

107TH CONGRESS  
1ST SESSION

# H. R. 3176

To provide for the development of protocols for uniform national responses to public health emergencies involving dangerous biological agents or dangerous chemicals.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2001

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide for the development of protocols for uniform national responses to public health emergencies involving dangerous biological agents or dangerous chemicals.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Hazardous Agent  
5       Emergency Uniform Response Act”.

1 **SEC. 2. PROTOCOLS FOR UNIFORM NATIONAL RESPONSES**  
2 **TO PUBLIC HEALTH EMERGENCIES INVOLV-**  
3 **ING DANGEROUS BIOLOGICAL AGENTS OR**  
4 **DANGEROUS CHEMICALS.**

5 (a) IN GENERAL.—

6 (1) PROTOCOLS THROUGH JOINT INTER-  
7 DEPARTMENTAL WORKING GROUP.—The Secretary  
8 of Health and Human Services (in this section re-  
9 ferred to as the “Secretary”), in carrying out section  
10 319F(b) of the Public Health Service Act, shall de-  
11 velop protocols for responding to public health emer-  
12 gencies resulting from the release of dangerous bio-  
13 logical agents or dangerous chemicals, including the  
14 intentional release of such agents or chemicals.

15 (2) CONSULTATION WITH STATES.—In carrying  
16 out this section, the Secretary shall consult with the  
17 States, including the chief public health officers and  
18 the attorneys general of the States.

19 (b) HAZARDOUS AGENTS.—

20 (1) IN GENERAL.—For purposes of this section,  
21 the term “hazardous agents” means dangerous bio-  
22 logical agents and dangerous chemicals.

23 (2) DANGEROUS BIOLOGICAL AGENTS.—For  
24 purposes of this section, the term “dangerous bio-  
25 logical agent” means a biological agent or toxin  
26 that—

1 (A) is on the list that is in effect pursuant  
2 to section 511(d)(1) of the Antiterrorism and  
3 Effective Death Penalty Act of 1996; and

4 (B) has not been exempted from the appli-  
5 cability of regulations under section 511(e) of  
6 such Act.

7 (3) DANGEROUS CHEMICALS.—

8 (A) IN GENERAL.—For purposes of this  
9 section, the term “dangerous chemical” means  
10 a chemical listed under subparagraph (B).

11 (B) LIST OF CHEMICALS.—Not later than  
12 45 days after the date of the enactment of this  
13 Act, the Secretary, in consultation with the  
14 Chemical Safety and Hazard Investigation  
15 Board under section 112(r)(6) of the Clean Air  
16 Act, shall develop a list of chemicals that are  
17 considered by the Secretary—

18 (i) to be substances that are known to  
19 cause, or may reasonably be anticipated to  
20 cause, death or other serious adverse ef-  
21 fects on human health, which substances  
22 shall include substances listed under sec-  
23 tion 112(r)(3) of such Act; and

24 (ii) to be candidates for use by indi-  
25 viduals who intend to cause death or other

1                   serious adverse effects on human health by  
2                   intentionally releasing the chemicals.

3           (c) AGENT-SPECIFIC PROTOCOLS.—A protocol under  
4 subsection (a) shall be developed for each hazardous  
5 agent. Such a protocol shall include provisions specific to  
6 the hazardous agent involved, unless the Secretary deter-  
7 mines that the agent has no unique characteristics rel-  
8 evant to making an adequate response to a public health  
9 emergency resulting from the release of the agent.

10          (d) PRIORITIES; TIMEFRAME.—

11               (1) PRIORITIES.—Not later than 45 days after  
12 the date of the enactment of this Act, the Secretary  
13 shall with respect to the development of protocols  
14 under subsection (a) establish priorities among haz-  
15 ardous agents.

16               (2) TIMEFRAME.—Promptly after establishing  
17 priorities under paragraph (1), the Secretary shall  
18 begin developing a protocol under subsection (a) for  
19 the hazardous agent assigned the highest priority. In  
20 developing such protocol, and each other protocol  
21 under such subsection, the Secretary shall seek to  
22 complete development not later than 45 days after  
23 beginning the process of development. Promptly  
24 after completing the development of one protocol,

1 the Secretary shall begin developing another pro-  
2 tocol.

3 (e) UNIFORMITY; TESTING; OTHER PROVISIONS.—

4 The provisions of a protocol under subsection (a) shall in-  
5 clude provisions for the following:

6 (1) Ensuring that the protocol is applied uni-  
7 formly in each public health emergency involving the  
8 hazardous agent for which the protocol is developed,  
9 subject to factual differences among emergencies.

10 (2) Coordinating with public and private emer-  
11 gency response personnel, including State and local  
12 public health officials, to provide for such uni-  
13 formity.

14 (3) Providing medically appropriate information  
15 promptly to individuals who are present at buildings  
16 or other sites at which the public health emergency  
17 involved occurs, including individuals with employ-  
18 ment functions at such sites.

19 (4) Testing and treating affected individuals  
20 promptly with respect to such agent.

21 (5) Decontaminating sites referred to in para-  
22 graph (3).

23 (6) Providing for differences in responding to  
24 an emergency according to whether the release of

1       the hazardous agent involved is accidental or inten-  
2       tional.

3           (7) Such other provisions as the Secretary de-  
4       termines to be appropriate.

5       (f) PERIODIC REVIEW.—The Secretary shall periodi-  
6       cally review protocols under subsection (a) and shall revise  
7       the protocols as appropriate.

8       (g) DEVELOPMENT EXEMPTIONS.—The requirement  
9       under subsection (a) to develop a protocol for a hazardous  
10      agent does not apply if the Secretary makes a determina-  
11      tion that a protocol existing as of the date of the enact-  
12      ment of this Act meets the requirements of this section  
13      (which determination is referred to in this section as a  
14      “development exemption”). Not later than 30 days after  
15      such date of enactment, the Secretary shall submit to the  
16      Congress a report providing a list of the hazardous agents  
17      for which the Secretary has provided development exemp-  
18      tions. Such an exemption may not be construed as affect-  
19      ing the applicability of the requirements of review and re-  
20      vision under subsection (f).

21      (h) AUTHORIZATION OF APPROPRIATIONS.—For the  
22      purpose of carrying out this section, there are authorized  
23      to be appropriated such sums as may be necessary for  
24      each of the fiscal years 2002 through 2006. Such author-

- 1 ization of appropriations is in addition to other authoriza-
- 2 tions of appropriations that are available for such purpose.

