

Union Calendar No. 396

103D CONGRESS
2D SESSION

H. R. 2919

[Report No. 103-719]

A BILL

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

SEPTEMBER 13, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. KENNEDY introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 13, 1994

Additional sponsors: Mr. WAXMAN, Mr. SANDERS, Mr. FOGLIETTA, Mr. McDERMOTT, Ms. WATERS, Mr. HILLIARD, Mr. EVANS, and Mr. WYNN

SEPTEMBER 13, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on August 6, 1993]

A BILL

To amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Indoor Air Act of 1994”.*

3 **SEC. 2. COORDINATION.**

4 *The Administrator shall consult and coordinate with*
5 *the Secretary of Labor, the Secretary of Energy, the Direc-*
6 *tor of the National Institute for Occupational Safety and*
7 *Health, the Consumer Product Safety Commission, and*
8 *other appropriate agencies in implementing this Act.*

9 **SEC. 3. GUIDELINES FOR IDENTIFYING, REDUCING, AND**
10 **PREVENTING SIGNIFICANT INDOOR AIR**
11 **HEALTH RISKS.**

12 *(a) LIST.—Not later than 4 years after the enactment*
13 *of this Act, the Administrator shall, after notice and oppor-*
14 *tunity of at least 90 days for public comment, publish a*
15 *list of common significant indoor air health risks. In identi-*
16 *fying a common significant indoor air health risk, the Ad-*
17 *ministrator shall use the best reasonably available scientific*
18 *data.*

19 *(b) GUIDELINES.—Concurrently with the listing of*
20 *each common significant indoor air health risk under sub-*
21 *section (a), the Administrator shall, after notice and oppor-*
22 *tunity of at least 90 days for public comment, publish vol-*
23 *untary guidelines for identifying, reducing, and preventing*
24 *the common significant indoor air health risk. Such guide-*
25 *lines may include information and a range of recommenda-*
26 *tions for operation and maintenance of existing buildings,*

1 *the design and construction of new buildings, building ren-*
2 *ovation, and such other activities as necessary to identify*
3 *and reduce or prevent the common significant indoor air*
4 *health risks listed under subsection (a). The guidelines shall*
5 *achieve significant risk reduction, be technologically achiev-*
6 *able and readily implementable, take into consideration*
7 *safety, energy, and other relevant factors, include an assess-*
8 *ment of their effectiveness and cost, and be based on avail-*
9 *able research and expertise and the study priorities estab-*
10 *lished by the Administrator pursuant to subsection (e).*

11 *(c) REVIEW AND REVISION.—The Administrator shall*
12 *periodically review and, as necessary, after notice and op-*
13 *portunity of at least 90 days for public comment, revise*
14 *the list of common significant indoor air health risks and*
15 *the guidelines published under this section. At a minimum,*
16 *a review and revision shall be completed not later than 4*
17 *years after the initial publication of the list and guidelines.*

18 *(d) CONSISTENCY WITH INDOOR AIR REGULATIONS OF*
19 *OTHER FEDERAL AGENCIES.—The Administrator shall,*
20 *after consultation with the Secretary of Labor, insure that*
21 *the guidelines under this section are fully consistent with*
22 *any Federal workplace regulations addressing indoor air*
23 *quality risks. The guidelines may recommend such addi-*
24 *tional voluntary actions as may be necessary to protect per-*
25 *sons other than workers covered by such regulations from*

1 *common significant indoor air health risks listed under sub-*
2 *section (a). The Administrator shall, after consultation with*
3 *the Secretary of Energy, insure that the guidelines under*
4 *this section are consistent with applicable energy conserva-*
5 *tion and efficiency laws and regulations administered by*
6 *the Secretary.*

7 *(e) PRIORITY FOR INDOOR AIR HEALTH STUDIES.—*
8 *The Administrator shall, subject to the availability of ap-*
9 *propriations and using existing authorities, give priority*
10 *to conducting and providing financial or other assistance*
11 *to studies concerning indoor air quality, including the fol-*
12 *lowing:*

13 *(1) Human exposure to indoor air pollutants,*
14 *including baseline levels of exposure in various types*
15 *of buildings.*

