

103D CONGRESS
1ST SESSION

S. 729

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

Mr. REID (for himself, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BRYAN, Mr. HARKIN, Mr. JEFFORDS, Mr. SIMON, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, and Mr. WOFFORD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Lead Exposure Reduction Act of 1993”.

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

Sec. 1. Short title; table of contents.

- Sec. 101. Findings and policy.
- Sec. 102. Definitions.
- Sec. 103. Restrictions on continuing uses of certain lead-containing products.
- Sec. 104. Inventory of lead-containing products and new use notification procedures.
- Sec. 105. Product labeling.
- Sec. 106. Recycling of lead-acid batteries.
- Sec. 107. Lead contamination in schools and day care facilities.
- Sec. 108. Blood-lead and other abatement and measurement programs.
- Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.
- Sec. 110. Conforming amendments.
- Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

- Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.
- Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.
- Sec. 203. Additional conforming amendments.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Authorization of appropriations.

1 (c) REFERENCE TO TOXIC SUBSTANCES CONTROL
 2 ACT.—Wherever in title I an amendment or repeal is ex-
 3 pressed in terms of an amendment to, or repeal of, a sec-
 4 tion or other provision, the reference shall be considered
 5 to be made to a section or other provision of the Toxic
 6 Substances Control Act (15 U.S.C. 2601 et seq.), except
 7 to the extent otherwise specifically provided.

8 **TITLE I—LEAD ABATEMENT**

9 **SEC. 101. FINDINGS AND POLICY.**

10 (a) REDESIGNATIONS.—Sections 401 and 402
 11 through 412 (15 U.S.C. 2681 and 2682 through 2692)
 12 are redesignated as sections 402, and 410 through 420,
 13 respectively.

1 (b) FINDINGS AND POLICY.—Title IV (15 U.S.C.
2 2681 et seq.) is amended by inserting before section 402
3 (as so redesignated) the following new section:

4 **“SEC. 401. FINDINGS AND POLICY.**

5 “(a) FINDINGS.—Congress finds that—

6 “(1) lead poisoning is the most prevalent dis-
7 ease of environmental origin among American chil-
8 dren today, and children under 7 years of age are
9 at special risk because of their susceptibility to the
10 potency of lead as a neurologic toxin;

11 “(2)(A) the effects of lead on children may in-
12 clude permanent and significant neurologic and
13 physiologic impairment; and

14 “(B) additional health effects occur in adults
15 exposed to similar exposure levels;

16 “(3) because of the practical difficulties of re-
17 moving lead already dispersed into the environment,
18 children and adults will continue to be exposed to
19 lead for years;

20 “(4) as a result of decades of highly dispersive
21 uses of lead in a variety of products, contamination
22 of the environment with unacceptable levels of lead
23 is widespread; and

24 “(5) the continued manufacture, import, proc-
25 essing, use, and disposal of some lead-containing

1 products may cause further releases of lead into the
2 environment, and the releases contribute to further
3 environmental contamination and resultant exposure
4 to lead.

5 “(b) POLICY.—It is the policy of the United States
6 that further releases of lead into the environment should
7 be minimized, and methods should be developed and imple-
8 mented to reduce sources of lead that result in adverse
9 human or environmental exposures.”.

10 **SEC. 102. DEFINITIONS.**

11 Section 402, as redesignated by section 101(a) of this
12 Act, is amended—

13 (1) by striking “For the purposes” and insert-
14 ing “(a) IN GENERAL.—Subject to subsection (b),
15 for the purposes”;

16 (2) by redesignating—

17 (A) paragraphs (13) through (17) as para-
18 graphs (18) through (22), respectively;

19 (B) paragraphs (5) through (12) as para-
20 graphs (7) through (14), respectively; and

21 (C) paragraph (4) as paragraph (5);

22 (3) by inserting after paragraph (3) the follow-
23 ing new paragraph:

1 “(4) DISTRIBUTOR.—The term ‘distributor’
2 means any individual, firm, corporation, or other en-
3 tity that takes title to goods purchased for resale.”;

4 (4) by inserting after paragraph (5) (as so re-
5 designated) the following new paragraph:

6 “(6) FACILITY.—The term ‘facility’ means any
7 public or private dwelling constructed before 1980,
8 public building constructed before 1980, commercial
9 building, bridge, or other structure or super-
10 structure.”;

11 (5) by inserting after paragraph (14) (as so re-
12 designated) the following new paragraphs:

13 “(15) PACKAGE.—The term ‘package’ means a
14 container that provides a means of marketing, pro-
15 tecting, or handling a product. The term includes a
16 unit package, an intermediate package, a crate, a
17 pail, a rigid foil, unsealed receptacle (such as a car-
18 rying case), a cup, tray, wrapper or wrapping film,
19 a bag, tub, shipping or other container, any package
20 included in the American Society for Testing and
21 Materials (referred to in this title as ‘ASTM’) Speci-
22 fication D-996, and such other packages as the Ad-
23 ministrator may specify by regulation.

24 “(16) PACKAGING COMPONENT.—The term
25 ‘packaging component’ means any individual assem-

1 bled part of a package (including any interior or ex-
2 terior blocking, bracing, cushioning, weatherproof-
3 ing, exterior strapping, coating, closure, ink, or
4 label). For the purposes of this title, tin-plated steel
5 that meets the ASTM Specification A-623 shall be
6 deemed an individual packaging component.

7 “(17) PERSON.—The term ‘person’ means an
8 individual, trust, firm, joint stock company, corpora-
9 tion (including a government corporation), partner-
10 ship, association, State, municipality, commission,
11 political subdivision of a State, or interstate body.
12 The term shall include each department, agency, or
13 instrumentality of the United States.”; and

14 (6) by adding at the end the following new sub-
15 section:

16 “(b) EXCEPTIONS.—As used in this title, the terms
17 ‘package’ and ‘packaging component’ shall not include—

18 “(1) ceramic ware or crystal;

19 “(2) a container used for radiation shielding;

20 “(3) any casing for a lead-acid battery;

21 “(4) steel strapping; or

22 “(5) any package or packaging component con-
23 taining lead that is regulated or subject to regula-
24 tion under the Federal Food, Drug, and Cosmetic
25 Act (21 U.S.C. 301 et seq.).”.

1 **SEC. 103. RESTRICTIONS ON CONTINUING USES OF CER-**
2 **TAIN LEAD-CONTAINING PRODUCTS.**

3 Title IV (15 U.S.C. 2681 et seq.), as amended by
4 section 101 of this Act, is further amended by inserting
5 after section 402, as redesignated by section 101(a) of this
6 Act, the following new section:

7 **“SEC. 403. RESTRICTIONS ON CONTINUING USES OF CER-**
8 **TAIN LEAD-CONTAINING PRODUCTS.**

9 “(a) GENERAL RESTRICTIONS.—

10 “(1) IN GENERAL.—

11 “(A) PROHIBITION ON THE IMPORT, MAN-
12 UFACTURING, OR PROCESSING OF A PROD-
13 UCT.—Beginning on the date that is 1 year
14 after the date of enactment of this section, no
15 person may import, manufacture, or process a
16 product in any of the product categories de-
17 scribed in paragraph (2).

18 “(B) PROHIBITION ON THE DISTRIBUTION
19 IN COMMERCE OF A PRODUCT.—Beginning on
20 the date that is 2 years after the date of enact-
21 ment of this section, no person may distribute
22 in commerce a product in any of the product
23 categories described in paragraph (2).

24 “(2) PRODUCT CATEGORIES.—The product cat-
25 egories described in this paragraph are as follows:

1 “(A) Paint containing more than 0.06 per-
2 cent lead by dry weight, other than—

3 “(i) corrosion inhibitive coatings, in-
4 cluding electrocoats and electrodeposition
5 primers, applied by original equipment
6 manufacturers to motor vehicle parts and
7 containing no more than 1.9 percent lead
8 by weight in dry film;

9 “(ii) certain paints and primers for
10 equipment used for agricultural, construc-
11 tion, general, and industrial forestry pur-
12 poses; and

13 “(iii) paints containing lead chromate
14 pigments.

15 “(B) Pesticides (as defined in section 2(u)
16 of the Federal Insecticide, Rodenticide, and
17 Fungicide Act (7 U.S.C. 136(u)) containing
18 more than 0.1 percent lead by dry weight.

19 “(C) Toys and recreational game pieces
20 containing more than 0.1 percent lead by dry
21 weight, except for toys and games that contain
22 electronic or electrical parts or components and
23 that meet the standards and regulations for
24 content, manufacture, processing, and distribu-
25 tion established by the Consumer Product Safe-

1 ty Commission under the Federal Hazardous
2 Substances Act (15 U.S.C. 1261 et seq.).

3 “(D) Curtain weights—

4 “(i) that are not encased in vinyl;

5 “(ii) that contain more than 0.1 per-
6 cent lead by dry weight; and

7 “(iii) that are common in residential
8 use.

9 “(E) Fishing weights, jigs, and lures, other
10 than lures that are artificial flies, containing
11 more than 0.1 percent lead by dry weight.

12 “(F) Inks containing more than 0.1 per-
13 cent lead by dry weight used in printing news-
14 papers, newspaper supplements, or magazines
15 published more than once per month.

16 “(G) Brick mortar containing more than 2
17 percent lead by dry weight.

18 “(3) GLASS COATINGS.—

19 “(A) IN GENERAL.—Beginning on the date
20 that is 5 years after the date of enactment of
21 this section, no person may import, manufac-
22 ture, or process a product in any of the follow-
23 ing product categories, and beginning on the
24 date that is 6 years after the date of enactment
25 of this section, no person may distribute in

1 commerce a product in any of the product cat-
2 egories described in subparagraph (B).

3 “(B) PRODUCT CATEGORIES.—The prod-
4 uct categories described in this subparagraph
5 are as follows:

6 “(i) Architectural glass coatings con-
7 taining more than 0.06 percent lead by dry
8 weight.

9 “(ii) Automotive window coatings con-
10 taining more than 0.06 percent lead by dry
11 weight.

12 “(iii) Mirror backings containing more
13 than 0.06 percent lead by dry weight.

14 “(4) STATUTORY CONSTRUCTION.—Nothing in
15 this section shall prohibit the recycling of any prod-
16 uct listed in this subsection if, following the original
17 use of the product, the product is reused as a raw
18 material in the manufacture of any product that is
19 not listed under this subsection.

20 “(b) MODIFICATION OF RESTRICTIONS.—

21 “(1) IN GENERAL.—The Administrator may,
22 after public notice and opportunity for comment,
23 promulgate regulations to modify, pursuant to para-
24 graphs (2) and (3), the percentage of the allowable
25 lead content for a product, or a group of products,

1 within a product category described in subpara-
2 graphs (A) through (G) of subsection (a)(2) and
3 subparagraphs (A) through (C) of subsection (a)(3).

4 “(2) REDUCED PERCENTAGE.—The Adminis-
5 trator may, pursuant to paragraph (1), establish by
6 regulation a percentage by dry weight of the allow-
7 able lead content that is less than the percentage
8 specified under subsection (a) (including
9 nondetectable levels) for a product, or a group of
10 products, within any product category described in
11 subparagraphs (A) through (G) of subsection (a)(2)
12 and subparagraphs (A) through (C) of subsection
13 (a)(3) if the Administrator determines that a reduc-
14 tion in the percentage of the allowable lead content
15 is necessary to protect human health or the environ-
16 ment.

