

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4411

To establish national programs to provide for environmental response training and employment.

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IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1994

Mr. KLINK (for himself, Mr. KILDEE, and Mr. CLAY) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Education and Labor

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## A BILL

To establish national programs to provide for environmental response training and employment.

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; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
5        “National Environmental Training and Employment Act  
6        of 1994”.

7        (b) TABLE OF CONTENTS.—The table of contents is  
8        as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Authorization of appropriations.

TITLE I—NATIONAL ENVIRONMENTAL RESPONSE TRAINING PROGRAM

Subtitle A—Certification, Training, and Accreditation Program

- Sec. 101. Establishment.
- Sec. 102. Certification of environmental response employers.
- Sec. 103. Training of environmental response employees and emergency responders.
- Sec. 104. Accreditation of environmental training providers.

Subtitle B—Health and Safety Program

- Sec. 111. Establishment
- Sec. 112. Program requirement.

TITLE II—NATIONAL ENVIRONMENTAL RESPONSE EMPLOYMENT PROGRAM

- Sec. 201. Employment of women and minorities.
- Sec. 202. Training and employment of displaced DOD personnel.
- Sec. 203. Grants to environmental training providers.
- Sec. 204. Grants to joint labor-management training trust funds and labor organizations.
- Sec. 205. Grants to nonprofit veterans organizations.
- Sec. 206. Grants to nonprofit minority and womens organizations.

TITLE III—FEDERAL ENVIRONMENTAL COORDINATION COMMITTEE AND RELATED PROVISIONS

- Sec. 301. Federal environmental coordination committee.
- Sec. 302. Related provisions.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

- Sec. 401. Administration.
- Sec. 402. Enforcement.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) The Nation is confronted with significant  
4 risks to the environment and public health resulting  
5 from contamination due to hazardous substances  
6 and toxic substances, including asbestos-containing  
7 material and lead-based paint hazards.

8 (2) The environmental response to such sub-  
9 stances is enormous and will involve the expenditure

1 of large amounts of both private and public re-  
2 sources.

3 (3) To adequately address these environmental  
4 problems will require cooperation and coordination  
5 among Federal, State, and local governments, along  
6 with business and labor.

7 (4) The Federal Government shares a large  
8 part of the environmental burden with respect to  
9 polluted military bases and installations, nuclear  
10 weapons production facilities, public lands and or-  
11 phan hazardous waste sites.

12 (5) The Federal agencies involved in environ-  
13 mental response actions, as responsible parties and  
14 regulatory authorities, include the Department of  
15 Energy, Department of Defense, Department of the  
16 Interior, Department of Health and Human Serv-  
17 ices, Department of Housing and Urban Develop-  
18 ment, Department of Labor, Department of Trans-  
19 portation, the Federal Emergency Management  
20 Agency, the Agency for Toxic Substance Disease  
21 Registry, the National Institute for Occupational  
22 Safety and Health, and the Environmental Protec-  
23 tion Agency.

24 (6) Environmental response actions will require  
25 an entirely new, large, and well-trained work force,

1 which, in turn, represents new employment opportu-  
2 nities for the Nation.

3 (7) Environmental response actions will also re-  
4 quire a pool of highly qualified environmental re-  
5 sponse employers to undertake the clean-up effort.

6 (8) Through the expenditure of public funds  
7 and through its regulatory responsibilities, the Fed-  
8 eral Government will largely define this new and  
9 emerging environmental response industry.

10 (9) Environmental response is highly dangerous  
11 work which poses serious safety and health hazards  
12 to the workers involved, the surrounding commu-  
13 nities, and the environment as a whole.

14 (10) The responsibility for responding to envi-  
15 ronmental emergencies resulting from hazardous  
16 materials accidents has fallen almost exclusively on  
17 local fire departments which are severely  
18 understaffed and lack proper and adequate hazard-  
19 ous materials training and equipment.

20 (11) As of November 1993 there has been little  
21 coordination among the Federal agencies that carry  
22 out environmental response actions.

23 (12) There is also a lack of government-wide  
24 standards governing the training and safety and  
25 health of environmental response employees, environ-

1 mental response employers, emergency responders,  
2 and environmental training providers.

