

103^D CONGRESS
1ST SESSION

H. R. 3111

To require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1993

Mr. ZIMMER (for himself and Mr. SLATTERY) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Agriculture, Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology

A BILL

To require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, 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 “Environmental Risk
5 Reduction Act of 1993”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the cost of protecting the quality of the en-
2 vironment currently exceeds \$115,000,000,000 per
3 year;

4 (2) providing protection to a continually in-
5 creasing population from the potentially deleterious
6 effects of newly discovered environmental hazards
7 may result in increases in the cost referred to in
8 paragraph (1);

9 (3) although the cost referred to in paragraph
10 (1) is not necessarily excessive, the amount is too
11 substantial for the funds to be used ineffectively or
12 inefficiently;

13 (4) there is a need to coordinate the develop-
14 ment and implementation of environmental policies
15 among policymakers of the Federal Government and
16 the governments of States and political subdivisions
17 of States;

18 (5) a key role of the Federal Government in the
19 development of environmental policy is to support
20 research to upgrade environmental science and engi-
21 neering;

22 (6) ecological resources are extraordinarily valu-
23 able, and risks to the resources either directly or in-
24 directly degrade human health and the economy;

1 (7) the most effective use of the funds referred
2 to in paragraph (1) would—

3 (A) protect the greatest number of individ-
4 uals from the most harm; and

5 (B) be supported by a public perception
6 that subparagraph (A) is being carried out;

7 (8) risk reduction is the preferred technique for
8 improving human health and the environment and
9 pollution prevention methods should be considered, if
10 feasible, in decisions related to reducing risk;

11 (9) the ranking of relative risk is a critical tool
12 for determining which human health and environ-
13 mental risks to reduce;

14 (10) the determination of safety is a social con-
15 struct as well as a scientific one, and is based both
16 on the values of individual control and social equity
17 and on the knowledge of a defined risk;

18 (11) notwithstanding paragraph (10), scientific
19 information plays an essential role in supporting en-
20 vironmental decisions by policymakers, as members
21 of the general public use scientific information to
22 understand the likelihood, nature, and magnitude of
23 potential risks;

1 (12) it is necessary to maintain a clear concep-
2 tual distinction between the techniques of risk as-
3 sessment and risk management;

4 (13) a risk assessment should—

5 (A) be the most accurate and informative
6 quantitative evaluation of risk that is prac-
7 ticable to conduct; and

8 (B) include a statement of important iden-
9 tifiable uncertainties;

10 (14) risk management is a political process as
11 well as a technical one;

12 (15) risk management integrates the findings of
13 a risk assessment with other considerations, such as
14 economic considerations, legislative mandates, and
15 the level of public concern;

16 (16) good risk management requires a reliable
17 and strictly objective risk assessment;

18 (17) the ranking of relative risks to human
19 health, welfare, and ecological resources is a complex
20 task, and is best performed by technical experts who
21 do not have interests that could bias objective judg-
22 ment;

23 (18) applying technology and resources to ad-
24 dress the highest ranked risks within the intent of
25 existing environmental laws and identifying highly

1 ranked risks not addressed by law can significantly
2 reduce risks to human health, welfare, and ecological
3 resources;

4 (19) some populations of special concern appear
5 to have a greater degree of sensitivity to certain spe-
6 cific environmental hazards, including pregnant
7 women and fetuses, children, the elderly, chronically
8 ill individuals, and individuals with certain racial
9 and genetic characteristics;

10 (20) better risk assessment methodologies and
11 a long-term commitment to collecting monitoring
12 data on the condition of ecological resources and ex-
13 posure of humans and ecosystems to pollutants are
14 necessary to ensure—

15 (A) the identification of the greatest risks
16 to human health and the environment;

17 (B) that environmental laws are applied in
18 such manner as to accomplish the intended re-
19 sults of the laws; and

20 (C) that potential improvements to existing
21 environmental laws are identified;

22 (21) ranking risks must be an ongoing process
23 and must reflect improvements in environmental
24 data and scientific understanding;

1 (22) the Administrator needs a major national
2 data base concerning environmental hazards to aid
3 in the adjustment of priorities and programs to di-
4 rect resources to ensure success in efforts to address
5 the hazards;

6 (23) the environmental monitoring and assess-
7 ment program created under this Act provides the
8 functional equivalent of an environmental statistics
9 program;

10 (24) although the National Academy of
11 Sciences has documented flaws in the administration
12 and management of the environmental monitoring
13 and assessment program of the Agency in an interim
14 report issued June 1992, the flaws can be addressed
15 through improvements in the program, and more
16 time is needed to address the flaws; and

17 (25) effective and efficient strategies to reduce
18 risks must quantify significant costs and benefits to
19 the greatest extent possible.

20 (b) POLICY.—It is the policy of the United States
21 that—

22 (1) the environmental protection activities ad-
23 ministered by the Administrator shall attain the
24 greatest risk reduction possible with the resources
25 available to the Administrator; and

1 (2) the ability to reduce risks requires—

2 (A) accurate, quantitative estimates of the
3 exposure of humans and ecosystems to all im-
4 portant risk factors;

5 (B) accurate techniques for predicting the
6 effects of the exposure referred to in subpara-
7 graph (A);

8 (C) an adequate understanding of tech-
9 nical, economic, social, and legal alternatives to
10 achieve a reduction in exposure to risk factors;
11 and

12 (D) accurate estimates of the costs and
13 benefits of alternatives for reducing risks.