17 “(3) INCREASED PERCENTAGE.—

18 “(A) IN GENERAL.—The Administrator
19 may, pursuant to paragraph (1), establish by
20 regulation a percentage by dry weight of the al-
21 lowable lead content that is greater than the
22 percentage specified under subsection (a) for a
23 product, or a group of products, within any
24 product category described in subparagraphs
25 (A) through (G) of subsection (a)(2) and sub-

1 paragraphs (A) through (C) of subsection
2 (a)(3) if the Administrator determines that an
3 increase in the percentage of the allowable lead
4 content will promote the protection of human
5 health or the environment.

6 “(B) TERMINATION DATE.—If the Admin-
7 istrator establishes by regulation an increased
8 percentage of the allowable lead content for a
9 product, or a group of products, within a prod-
10 uct category pursuant to this paragraph, the
11 regulation establishing the percentage shall ter-
12 minate on the date that is 6 years after the
13 date the regulation becomes final.

14 “(C) REVIEW.—Not later than 2 years
15 prior to the termination date of a regulation
16 promulgated under this paragraph, the Admin-
17 istrator shall review the regulation. If the Ad-
18 ministrator determines, pursuant to subpara-
19 graph (A), that the promulgation of a revised
20 regulation is appropriate, the Administrator,
21 not later than 1 year prior to the termination
22 date of the regulation, may promulgate a re-
23 vised regulation that shall terminate on the
24 date that is 6 years after the date the revised
25 regulation becomes final.

1 “(4) WAIVERS FOR TOYS AND RECREATIONAL
2 GAME PIECES.—Not later than 1 year after the date
3 of enactment of this section, the Administrator shall
4 promulgate regulations to waive the requirements of
5 subsection (a)(2)(C) with respect to certain toys and
6 recreational game pieces that are collectible items
7 and scale models intended for adult acquisition.

8 “(5) EXEMPTION OF PAINTS.—

9 “(A) DETERMINATION.—

10 “(i) IN GENERAL.—Not later than 5
11 years after the date of enactment of this
12 section, the Administrator shall determine,
13 following public notice and opportunity for
14 comment, whether there is—

15 “(I) 1 (or more) primer paint
16 suitable for use as an electrocoat or
17 electrodeposition primer (or both) on
18 motor vehicle parts that contains less
19 than 1.9 percent lead by weight in dry
20 film;

21 “(II) 1 (or more) original equip-
22 ment manufacturer paint, primer, or
23 service paint or primer for equipment
24 used for agricultural, construction,
25 and general industrial and forestry

1 purposes that, in the dry coating, has
2 a lead solubility of less than 60 milli-
3 grams per liter, as described in the
4 American National Standards Insti-
5 tute (referred to in this subtitle as
6 ‘ANSI’) standard Z66.1; or

7 “(III) 1 (or more) substitute for
8 paints containing lead chromate pig-
9 ments for use in any class or category
10 of uses that contains less than or
11 equal to 0.06 percent lead by weight
12 in dry film.

13 “(ii) ADDITIONAL DETERMINATION BY
14 ADMINISTRATOR.—The Administrator also
15 shall determine whether 1 (or more) paint
16 or primer referred to in clause (i)—

17 “(I) has substantially equivalent
18 corrosion inhibition and related per-
19 formance characteristics to any paint
20 or primer; and

21 “(II) does not pose a greater risk
22 to human health and the environment
23 than a paint or primer,

1 in use for the applicable purpose specified
2 in clause (i) on the date of enactment of
3 this section.

4 “(B) IDENTIFICATION.—If the Adminis-
5 trator determines pursuant to subparagraph
6 (A), that 1 (or more) of the paints and primers
7 referred to in subparagraph (A) meets the ap-
8 plicable specifications under such subparagraph,
9 the Administrator shall identify the lead con-
10 tent of the paint or primer of each applicable
11 category of paints or primers (or both) under
12 subclauses (I) through (III) of subparagraph
13 (A)(i).

14 “(C) PROHIBITION ON IMPORTATION, MAN-
15 UFACTURING, AND PROCESSING.—For a cat-
16 egory of paints or primers (or both) referred to
17 in subparagraph (B), beginning on the date
18 that is 3 years after the Administrator makes
19 a determination under subparagraph (B), no
20 person shall import, manufacture, or process
21 any paint or primer with a lead content that ex-
22 ceeds the level identified by the Administrator
23 pursuant to subparagraph (B).

24 “(D) PROHIBITION ON DISTRIBUTION IN
25 COMMERCE.—For a category of paints or prim-

1 ers (or both) referred to in subparagraph (B),
2 beginning on the date that is 4 years after the
3 Administrator makes a determination under
4 subparagraph (B), no person shall—

5 “(i) distribute in commerce any paint
6 or primer with a lead content that exceeds
7 the level identified by the Administrator; or

8 “(ii) import, manufacture, or process
9 any motor vehicle or motor vehicle part or
10 new equipment part coated with the paint
11 or primer with a lead content that exceeds
12 the level identified by the Administrator.

13 “(E) EFFECT OF NEGATIVE DETERMINA-
14 TION.—If the Administrator determines, pursu-
15 ant to subparagraph (A), that there is no paint
16 or primer suitable for a use referred to in
17 subclause (I), (II), or (III) of subparagraph
18 (A)(i) that meets the applicable requirements
19 under subparagraph (A)—

20 “(i) beginning on the date that is 13
21 years after the date of enactment of this
22 section, no person shall import, manufac-
23 ture, or process any paint or primer for
24 the use specified in the determination pur-
25 suant to subparagraph (A); and

1 “(ii) beginning on the date that is 14
2 years after the date of enactment of this
3 section, no person shall distribute in com-
4 merce any paint or primer for the use
5 specified in the determination pursuant to
6 subparagraph (A) (or import, manufacture,
7 or process any motor vehicle or motor vehi-
8 cle part or new equipment part coated with
9 the paint or primer),
10 that contains a lead content that exceeds a level
11 of lead content that the Administrator shall de-
12 termine, on the basis of the identification of the
13 lead content of paints and primers for the use.

14 “(c) STATEMENTS BY THE ADMINISTRATOR RELAT-
15 ING TO MODIFICATIONS OF RESTRICTIONS.—In promul-
16 gating any regulation under subsection (b) with respect
17 to the allowable lead content for a product, or a group
18 of products, under a product category, the Administrator
19 shall, prior to the promulgation of a final regulation, con-
20 sider and publish a statement that describes the effects
21 of the proposed allowable lead content level for the prod-
22 uct, or group of products, under the product category on
23 human health and the environment.

24 “(d) LEAD SOLDER.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this section, the Ad-
3 ministrator shall promulgate regulations to ban the
4 manufacture, importation, processing, sale, and dis-
5 tribution in commerce of lead solders commonly used
6 in plumbing systems, including lead solder that con-
7 tains 50 percent tin and 50 percent lead (50–50 tin-
8 lead solder) and lead solder that contains 85 percent
9 tin and 15 percent lead (85–15 tin-lead solder).

10 “(2) RESTRICTIONS ON SALE AND DISPLAY.—
11 Not later than 2 years after the date of enactment
12 of this section, the Administrator shall promulgate
13 regulations to restrict the sale and display of lead
14 solders not commonly used in plumbing systems, in-
15 cluding—

16 “(A) a prohibition on the sale or display of
17 the solders in the plumbing supply section of
18 any retail establishment;

19 “(B) a restriction on the sale or display of
20 the solders in any wholesale establishment;

21 “(C) a prohibition on the sale or display of
22 the solders in proximity to plumbing materials
23 in any establishment; and

1 “(D) a requirement that each of the sol-
2 ders be labeled to indicate that the solder is not
3 intended for use in plumbing systems.

4 “(e) PLUMBING FITTINGS AND FIXTURES.—

5 “(1) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this section, the Ad-
7 ministrators shall promulgate regulations to establish
8 a health-effects based performance standard that es-
9 tablishes minimal leaching levels of lead from new
10 plumbing fittings and fixtures that convey drinking
11 water.

12 “(2) CONSEQUENCES OF FAILURE TO MEET RE-
13 QUIREMENTS.—If the requirements of paragraph (1)
14 are not met—

15 “(A) by the date that is 4 years after the
16 date of enactment of this section, no person
17 may import, manufacture, process, or distribute
18 in commerce a plumbing fitting or fixture that
19 contains more than 7 percent lead by dry
20 weight;

21 “(B) by the date that is 5 years after the
22 date of enactment of this section, no person
23 may import, manufacture, process, or distribute
24 in commerce a plumbing fitting or fixture that

1 contains more than 6 percent lead by dry
2 weight;

3 “(C) by the date that is 6 years after the
4 date of enactment of this section, no person
5 may import, manufacture, process, or distribute
6 in commerce a plumbing fitting or fixture that
7 contains more than 5 percent lead by dry
8 weight; or

9 “(D) by the date that is 7 years after the
10 date of enactment of this section, no person
11 may import, manufacture, process, or distribute
12 in commerce a plumbing fitting or fixture that
13 contains more than 4 percent lead by dry
14 weight.

15 “(f) PACKAGING.—

16 “(1) DEFINITIONS.—As used in this subsection:

17 “(A) INCIDENTAL PRESENCE.—The term
18 ‘incidental presence’ means the presence of lead
19 in a package or packaging component that was
20 not purposely introduced into the package or
21 packaging component for the properties or
22 characteristics of the lead.

23 “(B) INTENTIONALLY INTRODUCE.—The
24 term ‘intentionally introduce’ means to purpose-
25 fully introduce lead into a package or packaging

1 component with the intent that the lead be
2 present in the package or packaging component.

3 The term does not include—

4 “(i) the presence of background levels
5 of lead that naturally occur in raw mate-
6 rials or are present as postconsumer addi-
7 tions, and that are not purposefully added
8 to perform as part of a package or packag-
9 ing component; and

10 “(ii) any trace amounts of a process-
11 ing aid or similar material that is—

12 “(I) used to produce a product
13 from which a package or packaging
14 component is manufactured; and

15 “(II) reasonably expected to be
16 consumed or transformed into a mate-
17 rial that is not regulated under this
18 title during the process.

19 “(2) INTENTIONAL INTRODUCTION.—Beginning
20 on the date that is 4 years after the date of enact-
21 ment of this section—

22 “(A) no package or packaging component
23 shall be sold or distributed in commerce by a
24 manufacturer or distributor; and

1 “(B) no product shall be distributed in
2 commerce by the manufacturer or distributor of
3 the product in a package,
4 if the product includes, in the package, or in any
5 packaging component, any ink, dye, pigment, adhe-
6 sive, stabilizer, or other additive to which lead has
7 been intentionally introduced as an element during
8 manufacturing or distribution (as opposed to the in-
9 cidental presence of lead).

10 “(3) LIMITATIONS ON THE AGGREGATE OF
11 CONCENTRATION LEVELS FROM INCIDENTAL PRES-
12 ENCE OF LEAD.—Notwithstanding paragraph (2),
13 the aggregate of the concentration levels from any
14 incidental presence of lead present in any package or
15 packaging component, other than the lead originat-
16 ing from the product contained in the package, shall
17 not exceed—

18 “(A) for the fifth 1-year period after the
19 date of enactment of this section, 600 parts per
20 million by weight (0.06 percent);

21 “(B) for the sixth 1-year period after the
22 date of enactment of this section, 250 parts per
23 million by weight (0.025 percent); and

24 “(C) for the seventh 1-year period after
25 the date of enactment of this section, and for

1 each 12-month period thereafter, 100 parts per
2 million by weight (0.01 percent).

