

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.

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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

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## 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:

12 (4) INFORMATION SYSTEM.—The term “Information System” means the Integrated Risk Information 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—

(A) to identify locations of interest for further 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 frequently than once every 2 years;

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—

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;

## 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

3 (aa) consult with the direc-  
4 tors of the regional offices of the  
5 Environmental Protection Agency  
6 regarding the determination; and

7 (bb) identify each facility  
8 that is a significant source of the  
9 chemical to determine whether  
10 the facility poses an adverse pub-  
11 lic health risk.

12 (II) PUBLICATION.—After com-  
13 pleting the identification of facilities  
14 under subclause (I)(bb), the EPA Ad-  
15 ministrator shall immediately—

16 (aa) notify Congress of the  
17 identification; and

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

21 (III) CONTINUOUS MONI-  
22 TORING.—The EPA Administrator  
23 shall require the continuous moni-  
24 toring of each facility identified under  
25 subclause (I)(bb) for the chemical de-

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-

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.

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-

1 tion about health risks related to a specific  
2 site, a specific chemical release, or the  
3 presence of hazardous materials in a spe-  
4 cific area.

5                     “(B) DETERMINATION.—On receiving in-  
6                     formation from a consultation under paragraph  
7                     (19) that the Integrated Risk Information Sys-  
8                     tem of the Administrator of EPA will be con-  
9                     ducting an assessment of a chemical, the Ad-  
10                     ministrator of ATSDR shall determine which  
11                     health assessments or health consultations, as  
12                     applicable, need to be reevaluated if the assess-  
13                     ment results in a determination that the chem-  
14                     ical poses a new adverse public health risk.

15                           “(C) REEVALUATION.—

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.