3 (13) As of November 1993 the responsible Fed-  
4 eral agencies have paid scant attention to environ-  
5 mental response issues.

6 (14) Past legislative actions on environmental  
7 response issues have resulted in several discrete na-  
8 tional response training program requirements, and  
9 such requirements have been developed and imple-  
10 mented independently with little coordination.

11 (b) PURPOSE.—The purpose of this Act is to ensure  
12 quality training, health and safety, and employment op-  
13 portunities for environmental response employees, environ-  
14 mental response employers, emergency responders, and  
15 environmental training providers.

16 **SEC. 3. DEFINITIONS.**

17 For purposes of this Act, the following definitions  
18 apply:

19 (1) ASBESTOS-CONTAINING MATERIAL.—The  
20 term “asbestos-containing material” has the mean-  
21 ing provided that term by section 202(4) of the  
22 Toxic Substances Control Act (15 U.S.C. 2642(4)).

23 (2) EMERGENCY RESPONDER.—The term  
24 “emergency responder” means a person who works

1 in the field of environmental emergency response.

2 The term includes the following:

3 (A) Full-time career fire fighters or emer-  
4 gency response personnel who are members of  
5 a local or State agency or an organized depart-  
6 ment with statutory responsibility for response  
7 to hazardous materials incidents on demand  
8 without regard to location.

9 (B) Part-time, seasonal, or reserve fire  
10 fighters or emergency response personnel who  
11 receive payment, including an annual stipend or  
12 payment on a per call or per hour basis. For  
13 purposes of this subparagraph, payment does  
14 not include indirect compensation such as in-  
15 surance or retirement benefits.

16 (C) Part-time, seasonal, or reserve fire  
17 fighters or emergency personnel who do not re-  
18 ceive payment other than indirect compensation  
19 such as insurance or retirement benefits.

20 (D) Contract fire fighters, including full  
21 time, paid fire fighters organized as an indus-  
22 trial fire brigade and employed by a corporate  
23 body, and maintenance engineering personnel  
24 who, as a function of their employment, are ex-  
25 pected to react or respond to a hazardous mate-

1           rial incident as an individual or a member of a  
2           team rather than a government agency and  
3           usually on a temporary basis.

4           (E) Employees of an employer engaged in  
5           clean-up operations at uncontrolled waste sites,  
6           sites covered by the Solid Waste Disposal Act,  
7           and treatment, storage, or disposal facilities  
8           who are intended to function as the on-site  
9           emergency response personnel in accordance  
10          with the employers emergency response plan.

11          (3) ENVIRONMENTAL EMERGENCY RE-  
12          SPONSE.—The term “environmental emergency re-  
13          sponse” means any action taken by an emergency  
14          responder in response to a release of a substance or  
15          material that poses an unreasonable risk to safety,  
16          health, or property, or to waterways and the envi-  
17          ronment.

18          (4) ENVIRONMENTAL RESPONSE.—The term  
19          “environmental response” or “environmental re-  
20          sponse action”—

21                 (A) with respect to a hazardous substance,  
22                 has the meaning provided the terms “respond”  
23                 and “response” in section 101(25) of the Com-  
24                 prehensive Environmental Response, Compensa-

1           tion, and Liability Act of 1980 (42 U.S.C.  
2           9601(25));

3           (B) with respect to asbestos-containing  
4           material, has the meaning provided the term  
5           “response action” by section 202(11) of the  
6           Toxic Substances Control Act (15 U.S.C.  
7           2642(11)); and

8           (C) with respect to a lead-based paint haz-  
9           ard, has the meaning provided the term “abate-  
10          ment” by section 401(1) of the Toxic Sub-  
11          stances Control Act (15 U.S.C. 2681(1)).

12          (5) ENVIRONMENTAL RESPONSE EMPLOYEE.—  
13          The term “environmental response employee” means  
14          an individual who is employed by an environmental  
15          response employer and who in the course of the indi-  
16          vidual’s employment is directly engaged in carrying  
17          out environmental response actions.

