

# Union Calendar No. 426

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4591

[Report No. 109-714]

To implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2005

Mr. GILLMOR introduced the following bill; which was referred to the Committee on Energy and Commerce

NOVEMBER 15, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on December 16, 2005]

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## A BILL

To implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

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 “Stockholm and Rot-*  
 5 *terdam Toxics Treaty Act of 2006”.*

6 **SEC. 2. IMPLEMENTATION OF INTERNATIONAL AGREE-**  
 7 **MENTS.**

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

10 **“TITLE V—IMPLEMENTATION OF**  
 11 **INTERNATIONAL AGREEMENTS**

12 **“SEC. 501. DEFINITIONS.**

13 *“In this title:*

14 *“(1) CONFERENCE.—The term ‘Conference’*  
 15 *means the Conference of the Parties established by*  
 16 *paragraph 1 of Article 19 of the POPs Convention.*

17 *“(2) CONFERENCE LISTING DECISION.—The term*  
 18 *‘Conference listing decision’ means a decision by the*  
 19 *Conference to approve an amendment to list a chem-*  
 20 *ical substance or mixture in Annex A or B to the*  
 21 *POPs Convention.*

22 *“(3) EXECUTIVE BODY.—The term ‘Executive*  
 23 *Body’ means the Executive Body established by Arti-*  
 24 *cle 10 of the LRTAP Convention.*

1           “(4) *EXECUTIVE BODY DECISION 1998/2*.—The  
 2           term ‘*Executive Body Decision 1998/2*’ means the de-  
 3           cision of the *Executive Body* titled ‘*Executive Body*  
 4           *Decision 1998/2 on Information to Be Submitted and*  
 5           *the Procedure for Adding Substances to Annexes I, II,*  
 6           *or III to the Protocol on Persistent Organic Pollut-*  
 7           *ants’ and any other Executive Body decision done*  
 8           *pursuant to Article 14 of the LRTAP POPs Protocol.*

9           “(5) *LRTAP CONVENTION*.—The term ‘*LRTAP*  
 10          *Convention*’ means the *Convention on Long-Range*  
 11          *Transboundary Air Pollution, done at Geneva on No-*  
 12          *vember 13, 1979 (TIAS 10541), and any subsequent*  
 13          *amendment to which the United States consents to be*  
 14          *bound.*

15          “(6) *LRTAP POPS CHEMICAL SUBSTANCE OR*  
 16          *MIXTURE*.—The term ‘*LRTAP POPs chemical sub-*  
 17          *stance or mixture*’ means one of the following chem-  
 18          *ical substances or mixtures, as defined in section 3:*

19                 “(A) *Aldrin.*

20                 “(B) *Chlordane.*

21                 “(C) *Chlordecone.*

22                 “(D)           *Dichlorodiphenyltrichloroethane*  
 23                 *(DDT).*

24                 “(E) *Dieldrin.*

25                 “(F) *Endrin.*

1 “(G) *Hexachlorocyclohexane (HCH)*.

2 “(H) *Heptachlor*.

3 “(I) *Hexachlorobenzene*.

4 “(J) *Hexabromobiphenyl*.

5 “(K) *Mirex*.

6 “(L) *Polychlorinated biphenyls (PCBs)*.

7 “(M) *Toxaphene*.

8 “(N) *Any chemical substance or mixture*  
9 *that is listed on Annex I or Annex II of the*  
10 *LRTAP POPs Protocol*.

11 “(7) *LRTAP POPS PROTOCOL.—The term*  
12 *‘LRTAP POPs Protocol’ means the Protocol on Per-*  
13 *sistent Organic Pollutants to the LRTAP Convention,*  
14 *done at Aarhus on June 24, 1998, and any subse-*  
15 *quent amendment to which the United States consents*  
16 *to be bound.*

17 “(8) *PIC CONVENTION.—The term ‘PIC Conven-*  
18 *tion’ means the Rotterdam Convention on the Prior*  
19 *Informed Consent Procedure for Certain Hazardous*  
20 *Chemicals and Pesticides in International Trade,*  
21 *done at Rotterdam on September 10, 1998, and any*  
22 *subsequent amendment to which the United States*  
23 *consents to be bound.*

24 “(9) *POPS CHEMICAL SUBSTANCE OR MIX-*  
25 *TURE.—The term ‘POPs chemical substance or mix-*

ture’ means one of the following chemical substances or mixtures, as defined in section 3:

“(A) Aldrin.

“(B) Chlordane.

“(C) Dichlorodiphenyltrichloroethane (DDT).

“(D) Dieldrin.

“(E) Endrin.

“(F) Heptachlor.

“(G) Hexachlorobenzene.

“(H) Mirex.

“(I) Polychlorinated biphenyls (PCBs).

“(J) Toxaphene.

“(K) Any other chemical substance or mixture that is listed in Annex A or B to the POPs Convention.

“(10) POPS CONVENTION.—The term ‘POPs Convention’ means the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on May 22, 2001, and any subsequent amendment to which the United States consents to be bound.

“(11) POPS REVIEW COMMITTEE.—The term ‘POPs Review Committee’ means the Persistent Organic Pollutants Review Committee established under paragraph 6 of Article 19 of the POPs Convention.

1 **“SEC. 502. IMPLEMENTATION OF POPS CONVENTION AND**  
 2 **LRTAP POPS PROTOCOL.**

3 “(a) *PROHIBITION.*—*Except as otherwise provided in*  
 4 *this title, no person may manufacture, process, distribute*  
 5 *in commerce for export, use, or dispose of a POPs chemical*  
 6 *substance or mixture listed in section 501(9) (A), (B), (C),*  
 7 *(D), (E), (F), (G), (H), or (J), or a LRTAP POPs chemical*  
 8 *substance or mixture listed in section 501(6)(A), (B), (C),*  
 9 *(D), (E), (F), (G), (H), (I), (J), (K), or (M).*

10 “(b) *EXCEPTIONS.*—*The Administrator may by rule*  
 11 *provide for exceptions to the prohibition under subsection*  
 12 *(a) where such exceptions are not inconsistent with the obli-*  
 13 *gations of the United States under the POPs Convention*  
 14 *or the LRTAP POPs Protocol.*

15 “(c) *PCBS.*—*The Administrator may issue or amend*  
 16 *rules for the purpose of United States compliance with the*  
 17 *provisions of the POPs Convention or the LRTAP POPs*  
 18 *Protocol related to polychlorinated biphenyls through rules*  
 19 *duly promulgated through notice and comment rulemaking*  
 20 *under section 6(e) or other applicable Federal law.*

21 **“SEC. 503. NOTICE, INFORMATION, RULEMAKING, AND EX-**  
 22 **EMPTIONS.**

23 “(a) *NOTICE THAT SCREENING CRITERIA ARE MET*  
 24 *OR AFTER RISK PROFILE SUBMITTED.*—

25 “(1) *APPLICABILITY.*—*This subsection applies*  
 26 *if—*

1           “(A) *the POPs Review Committee decides*  
2           *under paragraph 4(a) of Article 8 of the POPs*  
3           *Convention, that a proposal for listing a chem-*  
4           *ical substance or mixture in Annex A, B, or C*  
5           *to the POPs Convention fulfills the screening cri-*  
6           *teria specified in Annex D to the POPs Conven-*  
7           *tion;*

8           “(B) *the Conference decides under para-*  
9           *graph 5 of Article 8 of the POPs Convention,*  
10          *that such a proposal shall proceed; or*

11          “(C) *if a party to the LRTAP POPs Pro-*  
12          *TOCOL submits to the Executive Body a risk profile*  
13          *in support of a proposal to list a chemical sub-*  
14          *stance or mixture in Annex I, II, or III to the*  
15          *LRTAP POPs Protocol.*

16          “(2) *REQUIREMENT.—Not later than 60 days*  
17          *after the date of an action described in paragraph*  
18          *(1), the Administrator shall—*

19                 “(A) *publish in the Federal Register a no-*  
20                 *tice of the action; and*

21                 “(B) *provide opportunity for public com-*  
22                 *ment on the proposal or risk profile described in*  
23                 *paragraph (1).*

24          “(3) *REQUIRED ELEMENTS OF NOTICE.—A no-*  
25          *tice under paragraph (2) shall include—*

1           “(A) the identity of the chemical substance  
2           or mixture that is the subject of the proposal or  
3           risk profile described in paragraph (1);

4           “(B) a summary of the process, under the  
5           POPs Convention or the LRTAP POPs Protocol,  
6           for the consideration of the action that was  
7           taken, including criteria applied in that process;

8           “(C) a summary of the POPs Review Com-  
9           mittee or Conference decisions to date on the pro-  
10          posed listing and the basis for the decisions; and

11          “(D) a summary of how the chemical sub-  
12          stance or mixture that is the subject of the action  
13          is currently regulated under the laws of the  
14          United States.

15          “(b) NOTICE THAT FURTHER CONSIDERATION OF  
16          CHEMICAL SUBSTANCE OR MIXTURE IS WARRANTED.—

17                 “(1) APPLICABILITY.—This subsection applies  
18          if—

19                 “(A) the POPs Review Committee decides,  
20                 under paragraph 7(a) of Article 8 of the POPs  
21                 Convention, that global action is warranted with  
22                 respect to a chemical substance or mixture that  
23                 is the subject of a proposal to list under an  
24                 Annex to the POPs Convention;



1           “(B) the Conference decides, under para-  
2           graph 8 of that Article, that such a proposal  
3           shall proceed; or

4           “(C) the Executive Body determines pursu-  
5           ant to paragraph 2 of Executive Body Decision  
6           1998/2 that further consideration of a chemical  
7           substance or mixture is warranted, and therefore  
8           requires one or more technical reviews of the pro-  
9           posal.

