

106TH CONGRESS
1ST SESSION

H. R. 1510

To promote environmental justice, public health, and pollution reduction efforts.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1999

Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. WATERS, Ms. PELOSI, Ms. LEE, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BISHOP, Ms. KILPATRICK, Mr. LAFALCE, Mr. FROST, Mr. FILNER, Ms. ESHOO, Ms. NORTON, Mrs. CHRISTENSEN, Mr. BROWN of California, Mr. FALEOMAVAEGA, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Agriculture, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote environmental justice, public health, and pollution reduction efforts.

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 “Environmental Justice
5 Act of 1999”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to identify those areas which are subject to
4 the highest levels of toxic chemicals, through all
5 media;

6 (2) to require the collection of data on environ-
7 mental health effects so that impacts on different in-
8 dividuals or groups can be understood;

9 (3) to assess the health effects that may be
10 caused by emissions in those areas of highest im-
11 pact;

12 (4) to ensure that groups or individuals residing
13 within those areas of highest impact have the oppor-
14 tunity to participate in developing solutions to envi-
15 ronmental and health problems confronting their
16 community;

17 (5) to promote technologies and practices that
18 reduce or eliminate pollution; and

19 (6) to promote the development and mainte-
20 nance of parks and green open spaces in polluted
21 communities.

22 **SEC. 3. DEFINITIONS.**

23 For the purposes of this Act:

24 (1) ADMINISTRATOR.—The term “Adminis-
25 trator” means the Administrator of the United
26 States Environmental Protection Agency.

1 (2) ENVIRONMENTAL HIGH IMPACT AREA.—The
2 terms “Environmental High Impact Area” and
3 “EHIA” mean the 20 counties or other geographic
4 units that are designated pursuant to section 101.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of the Department of Health and
7 Human Services.

8 (4) TOXIC CHEMICALS.—The term “toxic
9 chemicals” includes all substances as defined in sec-
10 tion 101(14) of the Comprehensive Environmental
11 Response, Compensation, and Liability Act of 1980;
12 any hazardous waste listed or identified pursuant to
13 the Solid Waste Disposal Act; any pollutant for
14 which air quality standards have been issued pursu-
15 ant to the Clean Air Act; any pollutant for which
16 water quality standards have been issued pursuant
17 to the Clean Water Act; any pollutant for which a
18 national primary drinking water regulation has been
19 issued pursuant to the Safe Drinking Water Act; all
20 materials registered pursuant to the Federal Insecti-
21 cide, Fungicide, and Rodenticide Act; and all sub-
22 stances and chemicals subject to reporting obliga-
23 tions pursuant to the Emergency Planning and
24 Community Right-to-Know Act. The Adminis-

1 trator may add other substances as deemed appro-
2 priate.

3 (5) TOXIC CHEMICAL FACILITIES.—The term
4 “toxic chemical facilities” includes all facilities in-
5 cluding Federal facilities subject to a permit, inspec-
6 tion or review, or registration requirement pursuant
7 to the authority of the Solid Waste Disposal Act; the
8 Clean Air Act; the Clean Water Act; the Federal In-
9 secticide, Fungicide and Rodenticide Act; and the
10 OSHA Hazard Communication Standard; as well as
11 any facility subject to reporting obligations pursuant
12 to the Emergency Planning and Community Right-
13 to-Know Act. The Administrator shall have the au-
14 thority to examine the level of toxic chemicals re-
15 leased into the environment by facilities not cur-
16 rently subject to Federal review, inspection, or re-
17 porting requirements if (A) a facility is believed to
18 produce a high level of environmental pollution, and
19 (B) the Administrator is petitioned by individuals or
20 groups within such EHIA to conduct the review.

1 **TITLE I—IDENTIFICATION OF**
2 **ENVIRONMENTAL HIGH IM-**
3 **PACT AREAS**

4 **SEC. 101. IDENTIFICATION OF ENVIRONMENTAL HIGH IM-**
5 **PACT AREAS.**

6 (a) PUBLICATION OF METHOD.—Within 12 months
7 after the enactment of this Act, the Administrator shall
8 publish for public comment the method for selecting the
9 EHIAs.

