

110TH CONGRESS
1ST SESSION

H. R. 1972

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2007

Ms. VELÁZQUEZ (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. SERRANO, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, 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 “Community Environ-
5 mental Equity Act”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) There is a growing recognition that urban,
9 low-income, and minority communities tend to be

1 overburdened with polluting facilities such as waste
2 transfer stations, power plants, superfund sites,
3 brownfields, and toxic release inventory sites.

4 (2) Poor and urban neighborhoods are forced to
5 suffer the effects associated with increased waste
6 processing because they often lack the resources to
7 defend their rights and cannot quantify unhealthy
8 environmental factors.

9 (3) Addressing the problem of contaminated
10 surroundings impacting low-income or minority com-
11 munities must be a priority of this Nation.

12 (4) Health respiratory conditions such as asth-
13 ma can be traced to environmental conditions im-
14 pacting a community such as air pollution and bio-
15 logical contaminants.

16 (5) Asthma is one of the leading chronic health
17 conditions in the United States (affecting over 15
18 million people) and the leading chronic youth illness
19 (affecting 6.5 million children).

20 (6) At risk communities need resources to gath-
21 er information useful in planning preventive health
22 and environmental strategies to protect residents
23 from polluting conditions.

24 (7) Alliances of community-based organizations
25 and community health centers are often in the best

1 position to develop neighborhood health profiles to
2 assist health policy makers in assessing the health
3 impact of future growth or redevelopment.

4 (8) Federal resources can help communities
5 protect themselves from being disproportionately ex-
6 posed to contaminants which can cause respiratory
7 health complications such as asthma.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to prevent any individual or community
10 from being disproportionately exposed to hazardous
11 materials;

12 (2) to enable government agencies to protect in-
13 dividuals and communities from such exposure;

14 (3) to give community-based organizations and
15 community health centers the tools necessary to
16 measure neighborhood impacts of environmental
17 hazards; and

18 (4) to enable such organizations and centers to
19 maintain a health profile for their communities and
20 in this manner prevent discriminatory exposure to
21 hazardous substances.

22 **SEC. 3. DISCRIMINATION REGARDING EXPOSURE TO HAZ-**
23 **ARDOUS SUBSTANCES.**

24 The Public Health Service Act (42 U.S.C. 201 et
25 seq.) is amended by adding at the end the following title:

1 **“TITLE XXX—DISCRIMINATION**
2 **REGARDING EXPOSURE TO**
3 **COVERED SUBSTANCES**

4 **“SEC. 3001. DEFINITIONS.**

5 “In this title:

6 “(1) COVERED ENTITY.—The term ‘covered en-
7 tity’ means any entity which handles, manages,
8 treats, releases, discharges, disposes of, stores,
9 transports, removes, moves, or delivers covered sub-
10 stances.

11 “(2) COVERED SUBSTANCE.—The term ‘covered
12 substance’ means any of the following:

13 “(A) Any contaminant identified under the
14 Safe Drinking Water Act (title XIV of this
15 Act).

16 “(B) Any substance described in section
17 201(q) of the Federal Food, Drug, and Cos-
18 metic Act, and any material registered pursuant
19 to the Act referred to in paragraph (1) of such
20 section.

21 “(C) Any chemical listed by the National
22 Toxicology Program of the Department of
23 Health and Human Services as a known or
24 probable human carcinogen.

1 “(D) Any substance defined in section
2 101(14) of the Comprehensive Environmental
3 Response, Compensation, and Liability Act of
4 1980 and any chemical subject to section 313
5 of the Emergency Planning and Community
6 Right-To-Know Act of 1986.

7 “(E) Any material subject to the require-
8 ments concerning material safety data sheets
9 for chemicals under the Occupational Safety
10 and Health Act of 1970.

11 “(F) Any chemical substance or mixture
12 regulated under the Toxic Substance Control
13 Act.

14 “(G) Any hazardous waste identified under
15 the Solid Waste Disposal Act.

16 “(H) Any pesticide registered under the
17 Federal Insecticide, Fungicide, and Rodenticide
18 Act.

19 “(I) Any air pollutant regulated under
20 the Clean Air Act.

21 “(J) Such other contaminants, chemicals,
22 materials, wastes, and substances as the Presi-
23 dent, acting through the head of the appro-
24 priate agency, determines to be appropriate for
25 purposes of this title.

1 **“SEC. 3002. PROHIBITION AGAINST DISCRIMINATION.**

2 “(a) IN GENERAL.—A covered entity shall not, on the
3 ground of race, color, national origin, or economic status,
4 disproportionately expose any person or community to any
5 covered substance.

