

116TH CONGRESS
1ST SESSION

S. 451

To modernize the National Air Toxics Assessment, the Integrated Risk Information System, and the Agency for Toxic Substances and Disease Registry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Ms. DUCKWORTH (for herself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To modernize the National Air Toxics Assessment, the Integrated Risk Information System, and the Agency for Toxic Substances and Disease Registry, 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 “Expanding Trans-
5 parency of Information and Safeguarding Toxics (EtO is
6 Toxic) Act of 2019”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) AIR ASSESSMENT.—The term “Air Assess-
 2 ment” means the National Air Toxics Assessment
 3 published by the EPA Administrator.

4 (2) ATSDR ADMINISTRATOR.—The term
 5 “ATSDR Administrator” means the Administrator
 6 of the Agency for Toxic Substances and Disease
 7 Registry of the Department of Health and Human
 8 Services.

9 (3) EPA ADMINISTRATOR.—The term “EPA
 10 Administrator” means the Administrator of the En-
 11 vironmental Protection Agency.

12 (4) INFORMATION SYSTEM.—The term “Infor-
 13 mation System” means the Integrated Risk Informa-
 14 tion System of the EPA Administrator.

15 **SEC. 3. STRENGTHENING AND IMPROVING AIR ASSESS-**
 16 **MENT.**

17 (a) FINDINGS.—Congress finds that—

18 (1) since 1996, the Air Assessment has helped
 19 Federal, State, and local air quality specialists deter-
 20 mine which air toxics and emission source types may
 21 raise health risks in certain communities;

22 (2) the Air Assessment is released every 3
 23 years, and the data in the National Air Toxics As-
 24 sessment is used—

1 (A) to identify locations of interest for fur-
2 ther study;

3 (B) to prioritize pollutants and emission
4 sources; and

5 (C) to inform monitoring programs; and

6 (3) the Air Assessment is a key public health
7 tool that helps reduce cancer risks and other serious
8 health effects.

9 (b) PUBLICATION REQUIREMENTS.—The EPA Ad-
10 ministrator shall publish—

11 (1) an updated Air Assessment not less fre-
12 quently than once every 2 years;

13 (2) each updated Air Assessment described in
14 paragraph (1) not later than 180 days after the date
15 on which the data for the Air Assessment have been
16 finalized by the EPA Administrator; and

17 (3) a report describing the results of each up-
18 dated Air Assessment in the Federal Register.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$20,000,000 to the EPA
21 Administrator to carry out the Air Assessment for fiscal
22 year 2020 and each fiscal year thereafter.

23 **SEC. 4. ENSURING TIMELY REVIEW OF PUBLIC HEALTH**
24 **RISKS THROUGH INFORMATION SYSTEM.**

25 (a) FINDINGS.—Congress finds that—

1 (1) the Information System is a critical tool to
2 help protect public health by identifying and charac-
3 terizing the health hazards of chemicals found in the
4 environment; and

5 (2) assessments conducted under the Informa-
6 tion System are—

7 (A) an important source of toxicity infor-
8 mation used by—

- 9 (i) State and local health agencies;
10 (ii) other Federal agencies; and
11 (iii) international health organiza-
12 tions; and

13 (B) used—

14 (i) to inform clean-up decisions at—

15 (I) sites on the National Prior-
16 ities List developed by the President
17 in accordance with section
18 105(a)(8)(B) of the Comprehensive
19 Environmental Response, Compensa-
20 tion, and Liability Act of 1980 (42
21 U.S.C. 9605(a)(8)(B)); and

22 (II) other contaminated sites;

23 (ii) to set standards to ensure clean
24 drinking water;

- 1 (iii) to assess health risks from toxic
2 air emissions; and
3 (iv) to evaluate health risks of chemi-
4 cals in commerce.

5 (b) REQUIREMENTS.—

6 (1) ASSESSMENTS.—

7 (A) CONSIDERATION.—If an assessment of
8 a chemical has been conducted under the Infor-
9 mation System, the EPA Administrator shall
10 take into consideration the data obtained by
11 that assessment when conducting a rulemaking
12 with respect to that chemical.

