

108TH CONGRESS  
2D SESSION

# H. R. 4215

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2004

Ms. VELÁZQUEZ (for herself, Mr. ACEVEDO-VILÁ, Mr. GUTIERREZ, and Ms. LEE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, 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 “Community Environ-  
5 mental Equity Act”.

6 **SEC. 2. DISCRIMINATION REGARDING EXPOSURE TO HAZ-**  
7 **ARDOUS SUBSTANCES.**

8 The Public Health Service Act (42 U.S.C. 201 et  
9 seq.) is amended by adding at the end the following title:

1 **“TITLE XXIX—DISCRIMINATION**  
2 **REGARDING EXPOSURE TO**  
3 **COVERED SUBSTANCES**

4 **“SEC. 2901. DEFINITIONS.**

5 “(a) COVERED SUBSTANCES.—For purposes of this  
6 title, the term ‘covered substance’ means each of the fol-  
7 lowing:

8 “(1) Any contaminant identified under the Safe  
9 Drinking Water Act (title XIV of this Act).

10 “(2) Any substance described in section 201(q)  
11 of the Federal Food, Drug, and Cosmetic Act, and  
12 any material registered pursuant to the Act referred  
13 to in paragraph (1) of such section.

14 “(3) Any chemical listed by the National Toxi-  
15 cology Program of the Department of Health and  
16 Human Services as a known or probable human car-  
17 cinogen.

18 “(4) Any substance defined in section 101(14)  
19 of the Comprehensive Environmental Response,  
20 Compensation, and Liability Act of 1980 and any  
21 chemical subject to section 313 of the Emergency  
22 Planning and Community Right-To-Know Act of  
23 1986.

24 “(5) Any material subject to the requirements  
25 concerning material safety data sheets for chemicals

1 under the Occupational Safety and Health Act of  
2 1970.

3 “(6) Any chemical substance or mixture regu-  
4 lated under the Toxic Substance Control Act.

5 “(7) Any hazardous waste identified under the  
6 Solid Waste Disposal Act.

7 “(8) Such other contaminants, chemicals, mate-  
8 rials, wastes, and substances as the President, act-  
9 ing through the head of the appropriate agency, de-  
10 termines to be appropriate for purposes of this title.

11 “(b) COVERED ENTITIES.—For purposes of this title,  
12 the term ‘covered entity’ means any entity which handles,  
13 manages, treats, releases, discharges, disposes, stores,  
14 transports, removes, moves, or delivers covered sub-  
15 stances.

16 **“SEC. 2902. PROHIBITION AGAINST DISCRIMINATION.**

17 “(a) IN GENERAL.—A covered entity under section  
18 2901 shall not, on the ground of race, color, national ori-  
19 gin, or economic status, disproportionately expose any per-  
20 son or community to any covered substance.

21 “(b) COMPLIANCE.—

22 “(1) IDENTIFICATION.—Any entity under sub-  
23 section (a) shall consult and work in partnership  
24 with the States and local government officials and

1 the Federal Government to comply with subsection  
2 (a).

3 “(2) ADDRESSING DISPROPORTIONATE EXPO-  
4 SURE.—Any entity under subsection (a) shall ad-  
5 dress the actual or potential disproportionate expo-  
6 sure to covered substances of individuals or commu-  
7 nities, on the ground of race, color, or national ori-  
8 gin, when pursuing State and local administrative  
9 proceedings for the authorized handling, manage-  
10 ment, treatment, release, discharge, disposal, stor-  
11 age, transport, removal, movement, or delivery of  
12 covered substances.

13 **“SEC. 2903. REGULATIONS.**

14 “(a) IN GENERAL.—The President shall require the  
15 appropriate Federal officials to issue regulations to imple-  
16 ment section 2902 consistent with section 602 of the Civil  
17 Rights Act of 1964 that relate to compliance.

18 “(b) ENFORCEMENT.—Compliance with any require-  
19 ment adopted pursuant to this section may be effected (1)  
20 by the termination of or refusal to grant authorization to  
21 any covered entity to handle, manage, treat, release, dis-  
22 charge, dispose, store, transport, remove, move, or deliver  
23 covered substances, or (2) by any other means authorized  
24 by law. With respect to any covered entity that is a recipi-  
25 ent of Federal financial assistance, compliance may also

1 be effectuated pursuant to section 602 of the Civil Rights  
2 Act of 1964.

3 “(c) DATES CERTAIN REGARDING REGULATIONS.—

4 For purposes of regulations under this section, all pro-  
5 posed rules shall be issued not later than 180 days after  
6 the date of the enactment of the Community Environ-  
7 mental Equity Act, all final rules shall be issued not later  
8 than 18 months after such date, and all the final rules  
9 shall take effect not later than one year after such date.

10 “(d) BIENNIAL REPORT.—Not later than 2 years  
11 after the date on which final rules are issued under this  
12 section, and every 2 years thereafter, the Federal Inter-  
13 agency Environmental Justice Working Group (estab-  
14 lished under Executive Order 12898 (February 11, 1994))  
15 shall submit to the Congress a report on activities carried  
16 out under this title.”.

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