14 **SEC. 3. DEFINITIONS.**

15 As used in this Act:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Environ-
18 mental Protection Agency.

19 (2) AGENCY.—The term “Agency” means the
20 Environmental Protection Agency.

21 (3) ECOLOGICAL RESOURCE.—The term “eco-
22 logical resource” means a nonhuman living thing or
23 habitat (and the interaction between a nonhuman
24 living thing and habitat) including a lake, stream,
25 forest, wetland, desert, tundra, ocean, estuary,

1 beach, grassland, agricultural area, or a vegetated
2 urban or suburban area.

3 (4) EFFECT.—The term “effect” means a dele-
4 terious change in the condition—

5 (A) of a human or other living thing, (in-
6 cluding death, cancer or other chronic illness,
7 decreased reproductive capacity, or disfigure-
8 ment or other debilitating condition); or

9 (B) of an inanimate thing important to
10 human welfare (including destruction, degenera-
11 tion, the loss of intended function, and in-
12 creased costs for maintenance).

13 (5) ENVIRONMENTAL LAW.—The term “envi-
14 ronmental law” means any environmental law ad-
15 ministered by the Administrator that provides for
16 the protection of the environment, including, but not
17 limited to—

18 (A) title XIV of the Public Health Service
19 Act (commonly known as the Safe Drinking
20 Water Act, 42 U.S.C. 300f et seq.);

21 (B) the Federal Water Pollution Control
22 Act (33 U.S.C. 1251 et seq.);

23 (C) the Clean Air Act (42 U.S.C. 7401 et
24 seq.);

1 (D) the Federal Insecticide, Fungicide, and
2 Rodenticide Act (7 U.S.C. 136 et seq.);

3 (E) the Toxic Substances Control Act (15
4 U.S.C. 2601 et seq.);

5 (F) the Solid Waste Disposal Act (42
6 U.S.C. 6901 et seq.);

7 (G) the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of
9 1980 (42 U.S.C. 9601 et seq.);

10 (H) the Superfund Amendments and Re-
11 authorization Act of 1986 (Public Law
12 99-499);

13 (I) the Marine Protection, Research, and
14 Sanctuaries Act of 1972 (16 U.S.C. 1431 et
15 seq.); and

16 (J) any law administered by the Adminis-
17 trator concerning protection from sources of ra-
18 diation.

19 (6) EXPOSURE.—The term “exposure” means
20 the juxtaposition in time and space of a stressor
21 with a human or other living thing or an inanimate
22 thing important to human welfare, in such manner
23 that an effect could result.

24 (7) IRREVERSIBILITY.—The term “irrevers-
25 ibility” means the extent to which a return to condi-

1 tions prior to the occurrence of an effect are either
2 very slow or will never occur (as determined by the
3 Administrator).

4 (8) LIKELIHOOD.—The term “likelihood”
5 means the estimated probability that an event will
6 occur.

7 (9) MAGNITUDE.—The term “magnitude”
8 means the number of individuals or the quantity of
9 ecological resources or other resources that contrib-
10 ute to human welfare that are materially affected by
11 exposure to a stressor.

12 (10) RESPONSE.—The term “response” has the
13 same meaning as the term “effect” under paragraph
14 (4).

15 (11) RISK.—The term “risk” means the prob-
16 ability of the occurrence of an effect and includes
17 the potential for exposure.

18 (12) RISK ASSESSMENT.—The term “risk as-
19 sessment” means a process that uses a factual base
20 to—

21 (A) identify, characterize, and to the ex-
22 tent practicable quantify the potential adverse
23 effects of exposure of individuals, populations,
24 habitats, ecosystems, or materials to hazardous
25 pollutants, or other stressors; and

1 (B) to the extent practicable, identify and
2 characterize identifiable important uncertain-
3 ties.

4 (13) RISK MANAGEMENT.—The term “risk
5 management” means, with respect to environmental
6 decisionmaking, the process of weighing policy alter-
7 natives and seeking the most appropriate regulatory
8 action that integrates the results of a risk assess-
9 ment with social, economic, political, and other ap-
10 propriate concerns to arrive at a decision.

11 (14) SERIOUSNESS.—The term “seriousness”
12 means the intensity of effect, independent of the
13 magnitude.

14 (15) STRESSOR.—The term “stressor” means a
15 physical, chemical, or biological factor that is capa-
16 ble of causing an effect on human health, welfare,
17 or ecological resources.

18 (16) SUSTAINABILITY.—With respect to ecologi-
19 cal resources, the term “sustainability” means the
20 ability to maintain diverse, self-reproducing biologi-
21 cal communities that are capable of meeting the cur-
22 rent needs of humans without compromising the
23 ability of future generations to meet their needs, in-
24 cluding—

1 (A) needs for natural resources such as
2 food, fiber, lumber, fish, and game;

3 (B) environmental services such as flood
4 mitigation, water storage, and the regulation of
5 the chemistry of the atmosphere, oceans, and
6 inland waters;

7 (C) opportunities for recreation and sci-
8 entific study; and

9 (D) the need for appreciation of the beauty
10 and diversity of nature.

11 (17) UNCERTAINTY.—The term “uncertainty”
12 means the quantifiable and unquantifiable potential
13 error in the estimation of risk that is caused by the
14 quality or absence of data, or the assumptions used
15 in risk estimation.