10          “(2) NOTICE.—Not later than 60 days after the  
11          date on which a decision or determination is made  
12          under paragraph (1), the Administrator shall—

13               “(A) publish in the Federal Register a no-  
14               tice of the decision or determination; and

15               “(B) provide opportunity for public com-  
16               ment on the decision or determination.

17          “(3) REQUIRED ELEMENTS OF NOTICE.—A no-  
18          tice under paragraph (2) shall—

19               “(A) identify the chemical substance or  
20               mixture that is the subject of the proposal;

21               “(B) include a summary of—

22                       “(i) the POPs Review Committee or  
23                       Conference decision, and the basis for the  
24                       decision, in the case of a decision described  
25                       in paragraph (1)(A) or (B);

1                   “(ii) *the Executive Body determina-*  
 2                   *tion, and basis for the determination, in the*  
 3                   *case of a determination described in para-*  
 4                   *graph (1)(C); and*

5                   “(iii) *the comments received by the Ad-*  
 6                   *ministrator in response to the Federal Reg-*  
 7                   *ister notice published pursuant to subsection*  
 8                   *(a)(2)(A); and*

9                   “(C) *request, for a chemical substance or*  
 10                  *mixture proposed for listing on Annex A or B of*  
 11                  *the POPs Convention or Annex I or II of the*  
 12                  *LRTAP POPs Protocol, information and public*  
 13                  *comment on any present or anticipated produc-*  
 14                  *tion or use of the chemical substance or mixture,*  
 15                  *including any explanation or documentation of*  
 16                  *items relating thereto that the United States*  
 17                  *may use to—*

18                  “(i) *seek an exemption or acceptable*  
 19                  *purpose under the POPs Convention; or*

20                  “(ii) *allow a restricted use or condition*  
 21                  *under the LRTAP POPs Protocol.*

22                  “(c) *NOTICE OF CONFERENCE RECOMMENDATION CON-*  
 23                  *CERNING A LISTING OR COMPLETION OF A TECHNICAL RE-*  
 24                  *VIEW.—*

25                  “(1) *APPLICABILITY.—This subsection applies—*

1           “(A) if the POPs Review Committee rec-  
2           ommends, under paragraph 9 of Article 8 of the  
3           POPs Convention, that the Conference consider  
4           making a Conference listing decision with re-  
5           spect to a chemical substance or mixture in ac-  
6           cordance with a proposal; or

7           “(B) after completion of a technical review  
8           of the proposal to list a chemical substance or  
9           mixture on an Annex of the LRTAP POPs Pro-  
10          tocol.

11          “(2) NOTICE.—Not later than 60 days after the  
12          date on which a recommendation under paragraph  
13          (1)(A) is made or a technical review described in  
14          paragraph (1)(B) is completed, the Administrator  
15          shall—

16               “(A) publish in the Federal Register a no-  
17               tice of the recommendation or completion of the  
18               technical review; and

19               “(B) provide opportunity for public com-  
20               ment on the recommendation or the technical re-  
21               view.

22          “(3) REQUIRED ELEMENTS.—A notice under  
23          paragraph (2) shall include a summary of—

1           “(A) *the POPs Review Committee rec-*  
2           *ommendation, and the basis for the recommenda-*  
3           *tion, or of the technical review;*

4           “(B) *any control measures for the chemical*  
5           *substance or mixture that are proposed by the*  
6           *POPs Review Committee or in the technical re-*  
7           *view;*

8           “(C) *any control measures for the chemical*  
9           *substance or mixture that exist under the laws of*  
10          *the United States; and*

11          “(D) *any public comments received by the*  
12          *Administrator in response to the Federal Reg-*  
13          *ister notice published pursuant to subsection*  
14          *(b)(2).*

15          “(d) *PROVISION OF INFORMATION.—*

16          “(1) *UNDER POPS CONVENTION.—The Adminis-*  
17          *trator, where relevant, by general order issued in the*  
18          *Federal Register may require any person, or appro-*  
19          *priate categories of persons, that manufactures, proc-*  
20          *esses, distributes in commerce for export, or disposes*  
21          *of a chemical substance or mixture that is the subject*  
22          *of a notice under subsection (a), (b), or (c) to provide*  
23          *information, to the extent such information is known*  
24          *or readily obtainable, on—*

1           “(A) the annual quantity of the chemical  
2           substance or mixture that the person manufac-  
3           tures and the locations of the manufacture;

4           “(B) the uses of the chemical substance or  
5           mixture;

6           “(C) the approximate annual quantity of  
7           the chemical substance or mixture that the per-  
8           son releases into the environment; and

9           “(D) other information or monitoring data  
10          relating to the chemical substance or mixture  
11          that is consistent with the information specified  
12          in—

13                   “(i) paragraph 1 of Annex D;

14                   “(ii) subsections (b) through (e) of  
15                   Annex E; and

16                   “(iii) Annex F,  
17                   to the POPs Convention.

18          “(2) UNDER LRTAP POPS PROTOCOL.—The Ad-  
19          ministrator, where relevant, by general order issued  
20          in the Federal Register, may require any person, or  
21          appropriate categories of persons, that manufactures,  
22          processes, distributes in commerce for export, or dis-  
23          poses of a chemical substance or mixture that is the  
24          subject of a notice under subsection (a), (b), or (c) to

1       *provide information, to the extent such information is*  
2       *known or readily obtainable, on—*

3               “(A) *the annual quantity of the chemical*  
4               *substance or mixture that the person manufac-*  
5               *tures and the locations of the manufacture;*

6               “(B) *the uses of the chemical substance or*  
7               *mixture;*

8               “(C) *the approximate annual quantity of*  
9               *the chemical substance or mixture that the per-*  
10              *son releases into the environment;*

11              “(D) *environmental monitoring data relat-*  
12              *ing to the chemical substance or mixture (in*  
13              *areas distant from sources);*

14              “(E) *information on alternatives to the uses*  
15              *of the chemical substance or mixture and the effi-*  
16              *cacy of each alternative;*

17              “(F) *information on any known adverse en-*  
18              *vironmental or human health effects associated*  
19              *with each such alternative; and*

20              “(G) *other information or monitoring data*  
21              *relating to the chemical substance or mixture*  
22              *that is consistent with information specified in*  
23              *Executive Body Decision 1998/2 for inclusion in*  
24              *the risk profile or technical review.*

25              “(3) *UPDATING OF INFORMATION.—*

1           “(A) *VOLUNTARY UPDATES.*—*Any person*  
2           *who submits information under paragraph (1)*  
3           *or (2) may voluntarily update the information*  
4           *at any time.*

5           “(B) *REQUIRED UPDATES.*—*If the Adminis-*  
6           *trator determines, with the concurrence of the*  
7           *Secretary of State, that an update of informa-*  
8           *tion submitted under paragraph (1) or (2) is*  
9           *necessary, the Administrator may, through a*  
10          *general order published in the Federal Register,*  
11          *require all persons that are required to submit*  
12          *the information to update the information.*

13          “(C) *NEW INFORMATION.*—*As part of a gen-*  
14          *eral order published under subparagraph (B),*  
15          *the Administrator may require any person who,*  
16          *after the date specified in the general order*  
17          *issued pursuant to paragraph (1) or (2) by*  
18          *which persons are required to submit informa-*  
19          *tion, commences manufacturing, processing, dis-*  
20          *tributing in commerce for export, or disposing of*  
21          *a chemical substance or mixture subject to the re-*  
22          *quirements in paragraph (1) or (2), to submit*  
23          *the information required to be submitted in the*  
24          *general order issued pursuant to paragraph (1)*  
25          *or (2).*

1       “(e) ACTION BY THE ADMINISTRATOR UPON NEW  
2 LISTING OR OTHER CHANGES.—

3               “(1) RULEMAKING.—

4                       “(A) AUTHORITY.—If either—

5                               “(i) the Conference decides to amend  
6 Annex A or B of the POPs Convention to  
7 list an additional chemical substance or  
8 mixture; or

9                               “(ii) the parties to the LRTAP POPs  
10 Protocol decide to amend Annex I or II to  
11 the LRTAP POPs Protocol to list an addi-  
12 tional chemical substance or mixture,  
13 the Administrator may issue rules to prohibit or  
14 restrict the manufacture, processing, distribution  
15 in commerce for export, use, or disposal of the  
16 additional chemical substance or mixture to the  
17 extent necessary to protect human health and the  
18 environment in a manner that achieves a reason-  
19 able balance of social, environmental, and eco-  
20 nomic costs and benefits. Such costs and benefits  
21 include both qualitative and quantitative costs  
22 and benefits. The Administrator may modify  
23 rules issued under this paragraph, consistent  
24 with the requirements of this paragraph.



