

109TH CONGRESS
2D SESSION

S. _____

To amend the Toxic Control Substance Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Emergency Planning and Right-To-Know Act of 1986, and the Federal Hazardous Substances Act, and to authorize the Administrator of the Environmental Protection Agency to provide grants to States to protect children and other vulnerable subpopulations from exposure to environmental pollutants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Toxic Control Substance Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Emergency Planning and Right-To-Know Act of 1986, and the Federal Hazardous Substances Act, and to authorize the Administrator of the Environmental Protection Agency to provide grants to States to protect children and other vulnerable subpopulations from exposure to 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Environmental Protection for Children Act of 2006”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENVIRONMENTAL PROTECTIONS

Sec. 101. Environmental protections for children and other vulnerable sub-
populations.

TITLE II—CHILDREN’S ENVIRONMENTAL HEALTH RESEARCH

Sec. 201. Research to improve information on the effects of environmental pol-
lutants on children.

**TITLE III—AWARENESS OF ENVIRONMENTAL RISKS TO
CHILDREN**

Sec. 301. Short title.

Sec. 302. Finding.

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

Sec. 311. Reporting requirements.

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

Sec. 321. List of toxic chemicals.

Sec. 322. Reporting of toxic chemicals in consumer products.

Sec. 323. Exemptions.

Sec. 324. Private citizen enforcement.

TITLE IV—ENVIRONMENTAL CONTAMINANT TESTING PROGRAM

Sec. 401. Definitions.

Sec. 402. Block grants.

Sec. 403. Authorization of appropriations.

1 **TITLE I—ENVIRONMENTAL**
2 **PROTECTIONS**

3 **SEC. 101. ENVIRONMENTAL PROTECTIONS FOR CHILDREN**
4 **AND OTHER VULNERABLE SUBPOPULATIONS.**

5 (a) ENVIRONMENTAL PROTECTIONS.—The Toxic
6 Substances Control Act (15 U.S.C. 2601 et seq.) is
7 amended by adding at the end the following:

8 **“TITLE V—ENVIRONMENTAL**
9 **PROTECTION FOR CHILDREN**
10 **AND OTHER VULNERABLE**
11 **SUBPOPULATIONS**

12 **“SEC. 501. FINDINGS AND POLICY.**

13 “(a) FINDINGS.—Congress finds that—

14 “(1) the protection of the health and safety of
15 the public depends on—

16 “(A) the knowledge possessed by officials
17 of the Federal Government and other persons
18 relating to environmental pollutants that exist
19 in the homes, schools, and communities of the
20 United States; and

21 “(B) the extent to which environmental
22 pollutants present a special threat to the health
23 of children and other vulnerable subpopulations;

24 “(2) children—

1 “(A) spend much of their young lives in
2 schools and day care centers; and

3 “(B) may face significant exposure to envi-
4 ronmental pollutants in those locations;

5 “(3) the metabolism, physiology, and diet of
6 children, and exposure patterns of children to envi-
7 ronmental pollutants—

8 “(A) differ from those of adults; and

9 “(B) make children more susceptible than
10 adults to the harmful effects of environmental
11 pollutants;

12 “(4) when establishing an environmental and
13 public health standard for an environmental pollut-
14 ant, the Administrator often lacks a sufficient quan-
15 tity of data to evaluate the special susceptibility or
16 exposure of children to environmental pollutants;

17 “(5) when the Administrator lacks a sufficient
18 quantity of data to evaluate the special susceptibility
19 or exposure of children to an environmental pollut-
20 ant, the Administrator generally does not—

21 “(A) presume that the environmental pol-
22 lutant presents a special risk to children; and

23 “(B) apply a special or additional margin
24 of safety to protect the health of children in es-

1 tablishing an environmental or public health
2 standard for that pollutant; and

3 “(6) safeguarding children from environmental
4 pollutants requires—

5 “(A) the systematic collection of data re-
6 lating to the special susceptibility and exposure
7 of children to those pollutants; and

8 “(B) the adoption of an additional safety
9 factor of at least 10-fold in the establishment of
10 environmental and public health standards
11 when reliable data are not available.

12 “(b) POLICY.—It is the policy of the United States
13 that—

14 “(1) the public has a right to be informed
15 about—

16 “(A) each environmental pollutant to which
17 children are being exposed in their homes,
18 schools, and communities; and

19 “(B) the manner by which an environ-
20 mental pollutant may present a special health
21 threat to children and other vulnerable sub-
22 populations;

23 “(2) each environmental and public health
24 standard for an environmental pollutant established
25 by the Administrator shall, with an adequate margin

1 of safety, protect children and other vulnerable sub-
2 populations;

3 “(3) in a case in which data are insufficient to
4 evaluate the special susceptibility and exposure of
5 children (including exposure *in utero*) to an environ-
6 mental pollutant, the Administrator should—

7 “(A) presume that the environmental pol-
8 lutant poses a special risk to children; and

9 “(B) apply an appropriate additional mar-
10 gin of safety of at least 10-fold in establishing
11 an environmental or public health standard for
12 that environmental pollutant;

13 “(4) because the task of identifying every con-
14 ceivable risk and addressing every uncertainty relat-
15 ing to pesticide use is difficult, the use of any dan-
16 gerous pesticide in every school and day care center
17 in the United States should be eliminated; and

18 “(5) the Environmental Protection Agency, the
19 Department of Health and Human Services (includ-
20 ing the National Institute of Environmental Health
21 Sciences and the Agency for Toxic Substances and
22 Disease Registry), the National Institutes of Health,
23 and other Federal agencies should support research
24 relating to the short-term and long-term health ef-
25 fects of cumulative and synergistic exposures of chil-

1 dren and other vulnerable subpopulations to environ-
2 mental pollutants.

3 **“SEC. 502. DEFINITIONS.**

4 “In this title:

5 “(1) CHILD.—The term ‘child’ means an indi-
6 vidual who is 18 years of age or younger.

7 “(2) DAY CARE CENTER.—The term ‘day care
8 center’ means a center-based child care provider that
9 is licensed, regulated, or registered under applicable
10 State or local law.