16 **SEC. 4. REDUCTION OF RISK.**

17 (a) IN GENERAL.—Through the careful assessment
18 and ranking of relative risks and the options for the man-
19 agement of the risks, the Administrator shall use the re-
20 sources available to the Administrator pursuant to envi-
21 ronmental laws to reduce those risks to human health and
22 welfare, and risks to ecological resources, that the Admin-
23 istrator determines to be the most likely, most serious,
24 most irreversible, and of the greatest magnitude with the

1 goal of achieving the greatest overall reduction in risk pos-
2 sible with the resources available.

3 (b) OPERATION OF LAW.—In carrying out subsection
4 (a) the Administrator shall—

5 (1) act to reduce risk in a manner consistent
6 with the requirements of the environmental laws and
7 any other law;

8 (2) consider social, economic, and such other
9 related concerns as the Administrator determines to
10 be appropriate;

11 (3) base his determinations on the reports and
12 findings of the Committees created under section 5;
13 and

14 (4) utilize the risk assessment guidelines devel-
15 oped under section 6 and the results of research con-
16 ducted under section 7.

17 **SEC. 5. ADVISORY COMMITTEES.**

18 (a) In order to ensure that the reduction of risks re-
19 ferred to in section 4(a) is based on the best available sci-
20 entific understanding, the Administrator shall seek the ad-
21 vice of the expert advisory committees established under
22 subsections (b), (c), and (d) and shall utilize the reports
23 of these advisory committees required in those subsections.

24 (b) COMMITTEE ON RELATIVE RISKS.—

1 (1) IN GENERAL.—The Administrator shall es-
2 tablish a Committee on Relative Risks (hereafter in
3 this subsection referred to as the “Committee”). The
4 Committee shall be independent from the Science
5 Advisory Board.

6 (2) PURPOSE.—The Committee shall provide
7 expert advice concerning ranking the relative risks of
8 stressors to human health, welfare, and ecological
9 resources.

10 (3) MEMBERS.—

11 (A) IN GENERAL.—The Administrator
12 shall appoint 15 members to the Committee. In
13 making appointments to the Committee, the
14 Administrator shall request nominations from
15 the heads of the National Academy of Sciences,
16 the National Academy of Engineering, the As-
17 sistant to the President for Science and Tech-
18 nology, the Society for Risk Analysis and such
19 other individuals as the Administrator deter-
20 mines to be appropriate.

21 (B) REPRESENTATION.—The Adminis-
22 trator shall appoint a representative group of
23 individuals on the basis of their recognized ex-
24 pertise and ability of the individuals in the
25 areas of human health effects (including physi-

1 cians and industrial hygienists), ecological ef-
2 fects, welfare effects, law, engineering, econom-
3 ics, risk communications, and such other spe-
4 cialties related to risk management and risk as-
5 sessment as the Administrator considers appro-
6 priate.

7 (C) CONSIDERATIONS OF THE ADMINIS-
8 TRATOR.—In making the appointments, the Ad-
9 ministrator shall appoint members so as to rep-
10 resent a balanced spectrum of expertise and
11 ability. The Administrator shall take such ac-
12 tion as is necessary to ensure that—

13 (i) the appointments are made only on
14 the basis of the criteria referred to in the
15 previous sentence, and not on other cri-
16 teria, such as political affiliation; and

17 (ii) each member appointed to the
18 Committee has no real or apparent conflict
19 of interest with respect to serving on the
20 Committee.

21 (D) LIST.—The Administrator shall pub-
22 lish a list of the individuals who supply nomina-
23 tions pursuant to this paragraph and their re-
24 spective nominees.

25 (4) TERMS.—

1 (A) INITIAL TERMS.—Members initially
2 appointed to the Committee shall serve for the
3 following terms:

4 (i) Five members shall serve for an
5 initial term of 2 years.

6 (ii) Five members shall serve for an
7 initial term of 4 years.

8 (iii) Five members shall serve for an
9 initial term of 6 years.

10 (B) SUBSEQUENT TERMS.—Upon comple-
11 tion of a term referred to under subparagraph
12 (A), each member of the Committee subse-
13 quently appointed or reappointed shall serve for
14 a term of 6 years. A vacancy on the Committee
15 shall be filled in the same manner as the ap-
16 pointment was made.

17 (5) CHAIRPERSON.—Members of the Committee
18 shall elect a Chairperson from among the members.
19 The Chairperson shall serve for a term of 2 years.

20 (6) CRITERIA AND GUIDELINES.—The Commit-
21 tee shall establish appropriate criteria and guidelines
22 to carry out the duties of the Committee under para-
23 graph (7).

24 (7) DUTIES.—The Committee shall—

1 (A) identify and rank the greatest risks to
2 human health, welfare, and ecological resources,
3 taking into account and incorporate the overall
4 likelihood, seriousness, magnitude, and
5 irreversibility of each of the risks;

6 (B) identify a common list of the greatest
7 risks to human health, welfare, and ecological
8 resources; and

9 (C) assess the state of pertinent scientific
10 understanding and other factors contributing to
11 uncertainty in the ranking of relative risk.

12 (8) IDENTIFICATION.—The Committee shall
13 identify risks in such manner as to also identify—

14 (A) the need for new laws or amendments
15 to current laws; and

16 (B) priorities under existing laws.

17 (9) PUBLIC MEETINGS.—The Committee shall
18 hold open public meetings to solicit input from the
19 general public and such other sources as the Com-
20 mittee determines to be appropriate.