1           “(B) *SCOPE OF RULEMAKING.*—*The Admin-*  
2           *istrator may issue rules under subparagraph (A)*  
3           *only to meet, in whole or in part, the obligations*  
4           *of the United States under the POPs Convention*  
5           *or LRTAP POPs Protocol if the United States*  
6           *were to consent to be bound for that applicable*  
7           *amendment referred to in subparagraph (A).*

8           “(C) *EFFECTIVE DATE FOR RULES.*—*No*  
9           *rule issued under this paragraph shall take effect*  
10          *until the United States has consented to be*  
11          *bound by the amendment agreed to by a decision*  
12          *under subparagraph (A)(i) or (ii).*

13          “(2) *CONSIDERATIONS.*—(A) *In taking an action*  
14          *under paragraph (1), the Administrator shall con-*  
15          *sider—*

16               “(i) *the effects of such chemical substance or*  
17               *mixture on health and the magnitude and im-*  
18               *pact of the exposure of human beings to such*  
19               *chemical substance or mixture;*

20               “(ii) *the effects of such chemical substance*  
21               *or mixture on the environment and the mag-*  
22               *nitude and impact of the exposure of the envi-*  
23               *ronment to such chemical substance or mixture;*

24               “(iii) *the benefits of such chemical substance*  
25               *or mixture for various uses and the availability,*

1        *risks, and economic consequences of substitutes*  
2        *for such uses, considering factors described in*  
3        *clause (iv);*

4                *“(iv) the reasonably ascertainable economic*  
5        *consequences of the proposed prohibition or other*  
6        *regulation, after consideration of the effect on the*  
7        *national economy, small business, technological*  
8        *innovation, the environment, and public health,*  
9        *including the degree to which the manufacture,*  
10       *processing, distribution in commerce for export,*  
11       *use, or disposal of the chemical substance or mix-*  
12       *ture is necessary to prevent significant harm to*  
13       *an important sector of the economy; and*

14                *“(v) national and international con-*  
15       *sequences that are likely to arise as a result of*  
16       *domestic regulatory action (including the pos-*  
17       *sible consequences of using alternative products*  
18       *or processes).*

19                *“(B) Nothing in this paragraph shall be inter-*  
20       *preted to prevent the Administrator from using the*  
21       *information described in paragraph (3), along with*  
22       *any other information provided during the comment*  
23       *period with respect to the rulemaking under para-*  
24       *graph (1), to carry out this paragraph.*

1           “(3) *ADDITIONAL CONSIDERATIONS.—The Ad-*  
2           *ministrator may also consider—*

3                   “(A) *with regard to chemical substances or*  
4                   *mixtures listed in Annex A or B of the POPs*  
5                   *Convention—*

6                           “(i) *recommendations of the POPs Re-*  
7                           *view Committee under paragraph 9 of Arti-*  
8                           *cle 8 of the POPs Convention;*

9                           “(ii) *the Conference listing decision;*  
10                          *and*

11                           “(iii) *any information that the United*  
12                           *States submits to the POPs Review Com-*  
13                           *mittee or to the Conference pursuant to Ar-*  
14                           *ticle 8 of the POPs Convention; and*

15                   “(B) *with regard to chemical substances or*  
16                   *mixtures listed in Annex I or II of the LRTAP*  
17                   *POPs Protocol—*

18                           “(i) *any technical review conducted*  
19                           *pursuant to paragraph 2 of the Executive*  
20                           *Body Decision 1998/2;*

21                           “(ii) *the LRTAP POPs Protocol listing*  
22                           *decision; and*

23                           “(iii) *any information that the United*  
24                           *States submitted to the Executive Body, or*  
25                           *a subsidiary of the Executive Body, in rela-*

1                    *tion to such a technical review or listing de-*  
2                    *cision.*

3                    “(4) *ASSESSMENT OF RISKS OR EFFECTS.—In*  
4                    *assessing risks and effects, the Administrator shall use*  
5                    *sound and objective scientific practices, and shall de-*  
6                    *termine the weight of the scientific evidence con-*  
7                    *cerning such risks or effects based on the best avail-*  
8                    *able scientific information, including peer-reviewed*  
9                    *studies, in the rulemaking record.*

10                  “(5) *COMMENTS AND INFORMATION PART OF*  
11                  *RECORD.—The comments and information received in*  
12                  *response to notices or orders published pursuant to*  
13                  *subsections (a), (b), (c), and (d) shall be part of the*  
14                  *record for a rule promulgated pursuant to this sub-*  
15                  *section.*

16                  “(f) *EXEMPTIONS UNDER POPs CONVENTION.—*

17                  “(1) *USE-SPECIFIC OR ACCEPTABLE PURPOSE*  
18                  *EXEMPTIONS.—Prohibitions or restrictions included*  
19                  *in rules issued under subsection (e)(1), and the prohi-*  
20                  *bitions described in section 502(a), shall not apply to*  
21                  *any manufacture, processing, distribution in com-*  
22                  *merce for export, use, or disposal of a POPs chemical*  
23                  *substance or mixture that the Administrator deter-*  
24                  *mines, through final rules promulgated under sub-*

1       *section (e)(1), with the concurrence of the Secretary of*  
2       *State—*

3               *“(A) is consistent with—*

4                   *“(i) a production or use-specific ex-*  
5                   *emption available to the United States*  
6                   *under Annex A or B to the POPs Conven-*  
7                   *tion; or*

8                   *“(ii) an acceptable purpose applicable*  
9                   *to the United States under Annex B to the*  
10                  *POPs Convention; and*

11                *“(B) would, as a result, not prevent the*  
12                *United States from complying with obligations*  
13                *or potential obligations of the United States with*  
14                *respect to that chemical substance or mixture*  
15                *under the POPs Convention.*

16                *“(2) UNINTENTIONAL TRACE CONTAMINANTS.—*  
17                *Prohibitions or restrictions included in rules issued*  
18                *under subsection (e)(1), and the prohibitions described*  
19                *in section 502(a), shall not apply to any quantity of*  
20                *a POPs chemical substance or mixture that occurs as*  
21                *an unintentional trace contaminant in a product or*  
22                *article.*

23                *“(3) RESEARCH.—Prohibitions or restrictions*  
24                *included in rules issued under subsection (e)(1), and*  
25                *the prohibitions described in section 502(a), shall not*

1        *apply to any quantity of a POPs chemical substance*  
2        *or mixture that is used for laboratory scale research*  
3        *or as a reference standard.*

4                “(4) *CONSTITUENT OF ARTICLE IN USE BEFORE*  
5        *PROHIBITION APPLIED.—Prohibitions or restrictions*  
6        *included in rules issued under subsection (e)(1), and*  
7        *the prohibitions described in section 502(a), shall not*  
8        *apply to any quantity of a POPs chemical substance*  
9        *or mixture that occurs as a constituent of an article,*  
10       *if—*

11                “(A) *the article is manufactured or in use*  
12        *on or before the date of entry into force for the*  
13        *United States of the obligation applicable to the*  
14        *POPs chemical substance or mixture; and*

15                “(B) *the United States has met any appli-*  
16        *cable requirement of the POPs Convention to no-*  
17        *tify the Secretariat of the POPs Convention con-*  
18        *cerning the article.*

19                “(5) *CLOSED-SYSTEM SITE-LIMITED INTER-*  
20        *MEDIATE EXEMPTION.—*

21                “(A) *IN GENERAL.—Subject to subpara-*  
22        *graph (B), prohibitions or restrictions included*  
23        *in rules issued under subsection (e)(1), and the*  
24        *prohibitions described in section 502(a), shall*  
25        *not apply to any quantity of a POPs chemical*

1        *substance or mixture that is manufactured and*  
2        *used as a closed-system site-limited intermediate*  
3        *that is chemically transformed in the manufac-*  
4        *ture of other chemicals that do not exhibit the*  
5        *characteristics of persistent organic pollutants.*

6                “(B) CONDITIONS.—Subparagraph (A) ap-  
7        *plies if, before the commencement of the manu-*  
8        *facture or use under the POPs Convention, and*  
9        *before each 10-year period thereafter—*

10                “(i) *any person that desires to invoke*  
11        *the exemption provides to the Administrator*  
12        *information concerning—*

13                “(I) *the annual total quantity of*  
14        *the POPs chemical substance or mix-*  
15        *ture anticipated to be manufactured or*  
16        *used, or a reasonable estimate of the*  
17        *quantity; and*

18                “(II) *the nature of the closed sys-*  
19        *tem site-limited process, including the*  
20        *quantity of any nontransformed and*  
21        *unintentional trace contamination by*  
22        *the POPs chemical substance or mix-*  
23        *ture that remains in the final product;*  
24        *and*

1                   “(ii) notwithstanding any other provi-  
2                   sion of law, the Administrator—

3                   “(I) determines, with the concur-  
4                   rence of the Secretary of State, that the  
5                   information provided under clause (i)  
6                   is complete and sufficient; and

7                   “(II) transmits the information to  
8                   the Secretariat of the POPs Conven-  
9                   tion.

10                  “(C) *TERMINATION OF EXEMPTION.*—If, at  
11                  the termination of any exemption under sub-  
12                  paragraph (A), a particular closed-system site-  
13                  limited intermediate exemption is no longer au-  
14                  thorized for the United States under the POPs  
15                  Convention, no further exemption shall be avail-  
16                  able under subparagraph (A).

17                  “(6) *DISTRIBUTION IN COMMERCE FOR EXPORT*  
18                  *IF PRODUCTION OR USE-SPECIFIC EXEMPTION OR AC-*  
19                  *CEPTABLE PURPOSE IS IN EFFECT.*—

20                  “(A) *IN GENERAL.*—Prohibitions or restric-  
21                  tions included in rules issued under subsection  
22                  (e)(1), and the prohibitions described in section  
23                  502(a), shall not apply to any distribution in  
24                  commerce for export of any POPs chemical sub-  
25                  stance or mixture for which a production or use



1       *specific exemption under Annex A to the POPs*  
2       *Convention available to the United States is in*  
3       *effect, or for which a production or use specific*  
4       *exemption or acceptable purpose under Annex B*  
5       *to the POPs Convention available to the United*  
6       *States is in effect, unless—*

7               “(i) if the export is for purposes of dis-  
8               posal, the export does not comply with an  
9               export condition described in subparagraph  
10              (B), as determined by the Administrator in  
11              consultation with the heads of other inter-  
12              ested Federal agencies; or

13              “(ii) the export does not comply with  
14              an export condition described in subpara-  
15              graph (C), or (D), as applicable, as deter-  
16              mined by the Administrator in consultation  
17              with the heads of other interested Federal  
18              agencies and with the concurrence of the  
19              Secretary of State and the United States  
20              Trade Representative.