11 “(3) ENVIRONMENTAL POLLUTANT.—The term
12 ‘environmental pollutant’ means—

13 “(A) a hazardous substance (as defined in
14 section 101 of the Comprehensive Environ-
15 mental Response, Compensation, and Liability
16 Act of 1980 (42 U.S.C. 9601));

17 “(B) a contaminant subject to regulation
18 under the Safe Drinking Water Act (42 U.S.C.
19 300f et seq.);

20 “(C) an air pollutant subject to regulation
21 under the Clean Air Act (42 U.S.C. 7401 et
22 seq.);

23 “(D) a water pollutant subject to regula-
24 tion under the Federal Water Pollution Control
25 Act (33 U.S.C. 1251 et seq.); and

1 “(E) a pesticide subject to regulation
2 under the Federal Insecticide, Fungicide, and
3 Rodenticide Act (7 U.S.C. 136 et seq.).

4 “(4) SCHOOL.—The term ‘school’ means—

5 “(A) an elementary school (as defined in
6 section 14101 of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 8801));

8 “(B) a secondary school (as defined in sec-
9 tion 14101 of that Act);

10 “(C) a kindergarten; and

11 “(D) a nursery school that is public or re-
12 ceives Federal funding.

13 “(5) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Health and Human Services.

15 “(6) VULNERABLE SUBPOPULATION.—The
16 term ‘vulnerable subpopulation’ means—

17 “(A) children;

18 “(B) pregnant women;

19 “(C) elderly individuals;

20 “(D) individuals with a history of serious
21 illness; and

22 “(E) any other subpopulation likely to ex-
23 perience a special risk from an environmental
24 pollutant, as determined by the Administrator.

1 **“SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNER-**
2 **ABLE SUBPOPULATIONS.**

3 “(a) IN GENERAL.—The Administrator shall—

4 “(1) ensure that each environmental and public
5 health standard for an environmental pollutant pro-
6 tects children and other vulnerable subpopulations
7 with an adequate margin of safety;

8 “(2) explicitly evaluate data relating to the spe-
9 cial susceptibility and exposure of children to any
10 environmental pollutant for which an environmental
11 or public health standard is established; and

12 “(3) adopt an additional margin of safety of at
13 least 10-fold in the establishment of an environ-
14 mental or public health standard—

15 “(A) for an environmental pollutant in the
16 absence of reliable data relating to—

17 “(i) the toxicity of the environmental
18 pollutant; and

19 “(ii) the potential risk of exposure of
20 children to that environmental pollutant;
21 or

22 “(B) if there is a lack of reliable data re-
23 lating to the susceptibility of children to an en-
24 vironmental pollutant for which the environ-
25 mental or public health standard is being estab-
26 lished.

1 “(b) ESTABLISHING, MODIFYING, OR RE-EVALU-
2 ATING ENVIRONMENTAL AND PUBLIC HEALTH STAND-
3 ARDS.—

4 “(1) IN GENERAL.—In establishing, modifying,
5 or reevaluating any environmental or public health
6 standard for an environmental pollutant under any
7 law administered by the Administrator, the Adminis-
8 trator shall take into consideration available infor-
9 mation relating to—

10 “(A) each route of exposure of a child to
11 that environmental pollutant; and

12 “(B) the special susceptibility of a child to
13 that environmental pollutant, including—

14 “(i) any neurological difference be-
15 tween children and adults;

16 “(ii) the effect of *in utero* exposure to
17 that environmental pollutant; and

18 “(iii) the cumulative effect on a child
19 of exposure to—

20 “(I) that environmental pollut-
21 ant; and

22 “(II) any other substance that
23 has a common mechanism of toxicity.

24 “(2) ADDITIONAL SAFETY MARGIN.—If any
25 data described in paragraph (1) are not available to

1 the Administrator, the Administrator shall, in car-
2 rying out a risk assessment, risk characterization, or
3 other assessment of risk underlying an environ-
4 mental or public health standard, adopt an addi-
5 tional margin of safety of at least 10-fold to take
6 into account—

7 “(A) potential pre-natal and post-natal
8 toxicity of an environmental pollutant; and

9 “(B) the completeness of data concerning
10 the exposure and toxicity of an environmental
11 pollutant to children.

12 **“SEC. 504. SAFER ENVIRONMENT FOR CHILDREN.**

13 “Not later than 1 year after the date of enactment
14 of this title, the Administrator shall—

15 “(1) identify environmental pollutants com-
16 monly used or found in areas that are reasonably ac-
17 cessible to children;

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

21 “(3) develop a scientifically peer reviewed list of
22 safer-for-children substances and products rec-
23 ommended by the Administrator for use in areas
24 that are reasonably accessible to children that, when
25 applied as recommended by the manufacturer, will

1 minimize potential risks to children from exposure to
2 environmental pollutants;

3 “(4) establish guidelines to help reduce and
4 eliminate exposure of children to environmental pol-
5 lutants in areas reasonably accessible to children, in-
6 cluding advice on how to establish an integrated pest
7 management program;

8 “(5) develop a family right-to-know information
9 kit that includes a summary of helpful information
10 and guidance for families, such as—

11 “(A) the information developed under
12 paragraph (3);

13 “(B) the guidelines established under para-
14 graph (4);

15 “(C) information on the potential health
16 effects of environmental pollutants;

17 “(D) practical suggestions on how parents
18 may reduce the exposure of their children to en-
19 vironmental pollutants; and

20 “(E) other information determined to be
21 relevant by the Administrator, in cooperation
22 with the Director of the Centers for Disease
23 Control and Prevention;

1 “(6) make all information developed under this
2 subsection available to Federal and State agencies,
3 to the public, and on the Internet; and

4 “(7) review and update the lists developed
5 under paragraphs (2) and (3) at least annually.

6 **“SEC. 505. RESEARCH TO IMPROVE INFORMATION ON THE**
7 **EFFECTS OF ENVIRONMENTAL POLLUTANTS**
8 **ON CHILDREN.**

9 “(a) EXPOSURE AND TOXICITY DATA.—The Admin-
10 istrator, the Secretary of Agriculture, and the Secretary
11 of Health and Human Services shall coordinate and sup-
12 port the development and implementation of basic and ap-
13 plied research initiatives to examine—

14 “(1) the health effects and toxicity of pesticides
15 (including active and inert ingredients) and other
16 environmental pollutants on children and other vul-
17 nerable subpopulations; and

18 “(2) the exposure of children and other vulner-
19 able subpopulations to environmental pollutants.