3 “(4) PROHIBITION.—No package or packaging
4 component shall be sold or distributed in commerce
5 by a manufacturer or distributor, and no product
6 shall be sold or distributed in commerce in a pack-
7 age by a manufacturer or distributor, if the package
8 or packaging component exceeds the applicable level
9 provided under paragraph (3).

10 “(5) CERTIFICATE OF COMPLIANCE.—

11 “(A) IN GENERAL.—A certificate of com-
12 pliance stating that a package or packaging
13 component is in compliance with the require-
14 ments of this section shall be prepared and re-
15 tained by the manufacturer or distributor of the
16 package or packaging component.

17 “(B) STATEMENT RELATING TO EXEMP-
18 TION.—In any case in which compliance with
19 this section is based on an exemption under
20 paragraph (6), the certificate shall state the
21 specific basis upon which the exemption is
22 claimed.

23 “(C) SIGNATURE OF AUTHORIZED OFFI-
24 CIAL.—A certificate of compliance shall be
25 signed by an authorized official of the manufac-

1 turer or distributor referred to in subparagraph
2 (A).

3 “(6) EXEMPTION FROM PACKAGING REQUIRE-
4 MENTS.—Prior to the expiration of the 7-year period
5 beginning on the date of enactment of this section,
6 on receipt of an application (in such form and con-
7 taining such information as the Administrator may
8 prescribe by regulation), the Administrator may ex-
9 empt from the requirements of paragraph (2), (3) or
10 (4)—

11 “(A) a package or packaging component
12 manufactured prior to the date of enactment of
13 this section, as determined by the Adminis-
14 trator; and

15 “(B) a package or packaging component to
16 which lead has been added in the manufactur-
17 ing, forming, printing, or distribution process in
18 order to comply with health or safety require-
19 ments of Federal law or the law of any State
20 or political subdivision of a State.

21 “(g) EXEMPTIONS.—

22 “(1) IN GENERAL.—The Administrator shall,
23 by regulation, exempt from the restrictions on the
24 lead content of paint described in subsection
25 (a)(1)—

1 “(A) any paint that is imported, processed,
2 manufactured, or distributed in commerce for
3 use by an artist (including any graphic artist)
4 in a work of art if the paint is sold or otherwise
5 distributed in a package labeled pursuant to the
6 requirements under section 405(c)(1); and

7 “(B) during the 5-year period beginning on
8 the date of enactment of this section, zinc-en-
9 riched industrial paint with respect to which the
10 incidental presence of lead does not exceed 0.19
11 percent lead by dry weight.

12 “(2) EXEMPTIONS.—The Administrator shall,
13 by regulation, exempt from the applicable restric-
14 tions on lead content under subsection (a) or (b) any
15 product, or group of products, within a product cat-
16 egory used—

17 “(A) for a medical purpose (as defined by
18 the Administrator, in consultation with the Sec-
19 retary of Health and Human Services);

20 “(B) for a purpose in the paramount inter-
21 est of the United States (as determined by the
22 Administrator, in consultation with the Sec-
23 retary of Defense);

24 “(C) for radiation protection (as jointly de-
25 fined by the Administrator and the Nuclear

1 Regulatory Commission), including any product
2 or product category used in connection with the
3 national security programs of the Department
4 of Energy;

5 “(D) in the mining industry to determine
6 the presence of noble metals in geological mate-
7 rials; or

8 “(E) as radiation shielding in any elec-
9 tronic device, or in specialized electronics uses
10 in any case in which the Administrator has de-
11 termined that no appropriate substitute for lead
12 is available.

13 “(3) STATUTORY CONSTRUCTION.—Nothing in
14 this section or the Lead Exposure Reduction Act of
15 1993 and the amendments made by such Act is in-
16 tended to prohibit the recycling (for use as a raw
17 material or for processing), recovery, or reuse of
18 lead-containing metal, glass, plastic, paper, or tex-
19 tiles, except that any product manufactured or proc-
20 essed from the lead-containing materials shall meet
21 the requirements (including standards) of this sec-
22 tion.”.

1 **SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS**
2 **AND NEW USE NOTIFICATION PROCEDURES.**

3 Title IV (15 U.S.C. 2681 et seq.), as amended by
4 section 103 of this Act, is further amended by inserting
5 after section 403, as redesignated by section 101(a) of this
6 Act, the following new section:

7 **“SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS**
8 **AND NEW USE NOTIFICATION PROCEDURES.**

9 “(a) CREATION OF AN INVENTORY OF USES OF LEAD
10 IN PRODUCTS IN COMMERCE.—

11 “(1) IN GENERAL.—Not later than 60 days
12 after the date of enactment of this section, the Ad-
13 ministrator shall, with the active participation of all
14 interested parties, initiate a survey of all lead-con-
15 taining products sold or distributed in commerce in
16 the United States.

17 “(2) DEVELOPMENT OF INVENTORY.—

18 “(A) IN GENERAL.—On the basis of the
19 survey described in paragraph (1), the Adminis-
20 trator shall develop an inventory of all lead-con-
21 taining products sold or distributed in com-
22 merce (referred to in this section as the ‘inven-
23 tory’).

24 “(B) PRODUCT CATEGORIES.—In develop-
25 ing the inventory, the Administrator may group

1 in product categories those products that meet
2 both of the following criteria:

3 “(i) The products are functionally
4 similar.

5 “(ii) The products provide similar op-
6 portunities for lead exposure or release
7 during manufacturing, processing, or use,
8 or at the end of the useful life of the prod-
9 uct (taking into account other applicable
10 regulations).

11 “(3) PUBLICATION OF DRAFT INVENTORY.—

12 “(A) IN GENERAL.—The Administrator
13 shall—

14 “(i) publish the inventory in the Fed-
15 eral Register in draft form; and

16 “(ii) solicit public comment on the
17 draft inventory.

18 “(B) PUBLICATION.—Not later than 2
19 years after the date of enactment of this sec-
20 tion, after providing public notice and oppor-
21 tunity for comment on the draft inventory, the
22 Administrator shall publish a final inventory.

23 “(4) PRODUCTS CONTAINING COMPONENTS IN-
24 CLUDED ON INVENTORY.—For the purposes of this
25 section, any product that contains lead-containing

1 components included on the inventory shall be
2 deemed to be included on the inventory.

3 “(5) FAILURE OF ADMINISTRATOR TO PUBLISH
4 INVENTORY.—If the Administrator fails to publish
5 the inventory by the date specified in paragraph
6 (3)(B), the list of products referred to in subsection
7 (c)(6) shall be deemed to comprise the inventory.

8 “(6) MODIFICATIONS.—The Administrator may,
9 from time to time, after notice and opportunity for
10 comment, make modifications to the inventory pub-
11 lished under this subsection. If the Administrator
12 modifies the inventory, the Administrator shall pub-
13 lish the modified inventory.

14 “(b) LIST OF USES OF LEAD IN PRODUCTS THAT
15 POSE EXPOSURE CONCERNS.—

16 “(1) IN GENERAL.—Beginning on the date that
17 is 3 years after the date of enactment of this sec-
18 tion, the Administrator shall promulgate regulations
19 that establish a list (referred to in this section as the
20 ‘list’) of lead-containing products or categories of
21 products that the Administrator determines may
22 reasonably be anticipated to present an unreasonable
23 risk of injury to human health or the environment
24 due to exposure to lead during manufacturing, proc-
25 essing, distribution in commerce or use, or at the

1 end of the useful life of the product (taking into ac-
2 count other applicable regulations).

3 “(2) CRITERIA FOR DETERMINATION TO LIST A
4 PRODUCT OR CATEGORY OF PRODUCT.—Each deter-
5 mination to list a product or category of product
6 shall be based on exposure-related information per-
7 taining to the product or category of products, or to
8 a product or category of products that poses similar
9 exposure risks.

10 “(3) SPECIFICATION OF LEAD CONCENTRA-
11 TION.—For each product or category of products,
12 the Administrator shall specify the concentration of
13 lead (as a percentage of the dry weight of the prod-
14 uct or category of products) that the Administrator
15 determines to be the maximum concentration of lead
16 found in the product or category of products.

17 “(4) MODIFICATION OF LIST.—

18 “(A) ADDITIONS TO LIST.—After promul-
19 gating the list, the Administrator may, by regu-
20 lation—

21 “(i) add a product or category of
22 products to the list, if the Administrator
23 determines that the product or category of
24 products meets the standard established in
25 paragraph (1); or

1 “(ii) remove a product or category of
2 products from the list, if the Administrator
3 determines that the product or category of
4 products does not meet the standard estab-
5 lished in paragraph (1).

6 “(B) PETITIONS FOR MODIFICATIONS.—

7 “(i) IN GENERAL.—Any person may
8 petition the Administrator to make a de-
9 termination to add a product or category
10 of products to the list, or to remove a
11 product or category of products from the
12 list.

13 “(ii) ACTION BY THE ADMINIS-
14 TRATOR.—Not later than 90 days after re-
15 ceipt of a petition under clause (i), the Ad-
16 ministrator shall take one of the following
17 actions:

18 “(I) Grant the petition, initiate a
19 procedure to promulgate a regulation
20 to add or delete the product or prod-
21 uct category as requested in the peti-
22 tion, and complete the procedure by
23 not later than 90 days after initiating
24 the procedure.

1 “(II) Deny the petition and pub-
2 lish an explanation of the basis for de-
3 nying the petition in the Federal Reg-
4 ister.

5 “(c) NOTIFICATION OF NEW USES OF LEAD IN
6 PRODUCTS IN COMMERCE.—

7 “(1) IN GENERAL.—

8 “(A) PUBLICATION.—After the publication
9 of the inventory in final form pursuant to sub-
10 section (a)(3), any person who manufactures,
11 processes, or imports a lead-containing product
12 referred to in subparagraph (B) shall submit to
13 the Administrator a notice prepared pursuant
14 to paragraph (2) on the commencement of the
15 manufacture, processing, or importation of the
16 product.

17 “(B) APPLICABILITY.—Subparagraph (A)
18 shall apply to any lead-containing product for
19 which a notice is required under subparagraph
20 (A) that—

21 “(i) is not listed in the inventory de-
22 veloped under subsection (a); or

23 “(ii) is a product that—

24 “(I) is identified on the list pro-
25 mulgated under subsection (b), or

1 that is included in a category of prod-
2 ucts identified on the list; and

3 “(II) utilizes a greater concentra-
4 tion of lead, as a percentage of dry
5 weight, than the concentration identi-
6 fied by the Administrator for the
7 product or category under subsection
8 (b)(3) (unless the concentration is ex-
9 ceeded on a percentage basis solely as
10 a result of efforts to reduce the size or
11 weight of the product, rather than by
12 the addition of greater quantities of
13 lead into the product).

14 “(2) CONTENTS OF NOTICE.—The notice re-
15 quired by paragraph (1) shall include—

16 “(A) a general description of the product;

17 “(B) a description of the manner in which
18 lead is used in the product;

19 “(C) the quantity of the product manufac-
20 tured, processed, or imported; and

21 “(D) the quantity and percentage of lead
22 used in the manufacturing of the product, or
23 the quantity and percentage of lead contained
24 in the imported product.

