

103^D CONGRESS
1ST SESSION

H. R. 1665

To direct the Secretary of Energy to establish labeling requirements for products that emit low-frequency electromagnetic fields.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 1993

Mrs. BYRNE introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Energy to establish labeling requirements for products that emit low-frequency electromagnetic fields.

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 “Electromagnetic Label-
5 ing Act of 1993”.

6 **SEC. 2. LABELING REQUIREMENTS FOR PRODUCTS THAT**
7 **EMIT ELECTROMAGNETIC FIELDS.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Secretary of Energy

1 shall establish uniform labeling requirements for each
2 product described in subsection (b).

3 (b) COVERED PRODUCTS.—The products referred to
4 in subsection (a) are—

5 (1) products that emit low-frequency electric
6 and magnetic fields of which the strength is not less
7 than 100 millivolts per meter and 1 Gauss, respec-
8 tively, when measured at a distance which is one
9 inch from the product; and

10 (2) any other products the Secretary of Energy
11 classifies as a covered product under this section in
12 order to carry out this Act.

13 (c) LABELING CONTENT.—The labeling required for
14 a product under the requirements established pursuant to
15 subsection (a) shall—

16 (1) contain information regarding the strength
17 of the low-frequency electromagnetic fields emitted
18 by the product;

19 (2) reasonably enable the purchaser and user of
20 the product to make choices and comparisons among
21 products; and

22 (3) be simple, placed on the outside of the prod-
23 uct, and, where appropriate, consolidated with other
24 labels providing information to the purchaser and
25 user.

1 (d) CONSULTATION.—In establishing labeling re-
2 quirements pursuant to subsection (a), the Secretary of
3 Energy shall consult with the Federal Trade Commission,
4 the Secretary of Commerce, leaders of affected industry,
5 and consumer organizations.

6 **SEC. 3. REQUIREMENTS OF MANUFACTURERS.**

7 Each manufacturer of a product described in section
8 2(b) shall—

9 (1) provide a label for the product which meets
10 the requirements established pursuant to section
11 2(a) and contains the labeling content described in
12 section 2(c);

13 (2) maintain data derived from tests conducted
14 on the product for the strength of emitted electro-
15 magnetic fields; and

16 (3) annually submit to the Secretary of Energy,
17 at a time specified by the Secretary, the data de-
18 scribed in paragraph (2).

19 **SEC. 4. CIVIL PENALTIES.**

20 (a) IN GENERAL.—The Secretary of Energy may im-
21 pose a civil penalty against a manufacturer of a product
22 described in section 2(b) who commits a violation de-
23 scribed in subsection (b). The amount of a civil penalty
24 imposed under this subsection may not exceed—

1 (1) \$100 for each violation described in sub-
2 section (b)(1); and

3 (2) \$100 for each day during which a violation
4 described in paragraphs (2) and (3) of subsection
5 (b) occurs.

6 (b) VIOLATIONS FOR WHICH PENALTIES MAY BE IM-
7 POSED.—For purposes of subsection (a), a violation shall
8 be any of the following:

9 (1) A failure by the manufacturer of a product
10 described in section 2(b) to provide the label de-
11 scribed in section 3(1).

12 (2) A failure by the manufacturer of a product
13 described in section 2(b) to maintain the data de-
14 scribed in section 3(2).

15 (3) A failure by the manufacturer of a product
16 described in section 2(b) to make a submission de-
17 scribed in section 3(3).

18 (c) PROCEDURES FOR IMPOSITION OF CIVIL PEN-
19 ALTIES.—

20 (1) NOTICE.—Before issuing an order assessing
21 a civil penalty against a manufacturer under this
22 section, the Secretary of Energy shall provide to the
23 manufacturer a notice of the proposed penalty. The
24 notice shall provide information regarding the oppor-
25 tunity of the manufacturer to make an election in

1 writing within 30 days after the receipt of the notice
2 to have the procedures of paragraph (3) (in lieu of
3 the procedures of paragraph (2)) apply to the as-
4 sessment of the penalty.

5 (2) ASSESSMENT AFTER A HEARING ON THE
6 RECORD.—

7 (A) IN GENERAL.—Unless an election de-
8 scribed in paragraph (1) is made, the Secretary
9 of Energy shall assess a penalty under this sec-
10 tion by order, after a determination of a viola-
11 tion has been made on the record after an op-
12 portunity for a hearing in accordance with sec-
13 tion 554 of title 5, United States Code before
14 an administrative law judge appointed under
15 section 3105 of such title. The assessment
16 order shall include the findings of the adminis-
17 trative law judge and the basis for the assess-
18 ment.

19 (B) APPEAL.—A manufacturer against
20 whom a penalty is assessed under subparagraph
21 (A) may, within 60 calendar days after the date
22 of the order assessing the penalty, institute an
23 action in the United States court of appeals for
24 the appropriate judicial circuit for judicial re-
25 view of the order in accordance with chapter 7

1 of such title. The court shall have jurisdiction
2 to enter a judgment affirming, modifying, or
3 setting aside in whole or in part the order of
4 the Secretary of Energy, or the court may re-
5 mand the proceeding to the Secretary for such
6 further action as the court may direct.

7 (3) SUMMARY ASSESSMENT.—

8 (A) IN GENERAL.—In the case of a civil
9 penalty with respect to which an election de-
10 scribed in paragraph (1) is made, the Secretary
11 of Energy shall promptly assess the penalty by
12 order, after the date of the receipt of the notice
13 under paragraph (1) of the proposed penalty.

14 (B) ACTION TO AFFIRM THE ASSESS-
15 MENT.—If the civil penalty has not been paid
16 within 60 days after the assessment order has
17 been made under subparagraph (A), the Sec-
18 retary of Energy shall institute an action in the
19 appropriate district court of the United States
20 for an order affirming the assessment of the
21 penalty. The court shall have authority to re-
22 view de novo the law and the facts involved, and
23 shall have jurisdiction to enter a judgment en-
24 forcing, modifying, and enforcing as so modi-

1 fied, or setting aside in whole or in part, the as-
2 sessment of the penalty.

3 (C) REVOCATION OF ELECTION.—Any elec-
4 tion to have this paragraph apply may not be
5 revoked except with the consent of the Sec-
6 retary of Energy.

7 **SEC. 5. REGULATIONS.**

8 The Secretary of Energy shall issue any regulations
9 necessary to carry out this Act.

10 **SEC. 6. DEFINITIONS.**

11 For purposes of this Act:

12 (1) The term “electromagnetic fields” means
13 the electric fields and magnetic fields produced by a
14 product described in section 2(b).

15 (2) The term “electric fields” means fields of
16 which the strength is determined by the voltage and
17 is measured in volts per meter.

18 (3) The term “low-frequency” means a fre-
19 quency of 60 cycles per second or 60 Hertz.

20 (4) The term “magnetic fields” means fields of
21 which the strength is determined by the amount of
22 flowing current and is measured in Gauss.

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