

104TH CONGRESS
2D SESSION

H. R. 3293

To amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) to establish a screening program for estrogenic substances.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

Mrs. LOWEY introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To amend title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) to establish a screening program for estrogenic substances.

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 “Safe Drinking Water
5 Estrogenic Substances Screening Program Act”.

1 **SEC. 2. SAFE DRINKING WATER ACT; ESTABLISHMENT OF**
2 **SCREENING PROGRAM FOR ESTROGENIC**
3 **SUBSTANCES.**

4 Title XIV of the Public Health Service Act (com-
5 monly known as the Safe Drinking Water Act) (42 U.S.C.
6 300f et seq.), as amended by Public Law 104–66, is
7 amended in section 1442 by adding at the end the follow-
8 ing subsection:

9 “(f) SCREENING PROGRAM.—

10 “(1) DEVELOPMENT.—Not later than 1 year
11 after the date of enactment of this subsection, the
12 Administrator shall develop a screening program,
13 using appropriate validated test systems, to deter-
14 mine whether certain substances may have an effect
15 in humans that is similar to an effect produced by
16 a naturally occurring estrogen, or such other endo-
17 crine effect as the Administrator may designate.

18 “(2) IMPLEMENTATION.—Not later than 2
19 years after the date of enactment of this subsection,
20 after obtaining review of the screening program de-
21 scribed in paragraph (1) by the scientific advisory
22 panel established under section 25(d) of the Act of
23 June 25, 1947 (chapter 125), and the Science Advi-
24 sory Board established by section 8 of the Environ-
25 mental Research, Development, and Demonstration

1 Act of 1978 (42 U.S.C. 4365), the Administrator
2 shall implement the program.

3 “(3) SUBSTANCES.—In carrying out the screen-
4 ing program described in paragraph (1), the Admin-
5 istrator shall provide for the testing of all active and
6 inert ingredients used in products described in sec-
7 tion 103(e) of the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9603(e)), and may provide for the testing of
10 any other substance if the Administrator determines
11 that a widespread population may be exposed to the
12 substance.

13 “(4) EXEMPTION.—Notwithstanding paragraph
14 (3), the Administrator may, by regulation, exempt
15 from the requirements of this subsection a biologic
16 substance or other substance if the Administrator
17 determines that the substance does not have any ef-
18 fect in humans similar to an effect produced by a
19 naturally occurring estrogen.

20 “(5) COLLECTION OF INFORMATION.—

21 “(A) IN GENERAL.—The Administrator
22 shall issue an order to a person that manufac-
23 tures a substance for which testing is required
24 under this subsection to conduct testing in ac-
25 cordance with the screening program described

1 in paragraph (1), and submit information ob-
2 tained from the testing to the Administrator,
3 within a time period that the Administrator de-
4 termines is sufficient for the generation of the
5 information.

6 “(B) FAILURE TO SUBMIT INFORMA-
7 TION.—

8 “(i) SUSPENSION.—If a person re-
9 ferred to in subparagraph (A) fails to sub-
10 mit the information required under such
11 subparagraph within the time period estab-
12 lished by the order, the Administrator shall
13 issue a notice of intent to suspend the sale
14 or distribution of the substance by the per-
15 son. Any suspension proposed under this
16 subparagraph shall become final at the end
17 of the 30-day period beginning on the date
18 that the person receives the notice of in-
19 tent to suspend, unless during that period
20 a person adversely affected by the notice
21 requests a hearing or the Administrator
22 determines that the person referred to in
23 subparagraph (A) has complied fully with
24 this paragraph.

1 “(ii) HEARING.—If a person requests
2 a hearing under clause (i), the hearing
3 shall be conducted in accordance with sec-
4 tion 554 of title 5, United States Code.
5 The only matter for resolution at the hear-
6 ing shall be whether the person has failed
7 to submit information required under this
8 paragraph. A decision by the Adminis-
9 trator after completion of a hearing shall
10 be considered to be a final agency action.

11 “(iii) TERMINATION OF SUSPEN-
12 SIONS.—The Administrator shall terminate
13 a suspension under this subparagraph is-
14 sued with respect to a person if the Ad-
15 ministrator determines that the person has
16 complied fully with this paragraph.

17 “(6) AGENCY ACTION.—In the case of any sub-
18 stance that is found to have a potential adverse ef-
19 fect on humans as a result of testing and evaluation
20 under this subsection, the Administrator shall take
21 such action, including appropriate regulatory action
22 by rule or by order under statutory authority avail-
23 able to the Administrator, as is necessary to ensure
24 the protection of public health.

1 “(7) REPORT TO CONGRESS.—Not later than 4
2 years after the date of enactment of this subsection,
3 the Administrator shall prepare and submit to Con-
4 gress a report containing—

5 “(A) the findings of the Administrator re-
6 sulting from the screening program described in
7 paragraph (1);

8 “(B) recommendations for further testing
9 and research needed to evaluate the impact on
10 human health of the substances tested under
11 the screening program; and

12 “(C) recommendations for any further ac-
13 tions (including any action described in para-
14 graph (6)) that the Administrator determines
15 are appropriate based on the findings.”.

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