20 “(b) BIENNIAL REPORTS.—The Administrator, the
21 Secretary of Agriculture, and the Secretary of Health and
22 Human Services shall submit biennial reports to Congress
23 describing actions taken to carry out this section.”.

24 (b) CONFORMING AMENDMENT.—The table of con-
25 tents contained in section 1 of the Toxic Substances Con-

1 trol Act (15 U.S.C. 2601 note) is amended by adding at
2 the end the following:

“TITLE V—ENVIRONMENTAL PROTECTION FOR CHILDREN AND
OTHER VULNERABLE SUBPOPULATIONS

“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 the effects of environmental pol-
lutants on children.”.

3 **TITLE II—CHILDREN’S ENVIRON-**
4 **MENTAL HEALTH RESEARCH**

5 **SEC. 201. RESEARCH TO IMPROVE INFORMATION ON THE**
6 **EFFECTS OF ENVIRONMENTAL POLLUTANTS**
7 **ON CHILDREN.**

8 The Comprehensive Environmental Response, Com-
9 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
10 seq.) is amended by adding at the end the following:

11 **“TITLE V—CHILDREN’S ENVI-**
12 **RONMENTAL HEALTH RE-**
13 **SEARCH**

14 **“SEC. 501. CHILDREN’S ENVIRONMENTAL HEALTH.**

15 “(a) IDENTIFICATION AND EVALUATION OF SUB-
16 STANCES HAZARDOUS TO CHILDREN.—

17 “(1) HAZARDOUS SUBSTANCE LIST.—

18 “(A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this title, the Ad-
20 ministrator of the Agency for Toxic Substances

1 and Disease Registry and the Administrator
2 shall jointly develop a hazardous substance list.

3 “(B) CONTENTS.—The hazardous sub-
4 stance list under subparagraph (A) shall be
5 composed of a scientifically peer-reviewed list of
6 environmental pollutants—

7 “(i) that are commonly found at fa-
8 cilities listed or proposed for listing on the
9 National Priorities List developed by the
10 President in accordance with section
11 105(a)(8)(B) of the Comprehensive Envi-
12 ronmental Response, Compensation, and
13 Liability Act of 1980 (42 U.S.C.
14 9605(a)(8)(B)); and

15 “(ii) with known, likely, or suspected
16 health risks to which fetuses and children
17 are especially susceptible.

18 “(C) REVISION OF LIST.—Not later than 2
19 years after the date on which the development
20 of a hazardous substance list under subpara-
21 graph (A) is complete, and every 2 years there-
22 after, the Administrator of the Agency for
23 Toxic Substances and Disease Registry and the
24 Administrator shall jointly review and revise the
25 list.

1 “(2) REVISION OF GUIDELINES FOR PREPARA-
2 TION OF TOXICOLOGICAL PROFILES.—Not later than
3 1 year after the date of enactment of this title, the
4 Administrator of the Agency for Toxic Substances
5 and Disease Registry and the Administrator shall
6 jointly revise the guidelines for the preparation of a
7 toxicological profile of a hazardous substance under
8 section 104(i)(3) of the Comprehensive Environ-
9 mental Response, Compensation, and Liability Act
10 of 1980 (42 U.S.C. 9604(i)(3)) to include—

11 “(A) a consideration of each exposure
12 pathway and health effect relating to fetuses
13 and children;

14 “(B) an identification of exposure levels
15 specific to different age ranges, as appropriate;
16 and

17 “(C) an identification of priority data
18 needs specifically relating to the environmental
19 health of fetuses and children.

20 “(3) PREPARATION AND REVISION OF TOXI-
21 COLOGICAL PROFILES.—

22 “(A) IN GENERAL.—Not later than 3 years
23 after the date of enactment of this title, the Ad-
24 ministrator of the Agency for Toxic Substances
25 and Disease Registry shall prepare a scientif-

1 ically peer-reviewed toxicological profile of each
2 hazardous substance listed pursuant to para-
3 graph (1).

4 “(B) METHOD OF DETERMINATION.—In
5 preparing a toxicological profile under subpara-
6 graph (A), the Administrator of the Agency for
7 Toxic Substances and Disease Registry shall
8 follow each guideline requirement described in
9 paragraph (2).

10 “(C) REVISION OF PROFILES.—Not later
11 than 5 years after the date of completion of
12 each toxicological profile under subparagraph
13 (A), and every 5 years thereafter, the Adminis-
14 trator of the Agency for Toxic Substances and
15 Disease Registry shall review and revise the
16 profile.

17 “(b) REVISION OF PUBLIC HEALTH AND ENVIRON-
18 MENTAL STANDARDS.—

19 “(1) IN GENERAL.—The Administrator or the
20 Secretary of Health and Human Services (referred
21 to in this subsection as the Secretary) shall review
22 and revise, as necessary, each environmental and
23 public health regulation, risk assessment policy and
24 procedure, and guidance document issued or used
25 under this Act to determine whether each environ-

1 mental and public health regulation, risk assessment
2 policy and procedure, and guidance document con-
3 siders and fully protects the health of fetuses and
4 children.

5 “(2) REVIEW.—In carrying out a review or re-
6 vision under paragraph (1), not later than 1 year
7 after the date of enactment of this title, the Admin-
8 istrator, in cooperation with the Secretary, shall—

9 “(A) develop an administrative process for
10 reviewing regulations, risk assessment policies
11 and procedures, and guidance documents;

12 “(B) develop a peer-reviewed list that—

13 “(i) contains regulations, risk assess-
14 ment policies and procedures, and guidance
15 documents that require revision; and

16 “(ii) is prioritized based on the degree
17 of risk posed to the health of fetuses and
18 children; and

19 “(C) identify—

20 “(i) through peer review, which regu-
21 lations, risk assessment policies and proce-
22 dures, and guidance documents on the list
23 described in subparagraph (B) will require
24 additional research to be revised; and

1 “(ii) the quantity of time and re-
2 sources required to carry out the necessary
3 research under clause (i).

4 “(3) REVISION.—

5 “(A) IN GENERAL.—Not later than 3 years
6 after the date of enactment of this title, the Ad-
7 ministrator shall propose revised versions of
8 each regulation, risk assessment policy and pro-
9 cedure, or guidance document that—

10 “(i) was identified under paragraph
11 (2)(B); but

12 “(ii) was not identified under para-
13 graph (2)(C).

