To establish environmental justice as a consideration in the regulation of pesticides, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2018

Ms. HARRIS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish environmental justice as a consideration in the regulation of pesticides, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Environmental Justice Right to Know Act of 2018”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PESTICIDES AND OTHER CHEMICAL SUBSTANCES

Sec. 101. Pesticides.
Sec. 102. Inclusion of certain chemicals in Safer Choice program.

TITLE II—HEALTH AND SAFETY IN THE WORKPLACE
TITLE I—PESTICIDES AND OTHER CHEMICAL SUBSTANCES

SEC. 101. PESTICIDES.

(a) ENVIRONMENTAL JUSTICE CONSIDERATIONS.—

Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w) is amended by adding at the end the following:

“(f) ENVIRONMENTAL JUSTICE CONSIDERATIONS.—

“(1) Definition of environmental justice.—In this subsection, the term ‘environmental justice’ means the fair treatment and meaningful involvement of all affected individuals, regardless of race, color, national origin, income, gender, citizenship status, language, or literacy, with respect to the development, implementation, and enforcement of an environmental law, regulation, or policy.

“(2) Requirement.—Notwithstanding any other provision of law (including regulations), in developing any policy, procedure, or guidance or promulgating any regulation pursuant to this Act, the Administrator shall, to the maximum extent practicable—
“(A) solicit, and take into consideration,
comments from—

“(i) interested Federal and State
agencies; and

“(ii) the public;

“(B) seek to achieve environmental justice;

and

“(C) ensure transparency with respect to
information regarding the ingredients of pes-
ticides.”.

(b) TRAINING AND LABELING REQUIREMENTS.—

(1) IN GENERAL.—Section 30 of the Federal
Insecticide, Fungicide, and Rodenticide Act (7
U.S.C. 136w–5) is amended—

(A) in the third sentence—

(i) by striking “this section” and in-
serting “this subsection”; and

(ii) by striking “The authority” and
inserting the following:

“(3) LIMITATION ON AUTHORITY OF ADMINIS-
TRATOR.—The authority”;

(B) in the second sentence, by striking
“Such training” and inserting the following:

“(2) INCLUSIONS.—Subject to subsection (b),
the training described in paragraph (1)”;}
(C) by striking the section designation and heading and all that follows through “Each State” in the first sentence and inserting the following:

“SEC. 30. TRAINING AND LABELING REQUIREMENTS.

“(a) TRAINING.—

“(1) STATE REQUIREMENTS FOR MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.—Each State”; and

(D) by adding at the end the following:

“(b) LABELING.—

“(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the Administrator shall require that each label borne by a pesticide includes a translation of essential safety and environmental information, as determined by the Administrator subject to paragraph (2), into—

“(A) Spanish; and

“(B) such other appropriate languages as the Administrator may require, on receipt of a recommendation from a unit of State or local government within the boundaries of which the pesticide is sold, transported, or used.
“(2) INCLUSIONS.—The information required to be translated under paragraph (1) shall include, as applicable—

“(A) warnings and precautionary statements;

“(B) information relating to—

“(i) exposure symptoms;

“(ii) toxicity levels;

“(iii) appropriate first aid measures;

“(iv) personal protective equipment;

and

“(v) restricted entry intervals;

“(C) general safe handling and usage directions;

“(D) storage and disposal instructions; and

“(E) other appropriate directions to prevent environmental contamination.”.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 3(c)(1)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(c)(1)(C)) is amended by inserting “(including a translation into Spanish and any other appropriate language of certain information, in accordance with section 30(b))” before the semicolon at the end.
(B) UNLAWFUL ACTS.—Section 12(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136j(a)(2)) is amended—

(i) in subparagraph (R), by striking “or” at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting “; or”;

and

(iii) by adding at the end the following:

“(T) to violate section 30(b).”.

SEC. 102. INCLUSION OF CERTAIN CHEMICALS IN SAFER CHOICE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) include on the Safer Chemical Ingredients List published under the Safer Choice program of the Environmental Protection Agency Safer Choice alternatives for each chemical substance described in subsection (b) as functionally used in nail salon products, hair salon products, and other cosmetics;
(2) modify the Safer Choice and Design for the Environment labels under the Safer Choice program, as applicable, in accordance with paragraph (1) for the purpose of supporting healthier nail salons and nail salon products; and

(3) provide to manufacturers and researchers appropriate incentives to develop safer, affordable nail salon products, including disinfectants.

(b) DESCRIPTION OF CHEMICAL SUBSTANCES.—The chemical substances referred to in subsection (a)(1) are each of the following:

(1) Toluene.