1 “(3) REPORT BY THE ADMINISTRATOR.—On an
2 annual basis, the Administrator shall publish a re-
3 port that provides a nonconfidential summary of new
4 uses identified pursuant to this subsection. The re-
5 port shall include aggregated information regarding
6 the amount of lead associated with the new uses.

7 “(4) RELATIONSHIP WITH OTHER PROVI-
8 SIONS.—The notification requirement under para-
9 graph (1) shall be subject to the confidentiality pro-
10 visions under section 5, and the research and devel-
11 opment exemption under section 5.

12 “(5) AMENDMENT OF LIST AND INVENTORY.—
13 After the receipt of a notice under paragraph (1),
14 the Administrator shall—

15 “(A) make such amendments to the inven-
16 tory established under subsection (a) as the Ad-
17 ministrator determines to be appropriate; and

18 “(B) evaluate whether any new products
19 should be added to the list established under
20 subsection (b).

21 “(6) DELAY IN PUBLICATION.—

22 “(A) IN GENERAL.—If the publication of a
23 final list is delayed beyond the date specified in
24 subsection (b), subparagraphs (B) and (C) shall
25 apply.

1 “(B) PROHIBITION.—Beginning on the
2 date that the final list is required to be promul-
3 gated under subsection (b), and until such time
4 as a final list is published, no person shall man-
5 ufacture, process, or import a product that is
6 listed or included within a product category
7 identified in subparagraph (C), if—

8 “(i) the product, or a substantially
9 similar product, has not been distributed
10 in commerce prior to the date of enact-
11 ment of this section; or

12 “(ii) the product contains a greater
13 percentage of lead than any substantially
14 similar product distributed in commerce
15 before the date of enactment of this sec-
16 tion,

17 unless the person has submitted a notice under
18 paragraph (2).

19 “(C) LIST OF PRODUCTS OR CAT-
20 EGORIES.—The list of products or categories of
21 products referred to in subparagraph (B) shall
22 be the products listed under section 403(a)(2)
23 and subsections (d) through (f) of section 403.

24 “(D) BURDEN OF PROOF.—In any pro-
25 ceeding to enforce subparagraph (B) with re-

1 spect to a product, the manufacturer, processor,
2 or importer shall have the burden of dem-
3 onstrating that the manufacturer, processor, or
4 importer had a reasonable basis for concluding
5 that the product (or a substantially similar
6 product) had been distributed in commerce
7 prior to the date of publication of the final list,
8 as referred to in subparagraph (B).

9 “(d) EXEMPTIONS.—

10 “(1) IN GENERAL.—Subsections (b) and (c)
11 shall not apply to the following:

12 “(A) Stained glass products.

13 “(B) Articles referred to in section
14 3(2)(B)(v).

15 “(C) Containers used for radiation shield-
16 ing.

17 “(2) AUTOMOTIVE DISMANTLERS.—This section
18 shall not apply to any metal, glass, paper, or textile
19 sold or distributed by the owner or operator of any
20 automotive dismantler or recycling facility regulated
21 by a State or the Administrator.”.

22 **SEC. 105. PRODUCT LABELING.**

23 Title IV (15 U.S.C. 2681 et seq.), as amended by
24 section 104 of this Act, is further amended by inserting

1 after section 404, as redesignated by section 101(a) of this
2 Act, the following new section:

3 **“SEC. 405. PRODUCT LABELING.**

4 “(a) IN GENERAL.—

5 “(1) LABELING.—

6 “(A) IN GENERAL.—Not later than 3 years
7 after the date of enactment of this section, the
8 Administrator shall promulgate regulations that
9 provide for the labeling of products included in
10 the list established under section 404(b).

11 “(B) EXEMPTIONS.—The regulations pro-
12 mulgated under this paragraph shall not apply
13 to—

14 “(i) lead-acid batteries, to the extent
15 that the labeling of the batteries as to the
16 lead content of the batteries is regulated
17 under any other Federal law; and

18 “(ii) products regulated under the
19 Federal Food, Drug and Cosmetic Act (21
20 U.S.C. 301 et seq.).

21 “(C) DIFFERENTIATION IN LABELING.—
22 The regulations promulgated under this section
23 may distinguish between labels required for
24 products—

1 “(i) that present a risk of exposure to
2 lead during manufacture or processing;
3 and

4 “(ii) that present a risk of exposure to
5 lead during distribution or use.

6 “(2) EFFECTIVE DATE OF REGULATIONS.—The
7 regulations promulgated pursuant to paragraph (1)
8 shall take effect not later than the date that is 3
9 years after the date of enactment of this section.

10 “(b) CONTENT OF REGULATIONS.—The regulations
11 described in subsection (a) shall specify the wording, type
12 size, and placement of the labels described in subsection
13 (a).

14 “(c) LABELING OF CERTAIN ITEMS.—

15 “(1) IN GENERAL.—The Administrator shall
16 promulgate regulations requiring that the following
17 labeling be included in the labeling of the packaging
18 of the following items:

19 “(A) For any paint for use by artists (in-
20 cluding graphic artists) described in section
21 403(g):

1 **'CONTAINS LEAD—FOR USE BY ADULTS ONLY.**
2 **DO NOT USE OR STORE AROUND CHILDREN**
3 **OR IN AREAS ACCESSIBLE TO CHILDREN.'**

4 “(B) For each toy or recreational game
5 piece that is a collectible item and for each
6 scale model that is subject to the regulations
7 promulgated under section 403(b)(4) and is
8 manufactured on or after the effective date of
9 the regulations promulgated under this sub-
10 section:

11 **'COLLECTIBLE ITEM, CONTAINS LEAD, NOT**
12 **SUITABLE FOR CHILDREN.'**

13 “(2) CRITERIA FOR REGULATIONS.—The regu-
14 lations promulgated pursuant to paragraph (1) shall
15 specify the type, size, and placement of the labeling
16 described in paragraph (1).

17 “(3) EFFECTIVE DATE.—Each regulation pro-
18 mulgated under paragraph (1) shall take effect on
19 the date that is 1 year after the date of the promul-
20 gation of the regulation.

21 “(4) LABELS.—If, by the date that is 2 years
22 after the date of enactment of this section, the Ad-
23 ministrator has not promulgated regulations that
24 specify the alternate type, size, and placement of the
25 wording for labels referred to in paragraph (1), the
26 wording shall be placed prominently on the package

1 in letters the same size as the largest text letter (ex-
2 cept for letters in logos or brand markings) other-
3 wise affixed to the label or packaging of the product
4 until such time as the Administrator promulgates
5 the regulations.

6 “(d) BAR ON DEFENSES.—Compliance with the la-
7 beling requirements of this section shall not constitute, in
8 whole or in part, a defense for liability relating to, or a
9 cause for reduction in damages resulting from, any civil
10 or criminal action brought under any Federal or State law,
11 other than an action brought for failure to comply with
12 the labeling requirements of this section.”.

13 **SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.**

14 Title IV (15 U.S.C. 2681 et seq.), as amended by
15 section 105 of this Act, is further amended by inserting
16 after section 405, as redesignated by section 101(a) of this
17 Act, the following new section:

18 **“SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.**

19 “(a) PROHIBITIONS.—

20 “(1) IN GENERAL.—Beginning on the date that
21 is 1 year after the date of enactment of this section,
22 no person shall—

23 “(A) place a lead-acid battery in any land-
24 fill; or

25 “(B) incinerate any lead-acid battery.

1 “(2) DISPOSAL.—No person may—

2 “(A) discard or otherwise dispose of a
3 lead-acid battery in mixed municipal solid
4 waste; or

5 “(B) discard or otherwise dispose of a
6 lead-acid battery in a manner other than by re-
7 cycling in accordance with this section.

8 “(3) EXEMPTION.—Paragraphs (1) through (2)
9 shall not apply to an owner or operator of a municipi-
10 pal solid waste landfill, incinerator, or collection pro-
11 gram that inadvertently receives any lead-acid bat-
12 tery that—

13 “(A) is commingled with other municipal
14 solid waste; and

15 “(B) is not readily removable from the
16 waste stream,

17 if the owner or operator of the facility or collection
18 program has established contractual requirements or
19 other appropriate notification or inspection proce-
20 dures to ensure that no lead-acid battery is received
21 at, or burned in, the facility or accepted through the
22 collection program.

23 “(b) GENERAL DISCARD OR DISPOSAL REQUIRE-
24 MENTS.—Beginning on the date that is 1 year after the
25 date of enactment of this section, no person (except a per-

1 son described in subsection (c), (d), or (e)) may discard
2 or otherwise dispose of any used lead-acid battery except
3 by delivery to 1 of the following persons (or an authorized
4 representative of the person):

5 “(1) A person who sells lead-acid batteries at
6 retail or wholesale.

7 “(2) A lead smelter regulated by a State or the
8 Administrator under the Solid Waste Disposal Act
9 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
10 U.S.C. 7401 et seq.).

11 “(3) A collection or recycling facility regulated
12 by a State or subject to regulation by the Adminis-
13 trator under the Solid Waste Disposal Act (42
14 U.S.C. 6901 et seq.).

15 “(4) An automotive dismantler (as defined by
16 the Administrator).

17 “(5) A curbside collection program operated by,
18 or under an agreement with, a governmental entity.

19 “(6) A manufacturer of batteries of the same
20 general type.

21 “(c) DISCARD OR DISPOSAL REQUIREMENTS FOR
22 RETAILERS.—Beginning on the date that is 1 year after
23 the date of enactment of this section, no person who sells
24 lead-acid batteries at retail may discard or otherwise dis-
25 pose of any used lead-acid battery except by delivery to

1 1 of the following persons (or an authorized representative
2 of the person):

3 “(1) A person who sells lead-acid batteries at
4 wholesale.

5 “(2) A lead smelter regulated by a State or the
6 Administrator under the Solid Waste Disposal Act
7 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
8 U.S.C. 7401 et seq.).

9 “(3) A battery manufacturer.

10 “(4) A collection or recycling facility regulated
11 by a State or subject to regulation by the Adminis-
12 trator under the Solid Waste Disposal Act (42
13 U.S.C. 6901 et seq.).

14 “(5) An automotive dismantler (as defined by
15 the Administrator).

16 “(d) DISCARD OR DISPOSAL REQUIREMENTS FOR
17 WHOLESALERS AND AUTOMOTIVE DISMANTLERS.—

18 “(1) IN GENERAL.—Beginning on the date that
19 is 1 year after the date of enactment of this sec-
20 tion—

21 “(A) no person who sells lead-acid bat-
22 teries at wholesale; and

23 “(B) no automotive dismantler,
24 may discard or otherwise dispose of any used lead-
25 acid battery, except by delivery to 1 of the persons

1 described in paragraph (2) (or an authorized rep-
2 resentative of the person).

3 “(2) PERSONS.—The persons described in this
4 paragraph are as follows:

5 “(A) A lead smelter regulated by a State
6 or the Administrator under the Solid Waste
7 Disposal Act (42 U.S.C. 6901 et seq.) or the
8 Clean Air Act (42 U.S.C. 7401 et seq.).

9 “(B) A battery manufacturer.