14 “(B) REVISION OF REGULATIONS, POLI-
15 CIES AND PROCEDURES, AND DOCUMENTS NOT
16 REQUIRING ADDITIONAL RESEARCH.—Not later
17 than 5 years after the date of developing a pro-
18 posal of revised versions of regulations, risk as-
19 sessment policies and procedures, and guidance
20 documents under subparagraph (A), the Admin-
21 istrator shall issue final versions of each regula-
22 tion, policy and procedure, and guidance docu-
23 ment proposed under that subparagraph.

24 “(C) REVIEW OF REGULATIONS, POLICIES
25 AND PROCEDURES, AND DOCUMENTS.—Not

1 later than 6 years after the date of enactment
2 of this title, the Administrator shall review each
3 regulation, policy and procedure, and document
4 described in paragraph (2)(A) and revised
5 under this subsection.

6 “(4) EFFECTIVE DATE.—Notwithstanding any
7 other provision of law, if the Administrator or the
8 Secretary revises any regulation, risk assessment
9 policy or procedure, or guidance document identified
10 under paragraph (2)(B), the effective date of that
11 revision shall be not later than 1 year after the date
12 of issuance of that revision.

13 “(5) REPORT.—Not later than 2 years after the
14 date of enactment of this title, and every 2 years
15 thereafter, the Administrator shall submit to Con-
16 gress a report describing the progress made in car-
17 rying out this subsection.

18 “(c) CONSIDERATION OF CHILDREN’S HEALTH IN
19 HEALTH ASSESSMENTS.—In conducting a health assess-
20 ment at a facility, the Administrator of the Agency for
21 Toxic Substances and Disease Registry shall, at a min-
22 imum—

23 “(1) consider the potential risk to the health of
24 fetuses and children posed by the facility (including

1 any long-term, synergistic, or cumulative health ef-
2 fect);

3 “(2) consider the existence of any potential ex-
4 posure pathway that is of particular concern with re-
5 spect to fetuses and children; and

6 “(3) include a comparison between—

7 “(A) the expected exposure levels for chil-
8 dren posed by a release of an environmental
9 pollutant from the facility; and

10 “(B) any recommended child-specific expo-
11 sure or tolerance levels.

12 “(d) CHILDREN’S ENVIRONMENTAL HEALTH RE-
13 SEARCH.—

14 “(1) IN GENERAL.—The Administrator of the
15 Agency Toxic Substances and Disease Registry
16 shall incorporate each environmental health concern
17 relating to fetuses and children into each health
18 study and research program conducted pursuant to
19 sections 104(i) (5) and (7) of the Comprehensive
20 Environmental Response, Compensation, and Liabil-
21 ity Act of 1980 (42 U.S.C. 9604(i) (5) and (7)), and
22 any other health research initiative conducted pursu-
23 ant to this Act—

1 “(A) to address any priority data need
2 identified in each toxicological profile prepared
3 pursuant to subsection (a)(3); and

4 “(B) to obtain additional information re-
5 lating to the health effects of hazardous sub-
6 stances on fetuses and children.

7 “(2) GUIDELINES.—Not later than 1 year after
8 the date of enactment of this title, the Administrator
9 of the Agency for Toxic Substances and Disease
10 Registry, in cooperation with the Administrator, the
11 Centers for Disease Control and Prevention, the Di-
12 rector of the National Institute of Environmental
13 Health Sciences, and the Director of the Indian
14 Health Service, shall develop guidelines for address-
15 ing issues relating to the health of fetuses and chil-
16 dren in health studies and research programs, in-
17 cluding each study and program conducted by—

18 “(A) the Agency for Toxic Substances and
19 Disease Registry;

20 “(B) other Federal agencies;

21 “(C) State departments of public health;

22 and

23 “(D) university-based investigators.

24 “(3) CHILD-SPECIFIC HEALTH STUDIES.—Not
25 later than 1 year after the date of enactment of this

1 title, the Administrator of the Agency for Toxic Sub-
2 stances and Disease Registry, in cooperation with
3 the Administrator, the Centers for Disease Control
4 and Prevention, the Director of the National Insti-
5 tute of Environmental Health Sciences, and the Di-
6 rector of the Indian Health Service shall develop cri-
7 teria for determining the timing and types of child-
8 specific health studies that shall be conducted based
9 on the results of a health assessment under sub-
10 section (c).

11 “(4) COSTS.—It is the sense of Congress that
12 the cost of any research program under this sub-
13 section should be paid by the manufacturer and
14 processor of each hazardous substance that is a sub-
15 ject of the research in accordance with regulations
16 promulgated under section 104(i)(5)(D) of the Com-
17 prehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C.
19 9604(i)(3)(D)).

20 “(e) NATIONAL CHILDREN’S EXPOSURE REG-
21 ISTRY.—Not later than 2 years after the date of enact-
22 ment of this title, the Administrator of the Agency for
23 Toxic Substances and Disease Registry, in cooperation
24 with the States, shall establish and maintain an exposure
25 registry for all children exposed to hazardous substances

1 as the result of a release at a facility listed on the National
2 Priorities List developed by the President in accordance
3 with section 105(a)(8)(B) of the Comprehensive Environ-
4 mental Response, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9605(a)(8)(B)), in any case in which the
6 Agency for Toxic Substances and Disease Registry deter-
7 mines that levels of exposure are significant with respect
8 to the health of children.

9 “(f) CHILDREN’S ENVIRONMENTAL HEALTH EDU-
10 CATION PROGRAM.—Not later than 3 years after the date
11 of enactment of this title, the Administrator of the Agency
12 for Toxic Substances and Disease Registry, in cooperation
13 with the Administrator, the Centers for Disease Control
14 and Prevention, the Director of the National Institute of
15 Environmental Health Sciences, and the Director of the
16 Indian Health Service, shall—

17 “(1) assemble, develop as necessary, and dis-
18 tribute to State health departments, tribal health of-
19 ficials, waste site information offices, school dis-
20 tricts, health clinics, medical colleges, and, upon re-
21 quest, to physicians and other health professionals,
22 appropriate educational materials (including short
23 courses) relating to the medical surveillance, screen-
24 ing, and methods of diagnosis and treatment of in-
25 jury or disease relating to exposure to hazardous

1 substances that are of particular concern to fetuses
2 and children;

3 “(2) wherever health services are being provided
4 pursuant to section 104(i)(15)(C) of the Comprehen-
5 sive Environmental Response, Compensation, and
6 Liability Act of 1980 (42 U.S.C. 9604(i)(15)(C)),
7 develop and carry out a children’s environmental
8 health care training program for health care pro-
9 viders serving communities affected by the release of
10 hazardous substances (including training in tech-
11 niques for assessing exposure of children to haz-
12 ardous substances and methods of diagnosis and
13 treatment of injury or disease relating to exposure
14 to hazardous substances that are of particular con-
15 cern to fetuses and children) and primary preven-
16 tion; and

17 “(3) develop and distribute to State health de-
18 partments, tribal health officials, waste site informa-
19 tion offices, school districts, health clinics, and, upon
20 request, to medical colleges, physicians, and other
21 health professionals, a family right-to-know informa-
22 tion kit that includes helpful information and guid-
23 ance to families relating to the environmental health
24 of children, including—

1 “(A) information relating to the potential
2 health effects of exposure to hazardous sub-
3 stances;

4 “(B) practical suggestions on the means by
5 which parents may reduce the potential expo-
6 sure of their children to hazardous substances;

7 “(C) the rights of families living in af-
8 fected communities to receive health services
9 under section 104(i)(15)(C) of the Comprehen-
10 sive Environmental Response, Compensation,
11 and Liability Act of 1980 (42 U.S.C.
12 9604(i)(15)(C));

13 “(D) the means by which families may ob-
14 tain additional information relating to the envi-
15 ronmental health of children; and

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

18 “(g) PEDIATRIC PEER REVIEW.—

19 “(1) IN GENERAL.—The Administrator of the
20 Agency for Toxic Substances and Disease Registry
21 and the Administrator shall adopt or report each
22 list, profile, study, or result of any research con-
23 ducted under this section only after appropriate peer
24 review (including review by pediatricians and envi-
25 ronmental health specialists) of the list, profile,

1 study, or result of any research conducted under this
2 section has occurred.

3 “(2) REVIEW PANELS.—

4 “(A) IN GENERAL.—To facilitate the con-
5 duct of peer review described in paragraph (1),
6 the Administrator of the Agency for Toxic Sub-
7 stances and Disease Registry and the Adminis-
8 trator may establish a review panel composed of
9 not less than 3 members, as the Administrator
10 of the Agency for Toxic Substances and Disease
11 Registry and the Administrator determine to be
12 appropriate.

13 “(B) MEMBERSHIP.—The Administrator of
14 the Agency for Toxic Substances and Disease
15 Registry and the Administrator shall ensure
16 that members appointed to a review panel
17 under subparagraph (A) demonstrate—

18 “(i) scientific expertise, knowledge,
19 and experience relevant to the subject of
20 the review;

21 “(ii) scientific credibility and impar-
22 tiality; and

23 “(iii) an absence of any conflict of in-
24 terest or institutional relationship with any
25 person involved—

1 “(I) in the conduct of the study
2 or research under review; and

3 “(II) with the manufacture, proc-
4 essing, marketing, or distribution of
5 the hazardous substance, pollutant, or
6 contaminant under investigation.

7 **“SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

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

10 **TITLE III—AWARENESS OF ENVI-
11 RONMENTAL RISKS TO CHIL-
12 DREN**

13 **SEC. 301. SHORT TITLE.**

14 This title may be cited as the “Children’s Environ-
15 mental Protection and Right to Know Act”.

16 **SEC. 302. FINDING.**

17 Congress finds that requirements to disclose informa-
18 tion about environmental risks will improve health and
19 safety by—

20 (1) prompting persons causing those risks to re-
21 duce the risks; and

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

1 **Subtitle A—Disclosure of Industrial**
2 **Releases That Present a Signifi-**
3 **cant Risk to Children**

4 **SEC. 311. REPORTING REQUIREMENTS.**

5 (a) IN GENERAL.—Section 313(f) of the Emergency
6 Planning and Community Right-To-Know Act of 1986 (42
7 U.S.C. 11023(f)) is amended by striking paragraph (1)
8 and inserting the following:

9 “(1) IN GENERAL.—

10 “(A) TOXIC CHEMICAL THRESHOLD QUAN-
11 TITY.—The threshold quantities for purposes of
12 reporting toxic chemicals under this section are
13 as follows:

14 “(i) TOXIC CHEMICALS USED AT FA-
15 CILITIES.—The threshold quantity of a
16 toxic chemical used at a facility shall be
17 10,000 pounds of the toxic chemical per
18 year.

19 “(ii) MANUFACTURED OR PROCESSED
20 TOXIC CHEMICALS.—The threshold quan-
21 tity of a toxic chemical manufactured or
22 processed at a facility shall be—

23 “(I) 75,000 pounds of a toxic
24 chemical per year, for any toxic chem-
25 ical for which a toxic chemical release

1 form is required to be submitted
2 under this section on or before July 1,
3 1988;

4 “(II) 50,000 pounds of a toxic
5 chemical per year, for any toxic chem-
6 ical for which a toxic chemical release
7 form is required to be submitted dur-
8 ing the period beginning July 2, 1988,
9 and ending July 1, 1989; and

10 “(III) 25,000 pounds of a toxic
11 chemical per year, for any toxic chem-
12 ical for which any toxic release form
13 is required to be submitted on or after
14 July 2, 1989.

15 “(B) TOXIC CHEMICALS RELEASED FROM
16 FACILITIES.—

17 “(i) TOXIC CHEMICAL THRESHOLD
18 PROGRAM.—

19 “(I) ESTABLISHMENT.—Not
20 later than 2 years after the date of
21 enactment of the Children’s Environ-
22 mental Protection and Right to Know
23 Act, subject to clause (ii) and in addi-
24 tion to the reporting thresholds for
25 the toxic chemicals specified in sub-

1 clause (II), the Administrator shall es-
2 tablish a reporting threshold for each
3 toxic chemical that the Administrator
4 determines may present a significant
5 risk to children’s health or the envi-
6 ronment due to, as determined by—

7 “(aa) the persistent use or
8 existence of the toxic chemical in
9 the environment;

10 “(bb) the potential of the
11 toxic chemical to bioaccumulate
12 or disrupt endocrine systems; or

13 “(cc) other characteristics of
14 the toxic chemical.

15 “(II) TOXIC CHEMICALS IN-
16 CLUDED.—The Administrator shall
17 establish a reporting threshold under
18 subclause (I) for—

19 “(aa) lead;

20 “(bb) mercury;

21 “(cc) dioxin;

22 “(dd) cadmium;

23 “(ee) chromium; and

24 “(ff) each substance identi-
25 fied as a bioaccumulative chem-

1 ical of concern in the final rule
2 promulgated by the Adminis-
3 trator entitled ‘Water Quality
4 Guidance for the Great Lakes
5 System, Part III’ (60 Fed. Reg.
6 15336 (March 23, 1995)).

7 “(ii) THRESHOLD QUANTITY.—The
8 Administrator shall establish by regulation
9 each threshold quantity for a toxic chem-
10 ical described in clause (i) at a level that,
11 as determined by the Administrator, will
12 ensure reporting of at least 80 percent of
13 the aggregate of all releases of the toxic
14 chemical from facilities that—

15 “(I) have 10 or more full-time
16 employees; and

17 “(II) are designated with any of
18 Standard Industrial Classification
19 Codes 20 through 39 or any of the
20 Standard Industrial Classification
21 Codes added under subsection
22 (b)(1)(B).”.

23 (b) CONFORMING AMENDMENTS.—

1 (1) Section 313 of the Emergency Planning and
2 Community Right-To-Know Act of 1986 (42 U.S.C.
3 11023) is amended—

4 (A) in subsections (a) and (b)(1)(A), by
5 striking “or otherwise used” each place it ap-
6 pears and inserting “otherwise used, or re-
7 leased”;

8 (B) in subsection (c)—

9 (i) by striking “are those chemicals”
10 and inserting the following: “are—

11 “(1) those chemicals;”;

12 (ii) by striking the period at the end
13 and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(2) dioxin and each other substance identified
17 as a bioaccumulative chemical of concern in the final
18 rule promulgated by the Administrator entitled
19 ‘Water Quality Guidance for the Great Lakes Sys-
20 tem, Part III’ (60 Fed. Reg. 15336 (March 23,
21 1995)).”;

22 (C) in the first sentence of subsection
23 (f)(2), by striking “paragraph (1)” and insert-
24 ing “subparagraph (A) or (B) of paragraph
25 (1)”.

1 (2) Section 326(a)(1)(B) of the Emergency
2 Planning and Community Right-To-Know Act of
3 1986 (42 U.S.C. 11046(a)(1)(B)) is amended by
4 adding at the end the following:

5 “(vii) Establish reporting thresholds
6 for chemicals referred to in section
7 313(f)(1)(C).”.

8 **Subtitle B—Disclosure of High**
9 **Health Risk Chemicals in Chil-**
10 **dren’s Consumer Products**

11 **SEC. 321. LIST OF TOXIC CHEMICALS.**

12 (a) DEFINITION OF ELIGIBLE PRODUCT.—Section 2
13 of the Federal Hazardous Substances Act (15 U.S.C.
14 1261) is amended by adding at the end the following:

15 “(u) ELIGIBLE PRODUCT.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), the term ‘eligible product’ means any toy
18 or other article intended for use by children.

19 “(2) EXCEPTION.—On and after the date that
20 is 3 years after the date of enactment of this sub-
21 section, the term ‘eligible product’ means any con-
22 sumer product (as defined in section 3 of the Con-
23 sumer Product Safety Act (15 U.S.C. 2052)).”.

1 (b) LIST OF TOXIC CHEMICALS.—Section 3 of the
2 Federal Hazardous Substances Act (15 U.S.C. 1262) is
3 amended by adding at the end the following:

4 “(k) LIST OF TOXIC CHEMICALS.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) ADMINISTRATOR.—The term ‘Admin-
7 istrator’ means the Administrator of the Envi-
8 ronmental Protection Agency.

9 “(B) CHAIRMAN.—The term ‘Chairman’
10 means the Chairman of the Consumer Product
11 Safety Commission.

12 “(2) LIST.—Not later than 1 year after the
13 date of enactment of this subsection, the Adminis-
14 trator, acting jointly with the Chairman, shall pub-
15 lish in the Federal Register a list of substances or
16 mixtures of substances that have been determined by
17 the Administrator and the Chairman to be toxic to
18 children due to their carcinogenic, neurotoxic, or re-
19 productive toxic effects.

20 “(3) SUBSTANCES AND INFORMATION TO BE
21 INCLUDED.—The list under that paragraph shall in-
22 clude—

23 “(A)(i) any chemical that has been identi-
24 fied by a Federal agency as being a carcinogen,
25 neurotoxin, or reproductive toxin;

1 “(ii) each chemical identified as a Group A
2 or Group B carcinogen in the notice published
3 by the Administrator entitled ‘Regulation of
4 Pesticides in Food: Addressing the Delaney
5 Paradox Policy Statement’ (53 Fed. Reg.
6 41118 (October 19, 1988));

7 “(iii) each chemical that adversely affects
8 the nervous system of children, as identified in
9 criteria documents of the National Institute for
10 Occupational Safety and Health;

11 “(iv) each chemical identified by the Con-
12 sumer Product Safety Commission as having
13 sufficient evidence to demonstrate—

14 “(I) carcinogenicity in humans or ani-
15 mals;

16 “(II) neurotoxicity in humans or ani-
17 mals;

18 “(III) human developmental toxicity;

19 or

20 “(IV) male or female reproductive tox-
21 icity in humans or animals;

22 “(v) each chemical regulated as a
23 neurotoxin, reproductive toxin, or developmental
24 toxin by the Administrator; and

1 “(vi) each chemical on the Biennial List of
2 Carcinogens submitted to Congress by the Sec-
3 retary of Health and Human Services; and

4 “(B) such reasonably available information on
5 adverse health effects of any substance or mixture of
6 substances as was used to determine whether to in-
7 clude the substance or mixture on the list required
8 under paragraph (2).

9 “(4) DATA.—In carrying out paragraph (3), the
10 Secretary and the Chairman shall require manufac-
11 turers and importers of substances and mixtures of
12 substances on the list required under paragraph (2)
13 to generate, and shall obtain from any Federal,
14 State, or local government, such data as are suffi-
15 cient to identify substances or mixtures of sub-
16 stances—

17 “(A) that are toxic within the meaning of
18 paragraph (2); and

19 “(B) to which infants and young children
20 are exposed.

21 “(1) CHEMICAL TESTING AND RISK ASSESSMENT.—
22 As soon as practicable after the date of enactment of this
23 subsection, the Administrator of the Environmental Pro-
24 tection Agency, in consultation with experts in pediatric
25 toxicology and exposure, shall develop and implement new

1 short-term and long-term strategies for more comprehen-
2 sive chemical testing and risk assessment to ensure that
3 risks of exposure to children (including exposure to chil-
4 dren in utero) are, to the maximum extent practicable,
5 fully understood.”.

6 **SEC. 322. REPORTING OF TOXIC CHEMICALS IN CONSUMER**
7 **PRODUCTS.**

8 (a) REPORTING.—The Federal Hazardous Sub-
9 stances Act (15 U.S.C. 1261 et seq.) is amended by add-
10 ing at the end the following:

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

12 “(a) IN GENERAL.—A manufacturer or importer of
13 any eligible product that contains, or is composed of, a
14 substance or mixture of substances listed under section
15 3(k) shall submit to the Commission a report that de-
16 scribes each of the following:

17 “(1) The identity of the manufacturer or im-
18 porter of the eligible product.

19 “(2) A description of the eligible product (in-
20 cluding any model name and model number of the
21 eligible product).

22 “(3) The identity of the substance or mixture
23 of substances listed under section 3(k) (including the
24 concentration of the substance or mixture in the eli-
25 gible product).

1 “(4) Any information known to the manufac-
2 turer or importer that would support a determina-
3 tion that the eligible product is not a misbranded
4 hazardous substance or a banned hazardous sub-
5 stance.

6 “(5) Such data as are generated by the manu-
7 facturer or importer as are sufficient to identify any
8 substances or mixtures of substances manufactured
9 or imported that are toxic to children, as described
10 in section 3(k)(2).

11 “(b) PUBLICATION.—The Commission shall annually
12 publish in the Federal Register, and make available to the
13 public in an electronic format, the information submitted
14 under subsection (a).

15 “(c) REGULATIONS.—The Commission shall promul-
16 gate such regulations as necessary to carry out this sec-
17 tion.

18 “(d) APPLICATION OF SECTION.—Subsection (a)
19 shall apply to a substance or mixture of substances listed
20 under section 3(k) beginning on the date that is 1 year
21 after the date on which the substance or mixture of sub-
22 stances is listed under that section.”.

23 (b) PROHIBITED ACTS.—

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

4 “(1) The failure to report as required under section
5 25.”.

6 (2) CONFORMING AMENDMENT.—Section
7 5(c)(1) of the Federal Hazardous Substances Act
8 (15 U.S.C. 1264(c)(1)) is amended in the second
9 sentence by striking “and (k)” and inserting “(k),
10 and (l)”.

11 **SEC. 323. EXEMPTIONS.**

12 (a) IN GENERAL.—Section 3(c) of the Federal Haz-
13 ardous Substances Act (15 U.S.C. 1262(c)) is amended—

14 (1) by striking “(c) If the Commission finds”
15 and inserting the following:

16 “(c) EXEMPTION FROM REQUIREMENTS BY REGULA-
17 TION.—

18 “(1) IN GENERAL.—If the Commission deter-
19 mines”; and

20 (2) by adding at the end the following:

21 “(2) ADDITIONAL REGULATIONS.—In addition
22 to regulations promulgated under paragraph (1), the
23 Commission may promulgate regulations exempting
24 from the reporting requirements of section 25 any
25 substance or mixture of substances.

1 “(3) APPLICABILITY.—This subsection shall not
2 apply to any substance or mixture of substances un-
3 less the Commission determines that the substance
4 or mixture would not, by reason of containing a sub-
5 stance or mixture of substances listed under section
6 3(k), cause substantial personal injury or substantial
7 illness during, or as a proximate result of, any cus-
8 tomary or reasonably foreseeable handling or use
9 (including reasonably foreseeable ingestion by chil-
10 dren).”.

11 (b) CONFORMING AMENDMENT.—Section 3(d) of the
12 Federal Hazardous Substances Act (15 U.S.C. 1262(d))
13 is amended by striking “adequate requirements satisfying
14 the purposes of” and inserting “requirements at least as
15 stringent as”.

16 **SEC. 324. PRIVATE CITIZEN ENFORCEMENT.**

17 The Federal Hazardous Substances Act (15 U.S.C.
18 1261 et seq.) (as amended by section 322(a)) is amended
19 by adding at the end the following:

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

21 “(a) IN GENERAL.—Subject to subsection (c), any
22 person other than the Commission may bring a civil action
23 in United States district court—

24 “(1) against any person, for violation of sub-
25 section (a), (b), or (l) of section 4; or

1 “(2) against the Commission, for a failure of
2 the Commission to perform any nondiscretionary act
3 or duty under the amendments made by the Chil-
4 dren’s Environmental Protection and Right to Know
5 Act.

6 “(b) JURISDICTION.—In the case of a civil action
7 under subsection (a)—

8 “(1) the United States district courts shall have
9 jurisdiction over the civil action without regard to
10 the amount in controversy or the citizenship of the
11 parties; and

12 “(2) the court may apply any appropriate civil
13 penalties under section 5 or order the Commission to
14 perform any nondiscretionary act or duty that the
15 Commission failed to perform.

16 “(c) ACTIONS PROHIBITED.—No action may be com-
17 menced under this section unless—

18 “(1) not later than 60 days before the date on
19 which the action is filed, the plaintiff gives notice of
20 the intent to bring the action—

21 “(A) to the Commission; and

22 “(B) in the case of an action for a viola-
23 tion of section 4, to the person that is alleged
24 to have violated that section; and

1 “(2) in the case of an action for a violation of
2 section 4, the Commission has not commenced and
3 is not diligently pursuing a civil action on behalf of
4 the United States.

5 “(d) INTERVENTION.—In any action on behalf of the
6 United States following receipt of a notice under sub-
7 section (d)(1), the person providing the notice may inter-
8 vene as of right as a plaintiff in the action.