(2) Formaldehyde.

(3) Triphenyl phosphate.

(4) Dibutyl phthalate.

(5) Methacrylates.

TITLE II—HEALTH AND SAFETY IN THE WORKPLACE

SEC. 201. DEFINITIONS.

In this title:

(1) COSMETIC.—The term “cosmetic” has the meaning given such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) SAFETY DATA SHEET.—The term “safety data sheet” means the safety data sheets required

(3) SECRETARY.—The term “Secretary” means the Secretary of Labor.

SEC. 202. OCCUPATIONAL SAFETY AND HEALTH STANDARD FOR NAIL AND HAIR SALONS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate under section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) an occupational safety and health standard to improve ventilation in nail and hair salons.

(b) Safety Data Sheets.—

(1) Standard.—The standard described in subsection (a) shall—

(A) require that safety data sheets of any cosmetic used by nail, hair, barber, and other beauty professionals be available on the website of the manufacturer of the cosmetic and ensure that such safety data sheets are easily accessed via the name of the specific product line;

(B) require that all such safety data sheets available on such websites be translated into languages spoken by a significant number of
professionals, including Spanish, Vietnamese, Korean, Chinese, and Nepali; and

(C) require manufacturers of all cosmetics to create and provide, for use on small secondary containers, small labels with the name of the product and its ingredients as listed on the safety data sheet.

(2) QUICK CARD.—The Secretary shall translate its “Quick Card” publication regarding requirements for safety data sheets into Vietnamese, Korean, Chinese, and Nepali.

SEC. 203. NIOSH STUDY ON VENTILATION IN HAIR AND NAIL SALONS.

Not later than 1 year after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall conduct research on ventilation in nail and hair salons and report to Congress on each of the following:

(1) The level of ventilation necessary for health protective ambient air and breathing zone air quality for workers in nail and hair salons.

(2) Various ventilation methods and technologies to improve air quality in such salons, such as source capture systems, ceiling vents, and hand
tools to vacuum dust during artificial nail application.

(3) Recommendations as to the relative effectiveness and practicality of various ventilation technologies and methods.

(4) Practical “how to” information and advice for implementing effective ventilation, such as approximate costs of structural changes or equipment and how to negotiate with a landlord to make such structural changes.

SEC. 204. HEALTHY NAIL SALON RECOGNITION PROGRAMS.

(a) IN GENERAL.—The Secretary may establish a program for States to apply for grants to—

(1) develop guidelines and criteria for State healthy nail salon recognition programs; and

(2) conduct outreach to local agencies to implement those programs.

(b) CRITERIA.—The Secretary may establish minimum protective criteria that a State healthy nail salon recognition program shall meet in order for the State to receive a grant under subsection (a). Such criteria may include—

(1) prohibiting nail salons from using toluene, dibutyl phthalate, formaldehyde, and methyl ethyl ketone;
(2) requiring nail salons to use source capture systems of ventilation at all stations when any artificial nail service is provided; and

(3) requiring nail salons to mandate participation of employers and employees in training on best practices for a less toxic workplace.

(c) OSHA TRAINING MATERIALS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with stakeholders implementing State healthy nail salon recognition programs on such date of enactment, shall develop—

(A) online training materials for employers and employees of nail salons, the content of which shall be similar to training materials used by such programs on such date of enactment; and

(B) certificates or window decals containing the Occupational Safety and Health Administration logo, which States receiving a grant under subsection (a) may provide to employers and employees that complete training pertaining to safe ventilation in nail salons as proof of completing such training.
(d) **Authorization of Appropriations.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 205. IMPACT OF TOXIC COSMETICS ON WOMEN.**

Not later than 2 years after the date of enactment of this Act—

(1) the Director of the National Institute of Environmental Health Sciences of the National Institutes of Health shall submit a report, to the Director of the Office of Minority Health and Congress, on the long-term negative health effects of endocrine disrupting chemicals, carcinogens, neurotoxicants, and asthmagens in cosmetics on the health of women of color and women in other communities that are highly impacted by such long-term negative health effects; and

(2) the Director of the Office of Minority Health shall submit a report to Congress, based on the report under paragraph (1), on policy recommendations, including actions that Federal agencies may take, to reduce or eliminate exposure of the women described in such paragraph to endocrine disrupting chemicals, carcinogens, neurotoxicants, and asthmagens in cosmetics.
SEC. 206. SUSAN HARWOOD TRAINING GRANTS.

The Secretary shall, in awarding Susan Harwood training grants under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), assure that hazards facing nail and hair salon workers are included as a targeted topic for training in any announcement for such grants issued after the date of enactment of this Act.