

106TH CONGRESS  
1ST SESSION

# H. R. 199

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. MORAN of Virginia introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Children’s Environ-  
5       mental Protection Act”.

6       **SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.**

7       (a) IN GENERAL.—The Toxic Substances Control Act  
8       (15 U.S.C. 2601 et seq.) is amended by adding at the end  
9       the following:

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1       **“TITLE V—ENVIRONMENTAL**  
2       **PROTECTION FOR CHILDREN**

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

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

5               “(1) public health and safety depends on citi-  
6               zens and local officials knowing the toxic dangers  
7               that exist in their homes, communities, and neigh-  
8               borhoods;

9               “(2) children eat more food, drink more fluids,  
10              and breathe more air in proportion to their body  
11              weight than adults;

12             “(3) these factors put children at greater risk  
13             from environmental pollutants than adults, and as a  
14             result children face unique health threats that need  
15             special attention;

16             “(4) risk assessments of pesticides and other  
17             environmental pollutants conducted by the Environ-  
18             mental Protection Agency do not clearly differentiate  
19             between the risks to children and the risks to adults;

20             “(5) a study conducted by the National Acad-  
21             emy of Sciences on the effects of pesticides in the  
22             diets of infants and children concluded that ap-  
23             proaches to risk assessment typically do not consider  
24             risks to children and, as a result, current standards

1 and tolerances often fail to adequately protect in-  
2 fants and children;

3 “(6) data are lacking that would allow adequate  
4 quantification and evaluation of child-specific and  
5 other vulnerable subpopulation-specific susceptibility  
6 and exposure to environmental pollutants;

7 “(7) data are lacking that would allow adequate  
8 quantification and evaluation of child-specific and  
9 other vulnerable subpopulation-specific bioaccumula-  
10 tion of environmental pollutants;

11 “(8) the absence of data precludes effective gov-  
12 ernment regulation of environmental pollutants, and  
13 denies individuals the ability to exercise a right to  
14 know and make informed decisions to protect their  
15 families; and

16 “(9) research must be coordinated within the  
17 Environmental Protection Agency and other Federal  
18 agencies to identify key data needs to ensure the  
19 best science and to enhance the Nation’s under-  
20 standing of environmental health and safety threats  
21 to children.

22 “(b) POLICY.—It is the policy of the United States  
23 that—

24 “(1) policies, programs, activities, and stand-  
25 ards of the Environmental Protection Agency must

1 address disproportionate risks to children that result  
2 from environmental health risks;

3 “(2) information, including a safer-for-children  
4 product list, should be made readily available by the  
5 Environmental Protection Agency to the general  
6 public and relevant Federal and State agencies to  
7 advance the public’s right-to-know, and allow the  
8 public to avoid unnecessary and involuntary expo-  
9 sure; and

10 “(3) scientific research opportunities should be  
11 identified by the Environmental Protection Agency,  
12 the Department of Health and Human Services (in-  
13 cluding the National Institute of Environmental  
14 Health Sciences and the Agency for Toxic Sub-  
15 stances and Disease Registry), the National Insti-  
16 tutes of Health, and other Federal agencies, to study  
17 the short-term and long-term health effects of cumu-  
18 lative, simultaneous, and synergistic exposures of  
19 children and other vulnerable subpopulations to envi-  
20 ronmental pollutants.

21 **“SEC. 502. DEFINITIONS.**

22 “In this title:

23 “(1) AREAS THAT ARE REASONABLY ACCES-  
24 SIBLE TO CHILDREN.—The term ‘areas that are rea-  
25 sonably accessible to children’ means homes, schools,

1 day care centers, shopping malls, movie theaters,  
2 and parks.

3 “(2) CHILDREN.—The term ‘children’ means  
4 individuals who are 18 years of age or younger.

5 “(3) ENVIRONMENTAL POLLUTANT.—The term  
6 ‘environmental pollutant’ means a hazardous sub-  
7 stance, as defined in section 101 of the Comprehen-  
8 sive Environmental Response, Compensation, and  
9 Liability Act of 1980 (42 U.S.C. 9601), or a pes-  
10 ticide, as defined in section 2 of the Federal Insecti-  
11 cide, Fungicide, and Rodenticide Act (7 U.S.C.  
12 136).

13 “(4) FEDERAL PROPERTIES AND AREAS.—The  
14 term ‘Federal properties and areas’ means areas  
15 owned or controlled by the United States.

16 “(5) VULNERABLE SUBPOPULATIONS.—The  
17 term ‘vulnerable subpopulations’ means children,  
18 pregnant women, the elderly, individuals with a his-  
19 tory of serious illness, and other subpopulations  
20 identified by the Administrator as likely to experi-  
21 ence elevated health risks from environmental pollut-  
22 ants.

23 **“SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNER-**  
24 **ABLE SUBPOPULATIONS.**

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

1           “(1) consistently and explicitly evaluate and  
2       consider environmental health risks to vulnerable  
3       subpopulations in all of the risk assessments, risk  
4       characterizations, environmental and public health  
5       standards, and regulatory decisions carried out by  
6       the Administrator;

7           “(2) ensure that all Environmental Protection  
8       Agency standards protect children and other vulner-  
9       able subpopulations with an adequate margin of  
10      safety; and

11          “(3) develop and use a separate assessment or  
12      finding of risks to vulnerable subpopulations or pub-  
13      lish in the Federal Register an explanation of why  
14      the separate assessment or finding is not used.