18          (6) ENVIRONMENTAL RESPONSE EMPLOYER.—  
19          The term “environmental response employer” means  
20          an individual or business entity who—

21                  (A) is or may be carrying out environ-  
22                  mental response actions directly, under con-  
23                  tract, subcontract, or otherwise; and

24                  (B) who uses one or more of its employees  
25                  in connection with such activity.

1           (7) ENVIRONMENTAL TRAINING PROVIDER.—  
2           The term “environmental training provider” means  
3           a person who provides or offers to provide training  
4           for environmental response employers, environmental  
5           response employees, and any other persons carrying  
6           out environmental response actions.

7           (8) HAZARDOUS SUBSTANCE.—The term “haz-  
8           ardous substance” has the meaning provided that  
9           term by section 101(14) of the Comprehensive Envi-  
10          ronmental Response, Compensation, and Liability  
11          Act of 1980 (42 U.S.C. 9601(15)).

12          (9) LEAD-BASED PAINT HAZARD.—The term  
13          “lead-based paint hazard” has the meaning provided  
14          that term by section 401(10) of the Toxic Sub-  
15          stances Control Act (15 U.S.C. 2681(10)).

16          (10) SECRETARY.—The term “Secretary”  
17          means the Secretary of Labor.

18 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

19          (a) AUTHORIZATION.—

20               (1) TITLES I, III, AND IV.—There are author-  
21               ized to be appropriated to carry out titles I, III, and  
22               IV not less than \$25,000,000 for each of the fiscal  
23               years 1995 through 2000.

24               (2) TITLE II.—There are authorized to be ap-  
25               propriated to carry out title II not less than

1       \$30,000,000 for each of the fiscal years 1995  
2       through 2000.

3       (b) OTHER FUNDS.—Notwithstanding any other pro-  
4 vision of law, amounts appropriated to carry out pro-  
5 grams, projects, or activities which are administered by  
6 the following Federal departments and agencies may be  
7 used to carry out this Act:

8           (1) The Department of Defense.

9           (2) The Department of Energy.

10          (3) The Department of Housing and Urban De-  
11 velopment.

12          (4) The Department of the Interior.

13          (5) The Department of Labor.

14          (6) The Environmental Protection Agency.

15          (7) The Department of Health and Human  
16 Services.

17       (c) AVAILABILITY.—Amounts appropriated pursuant  
18 to the authorization of appropriations under subsection  
19 (a), and amounts described under subsection (b) that are  
20 used to carry out this Act, are authorized to remain avail-  
21 able until expended.

1 **TITLE I—NATIONAL ENVIRON-**  
2 **MENTAL RESPONSE TRAIN-**  
3 **ING PROGRAM**

4 **Subtitle A—Certification, Training,**  
5 **and Accreditation Program**

6 **SEC. 101. ESTABLISHMENT.**

7 (a) IN GENERAL.—The Secretary shall establish a  
8 National Environmental Response Training Program for  
9 the purpose of—

10 (1) ensuring that environmental response em-  
11 ployers are certified to carry out environmental re-  
12 sponse actions in accordance with section 102;

13 (2) ensuring that environmental response em-  
14 ployees and emergency responders are trained by en-  
15 vironmental training providers to carry out environ-  
16 mental response actions and environmental emer-  
17 gency response actions, respectively, in accordance  
18 with section 103; and

19 (3) ensuring that environmental training pro-  
20 viders are accredited to provide such training in ac-  
21 cordance with section 104.

22 (b) REGULATIONS.—Not later than 1 year after the  
23 date of enactment of this Act, the Secretary, in consulta-  
24 tion with the Administrator of the Environmental Protec-  
25 tion Agency and the Secretary of Health and Human

1 Services (acting through the Director of the National In-  
2 stitute for Occupational Safety and Health), shall promul-  
3 gate final regulations to carry out subsection (a).

4 **SEC. 102. CERTIFICATION OF ENVIRONMENTAL RESPONSE**  
5 **EMPLOYERS.**

6 (a) IN GENERAL.—The Secretary shall establish a  
7 National Certification Program within the Department of  
8 Labor for the purpose of certifying environmental re-  
9 sponse employers to carry out environmental response ac-  
10 tions.