21              “(B)   EXPORT   FOR   ENVIRONMENTALLY  
22              SOUND DISPOSAL.—An export condition referred  
23              to in subparagraph (A)(i) is that the POPs  
24              chemical substance or mixture is exported for the  
25              purpose of environmentally sound disposal.

1           “(C) *EXPORT TO PARTY WITH PERMISSION*  
 2           *TO USE.*—An export condition referred to in sub-  
 3           paragraph (A)(ii) is that the POPs chemical  
 4           substance or mixture is exported to a party to  
 5           the POPs Convention that is permitted to use the  
 6           POPs chemical substance or mixture under  
 7           Annex A or B to the POPs Convention.

8           “(D) *EXPORT TO NONPARTY THAT HAS PRO-*  
 9           *VIDED NONPARTY CERTIFICATION.*—

10           “(i) *IN GENERAL.*—An export condi-  
 11           tion referred to in subparagraph (A)(ii) is  
 12           that the POPs chemical substance or mix-  
 13           ture is exported to an importing foreign  
 14           state that—

15           “(I) *is not a party to the POPs*  
 16           *Convention with respect to the POPs*  
 17           *chemical substance or mixture; and*

18           “(II) *has provided an annual cer-*  
 19           *tification described in clause (ii) to the*  
 20           *Administrator.*

21           “(ii) *COMMITMENTS BY IMPORTING*  
 22           *NONPARTY.*—Consistent with the POPs Con-  
 23           vention, an annual nonparty certification  
 24           under clause (i) shall specify the intended  
 25           use of the POPs chemical substance or mix-

1            *ture and state that, with respect to the*  
2            *POPs chemical substance or mixture, the*  
3            *importing nonparty is committed to—*

4            *“(I) protecting human health and*  
5            *the environment by taking necessary*  
6            *measures to minimize or prevent re-*  
7            *leases;*

8            *“(II) complying with paragraph*  
9            *1(d) of Article 6 of the POPs Conven-*  
10           *tion; and*

11           *“(III) complying, to the extent*  
12           *appropriate, with paragraph 2 of Part*  
13           *II of Annex B to the POPs Convention.*

14           *“(iii) SUPPORTING DOCUMENTATION.—*  
15           *Each nonparty certification shall include*  
16           *any appropriate supporting documentation,*  
17           *such as legislation, regulatory instruments,*  
18           *and administrative or policy guidelines.*

19           *“(iv) SUBMISSION TO SECRETARIAT OF*  
20           *POPS CONVENTION.—Not later than 60 days*  
21           *after the date of receipt of a complete*  
22           *nonparty certification, the Administrator*  
23           *shall submit a copy of the nonparty certifi-*  
24           *cation to the Secretariat of the POPs Con-*  
25           *vention.*

1                   “(E) INFORMATION RELEVANT TO EX-  
 2                   PORTS.—*The Administrator, with the concur-*  
 3                   *rence of the Secretary of State, shall make avail-*  
 4                   *able to the public, and keep current, a list of—*

5                   “(i) *parties to the POPs Convention;*

6                   “(ii) *production and use specific ex-*  
 7                   *emptions available to the United States;*

8                   “(iii) *parties to the POPs Convention*  
 9                   *that are permitted to use each POPs chem-*  
 10                   *ical substance or mixture under Annex A or*  
 11                   *B of the POPs Convention; and*

12                   “(iv) *chemical substances and mixtures*  
 13                   *for which no production or use specific ex-*  
 14                   *emptions are in effect for any party to the*  
 15                   *POPs Convention.*

16                   “(7) EXPORT FOR ENVIRONMENTALLY SOUND  
 17                   DISPOSAL IF NO PRODUCTION OR USE SPECIFIC EX-  
 18                   EMPTION IN EFFECT.—*Prohibitions or restrictions in-*  
 19                   *cluded in rules issued under subsection (e)(1), and the*  
 20                   *prohibitions described in section 502(a), shall not*  
 21                   *apply to any distribution in commerce for export for*  
 22                   *the purpose of environmentally sound disposal of a*  
 23                   *POPs chemical substance or mixture listed in Annex*  
 24                   *A to the POPs Convention for which no production*

1       or use specific exemption is in effect for any party to  
2       the POPs Convention.

3               “(8) *IMPORTS FOR ENVIRONMENTALLY SOUND*  
4       *DISPOSAL.*—Prohibitions or restrictions included in  
5       rules issued under subsection (e)(1), and the prohibi-  
6       tions described in section 502(a), shall not apply to  
7       a POPs chemical substance or mixture that is im-  
8       ported for the purpose of environmentally sound dis-  
9       posal.

10              “(9) *WASTE.*—Prohibitions or restrictions in-  
11       cluded in rules issued under subsection (e)(1), and the  
12       prohibitions described in section 502(a), shall not  
13       apply to any quantity of a POPs chemical substance  
14       or mixture, including any article that consists of,  
15       contains, or is contaminated with a POPs chemical  
16       substance or mixture, that has become waste that is  
17       otherwise regulated under Federal law.

18              “(10) *NO EFFECT ON OTHER PROHIBITIONS.*—  
19       Nothing in this subsection authorizes any manufac-  
20       ture, processing, distribution in commerce for export,  
21       use, or disposal of a POPs chemical substance or mix-  
22       ture that is prohibited under any other Act or any  
23       other title of this Act.

24              “(g) *EXEMPTIONS UNDER LRTAP POPs PRO-*  
25       *TOCOL.*—

1           “(1) *IN GENERAL.*—*Prohibitions or restrictions*  
2           *included in rules issued under subsection (e)(1), and*  
3           *the prohibitions described in section 502(a), shall not*  
4           *apply to—*

5                   “(A) *any manufacture, processing, distribu-*  
6                   *tion in commerce for export, use, or disposal of*  
7                   *a LRTAP POPs chemical substance or mixture*  
8                   *that—*

9                           “(i) *the Administrator determines,*  
10                           *through final rules promulgated under sub-*  
11                           *section (e)(1), with the concurrence of the*  
12                           *Secretary of State, is consistent with an al-*  
13                           *lowed restricted use or condition available*  
14                           *to the United States under Annex I or II to*  
15                           *the LRTAP POPs Protocol; and*

16                           “(ii) *the Administrator determines,*  
17                           *through final rules promulgated under sub-*  
18                           *section (e)(1), with the concurrence of the*  
19                           *Secretary of State, would, as a result, not*  
20                           *prevent the United States from complying*  
21                           *with obligations or potential obligations of*  
22                           *the United States with respect to that chem-*  
23                           *ical substance or mixture under the LRTAP*  
24                           *POPs Protocol;*

1           “(B) any quantity of a LRTAP POPs  
2           chemical substance or mixture that is used for  
3           laboratory scale research or as a reference stand-  
4           ard;

5           “(C) any quantity of a LRTAP POPs  
6           chemical substance or mixture that occurs as a  
7           contaminant in a product;

8           “(D) any quantity of a LRTAP POPs  
9           chemical substance or mixture that is in an arti-  
10          cle manufactured or in use on or before—

11           “(i) the implementation date for the  
12           United States of any applicable obligation  
13           under the LRTAP POPs Protocol; or

14           “(ii) in the case of any LRTAP POPs  
15           chemical substance or mixture added to any  
16           applicable Annex after the implementation  
17           date for the United States of the applicable  
18           obligation of the LRTAP POPs Protocol, the  
19           implementation date in the amendment to  
20           the LRTAP POPs Protocol that makes the  
21           addition;

22           “(E) any quantity of a LRTAP POPs  
23           chemical substance or mixture that occurs as a  
24           site-limited chemical intermediate in the manu-

1 *facture of 1 or more different substances and that*  
2 *is subsequently chemically transformed;*

3 *“(F) the production of HCH, the use of*  
4 *technical HCH (i.e., HCH mixed isomers) as an*  
5 *intermediate in chemical manufacturing, and*  
6 *the use of products in which 99 percent of the*  
7 *HCH isomer is in the gamma form (i.e. lindane,*  
8 *CAS:58-89-9) so long as such use is restricted*  
9 *to—*

10 *“(i) seed treatment; and*

11 *“(ii) public health,*  
12 *unless the Administrator, by rule, restricts the*  
13 *application of this subparagraph consistent with*  
14 *an amendment to the LRTAP POPs Protocol*  
15 *specifically addressing HCH;*

16 *“(G) any quantity of a LRTAP POPs*  
17 *chemical substance or mixture that has become*  
18 *waste that is otherwise regulated under Federal*  
19 *law;*

20 *“(H) any distribution in commerce for ex-*  
21 *port of a LRTAP POPs chemical substance or*  
22 *mixture if the distribution in commerce for ex-*  
23 *port is conducted in an environmentally sound*  
24 *manner; or*



1           “(I) any import of a LRTAP POPs chem-  
 2           ical substance or mixture if the import is con-  
 3           ducted in an environmentally sound manner.