9 “(e) COSTS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), the costs of litigation (including reason-
12 able attorney fees) may be awarded to—

13 “(A) in any civil action under subsection
14 (a), any substantially prevailing plaintiff; and

15 “(B) in any action under subsection (e),
16 the party intervening under subsection (a) or
17 (e), if that party contributed significantly to the
18 success of the plaintiff.

19 “(2) WAIVER.—The award of costs under para-
20 graph (1) may be fully or partially waived by a court
21 if the court finds such an award to be inappropriate
22 under the circumstances.

23 “(f) BURDEN OF PROOF.—In any action under sub-
24 section (a)(1), if the person alleged to have violated section
25 4 asserts that a substance or mixture of substances is not

1 a hazardous substance by reason of containing a substance
2 or mixture of substances listed under section 3(k), the
3 burden of proof shall be the alleged violator to establish
4 that the substance or mixture of substances is not a haz-
5 ardous substance.

6 “(g) PENALTY FUND.—

7 “(1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund to be used
9 in carrying out this section (referred to in this sec-
10 tion as the ‘Fund’).

11 “(2) DEPOSIT OF ASSESSED PENALTIES.—A
12 penalty assessed as a result of a civil action under
13 subsection (a) shall be deposited in the Fund.

14 “(3) USE OF FUNDS.—On request by the Com-
15 mission, the Secretary of the Treasury shall transfer
16 from the Fund to the Commission such amounts as
17 the Commission determines are necessary to finance
18 compliance and enforcement activities under this
19 Act.

20 “(4) AVAILABILITY.—Amounts in the Fund
21 shall remain available for use by the Commission
22 until expended, without further appropriation.

23 “(5) REPORTS.—The Commission shall submit
24 to Congress an annual report that describes—

1 “(A) any funds deposited into the Fund
2 during the year for which the report is sub-
3 mitted (including the sources of those funds);
4 and

5 “(B) the actual and proposed uses of the
6 funds.

7 “(h) OTHER PROJECTS.—Notwithstanding sub-
8 section (g), in lieu of being deposited in the Fund, any
9 civil penalty assessed may, at the option of the court (after
10 consultation with the Commission), be used to fund
11 projects of the Commission that are—

12 “(1) consistent with this Act; and

13 “(2) designed to enhance public awareness of—

14 “(A) the health effects of toxic substances
15 or mixtures of toxic substances in eligible prod-
16 ucts; and

17 “(B) the potential for exposure of children
18 to toxic substances or mixtures of toxic sub-
19 stances in eligible products.”.

20 **TITLE IV—ENVIRONMENTAL**
21 **CONTAMINANT TESTING PRO-**
22 **GRAM**

23 **SEC. 401. DEFINITIONS.**

24 In this title:

1 proposed day care center of the applicant;
2 and

3 (iii) the State to inform the parents of
4 each child of a school or day care center of
5 the State of the detection of the presence
6 of any environmental pollutant on the
7 property of that school or day care center;
8 and

9 (B) is approved by the Administrator.

10 (4) ENVIRONMENTAL POLLUTANT.—The term
11 “environmental pollutant” means—

12 (A) a hazardous substance (as defined in
13 section 101 of the Comprehensive Environ-
14 mental Response, Compensation, and Liability
15 Act of 1980 (42 U.S.C. 9601));

16 (B) a contaminant subject to regulation
17 under the Safe Drinking Water Act (42 U.S.C.
18 300f et seq.);

19 (C) an air pollutant subject to regulation
20 under the Clean Air Act (42 U.S.C. 7401 et
21 seq.);

22 (D) a water pollutant subject to regulation
23 under the Federal Water Pollution Control Act
24 (33 U.S.C. 1251 et seq.); and

1 (E) a pesticide subject to regulation under
2 the Federal Insecticide, Fungicide, and
3 Rodenticide Act (7 U.S.C. 136 et seq.).

4 (5) SCHOOL.—The term “school” means—

5 (A) an elementary school (as defined in
6 section 14101 of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 8801));

8 (B) a secondary school (as defined in sec-
9 tion 14101 of that Act);

10 (C) a kindergarten; and

11 (D) a nursery school that is public or re-
12 ceives Federal funding.

13 (6) SECRETARY.—The term “Secretary” means
14 the Secretary of Education.

15 **SEC. 402. BLOCK GRANTS.**

16 (a) ESTABLISHMENT.—The Administrator, in col-
17 laboration with the Secretary, shall establish in the Envi-
18 ronmental Protection Agency a program under which the
19 Administrator shall provide block grants to Eligible States
20 to carry out authorized activities.

21 (b) APPLICATIONS.—

22 (1) IN GENERAL.—To receive a block grant
23 under this section, an Eligible State shall submit to
24 the Secretary an application at such time, in such a

1 manner, and containing such information as the Sec-
2 retary may require.

3 (2) CONTENTS.—Each application submitted
4 pursuant to paragraph (1) shall—

5 (A) describe the activities for which assist-
6 ance under this title is sought; and

7 (B) provide evidence that the applicant—

8 (i) is an Eligible State;

9 (ii) has developed a prioritized list of
10 each school and day care center of the Eli-
11 gible State that is based on the probability
12 that an environmental pollutant is present
13 on the property of each school or day care
14 center included on the list; and

15 (iii) shall apply funds from any pay-
16 ment received under this title for any fiscal
17 year in accordance with the prioritized list
18 described in clause (ii).

19 (c) AUTHORIZED ACTIVITIES.—An Eligible State
20 may use any payment received under this title for any fis-
21 cal year for use in—

22 (1) administrating each law (including a regula-
23 tion) that requires the testing of sites for proposed
24 schools and day care centers of the Eligible State to
25 test for the presence of any environmental pollutant;

1 (2) paying for, or providing a grant to any
2 school or day care center of the Eligible State to pay
3 for, any test conducted to determine the presence of
4 any environmental pollutant on the property of that
5 school or day care center; and

6 (3) removing any environmental pollutant on
7 the property of any school or day care center of the
8 Eligible State.

9 (d) REGULATIONS.—Not later than 1 year after the
10 date of enactment of this Act, the Administrator, in col-
11 laboration with the Secretary, shall promulgate regula-
12 tions that shall provide guidance to Eligible States for use
13 in complying with the grant program established under
14 subsection (a).

15 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

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