11 (b) CONDUCT OF PROGRAM.—

12 (1) IN GENERAL.—In carrying out the program  
13 established under subsection (a), the Secretary shall  
14 promulgate procedures for certifying environmental  
15 response employers. In the event a cooperative  
16 agreement exists with a State, the Secretary may  
17 provide that certification and licensing of such pro-  
18 viders may be undertaken by the State provided that  
19 the requirements for certification are no less strin-  
20 gent than those promulgated by the Secretary.

21 (2) REVOCATION OF CERTIFICATION.—The Sec-  
22 retary shall promulgate procedures for the revoca-  
23 tion or suspension certification of environmental  
24 response employers. Such procedures shall include  
25 provision for worker and citizen complaints.

1 **SEC. 103. TRAINING OF ENVIRONMENTAL RESPONSE EM-**  
2 **PLOYEES AND EMERGENCY RESPONDERS.**

3 (a) IN GENERAL.—The Secretary shall establish spe-  
4 cific programs to provide for the training of environmental  
5 response employees and emergency responders to carry  
6 out environmental response actions and environmental  
7 emergency response actions, respectively. Such training  
8 shall include the following:

9 (1) Hazardous waste site worker as defined by  
10 29 CFR 1910.120(e) pursuant to Title I of the  
11 Superfund Amendment and Reauthorization Act of  
12 1986. Such program shall be a minimum of 40  
13 hours which shall include a minimum of 18 hours  
14 hands-on training. The Secretary shall, in addition,  
15 consider the degree and range of risks encountered  
16 by different trades or categories of environmental re-  
17 sponse employees and shall be authorized to estab-  
18 lish additional training requirements for such trades  
19 or categories not to exceed 80 hours including up to  
20 30 hours of hands-on training.

21 (2) Hazardous waste site worker on-site train-  
22 ing as defined by 29 CFR 1910.120(e)13. Such pro-  
23 gram shall be a minimum of 36 hours of which 8  
24 hours shall be supervised field training at the spe-  
25 cific site.

1           (3) Hazardous waste site supervisor as defined  
2           by 29 CFR 1910.120(e)(4) which shall include (1)  
3           and (2) of this subsection plus an additional 8 hour  
4           supervisor specific training.

5           (4) Hazardous waste site worker and supervisor  
6           annual refresher training of at least 8 hour dura-  
7           tion.

8           (5) Treatment, storage, and disposal site work-  
9           ers as defined by 29 CFR 1910.120(p) shall be a  
10          minimum of 40 hours of which 8 hours shall be  
11          hands-on. Supervisors shall receive an additional 8  
12          hours training after successful completion of the  
13          worker course. Annual refresher training of at least  
14          8 hours shall be required.

15          (6) Emergency response personnel as defined by  
16          29 CFR 1910.120(q), 40 CFR 311, NFPA 471,  
17          472, 473, 600 and 1500 and The National Environ-  
18          mental Training and Employment Act of 1993,  
19          Section III Definitions, shall have the following min-  
20          imum training and meet at least the minimum re-  
21          quirements of the above listed standards in the fol-  
22          lowing manner:

23                  (A) Operations level: 40 hours to include  
24                  awareness level. Awareness level training alone

1 will not be considered appropriate training for  
2 fire fighters under this Act.

3 (B) Technician level: 80 hours additional  
4 beyond Operations level.

5 (C) Specialists level: 100 hours beyond  
6 technician level.

7 (D) Incident Commander: 16 hours beyond  
8 technician level.

9 (E) Annual refresher: 8 hours in all cat-  
10 egories.

11 (F) Site-specific: 24 hours site specific  
12 training including site survey for each hazard-  
13 ous waste site for which emergency response is  
14 planned and specific training required by the  
15 unique nature of the potential exposures.

16 (7) On-site emergency response personnel, as  
17 described in section 3(2)(E), shall have additional  
18 training specific to emergency response beyond that  
19 required by paragraphs (1) through (5) for their  
20 normal work assignment. Such training shall include  
21 at least the minimum requirements specified in sub-  
22 paragraphs (A), and (E), of paragraph (6).

23 (8) DOE environmental restoration workers  
24 shall be trained to the levels specified in (1) through  
25 (4) of this subsection plus an additional 40 hours.