21 (10) REPORTS.—

22 (A) REPORTS TO THE ADMINISTRATOR.—

23 In accordance with this subsection, the Chair-
24 person of the Committee shall report to the Ad-

1 administrator the findings of the Committee based
2 on the duties identified in paragraph (7).

3 (B) FREQUENCY OF REPORTS.—The
4 Chairperson of the Committee shall report the
5 findings of the Committee to the Administrator
6 on or before August 1, 1995, and not less fre-
7 quently than every 2 years thereafter. Upon re-
8 ceipt of the report, the Administrator shall pub-
9 lish a report in the Federal Register for public
10 notice and comment and shall forward a copy of
11 the report to the Science Advisory Board.

12 (C) REVIEW BY THE SCIENCE ADVISORY
13 BOARD.—The Science Advisory Board shall re-
14 view each report submitted to the Administrator
15 pursuant to subparagraph (A) of this sub-
16 section by not later than 3 months after the
17 date of issuance of the report, and report the
18 findings of each Review to the Committee and
19 to the Administrator.

20 (D) PUBLIC REVIEW AND COMMENT.—The
21 Administrator shall allow at least 90 days for
22 public comment on any report and shall, within
23 3 months of the issuance of a report, submit all
24 comments received to the Committee.

1 (E) REVIEW BY COMMITTEE.—The Com-
2 mittee shall review the findings of the Science
3 Advisory Board, and the public comments and
4 shall by not later than 3 months after the date
5 of receipt of the findings and comments, revise
6 the content of the report to take into consider-
7 ation the findings of the Science Advisory
8 Board and the public comments, and submit
9 the revised report to the Administrator.

10 (F) REVISED REPORT.—The Administrator
11 shall make available copies of the revised report
12 to the individuals and entities referred to in
13 subsection (e).

14 (c) COMMITTEE ON ENVIRONMENTAL BENEFITS.—

15 (1) IN GENERAL.—The Administrator shall es-
16 tablish a Committee on Environmental Benefits
17 (hereafter in this subsection referred to as the
18 “Committee”) to provide expert advice on estimating
19 quantitative benefits of reducing risks and the quan-
20 titative costs of existing or proposed laws or regula-
21 tions. The Committee shall be independent from the
22 Science Advisory Board.

23 (2) MEMBERS.—

24 (A) IN GENERAL.—The Administrator
25 shall appoint 15 members to the Committee. In

1 making appointments to the Committee, the
2 Administrator shall request nominations from
3 the Association of Environmental and Resource
4 Economists and such other groups and individ-
5 uals as the Administrator determines to be ap-
6 propriate.

7 (B) REPRESENTATION.—The Adminis-
8 trator shall appoint a representative group of
9 individuals on the basis of their recognized ex-
10 pertise and ability in areas including economics,
11 engineering, public administration, health care,
12 risk communication, and such other specialties
13 related to risk management and risk assessment
14 as the Administrator considers to be appro-
15 priate.

16 (C) CONSIDERATIONS OF THE ADMINIS-
17 TRATOR.—In making the appointments, the Ad-
18 ministrator shall appoint members in such fash-
19 ion as to represent a balanced spectrum of ex-
20 pertise and ability. The Administrator shall
21 take such action as is necessary to ensure
22 that—

23 (i) the appointments are made only on
24 the basis of the criteria referred to in the

1 previous sentence, and not on other cri-
2 teria, such as political affiliation; and

3 (ii) each member appointed to the
4 Committee has no real or apparent conflict
5 of interest with respect to serving on the
6 Committee.

7 (D) LIST.—The Administrator shall pub-
8 lish a list of the individuals who supply nomina-
9 tions pursuant to this paragraph.

10 (3) TERMS.—

11 (A) INITIAL TERMS.—Members initially
12 appointed to the Committee shall serve for the
13 following terms:

14 (i) Five members shall serve for an
15 initial term of 2 years.

16 (ii) Five members shall serve for an
17 initial term of 4 years.

18 (iii) Five members shall serve for an
19 initial term of 6 years.

20 (B) SUBSEQUENT TERMS.—Upon comple-
21 tion of a term referred to under subparagraph
22 (A), each member of the Committee subse-
23 quently appointed or reappointed shall serve for
24 a term of 6 years. A vacancy on the Committee

1 shall be filled in the same manner as the ap-
2 pointment was made.

3 (4) CHAIRPERSON.—Members of the Committee
4 shall elect a chairperson from among the members.
5 The Chairperson shall serve for a term of 2 years.

6 (5) CRITERIA AND GUIDELINES.—The Commit-
7 tee shall establish appropriate criteria and guidelines
8 to carry out the duties of the Committee under para-
9 graph (6).

10 (6) DUTIES OF THE COMMITTEE.—The Com-
11 mittee shall estimate, to the extent practicable, the
12 monetary value, and such other values as the Com-
13 mittee determines to be appropriate, of—

14 (A) avoiding premature mortality;

15 (B) avoiding cancer, other diseases, birth
16 defects, and other health effects that reduce the
17 quality of life;

18 (C) preserving biological diversity and the
19 sustainability of ecological resources;

20 (D) an aesthetic environment;

21 (E) services performed by ecosystems
22 (such as flood mitigation, provision of food or
23 materials, or regulating the chemistry of the air
24 or water) that, if lost or degraded, would have
25 to be replaced by technology; and

1 (F) avoiding other risks identified by the
2 Committee.