15      “(b) REEVALUATION OF CURRENT PUBLIC HEALTH  
16      AND ENVIRONMENTAL STANDARDS.—

17          “(1) IN GENERAL.—As part of any risk assess-  
18      ment, risk characterization, environmental or public  
19      health standard or regulation, or general regulatory  
20      decision carried out by the Administrator, the Ad-  
21      ministrator shall evaluate and consider the environ-  
22      mental health risks to children and other vulnerable  
23      subpopulations.

1           “(2) IMPLEMENTATION.—In carrying out para-  
2           graph (1), not later than 1 year after the date of en-  
3           actment of this title, the Administrator shall—

4                   “(A) develop an administrative strategy  
5                   and an administrative process for reviewing  
6                   standards;

7                   “(B) publish in the Federal Register a list  
8                   of standards that may need revision to ensure  
9                   the protection of children and vulnerable sub-  
10                  populations;

11                  “(C) prioritize the list according to the  
12                  standards that are most important for expe-  
13                  dited review to protect children and vulnerable  
14                  subpopulations;

15                  “(D) identify which standards on the list  
16                  will require additional research in order to be  
17                  reevaluated and outline the time and resources  
18                  required to carry out the research; and

19                  “(E) identify, through public input and  
20                  peer review, not fewer than 20 public health  
21                  and environmental standards of the Environ-  
22                  mental Protection Agency to be repromulgated  
23                  on an expedited basis to meet the criteria of  
24                  this subsection.

1           “(3) REVISED STANDARDS.—Not later than 6  
 2       years after the date of enactment of this title, the  
 3       Administrator shall propose not fewer than 20 re-  
 4       vised standards that meet the criteria of this sub-  
 5       section.

6           “(4) COMPLETED REVISION OF STANDARDS.—  
 7       Not later than 15 years after the date of enactment  
 8       of this title, the Administrator shall complete the re-  
 9       vision of all standards in accordance with this sub-  
 10      section.

11          “(5) REPORT.—The Administrator shall report  
 12       to Congress on an annual basis on progress made by  
 13       the Administrator in carrying out the objectives and  
 14       policy of this subsection.

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

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

18           “(1) identify environmental pollutants com-  
 19       monly used or found in areas that are reasonably ac-  
 20       cessible to children;

21           “(2) create a scientifically peer reviewed list of  
 22       substances identified under paragraph (1) with  
 23       known, likely, or suspected health risks to children;

24           “(3) create a scientifically peer reviewed list of  
 25       safer-for-children substances and products rec-



1       ommended by the Administrator for use in areas  
2       that are reasonably accessible to children that, when  
3       applied as recommended by the manufacturer, will  
4       minimize potential risks to children from exposure to  
5       environmental pollutants;

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

11             “(5) create a family right-to-know information  
12      kit that includes a summary of helpful information  
13      and guidance to families, such as the information  
14      created under paragraph (3), the guidelines estab-  
15      lished under paragraph (4), information on the po-  
16      tential health effects of environmental pollutants,  
17      practical suggestions on how parents may reduce  
18      their children’s exposure to environmental pollut-  
19      ants, and other relevant information, as determined  
20      by the Administrator in cooperation with the Centers  
21      for Disease Control;

22             “(6) make all information created pursuant to  
23      this subsection available to Federal and State agen-  
24      cies, the public, and on the Internet; and

1           “(7) review and update the lists created under  
2           paragraphs (2) and (3) at least once each year.

3   **“SEC. 505. RESEARCH TO IMPROVE INFORMATION ON EF-**  
4                           **FFECTS ON CHILDREN.**

5           “(a) TOXICITY DATA.—The Administrator, the Sec-  
6   retary of Agriculture, and the Secretary of Health and  
7   Human Services shall coordinate and support the develop-  
8   ment and implementation of basic and applied research  
9   initiatives to examine the health effects and toxicity of pes-  
10   ticides (including active and inert ingredients) and other  
11   environmental pollutants on children and other vulnerable  
12   subpopulations.

13          “(b) BIENNIAL REPORTS.—The Administrator, the  
14   Secretary of Agriculture, and the Secretary of Health and  
15   Human Services shall submit biennial reports to Congress  
16   on actions taken to carry out this section.

17   **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

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

20          (b) TECHNICAL AMENDMENT.—The table of contents  
21   of the Toxic Substances Control Act (contained in section  
22   1 of such Act) is amended by adding at the end the follow-  
23   ing:

          “TITLE V—ENVIRONMENTAL PROTECTION FOR CHILDREN

          “Sec. 501. Findings and policy.

          “Sec. 502. Definitions.

          “Sec. 503. Safeguarding children and other vulnerable subpopulations.

“Sec. 504. Safer environment for children.

“Sec. 505. Research to improve information on effects on children.

“Sec. 506. Authorization of appropriations.”.