13 (B) RELEASE.—Not later than 180 days
14 after the date on which an assessment of a
15 chemical is completed under the Information
16 System, the EPA Administrator shall publish
17 the assessment in the Federal Register.

18 (C) ADDITIONAL REVIEW.—

19 (i) IDENTIFICATION.—

20 (I) IN GENERAL.—Not later than
21 60 days after the date on which an
22 assessment of a chemical is completed
23 under the Information System that
24 determines that the chemical poses an

adverse public health risk, the EPA Administrator shall—

(aa) consult with the directors of the regional offices of the Environmental Protection Agency regarding the determination; and

(bb) identify each facility that is a significant source of the chemical to determine whether the facility poses an adverse public health risk.

(II) PUBLICATION.—After completing the identification of facilities under subclause (I)(bb), the EPA Administrator shall immediately—

(aa) notify Congress of the identification; and

(bb) make publicly available a list describing each facility identified.

(III) CONTINUOUS MONITORING.—The EPA Administrator shall require the continuous monitoring of each facility identified under subclause (I)(bb) for the chemical de-

1 terminated to have an adverse public
2 health risk as a result of an assess-
3 ment referred to in subclause (I).

4 (ii) ADDITIONAL REVIEW.—

5 (I) IN GENERAL.—The EPA Ad-
6 ministrator shall examine each facility
7 identified under clause (i)(I)(bb) to
8 determine whether the facility poses
9 an adverse public health risk.

10 (II) NOTIFICATION.—Not later
11 than 7 days after the EPA Adminis-
12 trator completes the additional review
13 under subclause (I)—

14 (aa) the EPA Administrator
15 shall—

16 (AA) publish the results
17 of the additional review; and

18 (BB) notify Congress of
19 the results described in
20 subitem (AA); and

21 (bb) on a determination that
22 the applicable facility poses an
23 adverse public health risk, the di-
24 rector of the applicable regional
25 office of the Environmental Pro-

1 tection Agency shall notify each
2 affected State and local public
3 health official and the public of
4 the adverse public health risk.

5 (D) APPROVAL OF MAXIMUM ACHIEVABLE
6 CONTROL TECHNOLOGY.—If a maximum
7 achievable control technology (within the mean-
8 ing of the Clean Air Act (42 U.S.C. 7401 et
9 seq.)) is available for a facility identified under
10 subparagraph (C)(i)(I)(bb), the EPA Adminis-
11 trator shall expedite the permitting of that
12 maximum achievable control technology at the
13 facility.

14 (2) TOXICS RELEASE INVENTORY.—Section
15 313(c) of the Emergency Planning and Community
16 Right-To-Know Act (42 U.S.C. 11023(c)) is amend-
17 ed—

18 (A) by striking the period at the end and
19 inserting “; and”;

20 (B) by striking “are those chemicals” and
21 inserting the following: “are—

22 “(1) those chemicals”; and

23 (C) by adding at the end the following:

1 “(2) chemicals identified as carcinogenic by an
2 assessment under the Integrated Risk Information
3 System of the Administrator.”.

4 (c) PROHIBITION.—The EPA Administrator may not
5 transfer the Information System outside of the Office of
6 Research and Development of the Environmental Protec-
7 tion Agency.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated \$20,000,000 to the EPA
10 Administrator to carry out the duties of the Information
11 System for fiscal year 2020 and each fiscal year there-
12 after.

13 **SEC. 5. IMPROVING COORDINATION BETWEEN ENVIRON-**
14 **MENTAL PROTECTION AGENCY AND AGENCY**
15 **FOR TOXIC SUBSTANCES AND DISEASE REG-**
16 **ISTRY; COMMUNITY OUTREACH DIVISION.**

17 Section 104(i) of the Comprehensive Environmental
18 Response, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9604(i)) is amended by adding at the end the fol-
20 lowing:

21 “(19) CONSULTATIONS REQUIRED.—Not less
22 frequently than once every 90 days, the Adminis-
23 trator of ATSDR shall consult with the Assistant
24 Administrators for the Office of Research and Devel-
25 opment, the Office of Land and Emergency Manage-

