for—

10           (1) assessing the exposure of humans, ecological  
11           resources, and materials to stressors and combina-  
12           tions of stressors, including methods for determining  
13           the relation between an environmental exposure and  
14           the probability, scope, and seriousness of the effect;

15           (2) accurately predicting the effects of exposure  
16           to stressors on human health, ecological resources,  
17           and materials;

18           (3) quantifying statistical uncertainty in expo-  
19           sure and stress-response estimates;

20           (4) quantifying the social and economic values  
21           of effects on human health, welfare, and ecological  
22           resources;

23           (5) evaluating and developing measurements to  
24           aid in understanding and defining public awareness  
25           of the likelihood, seriousness, magnitude, and



1 administrator shall, to the maximum extent practicable, use  
2 the resources and personnel of the Agency.

3 (b) INTENT OF CONGRESS.—It is the intent of Con-  
4 gress that the Administrator, in addition to using the re-  
5 sources and personnel of the Agency pursuant to sub-  
6 section (a), should aggressively solicit the advice of the  
7 Science Advisory Board and such other specialists in sci-  
8 entific fields as the Administrator determines to be appro-  
9 priate to develop, evaluate, and interpret technical and sci-  
10 entific information.

11 **SEC. 9. INTERAGENCY PANEL ON RISK ASSESSMENT AND**  
12 **REDUCTION.**

13 (a) ESTABLISHMENT.—There is established an Inter-  
14 agency Panel on Risk Assessment and Reduction (here-  
15 after in this section referred to as the “Interagency  
16 Panel”) for the purpose of coordinating Federal research,  
17 data gathering, and implementation of environmental risk  
18 assessment and risk reduction activities.

19 (b) MEMBERSHIP.—The Interagency Panel shall con-  
20 sist of one representative from each of the following Fed-  
21 eral agencies, nominated by the head of the agency (or  
22 with respect to an individual described in paragraph (9),  
23 nominated by the President Chairperson of the Commit-  
24 tee, as appropriate) and appointed by the President:

25 (1) The Environmental Protection Agency.

1           (2) The Department of the Interior.

2           (3) The Department of Health and Human  
3       Services.

4           (4) The Department of Energy.

5           (5) The Department of Commerce.

6           (6) The Department of Agriculture.

7           (7) The Department of Labor.

8           (8) The Corps of Engineers.

9           (9) The Public Health Service.

10          (10) Any other Federal department or agency  
11       that the President, or the Chairperson of the Inter-  
12       agency Panel, considers appropriate.

13       (c) CHAIRPERSON.—The member of the Interagency  
14       Panel representing the Environmental Protection Agency  
15       shall serve as the Chairperson of the Interagency Panel.

16       (d) COORDINATION.—The Interagency Panel shall  
17       ensure that individual risk assessments and generic risk  
18       assessment practices carried out by agencies of the Fed-  
19       eral Government are coordinated and made consistent to  
20       the greatest extent practicable.

21       (e) IDENTIFICATION OF INCONSISTENCIES.—The  
22       Interagency Panel shall—

23           (1) identify any inconsistencies between the risk  
24       assessments and practices carried out by Federal

1 agencies, and document the reasons for the incon-  
2 sistencies; and

3 (2) make recommendations concerning whether  
4 changes should be made in Federal laws or regula-  
5 tions or in the practices of the Federal agencies to  
6 minimize the inconsistencies, or whether the incon-  
7 sistencies should be encouraged.

8 (f) REPORTS.—Not later than August 31, 1996, and  
9 every 2 years thereafter, the Chairperson of the Inter-  
10 agency Panel shall submit a report to the appropriate  
11 committees of Congress that summarizes the findings and  
12 recommendations of the Interagency Panel under this sec-  
13 tion.

14 **SEC. 10. REPORTS TO CONGRESS.**

15 (a) ASSESSMENT OF ENVIRONMENTAL RISK REDUC-  
16 TION OPTIONS.—Not later than 12 months after the date  
17 of enactment of this Act, the Administrator shall prepare  
18 and submit a report to Congress that includes—

19 (1) a prioritized list of the human health, wel-  
20 fare, and ecological resource risks considered by the  
21 Committee on Relative Risks established under sec-  
22 tion 5(b);

23 (2) an identification of public awareness of the  
24 likelihood, seriousness, magnitude, and irreversibility  
25 of each risk referred to in paragraph (1);

1           (3) alternative options for reducing the risks re-  
2           ferred to in paragraph (1) and corresponding esti-  
3           mated costs and benefits to society, including costs  
4           to Federal agencies and the private sector, and any  
5           adverse effects that cannot (as of the date of the re-  
6           port) be quantified in monetary terms;

7           (4) the period of time required for reducing the  
8           risks through each option referred to in paragraph  
9           (3);

10          (5) an evaluation of the uncertainty associated  
11          with relevant aspects of the assessment process;

12          (6) an identification of research or data collec-  
13          tion that would significantly reduce the uncertainty  
14          in any assessment in the 2-year period following the  
15          date of submission of the report to Congress; and

16          (7) such other recommendations as the Admin-  
17          istrator determines to be appropriate.

18          (b) INTENT OF CONGRESS.—It is the intent of Con-  
19          gress that the information contained in the annual report  
20          under this section be used to assist in directing the activi-  
21          ties of the Agency so as to result in reducing the most  
22          serious and probable risks to the greatest number of indi-  
23          viduals and reducing the most serious and probable risks  
24          to the sustainability of ecological resources.

1 (c) DUTIES OF THE ADMINISTRATOR.—The Adminis-  
 2 trator shall consider social and economic concerns and  
 3 such other concerns as the Administrator considers to be  
 4 appropriate to carry out this Act in a reasonable and pru-  
 5 dent manner to ensure the protection of public health and  
 6 the environment. In carrying out this Act, the Adminis-  
 7 trator shall comply with applicable legal requirements and  
 8 ensure that the activities of the Administrator are open  
 9 to public inspection. Nothing in this Act is intended to  
 10 delay the activities of the Administrator in carrying out  
 11 responsibilities under other environmental laws.

12 (d) ONGOING ASSESSMENT.—The Administrator  
 13 shall revise and update the report submitted under this  
 14 section to reflect new data or scientific understanding not  
 15 later than 2 years after submitting the initial report, and  
 16 at least every 2 years thereafter.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18 Except as provided in sections 5 and 7, nothing in  
 19 this Act shall constitute a new authorization for the appro-  
 20 priation of funds.

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