

105TH CONGRESS  
1ST SESSION

# S. 599

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 16, 1997

Mrs. BOXER (for herself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, 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 “Children’s Environ-  
5 mental Protection Act”.

6 **SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.**

7 The Toxic Substances Control Act (15 U.S.C. 2601  
8 et seq.) is amended by adding at the end the following:

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1       **“TITLE V—ENVIRONMENTAL**  
2       **PROTECTION FOR CHILDREN**

3       **“SEC. 501. FINDINGS AND POLICY.**

4       “(a) FINDINGS.—Congress finds that—

5               “(1) public health and safety depends on citi-  
6               zens and local officials knowing the toxic dangers  
7               that exist in their homes, communities, and neigh-  
8               borhoods;

9               “(2) children and other vulnerable subpopula-  
10              tions are more at risk from environmental pollutants  
11              than adults and therefore face unique health threats  
12              that need special attention;

13              “(3) risk assessments of pesticides and other  
14              environmental pollutants conducted by the Environ-  
15              mental Protection Agency do not clearly differentiate  
16              between the risks to children and the risks to adults;

17              “(4) a study conducted by the National Acad-  
18              emy of Sciences on the effects of pesticides in the  
19              diets of infants and children concluded that ap-  
20              proaches to risk assessment typically do not consider  
21              risks to children and, as a result, current standards  
22              and tolerances often fail to adequately protect in-  
23              fants and children;

24              “(5) data are lacking that would allow adequate  
25              quantification and evaluation of child-specific and

1 other vulnerable subpopulation-specific susceptibility  
2 and exposure to environmental pollutants;

3 “(6) data are lacking that would allow adequate  
4 quantification and evaluation of child-specific and  
5 other vulnerable subpopulation-specific bioaccumula-  
6 tion of environmental pollutants; and

7 “(7) the absence of data precludes effective gov-  
8 ernment regulation of environmental pollutants, and  
9 denies individuals the ability to exercise a right to  
10 know and make informed decisions to protect their  
11 families.

12 “(b) POLICY.—It is the policy of the United States  
13 that—

14 “(1) all environmental and public health stand-  
15 ards set by the Environmental Protection Agency  
16 must, with an adequate margin of safety, protect  
17 children and other vulnerable subpopulations that  
18 are at greater risk from exposure to environmental  
19 pollutants;

20 “(2) information, including a safer-for-children  
21 product list, should be made readily available by the  
22 Environmental Protection Agency to the general  
23 public and relevant Federal and State agencies to  
24 advance the public’s right-to-know, and allow the

1 public to avoid unnecessary and involuntary expo-  
2 sure;

3 “(3) not later than 1 year after the safer-for-  
4 children list is created, only listed products or  
5 chemicals that minimize potential health risks to  
6 children shall be used in Federal properties and  
7 areas; and

8 “(4) scientific research opportunities should be  
9 identified by the Environmental Protection Agency,  
10 the Department of Health and Human Services (in-  
11 cluding the National Institute of Environmental  
12 Health Sciences and the Agency for Toxic Sub-  
13 stances and Disease Registry), the National Insti-  
14 tutes of Health, and other Federal agencies, to study  
15 the short-term and long-term health effects of cumu-  
16 lative, simultaneous, and synergistic exposures of  
17 children and other vulnerable subpopulations to envi-  
18 ronmental pollutants.

19 **“SEC. 502. DEFINITIONS.**

20 “In this title:

21 “(1) AREAS THAT ARE REASONABLY ACCES-  
22 SIBLE TO CHILDREN.—The term ‘areas that are rea-  
23 sonably accessible to children’ means homes, schools,  
24 day care centers, shopping malls, movie theaters,  
25 and parks.

1           “(2) CHILDREN.—The term ‘children’ means  
2 individuals who are 18 years of age or younger.

3           “(3) ENVIRONMENTAL POLLUTANT.—The term  
4 ‘environmental pollutant’ means a hazardous sub-  
5 stance, as defined in section 101 of the Comprehen-  
6 sive Environmental Response, Compensation, and  
7 Liability Act of 1980 (42 U.S.C. 9601), or a pes-  
8 ticide, as defined in section 2 of the Federal Insecti-  
9 cide, Fungicide, and Rodenticide Act (7 U.S.C.  
10 136).

11           “(4) FEDERAL PROPERTIES AND AREAS.—The  
12 term ‘Federal properties and areas’ means areas  
13 owned or controlled by the United States.

14           “(5) VULNERABLE SUBPOPULATIONS.—The  
15 term ‘vulnerable subpopulations’ means children,  
16 pregnant women, the elderly, individuals with a his-  
17 tory of serious illness, and other subpopulations  
18 identified by the Administrator as likely to experi-  
19 ence elevated health risks from environmental pollut-  
20 ants.

21 **“SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNER-**  
22 **ABLE SUBPOPULATIONS.**

23           “(a) IN GENERAL.—The Administrator shall—

24           “(1) consistently and explicitly evaluate and  
25 consider environmental health risks to vulnerable

1 subpopulations in all of the risk assessments, risk  
2 characterizations, environmental and public health  
3 standards, and regulatory decisions carried out by  
4 the Administrator;

5 “(2) ensure that all Environmental Protection  
6 Agency standards protect children and other vulner-  
7 able subpopulations with an adequate margin of  
8 safety; and

9 “(3) develop and use a separate assessment or  
10 finding of risks to vulnerable subpopulations or pub-  
11 lish in the Federal Register an explanation of why  
12 the separate assessment or finding is not used.