1 ment, the Office of Air and Radiation, and the Of-
 2 fice of Chemical Safety and Pollution Prevention of
 3 the Environmental Protection Agency, and the direc-
 4 tor of any other office of the Environmental Protec-
 5 tion Agency determined to be appropriate by the Ad-
 6 ministrator of ATSDR, regarding—

7 “(A) the future schedule of assessments of
 8 chemicals to be conducted under the Integrated
 9 Risk Information System of the Administrator
 10 of EPA;

11 “(B) the results of existing assessments
 12 conducted under the Integrated Risk Informa-
 13 tion System of the Administrator of EPA; and

14 “(C) the concerns of the Administrator of
 15 ATSDR that merit additional review, if any.

16 “(20) REASSESSMENTS.—

17 “(A) DEFINITIONS.—In this paragraph:

18 “(i) HEALTH ASSESSMENT.—The
 19 term ‘health assessment’ means a health
 20 assessment completed by the Administrator
 21 of ATSDR under paragraph (6).

22 “(ii) HEALTH CONSULTATION.—The
 23 term ‘health consultation’ means a written
 24 response from the Administrator of
 25 ATSDR to a specific request for informa-

tion about health risks related to a specific site, a specific chemical release, or the presence of hazardous materials in a specific area.

“(B) DETERMINATION.—On receiving information from a consultation under paragraph (19) that the Integrated Risk Information System of the Administrator of EPA will be conducting an assessment of a chemical, the Administrator of ATSDR shall determine which health assessments or health consultations, as applicable, need to be reevaluated if the assessment results in a determination that the chemical poses a new adverse public health risk.

“(C) REEVALUATION.—

“(i) IN GENERAL.—Not later than 30 days after the date on which an assessment conducted by the Integrated Risk Information System of the Administrator of EPA results in a determination that a chemical has a new adverse public health risk, the Administrator of ATSDR shall reevaluate each health assessment and health consultation, as applicable, identified under subparagraph (B).

1 “(ii) NOTIFICATION TO CONGRESS.—

2 Not later than 14 days after the date on
3 which the Administrator of ATSDR begins
4 a reevaluation under clause (i), the Admin-
5 istrator of ATSDR shall notify Congress
6 that the reevaluation is being conducted.

7 “(iii) PUBLICATION.—Not later than
8 30 days after the date of completion of a
9 reevaluation under clause (i), the Adminis-
10 trator of ATSDR shall—

11 “(I) publish in the Federal Reg-
12 ister any revisions to a health assess-
13 ment or a health consultation, as ap-
14 plicable, as a result of the reevalua-
15 tion; and

16 “(II) notify Congress of the revi-
17 sions described in subclause (I).

18 “(21) PERSONAL EXPOSURE TESTING.—The
19 Administrator of ATSDR, in coordination with the
20 Administrator, shall administer personal exposure
21 tests for a chemical that has a new adverse public
22 health risk as described in paragraph (20)(B)(i), as
23 available, to vulnerable populations, including chil-
24 dren and the elderly.

25 “(22) COMMUNITY OUTREACH DIVISION.—

1 “(A) ESTABLISHMENT.—The Adminis-
 2 trator of ATSDR shall establish within the Of-
 3 fice of Communication of ATSDR a division, to
 4 be known as the ‘Community Outreach Divi-
 5 sion’.

6 “(B) PURPOSE.—The purpose of the Com-
 7 munity Outreach Division shall be—

8 “(i) to include communities when de-
 9 termining the priority of chemicals to un-
 10 dergo review by ATSDR; and

11 “(ii) to communicate risk assessments
 12 to affected communities.

13 “(23) AUTHORIZATION OF APPROPRIATIONS.—
 14 There is authorized to be appropriated \$70,000,000
 15 to carry out the duties of the ATSDR for fiscal year
 16 2020 and each fiscal year thereafter.”.

17 **SEC. 6. DATA SAMPLING.**

18 If the ATSDR Administrator requests the EPA Ad-
 19 ministrator to conduct a sample for a chemical that poses
 20 an adverse public health risk and the EPA Administrator
 21 rejects that request, the EPA Administrator shall submit
 22 to Congress a notice describing—

23 (1) the request; and

24 (2) the reasons for rejecting the request.

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