10 “(C) A collection or recycling facility regu-
11 lated by a State or subject to regulation by the
12 Administrator under the Solid Waste Disposal
13 Act (42 U.S.C. 6901 et seq.).

14 “(e) DISCARD OR DISPOSAL REQUIREMENTS FOR
15 MANUFACTURERS.—

16 “(1) IN GENERAL.—Beginning on the date that
17 is 1 year after the date of enactment of this section,
18 no person who manufactures lead-acid batteries may
19 discard or otherwise dispose of any used lead-acid
20 battery, except by delivery to 1 of the persons de-
21 scribed in paragraph (2) (or an authorized rep-
22 resentative of the person).

23 “(2) PERSONS.—The persons described in this
24 paragraph are as follows:

1 “(A) A lead smelter regulated by a State
2 or the Administrator under the Solid Waste
3 Disposal Act (42 U.S.C. 6901 et seq.) or the
4 Clean Air Act (42 U.S.C. 7401 et seq.).

5 “(B) A collection or recycling facility regu-
6 lated by a State or subject to regulation by the
7 Administrator.

8 “(f) COLLECTION REQUIREMENTS FOR RETAIL-
9 ERS.—Beginning on the date that is 1 year after the date
10 of enactment of this section, a person who sells, or offers
11 for sale, lead-acid batteries at retail shall accept from cus-
12 tomers used lead-acid batteries of the same type as the
13 batteries sold and in a quantity approximately equal to
14 the number of batteries sold. The used lead-acid batteries
15 shall be accepted at the place where lead-acid batteries are
16 offered for sale.

17 “(g) COLLECTION REQUIREMENTS FOR WHOLE-
18 SALERS.—

19 “(1) IN GENERAL.—Beginning on the date that
20 is 1 year after the date of enactment of this section,
21 a person who sells, or offers for sale, lead-acid bat-
22 teries at wholesale (referred to in this section as a
23 ‘wholesaler’) shall accept from customers used lead-
24 acid batteries of the same type as the batteries sold

1 and in a quantity approximately equal to the number
2 of batteries sold.

3 “(2) WHOLESALER WHO SELLS LEAD-ACID
4 BATTERIES TO A RETAILER.—In the case of a whole-
5 saler who sells, or offers for sale, lead-acid batteries
6 to a retailer, the wholesaler shall also provide for re-
7 moving used lead-acid batteries at the place of busi-
8 ness of the retailer. Unless the quantity of batteries
9 to be removed is less than 5, the removal shall occur
10 not later than 90 days after the retailer notifies the
11 wholesaler of the existence of the used lead-acid bat-
12 teries for removal. If the quantity of batteries to be
13 removed is less than 5, the wholesaler shall remove
14 the batteries not later than 180 days after the noti-
15 fication referred to in the preceding sentence.

16 “(h) COLLECTION REQUIREMENTS FOR MANUFAC-
17 TURERS.—Beginning on the date that is 1 year after the
18 date of enactment of this section, a person who manufac-
19 tures lead-acid batteries shall accept from customers used
20 lead-acid batteries of the same type as the batteries sold
21 and in a quantity approximately equal to the number of
22 batteries sold.

23 “(i) WRITTEN NOTICE REQUIREMENTS FOR RETAIL-
24 ERS.—

1 “(1) IN GENERAL.—Beginning on the date that
2 is 1 year after the date of enactment of this section,
3 a person who sells, or offers for sale, lead-acid bat-
4 teries at retail shall post written notice that—

5 “(A) is clearly visible in a public area of
6 the establishment in which the lead-acid bat-
7 teries are sold or offered for sale;

8 “(B) is at least 8½ inches by 11 inches in
9 size; and

10 “(C) contains the following language:

11 “(i) ‘It is illegal to throw away a
12 motor vehicle battery or other lead-acid
13 battery.’.

14 “(ii) ‘Recycle your used batteries.’.

15 “(iii) ‘Federal law requires battery re-
16 tailers to accept used lead-acid batteries
17 for recycling when a battery is purchased.’.

18 “(iv) ‘Federal law allows you to sell or
19 return used batteries to an authorized bat-
20 tery collector, recycler, or processor, or to
21 an automotive dismantler.’.

22 “(2) FAILURE TO POST NOTICE.—Any person
23 who, after receiving a written warning by the Ad-
24 ministrator, fails to post a notice required under
25 paragraph (1) shall, notwithstanding section 16, be

1 subject to a civil penalty in an amount not to exceed
2 \$1,000 per day.

3 “(j) LEAD-ACID BATTERY LABELING REQUIRE-
4 MENTS.—

5 “(1) IN GENERAL.—Beginning on the date that
6 is 18 months after the date of enactment of this sec-
7 tion, it shall be unlawful for any lead-acid battery
8 manufacturer to sell, or offer for sale, any lead-acid
9 battery that does not bear a permanent label that
10 contains the statements required under paragraph
11 (3).

12 “(2) SALES.—Beginning on the date that is 2
13 years after the date of enactment of this section, it
14 shall be unlawful to sell a lead-acid battery that does
15 not bear a permanent label that contains the state-
16 ments required under paragraph (3).

17 “(3) LABELS.—A label described in paragraph
18 (1) or (2) shall be considered to be consistent with
19 the requirements of this section if the label—

20 “(A) identifies that the lead-acid battery
21 contains lead; and

22 “(B) contains the following statements:

23 “(i) ‘Federal law requires recycling.’

24 “(ii) ‘Retailers must accept in ex-
25 change.’

1 “(4) RECYCLING SYMBOLS.—Nothing in this
2 section shall be interpreted as prohibiting the display
3 on the label of a lead-acid battery a recycling symbol
4 (as defined by the Administrator) or other informa-
5 tion intended to encourage recycling.

6 “(k) PUBLICATION OF NOTICE.—Not later than 6
7 months after the date of enactment of this section, the
8 Administrator shall publish in the Federal Register a no-
9 tice of the requirements of this section and such other re-
10 lated information as the Administrator determines to be
11 appropriate.

12 “(l) WARNINGS AND CITATIONS.—The Administrator
13 may issue a warning or citation (or both) to any person
14 who fails to comply with any provision of this section.

15 “(m) EXPORT FOR PURPOSES OF RECYCLING.—Not-
16 withstanding any other provision of this section, any per-
17 son may export any used lead-acid battery for the purpose
18 of recycling.

19 “(n) STUDY.—

20 “(1) IN GENERAL.—Not later than 18 months
21 after the date of enactment of this section, the Ad-
22 ministrator shall—

23 “(A) conduct a study on the recycling and
24 disposal of small-sealed consumer lead-acid bat-

1 teries and submit a report on the results of the
2 study to Congress; and

3 “(B) publish in the Federal Register ei-
4 ther—

5 “(i) a proposed rule to regulate the
6 recycling and disposal of small-sealed
7 consumer lead-acid batteries; or

8 “(ii) with respect to the batteries re-
9 ferred to in clause (i), a determination that
10 regulations are not needed to protect
11 human health and the environment.

12 “(2) CONTENTS OF STUDY AND REPORT.—The
13 study and report referred to in paragraph (1) shall
14 include an assessment of—

15 “(A) the quantity (expressed in volume) of
16 new small-sealed consumer lead-acid batteries
17 produced annually and an estimate of the quan-
18 tity of the batteries disposed of annually in mu-
19 nicipal solid waste landfills and incinerators;

20 “(B) the feasibility of recycling used small-
21 sealed consumer lead-acid batteries (including
22 an assessment of potential collection systems,
23 technologies for recovering reusable materials
24 from the batteries, and the cost of recycling the
25 batteries); and

1 “(C) such other information as the Admin-
2 istrator determines to be appropriate with re-
3 spect to disposal practices of small-sealed
4 consumer lead-acid batteries that are current at
5 the time of the study and potential alternatives
6 to the practices.

7 “(3) INVESTIGATION.—

8 “(A) IN GENERAL.—In carrying out the
9 study and preparing the report, the Adminis-
10 trator may—

11 “(i) undertake such original investiga-
12 tions as the Administrator determines to
13 be necessary to generate the data required
14 to make findings for the report; or

15 “(ii) rely on data generated and com-
16 piled by any industry or other organization
17 with an interest in the report.

18 “(B) SUBMITTAL OF CONFIDENTIAL IN-
19 FORMATION.—Any person who submits con-
20 fidential information to the Administrator pur-
21 suant subparagraph (A) shall also submit data
22 that is publicly available.

23 “(o) EXEMPTION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), this section shall not apply to small-
3 sealed consumer lead-acid batteries.

4 “(2) EXCEPTION.—Subsection (n) shall apply
5 to small-sealed lead-acid batteries.

6 “(p) DEFINITIONS.—As used in this section:

7 “(1) LEAD-ACID BATTERY.—The term ‘lead-
8 acid battery’ means a battery that—

9 “(A) consists of lead and sulfuric acid; and

10 “(B) is used as a power source.

11 “(2) SMALL-SEALED CONSUMER LEAD-ACID
12 BATTERY.—The term ‘small-sealed consumer lead-
13 acid battery’ means a lead-acid battery, weighing 25
14 pounds or less, used in non-vehicular, non-SLI
15 (starting, lighting, and ignition) applications.”.

16 **SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY**
17 **CARE FACILITIES.**

18 Title IV (15 U.S.C. 2681 et seq.), as amended by
19 section 106 of this Act, is further amended by inserting
20 after section 406, as redesignated by section 101(a) of this
21 Act, the following new section:

22 **“SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY**
23 **CARE FACILITIES.**

24 “(a) DEFINITIONS.—As used in this subsection:

1 “(1) COVERED DAY CARE FACILITY.—The term
2 ‘covered day care facility’ means—

3 “(A) the interior and exterior of any build-
4 ing constructed before 1980 that is used as a
5 day care facility that regularly provides day
6 care services for children in kindergarten or
7 younger children; and

8 “(B) any land and structure on the land,
9 and any related common grounds or playground
10 area and playground structures, that are under
11 the same ownership as the building referred to
12 in subparagraph (A) and that is regularly ac-
13 cessible to children in kindergarten or younger
14 children.

15 “(2) COVERED SCHOOL.—The term ‘covered
16 school’ means—

17 “(A) the interior and exterior of any build-
18 ing constructed before 1980 that is used—

19 “(i) as an elementary school (as de-
20 fined in section 1471(8) of the Elementary
21 and Secondary Education Act of 1965 (20
22 U.S.C. 2891(8))); or

23 “(ii) as a kindergarten that regularly
24 provides education for children in kinder-
25 garten or younger children; and

1 “(B) any land and structure on the land,
2 and any related common grounds or playground
3 area and playground structures, that are under
4 the same ownership as the building referred to
5 in subparagraph (A) and that is regularly ac-
6 cessible to children in kindergarten or younger
7 children.

8 “(3) DAY CARE FACILITY.—The term ‘day care
9 facility’ means any portion of a facility used for day
10 care for children in kindergarten or younger children
11 and owned or operated by a person that provides the
12 day care for compensation, and that—

13 “(A) is licensed or regulated under State
14 law for day care purposes; or

15 “(B) receives Federal funds for day care
16 purposes.

17 “(4) LEAD HAZARD.—The term ‘lead hazard’
18 means—

19 “(A) lead-based paint that is chipping,
20 peeling, flaking, or chalking;

21 “(B) any surface coated with lead-based
22 paint that is subject to abrasion;

23 “(C) any surface coated with lead-based
24 paint that can be mouthed by a child under 6
25 years of age; and

1 “(D) interior dust that contains a dan-
2 gerous level of lead, as identified by the Admin-
3 istrator.