1           (9) Contractor or other business entity which is  
2           the employer of those engaged in activities covered  
3           by this Act shall have a minimum of 8 hours train-  
4           ing which shall include the requirements of this Act,  
5           the applicable Occupational Safety and Health Ad-  
6           ministration, Environmental Protection Agency, and  
7           State regulations applicable to the activity covered  
8           by this Act in which the contractor intends to en-  
9           gage. The individual within the contractor or busi-  
10          ness entity required to be trained shall be the most  
11          senior individual in the organization who bears di-  
12          rect responsibility for the activity and shall at a min-  
13          imum be senior to the most senior management per-  
14          son in the organization actually working on the ac-  
15          tivity in the field.

16          (10) Such other additional training programs as  
17          may be appropriate to the purposes of this Act.

18          (b) CERTIFICATION.—

19               (1) IN GENERAL.—The Secretary shall promul-  
20               gate regulations for the certification of environ-  
21               mental response employees and emergency respond-  
22               ers. Such regulations shall be implemented by the  
23               Secretary, or by the appropriate State agency by  
24               agreement, provided the certification requirements  
25               are no less stringent than those specified by the Sec-

1       retary. The provisions for certification shall be based  
2       on the specific training requirements set forth in  
3       subsection (a). Training of workers for purpose of  
4       certification shall be undertaken only by accredited  
5       training providers as specified in this Act.

6               (2) TIME PERIOD AND OTHER REQUIRE-  
7       MENTS.—Certifications shall be for a period of two  
8       years. Biannual refresher training shall be required  
9       for renewal of certifications. The Secretary shall  
10       specify the minimum number of hours required for  
11       such refresher training.

12   **SEC. 104. ACCREDITATION OF ENVIRONMENTAL TRAINING**  
13               **PROVIDERS.**

14       (a) IN GENERAL.—The Secretary shall establish spe-  
15       cific requirements to provide for the accreditation of envi-  
16       ronmental training providers to provide training to envi-  
17       ronmental response employees and emergency responders  
18       to carry out environmental response actions and environ-  
19       mental emergency response actions, respectively. Such re-  
20       quirements shall include the following:

21               (1) Minimum requirements for the accreditation  
22       of such providers.

23               (2) Minimum training curriculum requirements  
24       for each of the training programs described in sec-  
25       tion 103.

1           (3) Minimum training hours for each such  
2 training program.

3           (4) Minimum hands-on training requirements  
4 for each such training program.

5           (5) Minimum trainee competency and pro-  
6 ficiency requirements for each such training pro-  
7 gram.

8           (6) Minimum requirements for training pro-  
9 gram quality control.

10          (7) Requirements for periodic re-accreditation  
11 of environmental training providers.

12          (8) Requirements for the issuance of certifi-  
13 cations to trainees successfully completing a course  
14 of instruction.

15          (9) Requirements for the periodic review of ac-  
16 credited environmental training providers and for  
17 revocation of accreditation.

18          (10) Requirements for minimum skill and expe-  
19 rience levels as a prerequisite for each requirement  
20 under this subsection.

21          (11) The environmental training provider shall  
22 establish and maintain a jobs placement component  
23 in the training program to ensure that individuals  
24 successfully completing the program are employed in  
25 work appropriate to the training received.

1 (b) ACCREDITATION OF TRAINING PROVIDERS.—The  
2 Secretary shall promulgate procedures for accreditation of  
3 environmental training providers. Such procedures shall  
4 require the provider to meet the requirements under sub-  
5 section (a). In the event a cooperative agreement exists  
6 with a State, the Secretary may provide that accreditation  
7 of such providers may be undertaken by the State provided  
8 that the requirements for accreditation and licensing are  
9 no less stringent than those promulgated by the Secretary.

10 (c) REVOCATION OF ACCREDITATION.—The Sec-  
11 retary shall promulgate procedures for the revocation or  
12 suspension of accreditation of environmental training pro-  
13 viders. Such procedures shall include provision for worker  
14 and citizen complaints.