16 *(2) The sources of indoor air pollutants.*

17 *(3) The effects on human health of indoor air*
18 *pollutants, including additive, cumulative, and syner-*
19 *gistic effects on the general population and sub-*
20 *populations particularly at risk.*

21 *(4) Methods for identifying, reducing, and pre-*
22 *venting common significant indoor air health risks.*

23 *Appropriate studies, such as those under paragraph (1) and*
24 *(3), shall be subject to peer review.*

1 **SEC. 4. INDOOR AIR CONTRACTORS.**

2 (a) *REPORT.*—Not later than 2 years after the com-
3 mencement of fiscal year 1996, and after notice and oppor-
4 tunity of at least 90 days for public comment, the Adminis-
5 trator shall submit a report to Congress on persons operat-
6 ing contractor businesses engaged in the identification, re-
7 duction, and prevention of significant indoor air health
8 risks. Such report shall identify the types or classes of con-
9 tractors regularly engaged in identifying and reducing or
10 preventing significant indoor air health risks and shall de-
11 termine the need for a program to certify contractors en-
12 gaged in 1 or more activities relating to the identification
13 and reduction or prevention of significant indoor air health
14 risks, taking into account costs, benefits, the availability of
15 persons with adequate training, experience, and expertise,
16 the funds needed for such a program, and other relevant
17 factors. The report shall also consider whether such a pro-
18 gram should be carried out by the Administrator directly
19 or by contract, or by another Federal agency or by State
20 or local government.

21 (b) *CERTIFICATION.*—(1) Based on the report under
22 subsection (a), not later than 2 years after the report re-
23 quired by subsection (a) is submitted to Congress, and after
24 notice and opportunity of at least 90 days for public com-
25 ment, the Administrator shall establish a program to pro-
26 vide for the certification of contractors engaged on a regular

1 *basis in the identification of common significant indoor air*
2 *health risks. Based on the report under subsection (a), and*
3 *after notice and opportunity of at least 90 days for public*
4 *comment, the Administrator may also establish a program*
5 *to certify appropriate contractors engaged in the reduction*
6 *or prevention of common significant indoor air health risks.*

7 (2) *No person may be certified under any program es-*
8 *tablished under paragraph (1) unless, at a minimum—*

9 (A) *such person demonstrates an ability to com-*
10 *ply with the guidelines established under section 3;*
11 *and*

12 (B) *individuals engaged in the identification, re-*
13 *duction, or prevention of common significant indoor*
14 *air health risks on behalf of such person complete an*
15 *appropriate course of training, as defined by the Ad-*
16 *ministrator.*

17 *Persons certified under this subsection shall comply with*
18 *the guidelines under section 3 when engaged in the identi-*
19 *fication, reduction, or prevention of common significant in-*
20 *door air health risks.*

21 (c) *FEES.—A reasonable nondiscriminatory annual*
22 *fee for the certification of persons under this section shall*
23 *be imposed by the Administrator or by such other agency*
24 *or contractor that operates the program. The fee shall be*
25 *periodically established at such level as is necessary to cover*

1 *all costs of the certification program under this section.*
2 *Such fees shall be structured such that a person's liability*
3 *for such fees is reasonably based on the proportion of the*
4 *program's operating costs that relate to such person, and*
5 *such person's liability for such fees shall not be based on*
6 *the income of such person. Such fees, if collected by the Ad-*
7 *ministrator, shall be available, subject to appropriations,*
8 *to the Administrator to pay for such costs or to reimburse*
9 *another Federal agency or a State or local government. The*
10 *collection and use of fees shall be audited by the Adminis-*
11 *trator.*

12 *(d) SUSPENSION OR REVOCATION.—The Adminis-*
13 *trator may suspend or revoke any certification issued under*
14 *this section whenever the Administrator determines, after*
15 *notice of at least 60 days to such person, that the holder*
16 *of the certification has violated any requirement of this sec-*
17 *tion or condition of such certification. Any person whose*
18 *certification is proposed to be suspended or revoked, or*
19 *whose certification is denied, by the Administrator shall be*
20 *entitled to an administrative hearing.*

21 *(e) PARTICIPATION.—Participation in the certification*
22 *program under this section shall be voluntary.*

23 **SEC. 5. PUBLIC AWARENESS.**

24 *(a) INFORMATION.—The Administrator shall publish*
25 *and disseminate—*

1 (1) *the list of common significant indoor air*
2 *health risks under section 3,*