4           “(2) EXEMPTIONS BY ADMINISTRATOR.—The Ad-  
 5           ministrator may grant an exemption from prohibi-  
 6           tions or restrictions included in rules issued under  
 7           subsection (e)(1), and the prohibitions described in  
 8           section 502(a), that the Administrator, in concurrence  
 9           with the Secretary of State, determines is consistent  
 10          with the exemptions authorized under paragraph 2 of  
 11          Article 4 of the LRTAP POPs Protocol.

12          “(3) EXEMPTIONS BY PETITION.—

13           “(A) PETITIONS.—A person may petition  
 14           the Administrator for an exemption from prohi-  
 15           bitions or restrictions included in rules issued  
 16           under subsection (e)(1), and the prohibitions de-  
 17           scribed in section 502(a).

18           “(B) GRANT OR DENIAL OF PETITION.—The  
 19           Administrator, with the concurrence of the Sec-  
 20           retary of State, shall—

21           “(i) if the petition is authorized for the  
 22           United States under, and is otherwise con-  
 23           sistent with, the LRTAP POPs Protocol,  
 24           grant the petition with such conditions or  
 25           limitations as are necessary to meet any re-

1                    *quirement of the LRTAP POPs Protocol or*  
 2                    *any other provision of law; or*

3                    *“(ii) deny the petition.*

4                    *“(4) PROVISION OF INFORMATION TO SECRE-*  
 5                    *TARIAT.—If the Administrator grants an exemption*  
 6                    *under paragraph (2) or (3), the Administrator, not*  
 7                    *later than 90 days after the date on which the exemp-*  
 8                    *tion is granted, shall provide the Secretariat of the*  
 9                    *LRTAP POPs Protocol with the information specified*  
 10                   *in paragraph 3 of Article 4 of the LRTAP POPs Pro-*  
 11                   *tol.*

12                   *“(5) DISALLOWANCE OF EXEMPTION BY LRTAP*  
 13                   *POPS PROTOCOL.—*

14                   *“(A) IN GENERAL.—If, after an exemption*  
 15                   *has been granted under paragraph (2) or (3), the*  
 16                   *exemption is no longer consistent with the re-*  
 17                   *quirements of paragraph (2) or (3), the Adminis-*  
 18                   *trator shall withdraw the grant of such exemp-*  
 19                   *tion.*

20                   *“(B) PUBLICATION OF NOTICE IN FEDERAL*  
 21                   *REGISTER.—The Administrator shall publish in*  
 22                   *the Federal Register a notice announcing the*  
 23                   *withdrawal under subparagraph (A) of any ex-*  
 24                   *emption.*

1           “(6) *NO EFFECT ON OTHER PROHIBITIONS.—*  
2       *Nothing in this subsection authorizes any manufac-*  
3       *ture, processing, distribution in commerce for export,*  
4       *use, or disposal of a LRTAP POPs chemical sub-*  
5       *stance or mixture that is prohibited under any other*  
6       *Act or any other title of this Act.*

7           “(h) *HARMONIZATION OF POPs CONVENTION AND*  
8       *LRTAP POPs PROTOCOL.—*

9           “(1) *IN GENERAL.—If a chemical substance or*  
10       *mixture is both a POPs chemical substance or mix-*  
11       *ture and a LRTAP POPs chemical substance or mix-*  
12       *ture, in the case of a conflict between a provision of*  
13       *subsection (f) applicable to a POPs chemical sub-*  
14       *stance or mixture and a provision of subsection (g)*  
15       *applicable to a LRTAP POPs chemical substance or*  
16       *mixture, the more stringent provision shall apply, as*  
17       *determined by the Administrator with the concurrence*  
18       *of the Secretary of State.*

19           “(2) *APPLICATION.—In the case of a chemical*  
20       *substance or mixture described in paragraph (1), sub-*  
21       *sections (f) and (g) shall be applied in such a manner*  
22       *as to ensure that the United States is in compliance*  
23       *with the POPs Convention and the LRTAP POPs*  
24       *Protocol with respect to the chemical substance or*  
25       *mixture.*

1       “(i) *ACTION BY THE ADMINISTRATOR UPON ADDITION*  
 2 *OF SOURCE CATEGORIES.*—

3               “(1) *APPLICABILITY.*—*If the Conference decides*  
 4 *to amend Annex C of the POPs Convention to add to*  
 5 *Part II new source categories not already listed under*  
 6 *section 112(c) of the Clean Air Act (42 U.S.C.*  
 7 *7412(c)) as major source categories, such decision*  
 8 *shall be published in the Federal Register.*

9               “(2) *CONFERENCE DECISION NOTICE.*—*A notice*  
 10 *of a Conference decision published in the Federal Reg-*  
 11 *ister pursuant to paragraph (1) of this subsection*  
 12 *shall identify the source category or categories that*  
 13 *are the subject of the decision. The notice shall include*  
 14 *a summary of the Conference decision and request in-*  
 15 *formation and public comment.*

16       “(j) *ACTION PLANS.*—

17               “(1) *APPLICABILITY.*—*This subsection applies if*  
 18 *the United States—*

19                       “(A) *develops an action plan under Article*  
 20 *5(a) of the POPs Convention;*

21                       “(B) *undertakes a review of a submitted ac-*  
 22 *tion plan under Article 5(a)(v) of the POPs Con-*  
 23 *vention;*

1           “(C) requires, under Article 5(c) of the  
2           POPs Convention, substitute or modified mate-  
3           rials, products, or processes; or

4           “(D) requires, under Article 5(d) of the  
5           POPs Convention, the use of best available tech-  
6           niques.

7           “(2) REQUIREMENT.—Not later than 90 days  
8           after the date of an action described in paragraph  
9           (1), the Administrator shall—

10           “(A) publish in the Federal Register a no-  
11           tice of such action; and

12           “(B) provide opportunity for public com-  
13           ment on any action plan, review of an action  
14           plan, or requirement to be established pursuant  
15           to Article 5(c) or (d) of the POPs Convention.

16           “(3) AUTHORITY TO IMPLEMENT ACTION PLAN.—  
17           An action to implement an action plan developed  
18           under Article 5(a) of the POPs Convention may be  
19           taken only to the extent that such action is authorized  
20           under the statutes of the United States.

21           “(k) DECISION CONCERNING A RULEMAKING.—If,  
22           within 1 year after a decision described in subsection  
23           (e)(1)(A)(i) or (ii), the United States has not, pursuant to  
24           Article 22 of the POPs Convention or Article 14 of the  
25           LRTAP POPs Protocol, deposited its instrument of ratifica-

1 *tion, acceptance, accession, or approval with the Convention*  
 2 *or Protocol’s relevant body, for that chemical substance or*  
 3 *mixture, the Administrator shall publish in the Federal*  
 4 *Register—*

5           “(1)(A) *a notice of a decision to initiate a rule-*  
 6 *making process regarding the chemical substance or*  
 7 *mixture; or*

8           “(B) *a notice that a rulemaking process regard-*  
 9 *ing the chemical substance or mixture will not be ini-*  
 10 *tiated and the reason for this decision, including, as*  
 11 *appropriate, a discussion of the relevant information*  
 12 *obtained by the Administrator under this section as*  
 13 *well as other factors that the Administrator may have*  
 14 *evaluated; or*

15           “(2) *a notice indicating the status of the Admin-*  
 16 *istrator’s considerations on whether to publish a no-*  
 17 *tice under paragraph (1), and an estimate of the*  
 18 *timeframe expected for such a decision.*

19 **“SEC. 504. AMENDMENTS AND CONSULTATION.**

20           “(a) *CONSENT TO BE BOUND.—It is the sense of the*  
 21 *Congress that the United States shall consent to be bound*  
 22 *by an amendment to Annex A, B, or C of the POPs Conven-*  
 23 *tion only after, pursuant to paragraph (4) of Article 25*  
 24 *of the POPs Convention, the United States has declared that*  
 25 *such amendment shall enter into force upon ratification,*

1 *acceptance, approval, or accession of the United States to*  
2 *such amendment.*

3 “(b) *CONSULTATION.*—

4 “(1) *IN GENERAL.*—*The President shall, as ap-*  
5 *propriate, consult with Congress before consenting to*  
6 *bind the United States to an amendment to Annex A,*  
7 *B, or C of the POPs Convention.*

8 “(2) *REPORTING.*—*The President shall provide*  
9 *such other information relating to an amendment de-*  
10 *scribed in paragraph (1) as the Congress may request*  
11 *in the fulfillment of its constitutional responsibilities*  
12 *with respect to the protection of public health and the*  
13 *environment.*

14 “(3) *CONGRESSIONAL OVERSIGHT.*—*Information*  
15 *provided pursuant to paragraph (2) shall be trans-*  
16 *mitted to the Committee on Energy and Commerce of*  
17 *the House of Representatives and to the Committee on*  
18 *Environment and Public Works of the Senate for ap-*  
19 *propriate action.*

20 **“SEC. 505. INTERNATIONAL COOPERATION AND NOTICE OF**  
21 **MEETINGS.**

22 “*In cooperation with the Secretary of State and the*  
23 *head of any other appropriate Federal agency, the Adminis-*  
24 *trator shall—*

1           “(1) participate and cooperate in any inter-  
2           national efforts on chemical substances and mixtures;

3           “(2) participate in technical cooperation and ca-  
4           pacity building activities designed to support imple-  
5           mentation of—

6                       “(A) the POPs Convention;

7                       “(B) the LRTAP POPs Protocol; and

8                       “(C) the PIC Convention; and

9           “(3) publish in the Federal Register timely ad-  
10          vance notice of the known schedule and agenda of  
11          meetings on the POPs Convention, PIC Convention,  
12          and LRTAP POPs Protocol, and their subsidiary  
13          bodies, at which the United States will be represented.