4 “(5) LEAD INSPECTION.—The term ‘lead in-
5 spection’ means an inspection to detect the presence
6 of any lead-based paint or lead hazard.

7 “(6) LOCAL EDUCATION AGENCY.—The term
8 ‘local education agency’ means—

9 “(A) any local educational agency (as de-
10 fined in section 1471(12) of the Elementary
11 and Secondary Education Act of 1965 (20
12 U.S.C. 2891(12)));

13 “(B) the owner of any private nonprofit el-
14 ementary or secondary school building; and

15 “(C) the governing authority of any school
16 operating under the defense dependents’ edu-
17 cation system provided for under the Defense
18 Dependents’ Education Act of 1978 (20 U.S.C.
19 921 et seq.).

20 “(7) OWNER OR OPERATOR.—The term ‘owner
21 or operator’, when used with respect to a school,
22 means the local education agency that has jurisdic-
23 tion over the school.

24 “(8) SIGNIFICANT USE.—The term ‘significant
25 use’ means use by more than 1 child at least 2 times

1 per week, and for a total period of at least 2 hours
2 per week.

3 “(b) COVERED SCHOOLS AND COVERED DAY CARE
4 FACILITIES.—

5 “(1) IN GENERAL.—Except as provided in sub-
6 section (d)(4), not later than 1 year after the date
7 of enactment of this section, the Administrator shall
8 promulgate regulations that shall be adequate to
9 carry out this section and be consistent with other
10 regulations promulgated by the Administrator under
11 this title.

12 “(2) REGULATIONS.—Pursuant to paragraph
13 (1), the Administrator shall promulgate regulations
14 that require each State that receives a grant under
15 subsection (d) to—

16 “(A) not later than 3 years after the date
17 of promulgation of the regulations or the date
18 on which amounts are allotted to the State
19 under subsection (d)(2), whichever is later, con-
20 duct—

21 “(i) an inspection of each covered
22 school and covered day care facility to de-
23 tect lead-based paint that is chipping, peel-
24 ing, flaking, or chalking; and

1 “(ii) an inspection of each room at
2 each covered school and covered day care
3 facility that is used daily or receives sig-
4 nificant use by children in kindergarten or
5 by younger children for the purpose of de-
6 tecting any lead-based paint or interior
7 dust in the rooms of the school or day care
8 facility that contains a dangerous level of
9 lead, as identified by the Administrator
10 pursuant to section 411; and

11 “(B) prepare a report that includes—

12 “(i) the results of the inspections re-
13 ferred to in subparagraph (A); and

14 “(ii) recommendations as to whether
15 any lead hazard detected pursuant to an
16 inspection should be alleviated through en-
17 capsulation, in-place management, or other
18 form of abatement.

19 “(3) RANKING.—In conducting inspections of
20 covered schools and covered day care facilities re-
21 quired by paragraph (2), the appropriate official of
22 the State shall—

23 “(A) rank areas in the State in order of
24 the severity of the suspected lead hazard of the

1 areas, in accordance with procedures that the
2 Administrator shall establish; and

3 “(B) give priority to inspecting covered
4 schools and covered day care facilities located in
5 areas with the greatest suspected lead hazard.

6 “(4) PROCEDURES.—The procedures referred
7 to in paragraph (3) shall use factors for assessing
8 an area, including—

9 “(A) medical evidence regarding the extent
10 of lead poisoning (as determined through lead
11 screening) of children in the area;

12 “(B) the ages of children in the area;

13 “(C) the age and condition of school build-
14 ings in the area; and

15 “(D) the age and condition of the housing
16 in the area,

17 in order to determine which areas in the State are
18 most likely to have a lead hazard.

19 “(5) DISSEMINATION OF REPORTS.—

20 “(A) IN GENERAL.—Each State shall pro-
21 vide to the owner or operator of each covered
22 school and covered day care facility of the State
23 a copy of the report required under paragraph
24 (2)(B).

1 “(B) REQUIREMENTS FOR OWNERS OR OP-
2 ERATORS.—

3 “(i) IN GENERAL.—Except as pro-
4 vided under paragraph (6), in each case in
5 which an inspection conducted pursuant to
6 the requirements of paragraph (2) indi-
7 cates the presence of lead-based paint that
8 poses a lead hazard, or interior dust con-
9 taining a dangerous level of lead (as identi-
10 fied by the Administrator pursuant to sec-
11 tion 411) at a covered school or covered
12 day care facility, the owner or operator of
13 the covered school or covered day care fa-
14 cility shall, not later than 60 days after re-
15 ceiving the report under subparagraph (A),
16 provide a copy of risk disclosure informa-
17 tion that meets the requirements of sub-
18 paragraph (C) to all teachers and other
19 school personnel and parents (or guard-
20 ians) of children attending the covered
21 school or covered day care facility con-
22 cerned.

23 “(ii) NOTIFICATION TO NEW PERSON-
24 NEL MEMBERS AND PARENTS AND GUARD-
25 IANS OF NEW STUDENTS.—During such

1 time as lead-based paint, or interior dust
2 containing a dangerous level of lead (as
3 identified by the Administrator pursuant to
4 section 411), continues to be present at the
5 covered school or covered day care facility,
6 the owner or operator of the covered school
7 or covered day care facility shall also pro-
8 vide the risk disclosure information re-
9 ferred to in clause (i) to newly hired teach-
10 ers and other personnel and parents (or
11 guardians) of newly enrolled children.

12 “(C) RISK DISCLOSURE.—

13 “(i) IN GENERAL.—As part of the
14 regulations required under paragraph (2),
15 the Administrator shall prescribe the con-
16 tents of the risk disclosure information re-
17 quired to be provided to the persons speci-
18 fied in the regulations.

19 “(ii) CONTENTS OF RISK DISCLOSURE
20 INFORMATION.—The information shall in-
21 clude each of the following, with respect to
22 each covered school or covered day care fa-
23 cility:

1 “(I) A summary of the results of
2 the inspection conducted pursuant to
3 paragraph (2).

4 “(II) A description of the risks of
5 lead exposure to children in kinder-
6 garten and younger children, teachers,
7 and other personnel at the covered
8 school or covered day care facility that
9 takes into account the accessibility of
10 lead-based paint or interior dust con-
11 taining a dangerous level of lead (as
12 identified by the Administrator pursu-
13 ant to section 411) to children in kin-
14 dergarten and younger children, and
15 other factors that the Administrator
16 determines to be appropriate.

17 “(III) A description of any abate-
18 ment undertaken, or to be under-
19 taken, by the owner or operator.

20 “(D) METHOD OF PROVIDING INFORMA-
21 TION.—An owner or operator of a covered
22 school or covered day care facility may provide
23 the risk disclosure information to the parents
24 (or guardians) of the children attending the
25 covered school or covered day care facility con-

1 cerned in the same manner as written materials
2 are regularly delivered to the parents (or guard-
3 ians).

4 “(6) EXEMPTION FROM NOTICE REQUIRE-
5 MENT.—An owner or operator of a covered school or
6 covered day care facility shall not be required to pro-
7 vide notification under paragraph (5) if, not later
8 than 180 days prior to the date on which the notifi-
9 cation would otherwise be required—

10 “(A) the owner, operator, or the State per-
11 forms encapsulation, in-place management or
12 other form of abatement;

13 “(B) the State conducts a reinspection;
14 and

15 “(C) the owner or operator obtains a re-
16 port from the State that shows that—

17 “(i) the lead-based paint that poses a
18 lead hazard; and

19 “(ii) any interior dust containing a
20 dangerous level of lead, as identified by the
21 Administrator,

22 have been removed, encapsulated, or managed
23 in place.

24 “(7) AVAILABILITY OF CERTAIN REPORTS.—In
25 lieu of notification under paragraph (5), an owner or

1 operator that elects to perform encapsulation, in-
2 place management, or other form of abatement
3 under this subsection shall—

4 “(A) make a copy of the inspection reports
5 for inspections conducted pursuant to this sub-
6 section available in each administrative office of
7 the owner or operator; and

8 “(B) notify parent, teacher, and employee
9 organizations of the availability of the reports.

10 “(c) RENOVATED AREAS.—With respect to each ren-
11 ovation of a covered school or covered day care facility
12 that commences on or after the date that is 1 year after
13 the date of promulgation of a regulation under subsection
14 (b)(2), for each covered school or covered day care facility
15 in which a renovation will be undertaken, the owner or
16 operator of the covered school or covered day care facility
17 or the State (on the request of the owner or operator)
18 shall, prior to the renovation—

19 “(1) conduct an inspection of the area to be
20 renovated to detect any lead-based paint that could
21 be disturbed as a result of the renovation; and

22 “(2) take any action that is necessary to ensure
23 that the renovation does not result in a dangerous
24 level of lead (as identified by the Administrator pur-
25 suant to section 411), in interior dust.

1 “(d) FEDERAL ASSISTANCE.—

2 “(1) IN GENERAL.—

3 “(A) GRANTS.—The Administrator shall
4 make grants to States for the purposes of test-
5 ing, at covered schools and covered day care fa-
6 cilities, for—

7 “(i) lead-based paint that poses a lead
8 hazard; and

9 “(ii) interior dust containing a dan-
10 gerous level of lead (as identified by the
11 Administrator pursuant to section 411).

12 “(B) USE OF GRANT AWARD.—A grant
13 awarded pursuant to this subsection may be
14 used by a State only to cover expenses incurred
15 by the State after the date of enactment of this
16 section for lead hazard inspection in covered
17 schools and covered day care facilities.

18 “(2) ALLOTMENT.—For each fiscal year, from
19 amounts appropriated pursuant to the authorization
20 under subsection (j), the Administrator shall allot to
21 each State for the purpose of making grants under
22 this subsection, an amount that bears the same ratio
23 to the appropriated amounts as the number of chil-
24 dren under 7 years of age bears to the number of
25 children under age 7 in all States.

1 “(3) REALLOTMENT.—If the Administrator de-
2 termines that the amount of the allotment of any
3 State determined under paragraph (2) for any fiscal
4 year will not be required for carrying out the pro-
5 gram for which the amount has been allotted, the
6 Administrator shall make the amount available for
7 reallotment.

8 “(4) RESERVATION BY STATE.—For each fiscal
9 year, from the amounts allotted to a State under
10 paragraph (2), the State shall reserve not more than
11 5 percent of the amounts for administrative costs.

12 “(5) LIMITATION ON REQUIREMENT.—

13 “(A) IN GENERAL.—Except as provided in
14 paragraph (6), the Administrator shall require
15 each State to fulfill the requirements of sub-
16 section (a) relating to inspections only to the
17 extent that assistance under this section is
18 available to defray the costs of the inspections.

19 “(B) REQUIREMENTS FOR REGULA-
20 TIONS.—

21 “(i) IN GENERAL.—With respect to
22 any State that fails to carry out an appli-
23 cable requirement under subsection (b),
24 the Administrator shall take such action as
25 may be necessary to ensure that the State

1 meets all applicable requirements of sub-
2 section (b) not later than 2 years after the
3 first day on which the cumulative total of
4 all amounts appropriated to the States
5 pursuant to the authorization under sub-
6 section (j) equals or exceeds \$90,000,000.

7 “(ii) PLAN.—With respect to any
8 State that fails to—

9 “(I) submit to the Administrator,
10 by the date that is 6 years after the
11 date of enactment of this section, a
12 plan that the Administrator deter-
13 mines adequate to complete all appli-
14 cable requirements of subsection (b)
15 by not later than 8 years after the
16 date of enactment of this section; or

17 “(II) implement the plan referred
18 to in subclause (I),

19 the Administrator shall ensure that the ac-
20 tions are completed within the 8-year pe-
21 riod referred to in subclause (I), or by not
22 later than 9 years after the date of enact-
23 ment of this section, in the case of any
24 State that fails to implement the plan.

1 “(6) REQUIREMENT FOR PAYMENTS.—No pay-
2 ments shall be made under this section for any fiscal
3 year to a State unless the Administrator determines
4 that the aggregate expenditures of the State for
5 comparable lead inspection programs for the year
6 equaled or exceeded the aggregate expenditures for
7 the most recent fiscal year for which data is avail-
8 able.

9 “(7) STATUTORY CONSTRUCTION.—Nothing in
10 this section is intended to prohibit the expenditure
11 of Federal funds for the purposes authorized under
12 this section in or by sectarian institutions. No provi-
13 sion of law (including a State constitution or State
14 law) shall be construed to prohibit the expenditure
15 in or by sectarian institutions of any Federal funds
16 provided under this section. Except as provided in
17 the preceding sentence, nothing in this section is in-
18 tended to supersede or modify any provision of State
19 law that prohibits the expenditure of public funds in
20 or by sectarian institutions.

21 “(e) PUBLIC PROTECTION.—No owner or operator of
22 a covered school or covered day care facility may discrimi-
23 nate against a person on the basis that the person pro-
24 vided information relating to a potential violation of this

1 section to any other person, including a State or the Ad-
2 ministrator.

3 “(f) PENALTIES.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of this Act, the amount of any penalty that
6 may be assessed for a violation of this section pursu-
7 ant to section 16 shall not exceed an amount equal
8 to \$5,000 for each day during which the violation of
9 this section continues.

10 “(2) MANNER OF ASSESSMENT.—Any civil pen-
11 alty under this subsection shall be assessed and col-
12 lected in the same manner, and subject to the same
13 provisions, as for civil penalties assessed and col-
14 lected under section 16.

15 “(3) VIOLATION DEFINED.—As used in this
16 subsection, the term ‘violation’ means a failure to
17 comply with a requirement of this section with re-
18 spect to a single covered school or covered day care
19 facility.

20 “(g) USE OF PENALTIES.—In any action against a
21 State or an owner or operator (or both) of a covered school
22 or covered day care facility for a violation of this section,
23 the court shall have the discretion to order that any civil
24 penalty collected under this subsection be used by the
25 State or the owner or operator (or both) for the cost of

1 inspection and reporting, as required under subsection
2 (b)(2), or lead-based paint abatement activities under-
3 taken for the purpose of complying with this title (or
4 both).

5 “(h) INSPECTIONS.—An inspection required under
6 this section and any abatement performed in lieu of notifi-
7 cation under this section shall be carried out by a lead-
8 based paint abatement contractor who is in compliance
9 with certification requirements under applicable Federal
10 law.

11 “(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each
12 State shall, not later than 1 year after receiving assistance
13 under this section, and annually thereafter, submit to the
14 Administrator an annual report. The report shall include,
15 with respect to the State—

16 “(1) a description of the manner in which the
17 assistance provided under this section was used;

18 “(2) the number of covered schools and covered
19 day care facilities affected by the assistance;

20 “(3) an estimate of the number of children
21 served by the covered schools and covered day care
22 facilities;

23 “(4) an estimate of the magnitude and cost of
24 future efforts required to carry out this section; and

1 “(5) any other information the Administrator
2 may require.

3 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this sec-
5 tion—

6 “(1) \$30,000,000 for the fiscal year 1994;

7 “(2) \$30,000,000 for the fiscal year 1995; and

8 “(3) \$30,000,000 for the fiscal year 1996.”.

9 **SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND**
10 **MEASUREMENT PROGRAMS.**

11 Title IV (15 U.S.C. 2681 et seq.), as amended by
12 section 107 of this Act, is further amended by inserting
13 after section 407, as redesignated by section 101(a) of this
14 Act, the following new section:

15 **“SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND**
16 **MEASUREMENT PROGRAMS.**

17 “(a) STANDARDS FOR BLOOD ANALYSIS LABORA-
18 TORIES.—

19 “(1) IN GENERAL.—

20 “(A) STANDARDS FOR LABORATORY ANAL-
21 YSIS.—The Secretary of Health and Human
22 Services (referred to in this subsection as the
23 ‘Secretary’), acting through the Director of the
24 Centers for Disease Control, shall establish pro-
25 tocols, criteria, and minimum performance

1 standards for the laboratory analysis of lead in
2 blood.

3 “(B) CERTIFICATION PROGRAM.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii) and paragraph (4), not
6 later than 18 months after the date of en-
7 actment of this section, the Secretary shall
8 establish a certification program to ensure
9 the quality and consistency of laboratory
10 analyses.

11 “(ii) EXEMPTION.—If the Secretary
12 determines, by the date specified in sub-
13 paragraph (A), that effective voluntary ac-
14 creditation programs are in place and oper-
15 ating on a nationwide basis at the time of
16 the determination, the Secretary shall not
17 be required to establish the certification
18 program referred to in clause (i).

19 “(2) REPORTING REQUIREMENT.—The quality
20 control program established by the Secretary under
21 this subsection shall provide for the reporting of the
22 results of blood-lead analyses to the Director of the
23 Centers for Disease Control on an ongoing basis.
24 Each report prepared pursuant to this paragraph

1 shall be in such form as the Secretary shall require
2 by regulation.

3 “(3) LIST.—Not later than 2 years after the
4 date of enactment of this section, and annually
5 thereafter, the Secretary shall publish and make
6 available to the public a list of certified or accredited
7 blood analysis laboratories.

8 “(4) REVIEW OF VOLUNTARY ACCREDITA-
9 TION.—

10 “(A) IN GENERAL.—If the Secretary deter-
11 mines, under paragraph (1)(B)(ii), that effec-
12 tive voluntary accreditation programs are in ef-
13 fect for blood analysis laboratories, the Sec-
14 retary shall review the performance and effec-
15 tiveness of the programs not later than 3 years
16 after the date of the determination, and every
17 3 years thereafter.

18 “(B) EFFECT OF NEGATIVE DETERMINA-
19 TION.—If, on making a review under this para-
20 graph, the Secretary determines that the vol-
21 untary accreditation programs reviewed are not
22 effective in ensuring the quality and consistency
23 of laboratory analyses, the Secretary shall, not
24 later than 1 year after the date of the deter-

1 mination, establish a certification program that
2 meets the requirements of paragraph (1)(B).

3 “(b) CLASSIFICATION OF ABATEMENT WASTES.—

4 Not later than 6 months after the date of enactment of
5 this section, the Administrator shall issue guidelines for
6 the management of lead-based paint abatement debris.
7 The guidelines shall describe steps for segregating wastes
8 from lead-based paint abatement projects in order to mini-
9 mize the volume of material qualifying as hazardous solid
10 waste.

11 “(c) SOIL LEAD GUIDELINES.—

12 “(1) IN GENERAL.—Not later than 2 years
13 after the date of enactment of this section, the Ad-
14 ministrator shall issue guidelines concerning—

15 “(A) action levels for lead in soil; and

16 “(B) mitigation recommendations.

17 “(2) REQUIREMENTS FOR GUIDELINES.—The
18 guidelines under this subsection establishing action
19 levels and mitigation recommendations shall take
20 into account different soil types, land uses, and
21 other site-related characteristics affecting lead expo-
22 sure conditions and levels of lead in blood.

23 “(d) STUDY OF LEAD IN USED OIL.—

24 “(1) IN GENERAL.—Not later than 18 months
25 after the date of enactment of this section, the Ad-

1 administrator shall conduct a study concerning the ef-
2 fects on the environment and public health of burn-
3 ing used oil.

4 “(2) REPORT.—On the completion of the study,
5 the Secretary shall submit a report to Congress on
6 the results of the study.

7 “(3) CONTENTS OF STUDY.—The study shall
8 include an assessment of—

9 “(A) the volume of lead in used oil released
10 into the environment, and the sources of the
11 lead contaminants;

12 “(B) the impact of a variety of approaches
13 to regulation of used oil recycling facilities; and

14 “(C) such other information as the Admin-
15 istrator determines to be appropriate regarding
16 disposal practices of lead in used oil in use at
17 the time of the study and alternatives to the
18 practices, including the manner in which any
19 detrimental effects on the environment or public
20 health (or both) can be reduced or eliminated
21 by the reduction of lead as a constituent of
22 used oil.

23 “(e) COORDINATOR FOR LEAD ACTIVITIES.—Not
24 later than 30 days after the date of enactment of this sec-
25 tion, the Administrator shall appoint, from among the em-

1 ployees of the Environmental Protection Agency, a Coordi-
2 nator for Lead Activities to coordinate the activities con-
3 ducted by the Agency (or in conjunction with the Agency)
4 relating to the prevention of lead poisoning, the reduction
5 of lead exposure, and lead abatement.”.

6 **SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR**
7 **THE PREVENTION OF LEAD POISONING.**

8 Title IV (15 U.S.C. 2681 et seq.), as amended by
9 section 108 of this Act, is further amended by inserting
10 after section 408, as redesignated by section 101(a) of this
11 Act, the following new section:

12 **“SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR**
13 **THE PREVENTION OF LEAD POISONING.**

14 “(a) ESTABLISHMENT AND RESPONSIBILITIES.—

15 “(1) IN GENERAL.—The Administrator shall es-
16 tablish a grant program to establish 1 or more Cen-
17 ters for the Prevention of Lead Poisoning. (Each
18 such Center is referred to in this subsection as a
19 ‘Center’.)

20 “(2) GRANTS.—The Administrator shall award
21 grants to 1 or more institutions of higher education
22 (as defined in 1201(a) of the Higher Education Act
23 of 1965 (20 U.S.C. 1141(a)) in the United States
24 for the purpose of establishing and funding a Cen-
25 ter. Each Center shall assist the Administrator in

1 carrying out this title, including providing for the
2 transfer of technology and serving as a source of in-
3 formation to the general public.

4 “(b) APPLICATIONS.—The Administrator shall solicit
5 applications from institutions of higher education of the
6 United States for the establishment of a Center. The ap-
7 plication shall be in such form, and contain such informa-
8 tion, as the Administrator may require by regulation.

9 “(c) SELECTION CRITERIA.—The Administrator shall
10 select each grant recipient from among the applicant insti-
11 tutions referred to in subsection (b) in accordance with
12 the following criteria:

13 “(1) The capability of the applicant institution
14 to provide leadership in making national contribu-
15 tions to the prevention of lead poisoning.

16 “(2) The demonstrated capacity of the appli-
17 cant institution to conduct relevant research.

18 “(3) The appropriateness of the projects pro-
19 posed to be carried out by the applicant institution.

20 “(4) The assurance of the applicant institution
21 of a commitment of at least \$100,000 in budgeted
22 institutional funds to relevant research upon receipt
23 of the grant.