13 “(b) REEVALUATION OF CURRENT PUBLIC HEALTH  
14 AND ENVIRONMENTAL STANDARDS.—

15 “(1) IN GENERAL.—As part of any risk assess-  
16 ment, risk characterization, environmental or public  
17 health standard or regulation, or general regulatory  
18 decision carried out by the Administrator, the Ad-  
19 ministrator shall evaluate and consider the environ-  
20 mental health risks to children and other vulnerable  
21 subpopulations.

22 “(2) IMPLEMENTATION.—In carrying out para-  
23 graph (1), not later than 1 year after the date of en-  
24 actment of this title, the Administrator shall—

1           “(A) develop an administrative strategy  
2           and an administrative process for reviewing  
3           standards;

4           “(B) publish in the Federal Register a list  
5           of standards that may need revision to ensure  
6           the protection of children and vulnerable sub-  
7           populations;

8           “(C) prioritize the list according to the  
9           standards that are most important for expedited review to protect children and vulnerable  
10          subpopulations;

11          “(D) identify which standards on the list  
12          will require additional research in order to be  
13          reevaluated and outline the time and resources  
14          required to carry out the research; and

15          “(E) identify, through public input and  
16          peer review, not fewer than 20 public health  
17          and environmental standards of the Environ-  
18          mental Protection Agency to be repromulgated  
19          on an expedited basis to meet the criteria of  
20          this subsection.

21          “(3) REVISED STANDARDS.—Not later than 6  
22          years after the date of enactment of this title, the  
23          Administrator shall propose not fewer than 20 re-  
24

1       vised standards that meet the criteria of this sub-  
2       section.

3               “(4) COMPLETED REVISION OF STANDARDS.—  
4       Not later than 15 years after the date of enactment  
5       of this title, the Administrator shall complete the re-  
6       vision of all standards in accordance with this sub-  
7       section.

8               “(5) REPORT.—The Administrator shall report  
9       to Congress on an annual basis on progress made by  
10      the Administrator in carrying out the objectives and  
11      policy of this subsection.

12   **“SEC. 504. SAFER ENVIRONMENT FOR CHILDREN.**

13              “(a) IN GENERAL.—Not later than 1 year after the  
14      date of enactment of this title, the Administrator shall—

15              “(1) identify environmental pollutants com-  
16      monly used or found in areas that are reasonably ac-  
17      cessible to children;

18              “(2) create a scientifically peer reviewed list of  
19      substances identified under paragraph (1) with  
20      known, likely, or suspected health risks to children;

21              “(3) create a scientifically peer reviewed list of  
22      safer-for-children substances and products rec-  
23      ommended by the Administrator for use in areas  
24      that are reasonably accessible to children that, when  
25      applied as recommended by the manufacturer, will

1 minimize potential risks to children from exposure to  
2 environmental pollutants;

3 “(4) establish guidelines to help reduce and  
4 eliminate exposure of children to environmental pol-  
5 lutants in areas reasonably accessible to children, in-  
6 cluding advice on how to establish an integrated pest  
7 management program;

8 “(5) create a family right-to-know information  
9 kit that includes a summary of helpful information  
10 and guidance to families, such as the information  
11 created under paragraph (3), the guidelines estab-  
12 lished under paragraph (4), information on the po-  
13 tential health effects of environmental pollutants,  
14 practical suggestions on how parents may reduce  
15 their children’s exposure to environmental pollut-  
16 ants, and other relevant information, as determined  
17 by the Administrator in cooperation with the Centers  
18 for Disease Control;

19 “(6) make all information created pursuant to  
20 this subsection available to Federal and State agen-  
21 cies, the public, and on the Internet; and

22 “(7) review and update the lists created under  
23 paragraphs (2) and (3) at least once each year.

24 “(b) COMPLIANCE IN PUBLIC AREAS THAT ARE REA-  
25 SONABLY ACCESSIBLE TO CHILDREN.—Not later than 1

1 year after the list created under subsection (a)(3) is made  
2 available to the public, the Administrator shall prohibit the  
3 use of any product that has been excluded from the safer-  
4 for-children list in Federal properties and areas.

5 **“SEC. 505. RESEARCH TO IMPROVE INFORMATION ON EF-**  
6 **FECTS ON CHILDREN.**

7 “(a) TOXICITY DATA.—The Administrator, the Sec-  
8 retary of Agriculture, and the Secretary of Health and  
9 Human Services shall coordinate and support the develop-  
10 ment and implementation of basic and applied research  
11 initiatives to examine the health effects and toxicity of pes-  
12 ticides (including active and inert ingredients) and other  
13 environmental pollutants on children and other vulnerable  
14 subpopulations.

15 “(b) BIENNIAL REPORTS.—The Administrator, the  
16 Secretary of Agriculture, and the Secretary of Health and  
17 Human Services shall submit biennial reports to Congress  
18 on actions taken to carry out this section.

19 **“SEC. 506. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated such sums  
21 as are necessary to carry out this title.”

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