3 (7) PUBLIC MEETINGS.—The Committee shall
4 hold open public meetings to solicit input from the
5 general public and such other sources as the Com-
6 mittee determines to be appropriate.

7 (8) REPORTS.—

8 (A) REPORTS TO THE ADMINISTRATOR.—
9 In accordance with this subsection, the Chair-
10 person of the Committee shall report to the Ad-
11 ministrator the findings of the Committee based
12 on the duties of the committee identified in
13 paragraph (6).

14 (B) FREQUENCY OF REPORTS.—The
15 Chairperson of the Committee shall report the
16 findings of the Committee to the Administrator
17 on or before August 1, 1995, and not less fre-
18 quently than every 2 years thereafter. Upon re-
19 ceipt of the report, the Administrator shall pub-
20 lish a report in the Federal Register for public
21 notice and comment and shall forward a copy of
22 the report to the Science Advisory Board.

23 (C) REVIEW BY SCIENCE ADVISORY
24 BOARD.—The Science Advisory Board shall re-
25 view each report submitted to the Administrator

1 and to Congress pursuant to paragraph (8) by
2 not later than 3 months after the date of issu-
3 ance of the report, and report the findings of
4 each review to the Committee and to the Ad-
5 ministrator.

6 (D) PUBLIC REVIEW AND COMMENT.—The
7 Administrator shall allow at least 90 days for
8 public comment on any report and shall, within
9 3 months of the issuance of a report, submit all
10 comments received to the Committee.

11 (E) REVIEW BY COMMITTEE.—The Com-
12 mittee shall review the findings of the Science
13 Advisory Board and the public comments, and
14 shall by not later than 3 months after the date
15 of receipt of the findings and comments, revise
16 the content of the report to take into consider-
17 ation the findings of the Science Advisory
18 Board and public comments, and submit the re-
19 vised report to the Administrator.

20 (F) REVISED REPORT.—The Administrator
21 shall make available copies of the revised report
22 to the individuals and entities referred to in
23 subsection (e).

24 (d) COMMITTEE ON COMMUNICATING RISK.—

1 (1) IN GENERAL.—The Administrator shall es-
2 tablish a Committee on Communicating Risk (here-
3 after in this subsection referred to as the “Commit-
4 tee”). The Committee shall be independent from the
5 Science Advisory Board.

6 (2) PURPOSE.—The Committee shall provide
7 expert advice on communicating to the public infor-
8 mation on risks in a manner that provides the public
9 accurate and understandable information about
10 those risks.

11 (3) MEMBERS.—

12 (A) IN GENERAL.—The Administrator
13 shall appoint 15 members to the Committee. In
14 making appointments to the Committee, the
15 Administrator shall request nominations from
16 the heads of the National Academy of Sciences,
17 the National Academy of Engineering, the As-
18 sistant to the President for Science and Tech-
19 nology, the Society for Risk Analysis, and such
20 other individuals as the Administrator deter-
21 mines to be appropriate.

22 (B) REPRESENTATION.—The Adminis-
23 trator shall appoint a representative group of
24 individuals on the basis of their recognized ex-
25 pertise and ability in communicating health and

1 risk information to the public, including edu-
2 cators, risk communications experts, opinion re-
3 search professionals, journalists, psychologists,
4 health educators and other specialists the Ad-
5 ministrator deems appropriate.

6 (C) CONSIDERATIONS OF THE ADMINIS-
7 TRATOR.—In making the appointments, the Ad-
8 ministrator shall appoint members so as to rep-
9 resent a balanced spectrum of expertise and
10 ability. The Administrator shall take such ac-
11 tion as is necessary to ensure that the appoint-
12 ments are made only on the basis of the criteria
13 referred to in the previous sentence, and not on
14 other criteria, such as political affiliation.

15 (4) TERMS.—

16 (A) INITIAL TERMS.—Members initially
17 appointed to the Committee shall serve for the
18 following terms:

19 (i) Five members shall serve for an
20 initial term of 2 years.

21 (ii) Five members shall serve for an
22 initial term of 4 years.

23 (iii) Five members shall serve for an
24 initial term of 6 years.

1 (B) SUBSEQUENT TERMS.—Upon comple-
2 tion of a term referred to under subparagraph
3 (A), each member of the Committee subse-
4 quently appointed or reappointed shall serve for
5 a term of 6 years. A vacancy on the Committee
6 shall be filled in the same manner as the ap-
7 pointment was made.

8 (5) CHAIRPERSON.—Members of the Committee
9 shall elect a Chairperson from among the members.
10 The Chairperson shall serve for a term of 2 years.

11 (6) CRITERIA AND GUIDELINES.—The Commit-
12 tee shall establish appropriate criteria and guidelines
13 to carry out the duties of the Committee under para-
14 graph (7).

15 (7) DUTIES.—The Committee shall—

16 (A) review the current procedures and pro-
17 grams of the Agency for providing information
18 to the public about public health and risks.

19 (B) Prepare guidelines for the Adminis-
20 trator on communicating risks to the public and
21 make recommendations on improvements to
22 specific Agency programs reviewed under sub-
23 paragraph (A) above.

24 (C) Through surveys or other methods
25 identify—

1 (i) areas of public concern about pub-
2 lic health and risk;

3 (ii) public misperceptions; and

4 (iii) generally what information the
5 public needs to know and wants to know to
6 make informed risk avoidance or other re-
7 sponsive decisions.