## 15 **Subtitle B—Health and Safety** 16 **Program**

### 17 **SEC. 111. ESTABLISHMENT.**

18 The Secretary shall establish a dedicated national  
19 safety and health program covering those environmental  
20 response employees and emergency responders engaged in  
21 activities under this Act. Such program shall be developed  
22 and implemented in consultation with the Secretary of  
23 Health and Human Services (acting through the Director  
24 of the National Institute for Occupational Safety and

1 Health) and may, at the Secretary's discretion, be imple-  
2 mented and managed by such Institute.

3 **SEC. 112. PROGRAM REQUIREMENT.**

4 Such program shall include the following:

5 (1) The required use of a minimum standard  
6 medical examination protocol which shall be required  
7 of all those successfully completing any training pro-  
8 gram required by this Act including annual medical  
9 or emergency medical examinations thereafter while  
10 any such individual is engaged in work covered by  
11 this Act. Medical surveillance protocols for emer-  
12 gency responders covered by this Act shall at a mini-  
13 mum meet the medical surveillance requirements of  
14 National Fire Protection Association Standard 1500.

15 (2) A medical surveillance program to include  
16 all those successfully completing any training pro-  
17 gram required by this Act.

18 (3) A dedicated national injury/illness/fatality  
19 surveillance system covering all activities covered by  
20 this Act.

21 (4) An annual report to Congress on the Pro-  
22 gram required by this paragraph.

1 **TITLE II—NATIONAL ENVIRON-**  
2 **MENTAL RESPONSE EMPLOY-**  
3 **MENT PROGRAM**

4 **SEC. 201. EMPLOYMENT OF WOMEN AND MINORITIES.**

5 The Secretary shall establish a program for the pur-  
6 pose of ensuring the employment of minorities and women  
7 in those activities covered by this Act.

8 **SEC. 202. TRAINING AND EMPLOYMENT OF DISPLACED DOD**  
9 **PERSONNEL.**

10 The Secretary shall, in cooperation with the Secretary  
11 of Defense, establish a program directed toward ensuring  
12 the availability of training and employment in those activi-  
13 ties covered by this Act of military personnel displaced by  
14 Department of Defense department budget cuts and re-  
15 structuring.

16 **SEC. 203. GRANTS TO ENVIRONMENTAL TRAINING PROVID-**  
17 **ERS.**

18 The Secretary shall provide grants to public agencies  
19 and nonprofit employee organizations qualifying as ac-  
20 credited environmental training providers for the purpose  
21 of training emergency responder workers under this Act  
22 in environmental emergency response.

1 **SEC. 204. GRANTS TO JOINT LABOR-MANAGEMENT TRAIN-**  
2 **ING TRUST FUNDS AND LABOR ORGANIZA-**  
3 **TIONS.**

4 The Secretary shall provide grants to joint labor-  
5 management training trust funds and labor organizations  
6 which are accredited as training providers and which dem-  
7 onstrate access to the target population of environmental  
8 workers for the purpose of providing training and related  
9 activities for those workers subject to the provisions of this  
10 Act.

11 **SEC. 205. GRANTS TO NONPROFIT VETERANS ORGANIZA-**  
12 **TIONS.**

13 The Secretary shall provide grants to nonprofit veter-  
14 ans organizations to provide recruitment and counseling  
15 services to recently separated members of the military and  
16 other veterans in connection with such organizations work  
17 with joint labor-management training trust funds or labor  
18 organizations engaged in providing workers in basic skills  
19 and environmental response training.

20 **SEC. 206. GRANTS TO NONPROFIT MINORITY AND WOMENS**  
21 **ORGANIZATIONS.**

22 The Secretary shall provide grants to nonprofit mi-  
23 nority and womens organizations to provide recruitment  
24 and counseling services to minority and female applicants  
25 in connection with such organizations work with joint  
26 labor-management training trust funds or labor organiza-

1 tions engaged in providing workers in basic skills and envi-  
2 ronmental response training.

3 **TITLE III—FEDERAL ENVIRON-**  
4 **MENTAL COORDINATION**  
5 **COMMITTEE AND RELATED**  
6 **PROVISIONS**

7 **SEC. 301. FEDERAL ENVIRONMENTAL COORDINATION COM-**  
8 **MITTEE.**

9 (a) ESTABLISHMENT.—There is hereby established  
10 the Federal Environmental Coordination Committee (in  
11 this section referred to as the “Committee”).