10 (b) DETERMINATION OF IMPACTED AREAS.—Within
11 18 months after the date of enactment of this Act, the
12 Administrator shall publish a list of 20 Environmental
13 High Impact Areas that are either counties or other ap-
14 propriate geographic units in which high levels of chemi-
15 cals are present and in which the population is exposed
16 to such chemicals. The Administrator shall also take into
17 consideration any geographical areas suggested for review
18 by the Agency for Toxic Substances and Disease Registry,
19 the National Center for Environmental Health, the Na-
20 tional Center for Health Statistics, other appropriate Fed-
21 eral agencies, and State and local health authorities.

22 (c) REVISION AND REPUBLICATION.—The Adminis-
23 trator shall revise and republish the list described in sub-
24 section (a) of this section not less than every 5 years,
25 using data compiled for that 5-year period.

1 (d) COMPILATION OF LIST.—In selecting a method-
2 ology and compiling or revising the list of EHIAs, the Ad-
3 ministrator shall—

4 (1) use the most recent data available;

5 (2) take into account the relative toxicity of the
6 toxic chemicals;

7 (3) determine, with the best available data, the
8 actual and potential exposures, and toxicity of the
9 toxic chemicals present in each impacted area;

10 (4) consider and utilize all appropriate data
11 compiled pursuant to any environmental regulatory
12 authority and other sources, including but not lim-
13 ited to available data on lead-based paint and the ex-
14 istence of pollutants from mobile sources;

15 (5) distinguish between toxic chemicals which
16 are (A) in a contained, controlled environment such
17 as barrels, factories, warehouses, or lined landfills;
18 and (B) released into the air, water, soil or ground-
19 water of the area; and

20 (6) take into account the impact of pollution in
21 high population density areas.

1 **TITLE II—ENFORCEMENT**
2 **INITIATIVES**

3 **SEC. 201. MANDATORY INSPECTION.**

4 To assure that facilities with the highest potential for
5 release of toxic chemicals into the environment are oper-
6 ating in compliance with all applicable environmental,
7 health and safety standards, the Administrator, and the
8 Assistant Secretary of the Occupational Safety and Health
9 Administration shall conduct compliance inspections or re-
10 views of all toxic chemical facilities in Environmental High
11 Impact Areas subject to their respective jurisdictions with-
12 in 1 year after the publication of each list of EHIAs under
13 title I.

14 **TITLE III—COMMUNITY**
15 **PARTICIPATION**

16 **SEC. 301. TECHNICAL ASSISTANCE GRANTS.**

17 The Administrator shall make a technical assistance
18 grant available to any individual or group of individuals
19 in an EHIA. Such grants shall be used to seek guidance
20 from independent experts for the purpose of improving un-
21 derstanding of environmental and health concerns related
22 to designation as an EHIA. Not more than one grant may
23 be made with respect to each EHIA, but the grant may
24 be renewed to facilitate public participation where nec-
25 essary.

1 **TITLE IV—IDENTIFICATION AND**
2 **PREVENTION OF HEALTH IM-**
3 **PACTS**

4 **SEC. 401. SECRETARIAL STUDY.**

5 Within 2 years after the publication of each list of
6 EHIAs under title I, the Secretary shall issue for public
7 comment a report identifying the methodology used and
8 nature and extent, if any, of acute and chronic impacts
9 on human health in EHIAs as compared to non-EHIAs,
10 including impacts on subgroups within EHIAs. Such im-
11 pacts shall include but not be limited to cancer, birth de-
12 formities, infant mortality rates, and respiratory diseases.
13 The report shall be coordinated by the Administrator of
14 the Agency for Toxic Substances and Disease Registry
15 and shall involve the community being assessed. The
16 ATSDR shall work closely with the Directors of the Na-
17 tional Institute for Environmental Health Sciences, the
18 National Center for Health Statistics, and other appro-
19 priate Federal agencies to coordinate the report, relying
20 on the expertise of leading health and environmental sci-
21 entists. The health assessment shall seek to—

22 (1) isolate the impacts of environmental pollu-
23 tion;

24 (2) segregate the effects of other factors such
25 as health care availability or substance abuse or diet;

1 (3) evaluate the levels below which release of
2 toxic chemicals, either individually or cumulatively,
3 must be reduced to avoid adverse impacts on human
4 health; and

5 (4) determine the impacts of uncontrolled re-
6 leases.

7 In conducting health assessments, the Administrator of
8 the Agency for Toxic Substances and Disease Registry
9 and other Federal agencies shall consider: the differential
10 sensitivities to exposures for vulnerable groups; the effects
11 of low levels of a toxin over a period of time; cumulative
12 and synergistic effects of multiple toxins; and methodo-
13 logical issues for studying exposures and diseases among
14 small numbers of people, including units of measurement
15 and analyses sensitive to disease clusters; and demo-
16 graphic information relevant for a determination of envi-
17 ronmental justice concerns. As a result of the report in
18 communities where the Administrator of the Agency for
19 Toxic Substances Disease Registry has determined that
20 adverse health impacts exist, the agency shall also make
21 this information readily available to members of the com-
22 munity by providing information directly to the affected
23 communities and tribal governments in the Environmental
24 High Impact Areas.

1 **SEC. 402. MORATORIUM.**

2 If the report under section 401 finds significant ad-
3 verse impacts of environmental pollution on human health
4 in EHIAs, there shall be a moratorium on the siting or
5 permitting of any new toxic chemical facility in any EHIA
6 shown to emit toxic chemicals in quantities found to cause
7 significant adverse impacts on human health. A new toxic
8 chemical facility may be cited or permitted in such an
9 EHIA during this period only if the Secretary and Admin-
10 istrator agree that—

11 (1) there will be no significant adverse impacts
12 to human health;

13 (2) the owner or operator of the facility dem-
14 onstrates that the facility has developed a plan to
15 maintain a comprehensive pollution prevention pro-
16 gram; and

17 (3) the facility demonstrates that it will mini-
18 mize uncontrolled releases into the environment.

19 The moratorium shall continue in effect in such an EHIA
20 until the Administrator determines, upon petition of any
21 interested party, that the health-based levels identified
22 pursuant to section 401(5) have been attained at the
23 EHIA.

1 **TITLE V—HEALTH REMEDIES**

2 **SEC. 501. HEALTH SCREENING AND TREATMENT GRANTS.**

3 Within 1 year after the Secretary’s biennial health
4 assessment is released, in EHLAs shown to have adverse
5 health outcomes related to environmental exposures, the
6 Secretary shall establish a grant program to make avail-
7 able to public and nonprofit private entities awards for
8 the purposes of providing community-wide medical screen-
9 ing and diagnostic services for environmentally related ill-
10 nesses. Treatment services shall be provided for commu-
11 nity residents with environmentally related illnesses if they
12 lack private or public health insurance, and shall continue
13 as long as medically necessary. Following community
14 screening, the Secretary shall initiate a review of medical
15 services within EHLAs to determine if the area or popu-
16 lation would qualify as “medically underserved” or a
17 “health professional shortage area”.

18 **TITLE VI—POLLUTION** 19 **REDUCTION**

20 **SEC. 601. POLLUTION REDUCTION AND PREVENTION** 21 **GRANTS.**

22 In EHLAs where the Secretary has determined that
23 adverse health outcomes are related to environmental ex-
24 posures, the Administrator shall immediately take efforts
25 to reduce pollution in the area. The Administrator shall

1 first make available to States with EHIAs pollution reduc-
2 tion/prevention grants which will involve community rep-
3 resentatives, public health experts, local business, and gov-
4 ernment officials located within the EHIA in developing
5 effective pollution reduction strategies. If within 1 year,
6 the Administrator determines that significant steps have
7 not been made to reduce pollution and risk to human
8 health, the Administrator may take regulatory steps to re-
9 duce pollution in the area.

10 **TITLE VII—PROMOTION OF** 11 **GREEN SPACE**

12 **SEC. 701. DEVELOPMENT OF PARKS OR RECREATIONAL** 13 **AREAS.**

14 Within 1 year after the Secretary's biennial health
15 assessment is released, the Secretary of the Interior shall
16 establish a grant program to make available to local public
17 or nonprofit private entities within EHIAs awards for the
18 development of parks and recreational spaces, and provide
19 guidance for promoting environmentally sound use of the
20 land.

21 **TITLE VIII—FUNDING**

22 **SEC. 801. FUNDING.**

23 There are authorized to be appropriated to carry out
24 this Act such sums as may be necessary.

○