14   **“SEC. 506. EFFECT OF REQUIREMENTS.**

15          “Any provision of this Act that establishes a require-  
16          ment to comply with, or that is based on, a provision of  
17          the POPs Convention, the LRTAP POPs Protocol, or the  
18          PIC Convention shall be effective only to the extent that  
19          the United States has consented to be bound by that provi-  
20          sion.

21   **“SEC. 507. RULES OF CONSTRUCTION.**

22          “Nothing in this title—

23               “(1) shall be construed to require the United  
24          States to register for a specific exemption available to  
25          the United States under Annex A or B to the POPs



1       *Convention or an acceptable purpose available to the*  
2       *United States under Annex B to the POPs Conven-*  
3       *tion; or*

4               “(2) affects the authority of the Administrator to  
5       *regulate a chemical substance or mixture under any*  
6       *other law or any provision of this Act.”.*

7   **SEC. 3. POLYCHLORINATED BIPHENYLS (PCBS).**

8       *Section 6(e) of the Toxic Substances Control Act (15*  
9   *U.S.C. 2605(e)) is amended—*

10           (1) *by adding at the end of paragraph (2) the*  
11       *following new subparagraph:*

12           “(D) *The Administrator may not, after the date of en-*  
13       *actment of this subparagraph, issue a rule authorizing ac-*  
14       *tivities, that were not previously authorized, under sub-*  
15       *paragraph (B) unless the activities authorized are con-*  
16       *sistent with the exemptions described in section 503(f) or*  
17       *(g), subject to section 503(h).”;*

18           (2) *by adding at the end of paragraph (3) the*  
19       *following new subparagraph:*

20           “(D) *The Administrator may not, after the date of en-*  
21       *actment of this subparagraph, grant an exemption under*  
22       *subparagraph (B) unless the manufacturing, processing, or*  
23       *distribution in commerce with respect to which such exemp-*  
24       *tion applies is consistent with the exemptions described in*  
25       *section 503(f) or (g), subject to section 503(h).”; and*

1           (3) by adding at the end the following new para-  
2       graph:

3       “(6) Notwithstanding any other provision of this sub-  
4       section, no person may distribute in commerce for export  
5       equipment (including transformers, capacitors, and other  
6       receptacles) containing greater than 0.05 liters of liquid  
7       stock that contains greater than 0.005 percent poly-  
8       chlorinated biphenyls, except for the purpose of environ-  
9       mentally sound waste management to the extent that such  
10      distribution in commerce for export is authorized by Fed-  
11      eral law.”.

12   **SEC. 4. JUDICIAL REVIEW.**

13       Section 19 of the Toxic Substances Control Act (15  
14   U.S.C. 2618) is amended—

15           (1) in subsection (a)(1)(A), by striking “or IV”  
16       and inserting “, IV, or V”;

17           (2) in subsection (a)(3)(B), by striking “title IV,  
18       the finding” and inserting “title IV or V, the find-  
19       ings”;

20           (3) by striking “and” at the end of subpara-  
21       graph (D) of subsection (a)(3);

22           (4) by redesignating subparagraph (E) of sub-  
23       section (a)(3) as subparagraph (F);

24           (5) by inserting after subparagraph (D) of sub-  
25       section (a)(3) the following new subparagraph:

1           “(E) for rules promulgated under section 503(e),  
 2           any written submission or other information the Ad-  
 3           ministrator receives pursuant to subsection (a), (b),  
 4           (c), or (d) of section 503; and”;

5           (6) in subsection (b), by inserting “(except a rule  
 6           promulgated pursuant to section 503)” after “this sec-  
 7           tion to review a rule”; and

8           (7) in subsection (c)(1)(B)(i), by striking “or  
 9           6(e)” and inserting “6(e), or 503(e)(1)”.

10 **SEC. 5. EXPORTS.**

11           Section 12 of the Toxic Substances Control Act (15  
 12           U.S.C. 2611) is amended—

13           (1) in subsection (a)(1), by striking “subsection  
 14           (b), this Act (other than section 8)” and inserting  
 15           “subsections (b) and (c), this Act (other than section  
 16           8 and title V”); and

17           (2) by adding at the end the following new sub-  
 18           section:

19           “(c) *EXPORTS UNDER THE PIC CONVENTION AND*  
 20           *POPS CONVENTION.*—

21           “(1) *EXPORT CONDITIONS OR RESTRICTIONS.*—

22           *In the case of a chemical substance or mixture identi-*  
 23           *fied by the Administrator as listed on Annex III of*  
 24           *the PIC Convention in a notice issued under para-*  
 25           *graph (4)(C), any person that distributes in com-*

1        *merce for export the chemical substance or mixture*  
2        *shall comply with any export conditions or restric-*  
3        *tions identified by the Administrator in the notice.*

4                “(2) *PRE-EXPORT NOTICES.*—

5                        “(A) *IN GENERAL.*—

6                                “(i) *REQUIREMENT.*—*In the case of—*

7                                        “(I) *a chemical substance or mix-*  
8                                        *ture that the Administrator determines*  
9                                        *to be banned or severely restricted*  
10                                       *under paragraph (4)(A);*

11                                       “(II) *a chemical substance or*  
12                                       *mixture identified by the Adminis-*  
13                                       *trator in a notice issued under para-*  
14                                       *graph (4)(C); or*

15                                       “(III) *a POPs chemical substance*  
16                                       *or mixture (for which a listing under*  
17                                       *Annex A or Annex B of the POPs Con-*  
18                                       *vention has entered into force for the*  
19                                       *United States), the export of which is*  
20                                       *not prohibited by section 502(a) or*  
21                                       *rules promulgated pursuant to section*  
22                                       *503(e),*

23                                *the exporter of the chemical substance or*  
24                                *mixture shall provide to the Administrator*

1           *notice of the intent of the exporter to export*  
2           *the chemical substance or mixture.*

3           “(ii) *TIMING OF NOTICE FOR CHEM-*  
4           *ICAL SUBSTANCES OR MIXTURES THAT ARE*  
5           *BANNED OR SEVERELY RESTRICTED.—*

6                     “(I) *FIRST EXPORT.—In the case*  
7                     *of a first export that an exporter makes*  
8                     *from the United States to each import-*  
9                     *ing foreign state after the Adminis-*  
10                    *trator issues a notice under paragraph*  
11                    *(4)(A), the exporter shall provide the*  
12                    *notice required under clause (i) so that*  
13                    *the Administrator receives the notice*  
14                    *not earlier than 45 nor later than 15*  
15                    *calendar days before the date of export.*

16                    “(II) *SUBSEQUENT EXPORTS.—In*  
17                    *the case of subsequent exports to the*  
18                    *importing foreign state in calendar*  
19                    *years subsequent to the notification*  
20                    *provided under subclause (I), the ex-*  
21                    *porter shall provide the notice so that*  
22                    *the Administrator receives the notice*  
23                    *not earlier than 45 nor later than 15*  
24                    *calendar days before the date of the*  
25                    *first export in such calendar year.*

1 “(iii) *TIMING OF NOTICE FOR CHEM-*  
2 *ICAL SUBSTANCES OR MIXTURES LISTED*  
3 *UNDER THE PIC CONVENTION.*—

4 “(I) *FIRST EXPORT.*—*In the case*  
5 *of a first export that an exporter makes*  
6 *from the United States to each import-*  
7 *ing foreign state after the Adminis-*  
8 *trator issues a notice under paragraph*  
9 *(4)(C), the exporter shall provide the*  
10 *notice required under clause (i) so that*  
11 *the Administrator receives the notice*  
12 *not earlier than 45 nor later than 15*  
13 *calendar days before the date of export.*

14 “(II) *SUBSEQUENT EXPORTS.*—*In*  
15 *the case of subsequent exports by the*  
16 *exporter to the importing foreign state*  
17 *in calendar years subsequent to the no-*  
18 *tification provided under subclause (I),*  
19 *the exporter shall provide the notice so*  
20 *that the Administrator receives the no-*  
21 *tice not earlier than 45 nor later than*  
22 *15 calendar days before the date of the*  
23 *first such export.*

24 “(III) *CHANGED CIRCUMSTANCES*  
25 *MERITING NEW NOTICE.*—*If conditions*

1           or restrictions imposed by the import-  
2           ing foreign state change and the Ad-  
3           ministrator notifies the public of the  
4           change under paragraph (4)(C), or if  
5           circumstances described by the exporter  
6           in an earlier pre-export notice have  
7           substantially changed, the exporter  
8           shall provide an additional notice  
9           under this subparagraph so that the  
10          Administrator receives the notice not  
11          earlier than 45 nor later than 15 cal-  
12          endar days before the date of export.