12 (b) DUTIES.—The Committee shall provide inter-  
13 agency coordination of those activities prescribed for in  
14 this Act, including the coordination described in sub-  
15 sections (a) and (d), of section 302.

16 (c) MEMBERSHIP.—The Committee shall be com-  
17 posed of the following members:

18 (1) The Secretary of Defense.

19 (2) The Secretary of Energy.

20 (3) The Administrator of the Environmental  
21 Protection Agency.

22 (4) The Secretary of Housing and Urban Devel-  
23 opment.

24 (5) The Secretary of the Interior.

25 (6) The Secretary of Labor.

1 (7) The Secretary of Transportation.

2 (8) The Secretary of Health and Human Serv-  
3 ices.

4 (d) CHAIRPERSON.—The Secretary of Labor shall  
5 serve as the chairperson of the Committee.

6 (e) SUPPORT SERVICES.—The Secretary of Labor  
7 shall provide support services for the Committee.

8 **SEC. 302. RELATED PROVISIONS.**

9 (a) ENFORCEMENT THROUGH CONTRACTING AU-  
10 THORITY.—The Secretary, acting through the Committee,  
11 shall promulgate regulations implementing the provisions  
12 of this Act to be included in the contracting procedures  
13 of the United States. The Federal Acquisition Regulations  
14 as well as other regulations applicable to Federal agencies  
15 shall contain provisions for the implementation and en-  
16 forcement of the requirements of this Act.

17 (b) COOPERATION WITH STATES.—The Secretary  
18 may enter into cooperative agreements with States for the  
19 purpose of carrying out the provisions of this Act with re-  
20 spect to any State that has been approved by the Sec-  
21 retary, or the Administrator of Environmental Protection  
22 Agency to provide for the registration of hazardous waste,  
23 lead and asbestos abatement training providers. In the  
24 event of such agreement, the provisions of the State law

1 applicable to the compliance and enforcement of the train-  
2 ing provisions shall be applicable.

3 (c) ACCREDITATION AND CERTIFICATION/LICENSURE  
4 FEES.—The Secretary (or the State in the case of an au-  
5 thorized State program) shall impose a fee on persons op-  
6 erating training programs accredited under this Act and  
7 contractors or business entities certified or licensed under  
8 provisions of this Act. The fees shall be established at a  
9 level to cover the costs associated with the administration  
10 and enforcement of regulations under this section which  
11 are applicable to such programs and contractors. Fees  
12 shall not be imposed on any State, local government, or  
13 nonprofit training program.

14 (d) ENVIRONMENTAL WORK FORCE RESEARCH AND  
15 STUDIES.—The Secretary, in cooperation with the Com-  
16 mittee shall undertake a program of research and studies  
17 relating to the long-term environmental work force re-  
18 quirements as well as the training needs to assure safety  
19 and health of workers in connection with new technologies  
20 and methodologies.

## 21 **TITLE IV—ADMINISTRATION** 22 **AND ENFORCEMENT**

### 23 **SEC. 401. ADMINISTRATION.**

24 The Secretary shall promulgate regulations to carry  
25 out the provisions of this Act, including provisions for the

1 filing of reports by employers, the collection of data rel-  
2 evant to the enforcement of this Act, and procedures for  
3 enforcement.

4 **SEC. 402. ENFORCEMENT.**

5 (a) **IN GENERAL.**—The Secretary may seek judicial  
6 relief against any employer who fails to comply with the  
7 provision of this Act, including the seeking of an injunctive  
8 relief to require compliance with the training provisions  
9 of this Act. For purposes of enforcement and injunctive  
10 relief, the provisions of section 17 of the Fair Labor  
11 Standards Act of 1938 shall apply.

12 (b) **CIVIL MONEY PENALTIES.**—The Secretary may  
13 also seek civil money penalties for the failure to comply  
14 with the Act. The provisions of section 16(e) of the Fair  
15 Labor Standards Act of 1938 and the regulations promul-  
16 gated thereto shall be followed with respect to the proce-  
17 dures for assessing civil money penalties and the adminis-  
18 trative proceedings to be followed.

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