1 “(5) The presence at the applicant institution
2 of an interdisciplinary staff with demonstrated ex-
3 pertise in lead poisoning prevention.

4 “(6) The demonstrated ability of the applicant
5 institution to disseminate the results of relevant re-
6 search and educational programs through an inter-
7 disciplinary continuing education program.

8 “(7) Any other criteria that the Administrator
9 determines to be appropriate.

10 “(d) FEDERAL SHARE AND DURATION OF GRANT.—

11 “(1) FEDERAL SHARE.—The Federal share of a
12 grant under this section shall not exceed an amount
13 equal to 95 percent of the cost of establishing and
14 operating a Center and related research activities
15 carried out by the Center.

16 “(2) DURATION OF GRANT.—A grant awarded
17 under this section shall be for a period of not more
18 than 2 years.”.

19 **SEC. 110. CONFORMING AMENDMENTS.**

20 (a) CROSS-REFERENCES.—

21 (1) PENALTIES.—Section 16 (15 U.S.C. 2615)
22 is amended by striking “409” each place it appears
23 and inserting “417”.

1 (2) SPECIFIC ENFORCEMENT AND SEIZURE.—
2 Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is
3 amended by striking “409” and inserting “417”.

4 (3) AUTHORIZED STATE PROGRAMS.—Section
5 412, as redesignated by section 101(a), is amend-
6 ed—

7 (A) by striking “402 or 406” each place it
8 appears and inserting “410 or 414”; and

9 (B) in subsection (d), by striking “402”
10 and inserting “410”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—In sec-
12 tion 420, as redesignated by section 101(a) of this Act,
13 by striking “There are authorized” and inserting “Except
14 as provided in section 407(j) and in title III of the Lead
15 Exposure Reduction Act of 1993, there are authorized”.

16 **SEC. 111. AMENDMENT TO TABLE OF CONTENTS.**

17 The table of contents in section 1 of the Act (15
18 U.S.C. 2601 et seq.) is amended by striking the items re-
19 lating to title IV and inserting the following new items:

“TITLE IV—LEAD EXPOSURE REDUCTION

“Sec. 401. Findings and policy.

“Sec. 402. Definitions.

“Sec. 403. Restrictions on continuing uses of certain lead-containing products.

“Sec. 404. Inventory of lead-containing products and new use notification pro-
cedures.

“Sec. 405. Product labeling.

“Sec. 406. Recycling of lead-acid batteries.

“Sec. 407. Lead contamination in schools and day care facilities.

“Sec. 408. Blood-lead and other abatement and measurement programs.

“Sec. 409. Establishment of National Centers for the Prevention of Lead Poi-
soning.

- “Sec. 410. Lead-based paint activities training and certification.
 “Sec. 411. Identification of dangerous levels of lead.
 “Sec. 412. Authorized State programs.
 “Sec. 413. Lead abatement and measurement.
 “Sec. 414. Lead hazard information pamphlet.
 “Sec. 415. Regulations.
 “Sec. 416. Control of lead-based paint hazards at Federal facilities.
 “Sec. 417. Prohibited acts.
 “Sec. 418. Relationship to other Federal law.
 “Sec. 419. General provisions relating to administrative proceedings.
 “Sec. 420. Authorization of appropriations.”.

1 **TITLE II—MISCELLANEOUS**

2 **SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-** 3 **LEAD LABORATORY REFERENCE PROJECT.**

4 (a) REPORTING OF BLOOD-LEAD LEVELS.—

5 (1) IN GENERAL.—The Secretary of Health and
 6 Human Services (referred to in this section as the
 7 “Secretary”), acting through the Director of the
 8 Centers for Disease Control (referred to in this sec-
 9 tion as the “Director”), shall identify methods for
 10 reporting blood-lead levels in a standardized format
 11 by State public health officials to the Director.

12 (2) REPORT TO CONGRESS.—Not later than 18
 13 months after the date of enactment of this Act, the
 14 Secretary shall submit a report to Congress that—

15 (A) describes the status of blood-lead re-
 16 porting; and

17 (B) evaluates the feasibility and desirabil-
 18 ity of instituting a national requirement for
 19 mandatory preschool blood-lead screening.

1 (3) ADDITIONAL REPORT.—Not later than 2
2 years after the date of enactment of this Act, the
3 Secretary, in consultation with the Secretary of
4 Labor and the Administrator of the Environmental
5 Protection Agency, shall submit a report to Congress
6 that assesses the effectiveness of the blood-lead re-
7 porting provisions under the regulations establishing
8 the accreditation and certification programs for
9 blood analysis laboratories described in section
10 408(a) of the Toxic Substances Control Act (as
11 added by section 108).

12 (b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY
13 REFERENCE PROJECT.—Subpart 2 of part C of title IV
14 of the Public Health Service Act (42 U.S.C. 258b et seq.),
15 is amended by adding at the end the following new section:

16 **“SEC. 424. BLOOD-LEAD LABORATORY REFERENCE**
17 **PROJECT.**

18 “The Secretary of Health and Human Services, act-
19 ing through the Director of the Centers for Disease Con-
20 trol, shall establish a blood-lead laboratory reference
21 project to assist States and local governments in establish-
22 ing, maintaining, improving, and ensuring the quality of
23 laboratory measurements performed for lead poisoning
24 prevention programs. The project shall include—

1 “(1) collaboration with manufacturers of ana-
2 lytical instruments to develop blood-lead measure-
3 ment devices that are accurate, portable, precise,
4 rugged, reliable, safe, and of reasonable cost;

5 “(2) the development of improved techniques
6 for safe, contamination-free blood sample collection;
7 and

8 “(3) assistance to State and local laboratories
9 in the form of reference materials, equipment, sup-
10 plies, training, consultation, and technology develop-
11 ment for quality assurance, capacity expansion, and
12 technology transfer.”.

13 **SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON**
14 **CHILDHOOD LEAD POISONING.**

15 (a) IN GENERAL.—Not later than 2 years after the
16 date of enactment of this Act, and every 2 years thereafter
17 until the date that is 10 years after the date of enactment
18 of this Act, and as necessary thereafter, the Administrator
19 of the Agency for Toxic Substances and Disease Registry
20 shall submit to Congress a report that updates the report
21 submitted pursuant to section 118(f)(1) of the Superfund
22 Amendments and Reauthorization Act of 1986. Each up-
23 dated report shall include, at a minimum, revised esti-
24 mates of the prevalence of elevated lead levels among chil-
25 dren and adults in the population of the United States,

1 and estimates of the prevalence of adverse health out-
2 comes associated with lead exposure. The initial report
3 under this section shall include an assessment of the po-
4 tential contribution to elevated blood lead levels in children
5 from exposure to sources of lead in schools and day care
6 centers.

7 (b) FUNDING.—The costs of preparing and submit-
8 ting the updated reports referred to in subsection (a) shall
9 be paid from the Hazardous Substance Superfund estab-
10 lished under section 9507 of the Internal Revenue Code
11 of 1986.

12 **SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.**

13 (a) AMENDMENT TO THE FAIR PACKAGING AND LA-
14 BELING ACT.—Section 11 of the Fair Packaging and La-
15 beling Act (15 U.S.C. 1460) is amended—

16 (1) in subsection (b), by striking “or” at the
17 end;

18 (2) in subsection (c), by striking the period at
19 the end and inserting “; or”; and

20 (3) by adding at the end the following new sub-
21 section:

22 “(d) The Lead Exposure Reduction Act of 1993 and
23 the amendments made by such Act.”.

24 (b) AMENDMENTS TO THE FEDERAL FOOD, DRUG
25 AND COSMETIC ACT.—

1 (1) TIME-BASED REQUIREMENTS.—Section 402
2 of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 342) is amended by adding at the end the
4 following new subsections:

5 “(f) For the third 1-year period after the date of en-
6 actment of this subsection and thereafter, if any package
7 or packaging component (including any solder or flux)
8 used in packaging the food contains any lead that has been
9 intentionally introduced into the package or component.

10 “(g) If the incidental presence of lead in any package
11 or packaging component (including any solder or flux)
12 used in packaging the food exceeds—

13 “(1) for the third 1-year period after the date
14 of enactment of this subsection, 600 parts per mil-
15 lion (0.06 percent);

16 “(2) for the fourth 1-year period after the date
17 of enactment of this subsection, 250 parts per mil-
18 lion (0.025 percent); and

19 “(3) for the fifth 1-year period after the date
20 of enactment of this subsection and thereafter, 100
21 parts per million (0.01 percent).”.

22 (2) CERAMIC WARE; PROCESSED FOODS;
23 WINE.—Title IV of such Act (21 U.S.C. 341 et seq.)
24 is amended by adding at the end the following new
25 section:

1 **“SEC. 413. LEAD REGULATIONS.**

2 “(a) CERAMIC WARES.—Not later than 18 months
3 after the date of enactment of this section, the Secretary
4 shall promulgate regulations to establish such standards
5 and testing procedures with respect to lead in ceramic
6 wares as are necessary to make food that contacts the
7 ware not adulterated as containing an added substance
8 under section 402(a)(1).

9 “(b) CRYSTAL WARES.—Not later than 30 months
10 after the date of enactment of this section, the Secretary
11 shall promulgate regulations to establish such standards
12 and testing procedures with respect to lead in crystal
13 wares as are necessary to make food that contacts the
14 ware not adulterated as containing an added substance
15 under section 402(a)(1).

16 “(c) PROCESSED FOODS.—Not later than 2 years
17 after the date of enactment of this section, the Secretary
18 shall promulgate regulations to reduce lead in processed
19 foods. The regulations shall determine the processed foods
20 and related manufacturing practices that are significant
21 sources of lead in the human diet and require the greatest
22 degree of reduction of lead in the foods that is achievable
23 in practice.

24 “(d) WINE.—Not later than 1 year after the date of
25 enactment of this section, the Secretary shall promulgate
26 regulations to establish such tolerance level and testing

1 procedures with respect to lead in wine as the Secretary
2 determines to be necessary to protect public health.

3 (3) PROHIBITION RELATING TO CERAMIC
4 WARE.—Section 301 of such Act (21 U.S.C. 331) is
5 amended by adding at the end the following new
6 subsections:

7 “(u) Beginning on the date that is 180 days after
8 the date of promulgation of regulations under section
9 413(a), the introduction or delivery into interstate com-
10 merce of any ceramic ware that is not in compliance with
11 the regulations.

12 “(v) Beginning on the date that is 180 days after
13 the date of promulgation of regulations under section
14 413(b), the introduction or delivery into interstate com-
15 merce of any crystal ware that is not in compliance with
16 the regulations.

17 “(w) Beginning on the date that is 180 days after
18 the date of promulgation of regulations under section
19 413(c), the introduction, or delivery for introduction, into
20 commerce of any processed food, or other action, in viola-
21 tion of section 413(c).”.

1 **TITLE III—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 Except as provided in the amendment made by sec-
5 tion 107 of this Act, to carry out this Act and the amend-
6 ments made by this Act—

- 7 (1) \$25,000,000 for fiscal year 1994;
8 (2) \$24,000,000 for fiscal year 1995;
9 (3) \$24,000,000 for fiscal year 1996; and
10 (4) \$22,000,000 for fiscal year 1997.

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S 729 IS—2

S 729 IS—3

S 729 IS—4

S 729 IS—5

S 729 IS—6