6 “(b) COMPLIANCE.—

7 “(1) IDENTIFICATION.—A covered entity shall
8 consult and work in partnership with the States,
9 local government officials, and the Federal Govern-
10 ment to comply with subsection (a).

11 “(2) ADDRESSING DISPROPORTIONATE EXPO-
12 SURE.—A covered entity shall address the actual or
13 potential disproportionate exposure to covered sub-
14 stances of individuals or communities, on the ground
15 of race, color, national origin, or economic status,
16 prior to pursuing State and local administrative pro-
17 ceedings to obtain authorization or approval to han-
18 dle, manage, treat, release, discharge, dispose of,
19 transport, remove, move, deliver or otherwise use
20 covered substances.

21 “(c) REGULATIONS.—

22 “(1) IN GENERAL.—The President shall require
23 the appropriate Federal officials to issue regulations
24 to implement this section consistent with the provi-
25 sions of section 602 of the Civil Rights Act of 1964
26 relating to compliance.

1 “(2) ENFORCEMENT.—Compliance with this
2 section may be effectuated (1) by the termination of
3 or refusal to grant authorization to any covered enti-
4 ty to handle, manage, treat, release, discharge, dis-
5 pose of, store, transport, remove, move, or deliver
6 covered substances; or (2) by any other means au-
7 thorized by law. With respect to any covered entity
8 that is a recipient of Federal financial assistance,
9 compliance may also be effectuated pursuant to sec-
10 tion 602 of the Civil Rights Act of 1964.

11 “(3) DATES CERTAIN REGARDING REGULA-
12 TIONS.—For purposes of carrying out this section—

13 “(A) proposed rules shall be issued not
14 later than 6 months after the date of the enact-
15 ment of the Community Environmental Equity
16 Act;

17 “(B) final rules shall be issued not later
18 than 18 months after such date of enactment;
19 and

20 “(C) such final rules shall take effect not
21 later than 30 months after such date of enact-
22 ment.

23 “(d) BIENNIAL REPORT.—Not later than 2 years
24 after the date on which final rules are issued pursuant
25 to subsection (c)(3)(B), and every 2 years thereafter, the

1 Federal Interagency Environmental Justice Working
2 Group (established under Executive Order 12898 (Feb-
3 ruary 11, 1994)) shall submit to the Congress a report
4 on activities carried out under this section.

5 **“SEC. 3003. COMMUNITY HEALTH IMPACT PROFILE PRO-**
6 **GRAM GRANTS.**

7 “(a) ESTABLISHMENT.—The Secretary shall estab-
8 lish a Health Impact Profile Program for the purpose of
9 making grants to community-based organizations and
10 community health centers to assist in the planning and
11 development of community health impact profiles.

12 “(b) REQUIREMENT.—The Secretary may not make
13 a grant to a community-based organization or a commu-
14 nity health center under this section unless the organiza-
15 tion or center—

16 “(1) is located in the community in which the
17 grant will be used; or

18 “(2) enters into a partnership with an entity in
19 such community for purposes of carrying out the ac-
20 tivities described in subsection (c).

21 “(c) USE OF FUNDS.—The Secretary may not make
22 a grant to a community-based organization or a commu-
23 nity health center under this section unless the organiza-
24 tion or center agrees to use the grant for the following:

1 “(1) Conducting an overall neighborhood health
2 assessment to measure the prospective environ-
3 mental health consequences of—

4 “(A) any significant proposed growth or
5 redevelopment plan; and

6 “(B) any exposure in the community to
7 covered substances.

8 “(2) Building community expertise to develop
9 health impact profiles through community-based or-
10 ganizations and community health centers.

11 “(3) Improving community ability to identify
12 harmful environmental exposure by covered entities.

13 “(4) Preserving a healthy and environmentally
14 friendly community.

15 “(d) ADMINISTRATIVE COSTS.—The Secretary may
16 not make a grant to a community-based organization or
17 a community health center under this section unless the
18 organization or center agrees that, of the amount received
19 through the grant, not more than 10 percent of such
20 amount will be used to cover reasonable administrative
21 costs necessary to carry out the activities described in sub-
22 section (c).

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—To
24 carry out this section, there is authorized to be appro-
25 priated \$1,000,000 for each of fiscal years 2008 through

- 1 2010. Funds appropriated under this section shall remain
- 2 available until expended.”.

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