3 (2) *the guidelines under section 3 for identifying,*
4 *reducing, and preventing common significant indoor*
5 *air health risks, and*

6 (3) *the indoor air health advisories under sub-*
7 *section (b).*

8 (b) *INDOOR AIR HEALTH ADVISORIES.*—*The Adminis-*
9 *trator shall, after notice and opportunity of at least 90 days*
10 *for public comment, and after review and comment by the*
11 *Science Advisory Board, publish health advisories address-*
12 *ing the health effects of common significant indoor air*
13 *health risks. Each health advisory shall, at a minimum—*

14 (1) *describe the adverse human health effects of*
15 *a common significant indoor air health risk, includ-*
16 *ing the risk to vulnerable subpopulations;*

17 (2) *characterize the causes of the significant in-*
18 *door air health risk; and*

19 (3) *summarize the guidelines under section 3 for*
20 *identifying, reducing, and preventing the significant*
21 *indoor air health risk.*

22 *The Administrator shall publish a health advisory for a*
23 *common significant indoor air health risk at the same time*
24 *that the Administrator publishes guidelines for such health*
25 *risk under section 3.*

1 **SEC. 6. HEALTHY BUILDINGS PROGRAM.**

2 *The Administrator shall, after notice and opportunity*
3 *of at least 90 days for public comment, develop a voluntary*
4 *program to provide Federal recognition to buildings that*
5 *are operated and maintained, taking into consideration all*
6 *uses of the building, to prevent or minimize common sig-*
7 *nificant indoor air health risks in an exemplary manner*
8 *while at the same time providing significant energy effi-*
9 *ciency benefits and for which there are no outstanding in-*
10 *door air quality citations by other agencies. Such recogni-*
11 *tion shall be based on objective, nondiscriminatory criteria.*

12 **SEC. 7. STATE AND LOCAL INDOOR AIR HEALTH GRANTS.**

13 *(a) IN GENERAL.—The Administrator may provide*
14 *grants to States and to local governments to develop and*
15 *implement programs proposed by any such State or local*
16 *government to identify, reduce, and prevent common sig-*
17 *nificant indoor air health risks.*

18 *(b) FEDERAL SHARE OF FUNDING.—The Federal share*
19 *of grants under this section shall not exceed 75 percent of*
20 *the costs incurred in developing and implementing such*
21 *programs. Such share shall be based on the availability of*
22 *funds appropriated annually and shall supplement State*
23 *funds for this purpose. The Administrator, in making such*
24 *grants, shall seek to treat all States equitably.*

1 **SEC. 8. BUILDING HEALTH ASSESSMENT PROGRAM.**

2 (a) *AUTHORITY.*—The Director of the National Insti-
3 tute for Occupational Safety and Health shall implement
4 a Building Assessment Program to provide assistance and
5 guidance to employers and employees on measures to reduce
6 significant indoor air health risks.

7 (b) *SELECTION OF BUILDINGS FOR ASSESSMENT.*—An
8 assessment may be initiated in response to a request from
9 any employer or employee (including an authorized rep-
10 resentative of the employee) submitted to the Director for
11 a building assessment. In making such voluntary assess-
12 ment, the Director shall have the authority, pursuant to
13 such request, to conduct on-site assessments of individual
14 buildings, including Federal, State, and municipal build-
15 ings. In selecting a building for assessment pursuant to
16 such request, the Director shall consider (1) the seriousness
17 and extent of significant indoor air health risks, and (2)
18 the potential for the building assessment to expand knowl-
19 edge of building assessment methods and response measures.