13           “(iv) *TIMING OF PRE-EXPORT NOTICE*  
14           *FOR THE EXPORT OF POPS CHEMICAL SUB-*  
15           *STANCES OR MIXTURES WHICH ARE NOT*  
16           *PROHIBITED UNDER THE POPS CONVEN-*  
17           *TION.—*

18                   “(I) *FIRST EXPORT.—In the case*  
19                   *of the first export that an exporter*  
20                   *makes from the United States to each*  
21                   *importing foreign state of a chemical*  
22                   *substance or mixture not prohibited*  
23                   *from being exported by the prohibition*  
24                   *in section 502(a) or rules promulgated*  
25                   *pursuant to section 503(e), the exporter*

1           *shall provide the notice under this sub-*  
2           *paragraph so that the Administrator*  
3           *receives the notice not earlier than 45*  
4           *nor later than 15 calendar days before*  
5           *the date of the first export.*

6                   “(II) *SUBSEQUENT EXPORTS.—In*  
7           *the case of subsequent exports by the*  
8           *exporter to the importing foreign state*  
9           *in calendar years subsequent to the no-*  
10          *tification provided under subclause (I),*  
11          *the exporter shall provide the notice so*  
12          *that the Administrator receives the no-*  
13          *tice not earlier than 45 nor later than*  
14          *15 calendar days before the date of the*  
15          *first such subsequent export in such*  
16          *calendar year.*

17                   “(III) *CHANGED CIRCUMSTANCES*  
18          *MERITING NEW NOTICE.—If the cir-*  
19          *cumstances described by the exporter in*  
20          *an earlier pre-export notice have sub-*  
21          *stantially changed, the exporter shall*  
22          *provide an additional notice under this*  
23          *subparagraph so that the Adminis-*  
24          *trator receives the notice not earlier*



1                   *than 45 nor later than 15 calendar*  
2                   *days before the date of export.*

3                   “(B) *ALTERNATE TIME FRAME FOR NO-*  
4                   *TICES.—*

5                   “(i) *DISCRETIONARY ALTERNATE TIME*  
6                   *FRAMES.—Notwithstanding clauses (ii) and*  
7                   *(iii) of subparagraph (A), the Adminis-*  
8                   *trator may set an alternate time frame for*  
9                   *providing notices under this subparagraph*  
10                  *if the Administrator determines that such*  
11                  *alternate time frame is appropriate and the*  
12                  *Administrator is able, within such alternate*  
13                  *time frame, to administer notice activities*  
14                  *in accordance with the PIC Convention and*  
15                  *comply with the POPs Convention.*

16                  “(ii) *MANDATORY REVIEW OF STATU-*  
17                  *TORY TIME FRAMES AND PROCESSES.—Not*  
18                  *later than 18 months after entry into force*  
19                  *for the United States of the PIC Conven-*  
20                  *tion, and not later than 18 months after*  
21                  *entry into force for the United States of the*  
22                  *POPs Convention, the Administrator shall*  
23                  *review the statutory time frames for receipt*  
24                  *of pre-export notices under this subpara-*  
25                  *graph and the Administrator’s processing of*

1 *such notices. In such review, the Adminis-*  
2 *trator, with the concurrence of the Secretary*  
3 *of State, shall consider whether amendments*  
4 *to the time frames and modifications to the*  
5 *processes would be appropriate to admin-*  
6 *ister notice activities in accordance with the*  
7 *PIC Convention and to comply with the*  
8 *POPs Convention.*

9 *“(C) CONTENT OF PRE-EXPORT NOTICES.—*

10 *“(i) NOTICES FOR BANNED OR SE-*  
11 *VERELY RESTRICTED CHEMICAL SUBSTANCE*  
12 *OR MIXTURE.—A notice under subpara-*  
13 *graph (A)(ii) with respect to a chemical*  
14 *substance or mixture that is banned or se-*  
15 *verely restricted shall include for each ex-*  
16 *port anticipated during that calendar*  
17 *year—*

18 *“(I) the name and address of the*  
19 *exporter;*

20 *“(II) the name and address of the*  
21 *appropriate designated national au-*  
22 *thority of the United States;*

23 *“(III) the name and address of*  
24 *the appropriate designated national*

1 *authority of the importing foreign*  
2 *state, if available;*

3 *“(IV) the name and address of the*  
4 *importer;*

5 *“(V) the name of the chemical*  
6 *substance or mixture for which the no-*  
7 *tice is required;*

8 *“(VI) the expected date of export;*

9 *“(VII) information relating to the*  
10 *foreseen uses of the chemical substance*  
11 *or mixture, if known, in the importing*  
12 *foreign state;*

13 *“(VIII) information on pre-*  
14 *cautionary measures, consistent with*  
15 *the ban or severe restriction applicable*  
16 *to the United States under the PIC*  
17 *Convention, to reduce exposure to, and*  
18 *emission of, the chemical substance or*  
19 *mixture;*

20 *“(IX) information relating to the*  
21 *concentration of the chemical substance*  
22 *or mixture; and*

23 *“(X) any other information that*  
24 *the Administrator determines, in a*  
25 *general order published in the Federal*

1           *Register, is required by Annex V of the*  
2           *PIC Convention to be included in such*  
3           *a notice.*

4           “(ii) *NOTICES FOR CHEMICAL SUB-*  
5           *STANCES OR MIXTURES LISTED ON ANNEX*  
6           *III OF THE PIC CONVENTION.—A notice*  
7           *under subparagraph (A)(ii) with respect to*  
8           *a chemical substance or mixture listed on*  
9           *Annex III of the PIC Convention shall in-*  
10          *clude for each export anticipated during*  
11          *that calendar year—*

12           “(I) *all of the information re-*  
13           *quired to be included under clause (i);*

14           “(II) *any information relating to*  
15           *export conditions or restrictions identi-*  
16           *fied by the Administrator in the notice*  
17           *issued under paragraph (4)(C) with re-*  
18           *spect to the chemical substance or mix-*  
19           *ture;*

20           “(III) *a general description of the*  
21           *manner in which the export complies*  
22           *with those conditions; and*

23           “(IV) *any other information that*  
24           *the Administrator determines by gen-*  
25           *eral order published in the Federal*

1           *Register to be necessary for effective en-*  
2           *forcement of the export conditions or*  
3           *restrictions applicable to the chemical*  
4           *substance or mixture.*

5           “(iii) *NOTICES FOR CHEMICAL SUB-*  
6           *STANCE OR MIXTURE THE EXPORT OF*  
7           *WHICH IS NOT PROHIBITED UNDER THE*  
8           *POPS CONVENTION.—A notice submitted to*  
9           *the Administrator under subparagraph*  
10          *(A)(iii) shall include—*

11                   “(I) *the name and address of the*  
12                   *exporter;*

13                   “(II) *the name and address of the*  
14                   *importer;*

15                   “(III) *a name of the POPs chem-*  
16                   *ical substance or mixture;*

17                   “(IV) *a general description of how*  
18                   *the export is in accordance with the*  
19                   *provisions related to export in section*  
20                   *503(f)(6) or (7); and*

21                   “(V) *such other information as the*  
22                   *Administrator determines by general*  
23                   *order published in the Federal Register*  
24                   *to be necessary for enforcement of the*  
25                   *export-related obligations of the POPs*

1                   *Convention applicable to the United*  
2                   *States for that chemical substance or*  
3                   *mixture.*

4                   “(D) *PRE-EXPORT NOTICES ACCOMPANYING*  
5                   *EACH EXPORT.*—*An exporter shall ensure that a*  
6                   *copy of the most recent applicable pre-export no-*  
7                   *tice provided to the Administrator under this*  
8                   *subsection accompanies each shipment for export*  
9                   *and is available for inspection upon export for—*

10                   “(i) *any chemical substance or mixture*  
11                   *that the Administrator has identified under*  
12                   *paragraph (4)(C) as being listed on Annex*  
13                   *III of the PIC Convention; or*

14                   “(ii) *any POPs chemical substance or*  
15                   *mixture that is exported.*

16                   “(E) *RETENTION OF PRE-EXPORT NO-*  
17                   *TICES.*—*An exporter required to provide a notice*  
18                   *under subparagraph (A) shall maintain a copy*  
19                   *of the notice and other documents used to gen-*  
20                   *erate the notice and have it readily available for*  
21                   *a period of no less than 3 years beginning on the*  
22                   *date on which the notice is provided.*

23                   “(3) *LABELING AND DOCUMENT REQUIRE-*  
24                   *MENTS.*—

1           “(A) *IN GENERAL.*—*In the case of any*  
2           *chemical substance or mixture that is the subject*  
3           *of a notice issued under subparagraph (A) or (C)*  
4           *of paragraph (4) and that is manufactured,*  
5           *processed, or distributed in commerce, the chem-*  
6           *ical substance or mixture shall, as required by*  
7           *the PIC Convention—*

8                     “(i) *bear labeling information relating*  
9                     *to risks or hazards to human health or the*  
10                    *environment; and*

11                   “(ii) *be accompanied by shipping doc-*  
12                    *uments that include any relevant safety*  
13                    *data sheets on the chemical substance or*  
14                    *mixture.*

15           “(B) *CUSTOM CODES.*—*A chemical sub-*  
16           *stance or mixture that is the subject of a notice*  
17           *issued under paragraph (4)(C) and that is dis-*  
18           *tributed or sold for export shall be accompanied*  
19           *by shipping documents that bear, at a min-*  
20           *imum, any appropriate harmonized system cus-*  
21           *toms codes assigned by the World Customs Orga-*  
22           *nization.*

23           “(4) *NOTICE REQUIREMENTS AND EXEMPTION.*—

1                   “(A) *DETERMINATION WHETHER CHEMICAL*  
2                   *SUBSTANCE OR MIXTURE IS BANNED OR SE-*  
3                   *VERELY RESTRICTED.*—