8 (D) Develop and implement strategies for
9 communicating to the public risk information
10 that will be developed by this Act, including but
11 not limited to—

12 (i) relative risk ranking information
13 and the list of greatest risks identified
14 under subsection (b)(7)(B);

15 (ii) the benefits valuation referred to
16 in subsection (c)(6); and

17 (iii) environmental monitoring data.

18 (8) PUBLIC MEETINGS.—The Committee shall
19 hold open public meetings to solicit input from the
20 general public and such other sources as the Com-
21 mittee determines to be appropriate.

22 (9) REPORTS.—

23 (A) REPORTS TO THE ADMINISTRATOR.—

24 In accordance with this subsection, the Chair-
25 person of the Committee shall report to the Ad-

1 administrator the findings of the Committee based
2 on the duties of the Committee identified in
3 paragraph (7).

4 (B) FREQUENCY OF REPORTS.—The
5 Chairperson of the Committee shall report the
6 findings of the Committee with respect to the
7 duties identified in paragraphs (7)(A), (B), and
8 (C) of this subsection to the Administration on
9 or before August 1, 1995, and not less fre-
10 quently than every 2 years thereafter. Upon re-
11 ceipt of the report, the Administrator shall for-
12 ward a copy of the report to the Science Advi-
13 sory Board.

14 (C) REVIEW BY THE SCIENCE ADVISORY
15 BOARD.—The Science Advisory Board shall re-
16 view each report submitted to the Administrator
17 pursuant to this subsection by not later than 3
18 months after the date of issuance of the report,
19 and report the findings of each review to the
20 Committee and to the Administrator.

21 (D) REVIEW BY COMMITTEE.—The Com-
22 mittee shall review the findings of the Science
23 Advisory Board and shall, by not later than 3
24 months after the date of receipt of the findings,
25 revise the content of the report to take into

1 consideration the findings of the Science Advi-
2 sory Board and submit the revised report to the
3 Administrator.

4 (E) REVISED REPORT.—The Administrator
5 shall make available copies of the revised report
6 to the individuals and entities referred to in
7 subsection (f).

8 (10) Within 6 months after release of the final
9 reports prepared under subsections (b) and (c) of
10 this section for which the Committee is required to
11 develop and implement communication strategies,
12 the Committee shall have developed such strategies
13 and begin implementation.

14 (e) COMPENSATION.—

15 (1) IN GENERAL.—Each member of a commit-
16 tee established under this section who is not an offi-
17 cer or employee of the Federal Government shall be
18 compensated at a rate not to exceed the daily equiv-
19 alent of the annual rate of basic pay prescribed for
20 level IV of the Executive Schedule under section
21 5315 of title 5, United States Code, for each day
22 (including travel time) during which the member is
23 engaged in the performance of the duties of the com-
24 mittee. Each member of a committee established
25 under this section who is an officer or employee of

1 the United States shall serve without compensation
2 in addition to that received for service as an officer
3 or employee of the United States.

4 (2) TRAVEL.—The members of the committees
5 established under this section shall be allowed travel
6 expenses, including per diem in lieu of subsistence,
7 at rates authorized for employees of agencies under
8 subchapter I of chapter 57 of title 5, United States
9 Code, while away from their homes or regular places
10 of business in the performance of services for the
11 Commission.

12 (f) FINDINGS.—To ensure extensive opportunities for
13 public participation and access, the Administrator shall
14 communicate the findings in the reports of the committees
15 and the Science Advisory Board reviews submitted to the
16 Administrator pursuant to this section to—

17 (1) Congress;

18 (2) such other Federal agencies as the Adminis-
19 trator determines to be appropriate;

20 (3) the governments of such States and political
21 subdivisions of States as the Administrator deter-
22 mines to be appropriate; and

23 (4) the general public.

24 (g) DISCLOSURE.—Each member of a committee es-
25 tablished under this section shall, as a condition to serving

1 on the committee, agree to fully disclose financial inter-
2 ests. The Administrator shall ensure that appropriate
3 measures are carried out to avoid any conflict of interest
4 with respect to a member.

5 (h) STUDIES.—The Administrator may enter into a
6 contract, execute an agreement, or issue a grant for carry-
7 ing out studies to generate information to assist a commit-
8 tee established under this section in efforts to rank relative
9 risks and estimate environmental benefits.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
11 out this section, there are authorized to be appropriated
12 to the Agency such sums as may be necessary for each
13 of fiscal years 1994 through 2000.

14 **SEC. 6. RISK ASSESSMENT GUIDELINES.**

15 (a) IN GENERAL.—

16 (1) RISK ASSESSMENTS.—To the extent prac-
17 ticable, the Administrator shall protect human
18 health and the environment by using careful risk as-
19 sessments and the evaluation of options for reducing
20 risks.

21 (2) PROHIBITION.—The Administrator may not
22 interpret or apply any provision of this Act in such
23 manner as to delay a pending regulatory decision
24 based on the outcome of research or analysis of the
25 Administrator.

1 (b) RISK ASSESSMENT GUIDELINES.—The Adminis-
2 trator shall develop, and revise as appropriate, guidelines
3 to ensure consistency and technical quality in risk assess-
4 ments by specifying such minimum standards for different
5 risk assessment approaches, as are appropriate for the
6 scale of the problem, the level of scientific understanding,
7 and the available data.

8 (c) INITIAL GUIDELINES.—The initial set of guide-
9 lines referred to in subsection (b) shall include risk assess-
10 ments involving—

- 11 (1) human mutagenicity;
- 12 (2) human carcinogenicity;
- 13 (3) human developmental toxicants;
- 14 (4) human reproductive effects;
- 15 (5) human systemic toxicants;
- 16 (6) ecological effects of sources of pollutants
17 from single sites;
- 18 (7) ecological effects of pollutants that originate
19 from many sites;
- 20 (8) ecological effects from physical alteration of
21 the environment;
- 22 (9) ecological effects of introducing nonnative
23 or genetically engineered organisms;
- 24 (10) pollutants affecting manmade materials;
- 25 and

1 (11) pollutants affecting the productivity of
2 soils.

3 (d) ADDITIONAL GUIDELINES.—The Administrator
4 shall develop such additional risk assessment guidelines as
5 the Administrator determines to be warranted—

6 (1) by the state of pertinent scientific under-
7 standing; and

8 (2) by the need for sound decisions to protect
9 human health, welfare, and the environment.

10 (e) MINIMUM REQUIREMENTS.—The risk assessment
11 guidelines developed under this section shall include how
12 to conduct the following:

13 (1) A hazard identification that demonstrates
14 whether exposure to a stressor is causally linked to
15 an effect.

16 (2) An assessment that measures or estimates
17 the exposure of well-defined individuals, habitats,
18 populations, ecosystems, or materials to a stressor.

19 (3) An assessment that determines or estimates
20 the magnitude of response of affected individuals,
21 habitats, populations, ecosystems, or materials asso-
22 ciated with different levels of exposure to a stressor
23 under representative or reasonably foreseeable envi-
24 ronmental conditions.

1 (4) A risk characterization that provides an
2 overall description of the nature and magnitude of
3 probable effects resulting from alternative risk man-
4 agement options (including no action), together with
5 a quantitative estimate of the accompanying uncer-
6 tainties.

7 (f) PUBLICATION IN THE FEDERAL REGISTER AND
8 REPORTS TO CONGRESS.—The Administrator shall—

9 (1) publish all initial risk assessment guidelines
10 referred to in subsection (c) in the Federal Register
11 not later than 5 years after the date of the enact-
12 ment of this Act, and report annually to Congress
13 on progress toward this goal and thereafter publish
14 such additional guidelines as are required under sub-
15 section (d) in the Federal Register as appropriate;

16 (2) ensure that the guidelines are reviewed by
17 the Science Advisory Board; and

18 (3) after taking into account the findings of the
19 review of the Science Advisory Board and public
20 comments, modify the guidelines and publish such
21 revised guidelines in the Federal Register as appro-
22 priate.

23 **SEC. 7. RISK ASSESSMENT RESEARCH.**

24 (a) IN GENERAL.—In order to provide the most cost-
25 effective use of environmental resources and to ensure that

1 the risk assessment process of the Agency is based on sta-
2 tistically sound and adequate environmental data and sci-
3 entific understanding, the Administrator shall conduct a
4 long-term core research program concerning environ-
5 mental risk assessment research.

6 (b) ENVIRONMENTAL MONITORING AND ASSESS-
7 MENT PROGRAM.—As part of the program referred to in
8 subsection (a), the Administrator shall conduct a research
9 program to—

10 (1) design and evaluate methods and networks
11 to collect monitoring data on the current and chang-
12 ing condition of the environment (including human
13 health, ecological resources, materials, and exposure
14 to environmental stressors) that are relevant to mak-
15 ing decisions at the Federal level about alternative
16 risk assessment and risk reduction options;

17 (2) in cooperation with the heads of other Fed-
18 eral agencies with relevant programs, implement the
19 monitoring programs referred to in paragraph (1);

20 (3) manage data from the monitoring programs
21 in forms and formats that are technically accurate,
22 objective, and readily accessible to the scientific com-
23 munity and the general public (including providing
24 attention to unavoidable uncertainties with respect
25 to the data and the interpretation of the data); and

1 (4) provide annual statistical reports and peri-
2 odic interpretive reports of the results of the mon-
3 itoring programs to Congress and the general public.

4 (c) ENVIRONMENTAL RISK ASSESSMENT RESEARCH
5 PROGRAM.—As part of the program referred to in sub-
6 section (a), the Administrator shall conduct a long-term
7 core program to establish a firm scientific basis for initial
8 and subsequent risk assessment guidelines, including
9 methods for—

10 (1) assessing the exposure of humans, ecological
11 resources, and materials to stressors and combina-
12 tions of stressors, including methods for determining
13 the relation between an environmental exposure and
14 the probability, scope, and seriousness of the effect;

15 (2) accurately predicting the effects of exposure
16 to stressors on human health, ecological resources,
17 and materials;

18 (3) quantifying statistical uncertainty in expo-
19 sure and stress-response estimates;

20 (4) quantifying the social and economic values
21 of effects on human health, welfare, and ecological
22 resources;

23 (5) evaluating and developing measurements to
24 aid in understanding and defining public awareness
25 of the likelihood, seriousness, magnitude, and

1 administrator shall, to the maximum extent practicable, use
2 the resources and personnel of the Agency.

3 (b) INTENT OF CONGRESS.—It is the intent of Con-
4 gress that the Administrator, in addition to using the re-
5 sources and personnel of the Agency pursuant to sub-
6 section (a), should aggressively solicit the advice of the
7 Science Advisory Board and such other specialists in sci-
8 entific fields as the Administrator determines to be appro-
9 priate to develop, evaluate, and interpret technical and sci-
10 entific information.

11 **SEC. 9. INTERAGENCY PANEL ON RISK ASSESSMENT AND**
12 **REDUCTION.**

13 (a) ESTABLISHMENT.—There is established an Inter-
14 agency Panel on Risk Assessment and Reduction (here-
15 after in this section referred to as the “Interagency
16 Panel”) for the purpose of coordinating Federal research,
17 data gathering, and implementation of environmental risk
18 assessment and risk reduction activities.

19 (b) MEMBERSHIP.—The Interagency Panel shall con-
20 sist of one representative from each of the following Fed-
21 eral agencies, nominated by the head of the agency (or
22 with respect to an individual described in paragraph (9),
23 nominated by the President Chairperson of the Commit-
24 tee, as appropriate) and appointed by the President:

25 (1) The Environmental Protection Agency.

1 (2) The Department of the Interior.

2 (3) The Department of Health and Human
3 Services.

4 (4) The Department of Energy.

5 (5) The Department of Commerce.

6 (6) The Department of Agriculture.

7 (7) The Department of Labor.

8 (8) The Corps of Engineers.

9 (9) The Public Health Service.

10 (10) Any other Federal department or agency
11 that the President, or the Chairperson of the Inter-
12 agency Panel, considers appropriate.

13 (c) CHAIRPERSON.—The member of the Interagency
14 Panel representing the Environmental Protection Agency
15 shall serve as the Chairperson of the Interagency Panel.

16 (d) COORDINATION.—The Interagency Panel shall
17 ensure that individual risk assessments and generic risk
18 assessment practices carried out by agencies of the Fed-
19 eral Government are coordinated and made consistent to
20 the greatest extent practicable.

21 (e) IDENTIFICATION OF INCONSISTENCIES.—The
22 Interagency Panel shall—

23 (1) identify any inconsistencies between the risk
24 assessments and practices carried out by Federal

1 agencies, and document the reasons for the incon-
2 sistencies; and

3 (2) make recommendations concerning whether
4 changes should be made in Federal laws or regula-
5 tions or in the practices of the Federal agencies to
6 minimize the inconsistencies, or whether the incon-
7 sistencies should be encouraged.

8 (f) REPORTS.—Not later than August 31, 1996, and
9 every 2 years thereafter, the Chairperson of the Inter-
10 agency Panel shall submit a report to the appropriate
11 committees of Congress that summarizes the findings and
12 recommendations of the Interagency Panel under this sec-
13 tion.

14 **SEC. 10. REPORTS TO CONGRESS.**

15 (a) ASSESSMENT OF ENVIRONMENTAL RISK REDUC-
16 TION OPTIONS.—Not later than 12 months after the date
17 of enactment of this Act, the Administrator shall prepare
18 and submit a report to Congress that includes—

19 (1) a prioritized list of the human health, wel-
20 fare, and ecological resource risks considered by the
21 Committee on Relative Risks established under sec-
22 tion 5(b);

23 (2) an identification of public awareness of the
24 likelihood, seriousness, magnitude, and irreversibility
25 of each risk referred to in paragraph (1);

1 (3) alternative options for reducing the risks re-
2 ferred to in paragraph (1) and corresponding esti-
3 mated costs and benefits to society, including costs
4 to Federal agencies and the private sector, and any
5 adverse effects that cannot (as of the date of the re-
6 port) be quantified in monetary terms;

7 (4) the period of time required for reducing the
8 risks through each option referred to in paragraph
9 (3);

10 (5) an evaluation of the uncertainty associated
11 with relevant aspects of the assessment process;

12 (6) an identification of research or data collec-
13 tion that would significantly reduce the uncertainty
14 in any assessment in the 2-year period following the
15 date of submission of the report to Congress; and

16 (7) such other recommendations as the Admin-
17 istrator determines to be appropriate.

18 (b) INTENT OF CONGRESS.—It is the intent of Con-
19 gress that the information contained in the annual report
20 under this section be used to assist in directing the activi-
21 ties of the Agency so as to result in reducing the most
22 serious and probable risks to the greatest number of indi-
23 viduals and reducing the most serious and probable risks
24 to the sustainability of ecological resources.

1 (c) DUTIES OF THE ADMINISTRATOR.—The Adminis-
 2 trator shall consider social and economic concerns and
 3 such other concerns as the Administrator considers to be
 4 appropriate to carry out this Act in a reasonable and pru-
 5 dent manner to ensure the protection of public health and
 6 the environment. In carrying out this Act, the Adminis-
 7 trator shall comply with applicable legal requirements and
 8 ensure that the activities of the Administrator are open
 9 to public inspection. Nothing in this Act is intended to
 10 delay the activities of the Administrator in carrying out
 11 responsibilities under other environmental laws.

12 (d) ONGOING ASSESSMENT.—The Administrator
 13 shall revise and update the report submitted under this
 14 section to reflect new data or scientific understanding not
 15 later than 2 years after submitting the initial report, and
 16 at least every 2 years thereafter.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18 Except as provided in sections 5 and 7, nothing in
 19 this Act shall constitute a new authorization for the appro-
 20 priation of funds.

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