20 (c) *ASSESSMENT ELEMENTS.*—Assessments shall in-
21 clude, at a minimum, identification of (1) probable signifi-
22 cant indoor air health risks, (2) probable sources and health
23 effects of identified significant indoor air health risks, and
24 (3) in cases where a probable health risk has been identified,
25 measures for eliminating, controlling, or reducing signifi-
26 cant indoor air health risks. If there are applicable guide-

1 *lines under section 3, the measures included in the assess-*
2 *ment shall be consistent with the guidelines, unless the Di-*
3 *rector adequately explains otherwise.*

4 (d) *REPORTS.—The Director shall prepare and pro-*
5 *vide a report to the employer, employees (and the authorized*
6 *representative of the employees), and the building owner or*
7 *representative as promptly as possible.*

8 **SEC. 9. DISCLAIMER.**

9 *Nothing in this Act shall affect the Administrator's au-*
10 *thority under other provisions of law to conduct research,*
11 *development, or demonstration projects relating to indoor*
12 *air quality or be construed as providing new authority to*
13 *conduct research, development, or demonstrations. Nothing*
14 *in this Act shall be construed as applying to motor vehicles*
15 *of any kind.*

16 **SEC. 10. RELATION TO OTHER LAW.**

17 (a) *STATE AND LOCAL AUTHORITY.—Nothing in this*
18 *Act shall preempt any Federal, State, or local law or rule*
19 *of law which is more protective of human health than this*
20 *Act.*

21 (b) *OCCUPATIONAL SAFETY AND HEALTH.—In exercis-*
22 *ing any authority under this Act, the Administrator shall*
23 *not, for purposes of section 4(b)(1) of the Occupational Safe-*
24 *ty and Health Act of 1970, be deemed to be exercising statu-*

1 tory authority to prescribe or enforce standards or regula-
2 tions affecting occupational safety and health.

3 (c) *RELATIONSHIP TO OTHER EPA AUTHORITIES.*—
4 The Administrator shall insure that any action under this
5 Act is consistent with, and does not duplicate, actions of
6 the Administrator under other authority of law addressing
7 indoor air quality. Except as provided in section 4, nothing
8 in this Act shall be construed as authorizing the Adminis-
9 trator to exercise any authority to prescribe or enforce any
10 standards or regulations regarding common significant in-
11 door air health risks.

12 **SEC. 11. REPORTS.**

13 Not later than 2 years after the commencement of fiscal
14 year 1996 and every 2 years thereafter, the Administrator
15 shall submit to the Congress a report on the activities car-
16 ried out by the Administrator pursuant to this Act.

17 **SEC. 12. RISK ANALYSIS AND PRESENTATION.**

18 (a) *GOAL.*—It is the intent of Congress that risk assess-
19 ments conducted under this Act be conducted in accordance
20 with sound, unbiased, and objective scientific practices.

21 (b) *PUBLIC DOCUMENTS.*—The Administrator, in car-
22 rying out the Administrator's responsibilities under this
23 Act, shall ensure that the presentation of information on
24 significant indoor air health risks is unbiased and inform-
25 ative. To the extent feasible, documents made available to

1 *the general public which describe the degree of risk from*
2 *exposure shall, at a minimum, characterize the population*
3 *or populations addressed by any risk estimates; state the*
4 *expected risk for the specific population; and state the rea-*
5 *sonable range of uncertainty.*

6 **SEC. 13. DEFINITIONS.**

7 *For the purposes of this Act:*

8 *(1) The term “Administrator” means the Admin-*
9 *istrator of the Environmental Protection Agency.*

10 *(2) The term “significant indoor air health risk”*
11 *means a level of indoor air pollutants, or a condition*
12 *that may result in a level of indoor air pollutants,*
13 *that, based on adequate scientific and technical evi-*
14 *dence and measurement, is reasonably anticipated to*
15 *adversely affect human health.*

16 *(3) The term “indoor air pollutant” means any*
17 *substance or biological organism which is emitted*
18 *into, or otherwise enters, air of any kind in a build-*
19 *ing, structure, or facility.*

20 *(4) The term “person” includes an individual, a*
21 *corporation, partnership, association, State, munici-*
22 *pality, political subdivision of a State, and any agen-*
23 *cy, department, or instrumentality of the executive,*
24 *legislative or judicial branch of the Government of the*

1 *United States or of any State and any officer, agent*
2 *or employee thereof.*

3 *(5) The term "State" includes the District of Co-*
4 *lumbia, Puerto Rico, the Virgin Islands, Guam,*
5 *American Samoa, and the Commonwealth of the*
6 *Northern Maraiiana Islands.*

7 **SEC. 14. AUTHORIZATIONS.**

8 *There are authorized to be appropriated such sums as*
9 *may be necessary to carry out this Act.*

Amend the title so as to read: "A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors."