

104TH CONGRESS
2D SESSION

S. 2179

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

Mrs. BOXER 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.

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 “Children’s Environ-
5 mental Protection Act of 1996”.

6 **SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.**

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

1 **“TITLE V—ENVIRONMENTAL**
2 **PROTECTION FOR CHILDREN**

3 **“SEC. 501. FINDINGS AND POLICY.**

4 “(a) FINDINGS.—Congress finds that—

5 “(1) public health and safety depends on citi-
6 zens and local officials knowing the toxic dangers
7 that exist in their communities and neighborhoods;

8 “(2) children and other vulnerable subpopula-
9 tions are more at risk from environmental pollutants
10 than adults and therefore face unique health threats
11 that need special attention;

12 “(3) a study conducted by the National Acad-
13 emy of Sciences on the effects of pesticides in the
14 diets of infants and children concluded that current
15 approaches to risk assessment typically do not con-
16 sider risks to children and, as a result, current
17 standards and tolerances often fail to adequately
18 protect infants and children;

19 “(4) risk assessments of pesticides and other
20 environmental pollutants conducted by the Environ-
21 mental Protection Agency do not clearly differentiate
22 between the risks to children and the risks to adults;

23 “(5) data are lacking that would allow adequate
24 quantification and evaluation of child-specific and

1 other-vulnerable-subpopulation-specific susceptibility
2 and exposure to environmental pollutants; and

3 “(6) the absence of data precludes effective gov-
4 ernment regulation of environmental pollutants, and
5 denies individuals the ability to exercise a right to
6 know and make informed decisions to protect their
7 families.

8 “(b) POLICY.—It is the policy of the United States
9 that—

10 “(1) all environmental and public health stand-
11 ards set by the Environmental Protection Agency
12 must be adequate to protect children and other vul-
13 nerable subpopulations that are at greater risk from
14 exposure to environmental pollutants;

15 “(2) adequate hazard data should be developed
16 with respect to the special vulnerability and exposure
17 to environmental pollutants of children and other
18 vulnerable subpopulations to better assess where,
19 and at what levels, children and other vulnerable
20 subpopulations are being exposed;

21 “(3) scientific research opportunities should be
22 identified by the Environmental Protection Agency
23 to study the health effects of cumulative and simul-
24 taneous exposures of children and other vulnerable
25 subpopulations to environmental pollutants;

1 “(4) information should be made readily avail-
2 able by the Environmental Protection Agency to the
3 general public to advance the public’s right-to-know,
4 and allow the public to avoid unnecessary and invol-
5 untary exposure; and

6 “(5) a family right-to-know initiative should be
7 developed by the Environmental Protection Agency
8 to provide parents with basic information so the par-
9 ents can make informed choices to protect their chil-
10 dren from environmental health threats in their
11 homes, schools, and communities.

12 **“SEC. 502. DEFINITIONS.**

13 “In this title:

14 “(1) CHILDREN.—The term ‘children’ includes
15 adolescents and infants.

16 “(2) ENVIRONMENTAL POLLUTANT.—The term
17 ‘environmental pollutant’ means a hazardous sub-
18 stance, as defined in section 101 of the Comprehen-
19 sive Environmental Response, Compensation, and
20 Liability Act of 1980 (42 U.S.C. 9601), or a pes-
21 ticide, as defined in section 2 of the Federal Insecti-
22 cide, Fungicide, and Rodenticide Act (7 U.S.C.
23 136).

24 “(3) USER.—The term ‘user’ means any com-
25 mercial applicator of, or any person who applies, an

1 environmental pollutant in a school, park, or public
2 area that is reasonably accessible to children.

3 “(4) VULNERABLE SUBPOPULATIONS.—The
4 term ‘vulnerable subpopulations’ means children,
5 pregnant women, the elderly, individuals with a his-
6 tory of serious illness, and other subpopulations
7 identified by the Administrator as likely to experi-
8 ence elevated health risks from environmental pollut-
9 ants.

10 **“SEC. 503. FAMILY RIGHT-TO-KNOW INITIATIVE.**

11 “(a) IN GENERAL.—The Administrator shall work
12 with each State to develop a family right-to-know initiative
13 in accordance with this section.

14 “(b) GRANTS.—

15 “(1) IN GENERAL.—The Administrator shall
16 make grants to States to develop and carry out a
17 family right-to-know initiative in accordance with
18 this section.

19 “(2) TERMS AND CONDITIONS.—Grants made
20 under this subsection shall be subject to such terms
21 and conditions as the Administrator establishes to
22 further the purposes of this title.

23 “(c) REQUIREMENTS OF INITIATIVE.—A State carry-
24 ing out a family right-to-know initiative shall—

1 “(1) require that any user who applies an envi-
2 ronmental pollutant in a public area that is reason-
3 ably accessible to children complete a simple, easy-
4 to-understand form that provides the amount of en-
5 vironmental pollutant applied, where the environ-
6 mental pollutant was applied, and when the environ-
7 mental pollutant was applied;

8 “(2) work with the Administrator to—

9 “(A) develop a uniform definition of the
10 term ‘public area that is reasonably accessible
11 to children’ for purposes of this section, that
12 shall include, at a minimum, schools, shopping
13 malls, movie theaters, and parks;

14 “(B) develop a uniform form to be com-
15 pleted by users under paragraph (1);

16 “(C) determine the manner and length of
17 time of keeping the forms completed by users;
18 and

19 “(D) determine the format for reporting
20 information collected under paragraph (1) to
21 the public;

22 “(3) prepare annual State reports summarizing
23 the information collected under paragraph (1) for
24 distribution to the Administrator;

1 “(4) provide the public with copies of annual
2 State reports and local recordkeeping for schools,
3 parks, and public areas;

4 “(5) make State reports available to the public
5 on the Internet;

6 “(6) provide the Administrator with such data
7 as the Administrator requests to prepare a nation-
8 wide survey under subsection (d); and

9 “(7) satisfy such other requirements as the Ad-
10 ministrator prescribes to carry out this section.

11 “(d) NATIONWIDE SURVEYS.—

12 “(1) IN GENERAL.—The Administrator shall
13 prepare a biennial nationwide survey of the informa-
14 tion collected under this section.

15 “(2) ASSESSMENT.—The nationwide survey
16 shall assess the extent to which environmental pol-
17 lutants are present in private office and commercial
18 buildings that are reasonably accessible to children.

19 “(3) RECOMMENDATION.—The nationwide sur-
20 vey shall recommend whether public recordkeeping
21 and public reporting concerning application of envi-
22 ronmental pollutants in areas that are reasonably
23 accessible to children should be required.

24 “(e) PUBLIC AVAILABILITY OF INFORMATION.—

1 “(1) IN GENERAL.—On request by a member of
2 the public, the Administrator shall provide a copy of
3 any State report or nationwide survey prepared
4 under this section.

5 “(2) INTERNET.—The Administrator shall
6 make any State report or nationwide survey pre-
7 pared under this section available to the public on
8 the Internet.

9 **“SEC. 504. SAFE SCHOOLS AND PARKS.**

10 “(a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this title, the Administrator shall—

12 “(1) identify hazardous substances and pes-
13 ticides commonly used in schools and parks;

14 “(2) create, after peer review, a list of the sub-
15 stances identified in paragraph (1) with high hazard
16 health risks to children and other vulnerable sub-
17 populations;

18 “(3) make the list created under paragraph (2)
19 available to the public;

20 “(4) review the list created under paragraph (2)
21 on a biennial basis; and

22 “(5) develop and issue an Environmental Pro-
23 tection Agency approved sign and label for posting
24 by a school or park to indicate that high hazard en-

1 lish in the Federal Register an explanation of why
2 the separate assessment or finding is not used.

3 “(b) REEVALUATION OF CURRENT PUBLIC HEALTH
4 AND ENVIRONMENTAL STANDARDS.—

5 “(1) IN GENERAL.—As part of any risk assess-
6 ment, risk characterization, environmental or public
7 health standard, or general regulatory decision car-
8 ried out by the Administrator, the Administrator
9 shall evaluate the environmental health risks to chil-
10 dren and other vulnerable subpopulations.

11 “(2) IMPLEMENTATION.—In carrying out para-
12 graph (1), not later than 1 year after the date of en-
13 actment of this title, the Administrator shall—

14 “(A) develop an administrative strategy
15 and an administrative process for reviewing
16 standards;

17 “(B) identify a list of standards that may
18 need revision to ensure the protection of chil-
19 dren and vulnerable subpopulations;

20 “(C) prioritize the list according to the
21 standards that are most important for expe-
22 dited review to protect children and vulnerable
23 subpopulations;

24 “(D) identify which standards on the list
25 will require additional research in order to be

1 reevaluated and outline the time and resources
2 required to carry out the research; and

3 “(E) identify, through public input and
4 peer review, not fewer than 5 public health and
5 environmental standards of the Environmental
6 Protection Agency to be repromulgated on an
7 expedited basis to meet the criteria of this sub-
8 section.

9 “(3) REVISED STANDARDS.—Not later than 6
10 years after the date of enactment of this title, the
11 Administrator shall propose not fewer than 5 revised
12 standards that meet the criteria of this subsection.

13 “(4) COMPLETED REVISION OF STANDARDS.—
14 Not later than 15 years after the date of enactment
15 of this title, the Administrator shall complete the re-
16 vision of standards in accordance with this sub-
17 section.

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

22 **“SEC. 507. PUBLIC AVAILABILITY OF DATA.**

23 “(a) DISCLOSURE OF HEALTH EFFECTS AND EXPO-
24 SURE DATA.—Subject to subsection (b), any data or infor-
25 mation known by a Federal agency concerning any test

1 of a pesticide, residue of a pesticide, or other environ-
2 mental pollutant to determine the potential levels of expo-
3 sure or health effects shall be available for disclosure to
4 the public, except to the extent the data or information
5 relates to—

6 “(1) a manufacturing or quality control process;

7 “(2) a method for detecting the quantity of any
8 deliberately added inert ingredient of a chemical
9 substance other than a method for detecting a resi-
10 due of the inert ingredient in or on food; or

11 “(3) explicit information derived from a pes-
12 ticide use form submitted under section 1491 of the
13 Food, Agriculture, Conservation, and Trade Act of
14 1990 (7 U.S.C. 136i–1).

15 “(b) DATA AND INFORMATION SUBMITTED UNDER
16 FIFRA.—Any data or information described in subsection
17 (a) that was submitted to the Administrator under the
18 Federal Insecticide, Fungicide, and Rodenticide Act (7
19 U.S.C. 136 et seq.) shall be made available for disclosure
20 to the public in accordance with section 10 of the Act (7
21 U.S.C. 136h).

22 “(c) DISCLOSURE.—This section shall not restrict the
23 release of—

1 “(1) information that is otherwise subject to
2 disclosure under section 552 of title 5, United States
3 Code; or

4 “(2) information available through—

5 “(A) a material safety data sheet;

6 “(B) published scientific literature; or

7 “(C) a government document.

8 **“SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated such sums
10 as are necessary to carry out this title.”.

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