4                   “(i) *IN GENERAL.*—*The Administrator,*  
5                   *with the concurrence of the Secretary of*  
6                   *State, shall determine whether a chemical*  
7                   *substance or mixture is banned or severely*  
8                   *restricted within the United States (as those*  
9                   *terms are defined by the PIC Convention).*

10                  “(ii) *NOTICE OF DETERMINATIONS.*—  
11                  *Notwithstanding any other provision of law,*  
12                  *the Administrator shall issue to the Secre-*  
13                  *tariat of the PIC Convention and the public*  
14                  *a notice of each determination under clause*  
15                  *(i) that includes—*

16                       “(I) *in the case of a notice to the*  
17                       *Secretariat of the PIC Convention, the*  
18                       *information specified in Annex I to the*  
19                       *PIC Convention; and*

20                       “(II) *in the case of a notice to the*  
21                       *public, at a minimum, a summary of*  
22                       *that information.*

23                  “(B) *NOTICE TO FOREIGN COUNTRIES.*—

24                       “(i) *IN GENERAL.*—*Notwithstanding*  
25                       *any other provision of law, with respect to*



1           *a chemical substance or mixture that is*  
2           *banned or severely restricted under para-*  
3           *graph (2)(A)(ii), the Administrator shall*  
4           *provide to the designated authority of the*  
5           *importing foreign state a copy of the*  
6           *preexport notice it determines represents the*  
7           *first export to the importing foreign state*  
8           *after a determination under subparagraph*  
9           *(A) that the chemical substance or mixture*  
10          *is banned or severely restricted and, there-*  
11          *after, the preexport notice it determines rep-*  
12          *resents the first export in each calendar*  
13          *year to the importing foreign state.*

14                 “(ii) *NONIDENTIFIED DESIGNATED NA-*  
15                 *TIONAL AUTHORITY.*—*In a case in which a*  
16                 *designated national authority has not been*  
17                 *identified, the Administrator shall provide*  
18                 *the notice of intent to export to any other*  
19                 *appropriate official of the importing foreign*  
20                 *state, as identified by the Administrator.*

21                 “(C) *NOTICE TO PUBLIC.*—

22                         “(i) *IN GENERAL.*—*The Administrator,*  
23                         *with the concurrence of the Secretary of*  
24                         *State, shall issue a notice to inform the*  
25                         *public of—*

1                   “(I) any chemical substance or  
 2                   mixture that is listed on Annex III to  
 3                   the PIC Convention and the conditions  
 4                   and restrictions applicable thereto; and

5                   “(II) any condition or restriction  
 6                   of an importing foreign state that is  
 7                   applicable to the import, in accordance  
 8                   with the PIC Convention, of the chem-  
 9                   ical substance or mixture.

10                  “(ii) *TIMING.*—A notice required under  
 11                  clause (i) shall be issued not later than 90  
 12                  days after, and any conditions or restric-  
 13                  tions described in clause (i)(II) shall take  
 14                  effect not later than 180 days after, the date  
 15                  of receipt of a notice, from the Secretariat  
 16                  of the PIC Convention, that—

17                         “(I) transmits import decisions of  
 18                         the parties to the PIC Convention; or

19                         “(II) provides notice of the failure  
 20                         of the parties to provide import deci-  
 21                         sions.

22                         “(iii) *TREATMENT OF CONDITIONS AND*  
 23                         *RESTRICTIONS.*—A condition or restriction  
 24                         identified by a notice required under clause  
 25                         (i) shall be considered to be an export con-

1                    *dition or restriction for the purpose of para-*  
2                    *graph (1).*

3                    “(D) NOTICE OF EXEMPTION.—*The Admin-*  
4                    *istrator may issue a notice exempting any chem-*  
5                    *ical substance or mixture from the requirements*  
6                    *of paragraphs (1) through (3), and subpara-*  
7                    *graph (B) of this paragraph, if the Adminis-*  
8                    *trator determines, with the concurrence of the*  
9                    *Secretary of State, that the exemption would be*  
10                   *consistent with the PIC Convention or the POPs*  
11                   *Convention.*

12                   “(5) CONSOLIDATION OF NOTICES.—*With respect*  
13                   *to any pre-export notice requirement under this sub-*  
14                   *section, the Administrator shall allow any such re-*  
15                   *quirement, and any pre-export notice requirement in*  
16                   *other provisions of this Act, to be satisfied by a single*  
17                   *notice.*

18                   “(6) TRACE CONCENTRATIONS.—*The Adminis-*  
19                   *trator shall allow the export of trace concentrations of*  
20                   *otherwise restricted or banned chemicals without noti-*  
21                   *fication if the Administrator finds that the export of*  
22                   *such concentrations without notification does not pose*  
23                   *a significant threat to human health or the environ-*  
24                   *ment and is not inconsistent with the PIC Conven-*

1        *tion, the POPs Convention, and the LRTAP POPs*  
 2        *Protocol.”.*

3        **SEC. 6. CONFORMING AMENDMENTS.**

4        *(a) The table of contents in section 1 of the Toxic Sub-*  
 5        *stances Control Act is amended by adding at the end the*  
 6        *following:*

          “TITLE V—IMPLEMENTATION OF INTERNATIONAL AGREEMENTS

          “Sec. 501. *Definitions.*

          “Sec. 502. *Implementation of POPs Convention and LRTAP POPs Protocol.*

          “Sec. 503. *Notice, information, rulemaking, and exemptions.*

          “Sec. 504. *Amendments and consultation.*

          “Sec. 505. *International cooperation and notice of meetings.*

          “Sec. 506. *Effect of requirements.*

          “Sec. 507. *Rules of construction.”.*

7        *(b) Section 11 of the Toxic Substances Control Act (15*  
 8        *U.S.C. 2610) is amended in subsections (a) and (b) by*  
 9        *striking “title IV” each place it appears and inserting “title*  
 10        *IV or title V”.*

11        *(c) Section 15 of the Toxic Substances Control Act (15*  
 12        *U.S.C. 2614) is amended—*

13                *(1) in paragraph (1), by inserting “or any re-*  
 14                *quirement prescribed under title V or rule or order*  
 15                *promulgated or issued under title V” after “under*  
 16                *title II”; and*

17                *(2) in paragraph (2), by inserting “, or any re-*  
 18                *quirement prescribed under title V or rule or order*  
 19                *promulgated or issued under title V” after “under sec-*  
 20                *tion 5 or 7”.*

1       (d) *Section 17 of the Toxic Substances Control Act (15*  
2 *U.S.C. 2616) is amended—*

3           (1) *in subsection (a)(1)—*

4               (A) *by striking subparagraph (B) and in-*  
5 *serting the following:*

6               “(B) *restrain any person from taking any action*  
7 *prohibited by section 5 or 6, or title IV or V (or a*  
8 *rule or order issued under any of those sections or ti-*  
9 *ties);”;*

10              (B) *in subparagraphs (A) and (C), by strik-*  
11 *ing the comma at the end and inserting a semi-*  
12 *colon; and*

13              (C) *in subparagraph (D)—*

14                   (i) *by striking “title IV manufactured”*  
15 *and inserting “title IV or V manufactured”;*  
16 *and*

17                   (ii) *by striking “section 5, 6, or title*  
18 *IV” each place it appears and inserting*  
19 *“section 5 or 6, or title IV or V”; and*

20              (2) *in the first sentence of subsection (b), by in-*  
21 *serting “or V” after “title IV”.*

22       (e) *Section 18 of the Toxic Substances Control Act (15*  
23 *U.S.C. 2617) is amended—*

24              (1) *by amending subsection (a)(2)(B) to read as*  
25 *follows:*

1 “(B) if—

2 “(i) the Administrator prescribes a rule or  
3 order under section 5 or 6 (other than a rule im-  
4 posing a requirement described in subsection  
5 (a)(6) of section 6) which is applicable to a  
6 chemical substance or mixture, and which is de-  
7 signed to protect against a risk of injury to  
8 health or the environment associated with such  
9 substance or mixture; or

10 “(ii) the United States has consented to be  
11 bound under the POPs Convention or LRTAP  
12 POPs Protocol with respect to a POPs chemical  
13 substance or mixture or LRTAP POPs chemical  
14 substance or mixture (as defined in section 501),  
15 no State or political subdivision of a State may, after  
16 the effective date of such rule or order or consent, es-  
17 tablish or continue in effect any requirement, which  
18 is applicable to such substance or mixture, or an arti-  
19 cle containing such substance or mixture, and which  
20 is designed to protect against a risk of injury to  
21 health or the environment associated with such sub-  
22 stance or mixture that the rule, order, or consent is  
23 designed to protect against, unless such requirement is  
24 identical to the requirement prescribed by the Admin-  
25 istrator, is adopted under the authority of the Clean

1       *Air Act or any other Federal law, or prohibits the use*  
2       *of such substance or mixture in such State or political*  
3       *subdivision (other than its use in the manufacture or*  
4       *processing of other substances or mixtures).”; and*

5               *(2) by adding at the end the following new sub-*  
6       *section:*

7       “(c) *SAVINGS.—Nothing in this section shall be con-*  
8       *strued to authorize a State to act in a manner that causes*  
9       *the United States to be out of compliance with its obliga-*  
10       *tions under the POPs Convention or LRTAP POPs Pro-*  
11       *tol. For purposes of this section, the terms ‘POPs Conven-*  
12       *tion’ and ‘LRTAP POPs Protocol’ have the meaning given*  
13       *those terms in section 501.”.*

**Union Calendar No. 426**

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4591**

[Report No. 109-714]

**A BILL**

To implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

NOVEMBER 15, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed