

106TH CONGRESS  
2D SESSION

# H. R. 5422

To require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting program.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2000

Mr. SHAW (for himself, Mr. STUPAK, Mr. BOEHLERT, and Mr. METCALF) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting program.

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 “Streamlined Environ-  
5 mental Reporting and Pollution Prevention Act of 2000”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4           (2) INTEGRATED REPORTING PROGRAM.—The  
5           term “integrated reporting program” means the in-  
6           tegrated environmental reporting program estab-  
7           lished under section 3.

8           (3) PAPER FORM.—The term “paper form”  
9           means a paper form or integrated series of paper  
10          forms that—

11                 (A) allows a person to report the same in-  
12                 formation that the person is able to report elec-  
13                 tronically under section 3(b)(1)(A); and

14                 (B) provides the person essentially the  
15                 same instructions for reporting that would be  
16                 provided if the person were to report electroni-  
17                 cally under section 3(b)(1)(A).

18          (4) PERSON.—The term “person” means an in-  
19          dividual, trust, firm, joint stock company, corpora-  
20          tion, partnership, or association, or a facility owned  
21          or operated by the Federal Government or by a  
22          State, tribal government, municipality, commission,  
23          or political subdivision of a State.

24          (5) REPORTING REQUIREMENT.—

1 (A) IN GENERAL.—The term “reporting  
2 requirement” means—

3 (i) a routine, periodic, environmental  
4 reporting requirement; and

5 (ii) any other reporting requirement  
6 that the Administrator may by regulation  
7 include within the meaning of the term.

8 (B) EXCLUSIONS.—The term “reporting  
9 requirement” does not include—

10 (i) the reporting of information relat-  
11 ing to an emergency, except for informa-  
12 tion submitted as part of a routine periodic  
13 environmental report;

14 (ii) the reporting of information to the  
15 Administrator relating only to business  
16 transactions (and not to environmental or  
17 regulatory matters) between the Adminis-  
18 trator and a person, including information  
19 provided—

20 (I) in the course of fulfilling a  
21 contractual obligation between the Ad-  
22 ministrator and the reporting person;  
23 or

24 (II) in the filing of financial  
25 claims against the Administrator; or

1 (iii) the reporting of specific items of  
2 information protected as—

3 (I) confidential business informa-  
4 tion, as described in section 552(b)(4)  
5 of title 5, United States Code, or any  
6 law administered by the Adminis-  
7 trator; or

8 (II) personal privacy information  
9 described in section 552a of title 5,  
10 United States Code.

11 **SEC. 3. INTEGRATED REPORTING PROGRAM.**

12 (a) IN GENERAL.—Not later than 4 years after the  
13 date of enactment of this Act, the Administrator shall in-  
14 tegrate and streamline the reporting requirements estab-  
15 lished under laws administered by the Administrator for  
16 each person subject to those reporting requirements—

17 (1) in accordance with subsection (b);

18 (2) to the extent not explicitly prohibited by Act  
19 of Congress; and

20 (3) to the extent consistent with the preserva-  
21 tion of the integrity, reliability, and security of the  
22 data reported.

23 (b) COMPONENTS OF INTEGRATED REPORTING PRO-  
24 GRAM.—In establishing the integrated reporting program,

1 to ensure consistency and facilitate use of the program,  
2 the Administrator shall—

3 (1) allow each person required to submit infor-  
4 mation to the Administrator under reporting re-  
5 quirements administered by the Administrator to re-  
6 port the information to 1 point of contact—

7 (A) using a single electronic system or a  
8 paper form; and

9 (B) in the case of any person subject to  
10 more than 1 annual reporting requirement, at  
11 1 time during the year;

12 (2)(A) allow each State, tribal, or local agency  
13 that has been authorized or delegated authority to  
14 implement a law administered by the Administrator  
15 to report information to the Administrator regarding  
16 any person subject to the law, as required under the  
17 law (including a regulation), agreement, or other in-  
18 strument, authorizing or delegating the authority, to  
19 report to 1 point of contact—

20 (i) using a single electronic system;  
21 and

22 (ii) in the case of a State, tribal, or  
23 local agency required to submit more than  
24 1 type of annual report, at 1 time during  
25 each year; and

1           (B) provide each State, tribal, or local agency  
2 that reports to the Administrator through the inte-  
3 grated reporting program full access to the data that  
4 the agency has reported to the Administrator  
5 through the program;

6           (3) provide a reporting person, upon request,  
7 full access to information reported by the person to  
8 the Administrator, or to any State, tribal, or local  
9 agency that was subsequently reported to the Ad-  
10 ministrator, in a variety of formats that includes a  
11 format that the person may modify by incorporating  
12 information applicable to the current reporting pe-  
13 riod and then submit to the Administrator, or to a  
14 State, tribal, or local agency as appropriate, to com-  
15 ply with a current reporting requirement;

16           (4)(A) consult with heads of other Federal  
17 agencies to identify environmental or occupational  
18 safety or health reporting requirements that are not  
19 administered by the Administrator; and

20           (B) as part of the electronic version of the inte-  
21 grated reporting program, post information that as-  
22 sists the reporting person in locating sources of in-  
23 formation on requirements identified under subpara-  
24 graph (A) to which the person may be subject;

1           (5) in consultation with State, tribal, and local  
2 agencies, reporting persons, environmental groups,  
3 information technology experts, and other interested  
4 parties, establish, update as necessary, and, to the  
5 extent relevant, implement in each national informa-  
6 tion system of the Environmental Protection Agency  
7 that contains data reported under the integrated re-  
8 porting program established under this section, data  
9 standards for—

10                   (A) facility identification (including a facil-  
11 ity registry identifier, geographic coordinates,  
12 mailing address, affiliation, environmental in-  
13 terest, and industrial classification);

14                   (B) units of measure;

15                   (C) chemical identification and biological  
16 taxonomy;

17                   (D) permitting, enforcement and compli-  
18 ance, tribal identifiers, and geographic informa-  
19 tion; and

20                   (E) other items that the Administrator  
21 considers to be appropriate;

22           (6) in consultation with the parties referred to  
23 in paragraph (5), implement, and update as nec-  
24 essary, a nomenclature throughout the integrated re-  
25 porting program that uses terms that the Adminis-

1       trator believes are understandable to reporting per-  
2       sons that do not have environmental expertise;

3           (7) consolidate reporting of information that,  
4       but for consolidation under this paragraph, would be  
5       required to be reported to the integrated reporting  
6       program at more than 1 point in the same data sub-  
7       mission (except, in the case of the paper form, for  
8       information used to facilitate the processing of the  
9       paper form by the Administrator);

10          (8) provide for applicable data formats and sub-  
11       mission protocols, including procedures for legally  
12       enforceable electronic signature in accordance with  
13       the Government Paperwork Elimination Act (44  
14       U.S.C. 3504 note; 112 Stat. 2681–749) that, as de-  
15       termined by the Administrator—

16           (A) conform, to the maximum extent prac-  
17       ticable, with public-domain standards for elec-  
18       tronic commerce;

19           (B) are accessible to a substantial majority  
20       of reporting persons; and

21           (C) provide adequate assurance of the in-  
22       tegrity and reliability of the data in accordance  
23       with public domain standards;

24          (9) publish a document that describes the data  
25       architecture used in the integrated reporting pro-

1       gram and that describes the major data types, data  
2       standards, significant attributes, and interrelation-  
3       ships that are common to activities carried out by  
4       the Administrator and by State, tribal, and local  
5       agencies (such as permitting, compliance, enforce-  
6       ment, and collection and analysis of environmental  
7       samples and results), which the Administrator  
8       shall—

9               (A) use as the framework for databases in  
10              which the data reported to the Administrator  
11              through the integrated reporting program are  
12              kept; and

13             (B) allow other Federal agencies and  
14             State, tribal, and local agencies to use;

15             (10) establish an electronic service center, ac-  
16             cessible through the point of contact established  
17             under paragraph (1), to assist reporting persons, as  
18             necessary and feasible, to—

19               (A) identify reporting requirements admin-  
20              istered by the Administrator and to which the  
21              person may be subject;

22               (B) submit required data electronically;  
23              and

24               (C) find and contact compliance assistance  
25              providers;

1           (11) provide each reporting person access,  
2 through the point of contact established under para-  
3 graph (1), to scientifically sound, publicly available  
4 information on pollution prevention technologies and  
5 practices;

6           (12) at the discretion of the Administrator, de-  
7 velop, within the integrated reporting program, dif-  
8 ferent methods by which the reporting person may  
9 electronically provide the required information, in  
10 order to facilitate use of the program by different  
11 sectors, sizes, and categories of reporting persons;

12           (13) provide protection of confidential business  
13 information, as described in section 552(b)(4) of  
14 title 5, United States Code, or any law administered  
15 by the Administrator, and personal privacy informa-  
16 tion described in section 552a of title 5, United  
17 States Code, so that each item of such information  
18 reported to the Administrator through the integrated  
19 reporting program receives protection equivalent to  
20 the protection that item of information would receive  
21 if the item were reported to the Administrator  
22 through means other than the integrated reporting  
23 program;

1           (14) publish information to assist in, and other-  
2           wise promote, the development of software for use by  
3           reporting persons that helps reporting persons in—

4                   (A) assembling, documenting, and submit-  
5                   ting information required under laws adminis-  
6                   tered by the Administrator; and

7                   (B) receiving information on pollution pre-  
8                   vention technologies and practices as described  
9                   in paragraph (11); and

10          (15) provide a mechanism by which a reporting  
11          person may, at the option of the reporting person,  
12          electronically transfer information from the data sys-  
13          tem of the reporting person to the integrated report-  
14          ing program through the use, in the integrated re-  
15          porting program, of—

16                   (A) open data formats (such as the Amer-  
17                   ican Standard Code for Information Inter-  
18                   change (ASCII) format);

19                   (B) a standard that enables the definition,  
20                   transmission, validation, and interpretation of  
21                   data by software applications and by organiza-  
22                   tions through use of the Internet (such as the  
23                   Extensible Markup Language (XML) stand-  
24                   ard); and

1 (C) as appropriate, the use of electronic  
2 signatures in conjunction with the transfer of  
3 information.

4 (c) SCOPE OF DATA STANDARDS AND NOMEN-  
5 CLATURE.—The data standards and nomenclature imple-  
6 mented and updated under paragraphs (5) and (6) of sub-  
7 section (b) shall not affect any regulatory standard or defi-  
8 nition in effect on the date of enactment of this Act, except  
9 to the extent that the Administrator amends, by regula-  
10 tion, the standard or definition.

11 (d) USE OF INTEGRATED REPORTING PROGRAM.—

12 (1) IN GENERAL.—Nothing in this Act requires  
13 that any person use the integrated reporting pro-  
14 gram instead of a reporting method in existence on  
15 the date of enactment of this Act.

16 (2) USE OF MULTIPLE METHODS.—The Admin-  
17 istrator may design the integrated reporting pro-  
18 gram to allow a reporting person to use the inte-  
19 grated reporting program for the purposes of some  
20 reports and not other reports.

21 (e) SUBMISSION OF CONFIDENTIAL INFORMATION.—

22 Nothing in this Act—

23 (1) requires the Administrator to allow the sub-  
24 mission of confidential business information, as de-  
25 scribed in section 552(b)(4) of title 5, United States

1 Code, or any law administered by the Administrator,  
2 or personal privacy information described in section  
3 552a of title 5, United States Code, to the electronic  
4 system described in subsection (b)(1)(A); or

5 (2) prevents the Administrator from allowing  
6 the submission of confidential business information  
7 or personal privacy information to the electronic sys-  
8 tem described in subsection (b)(1)(A) if the Admin-  
9 istrator determines that there are adequate safe-  
10 guards for electronic submission of such information.

11 (f) FACILITY IDENTIFICATION DATA STANDARDS  
12 FOR REPORTING OF INFORMATION RELATING TO EMER-  
13 GENCY PLANNING.—After establishing the data standards  
14 under subsection (b)(5)(A), the Administrator shall imple-  
15 ment such data standards for information that is reported  
16 to the Administrator relating to planning for emergencies.

17 **SEC. 4. INTERAGENCY COORDINATION.**

18 (a) IN GENERAL.—At the request of any Federal,  
19 State, tribal, or local agency, the Administrator shall co-  
20 ordinate the integration of reporting required under sec-  
21 tion 3 with similar efforts by the agency that, as deter-  
22 mined by the Administrator, are consistent with this Act.

23 (b) INTEGRATED REPORTING ACROSS JURISDIC-  
24 TIONS.—Under subsection (a), the Administrator may de-  
25 velop a procedure under which a person that is required

1 to report information under 1 or more laws administered  
2 by the Administrator and 1 or more laws administered by  
3 a State, tribal, or local agency may report all required  
4 information—

5 (1) through 1 point of contact using a single  
6 electronic system or a paper form; and

7 (2) in the case of any person subject to more  
8 than 1 annual reporting requirement, at 1 time dur-  
9 ing the year.

10 (c) COMMON DATA FORMAT ACROSS JURISDIC-  
11 TIONS.—To facilitate reporting by persons with facilities  
12 in more than 1 State, tribal, or local jurisdiction, the Ad-  
13 ministrator shall encourage the use of a common data for-  
14 mat by any State, tribal, or local agency coordinating with  
15 the Administrator under subsection (a).

16 (d) PROVISION OF INFORMATION.—At the request of  
17 the Administrator, the head of a Federal agency shall pro-  
18 vide to the Administrator information on reporting re-  
19 quirements established under a law administered by the  
20 agency.

21 **SEC. 5. REGULATIONS.**

22 (a) IN GENERAL.—The Administrator may promul-  
23 gate such regulations as are necessary to carry out this  
24 Act.

1 (b) MATTERS ADDRESSED.—The regulations may  
2 address electronic record retention, security in data sub-  
3 missions, the practical aspects of reporting, evidentiary  
4 burdens, and other matters that are necessary to provide  
5 for the integrity, reliability, and security of information  
6 submitted to the Administrator or records maintained  
7 under the laws administered by the Administrator.

8 **SEC. 6. REPORTS.**

9 Not later than 2 years after the date of enactment  
10 of this Act, if the Administrator determines that 1 or more  
11 provisions of law explicitly prohibit or hinder the integra-  
12 tion of reporting and other actions required under this  
13 Act, the Administrator shall submit to Congress a report  
14 identifying those provisions.

15 **SEC. 7. SAVINGS CLAUSE.**

16 (a) IN GENERAL.—Nothing in this Act limits, modi-  
17 fies, affects, amends, or otherwise changes, directly or in-  
18 directly, any provision of Federal, State, tribal, or local  
19 law or the obligation of any person to comply with any  
20 provision of law.

21 (b) EFFECT.—Neither this Act nor the integrated re-  
22 porting program alters or affects the obligation of a re-  
23 porting person to provide the information required under  
24 any reporting requirement, or to inform itself about appli-  
25 cable laws and regulations.

1 (c) REPORTING.—Nothing in this Act authorizes the  
2 Administrator to—

- 3 (1) require the reporting or disclosure of infor-  
4 mation that is in addition to information that is re-  
5 quired to be reported as of the day before the date  
6 of enactment of this Act, other than information  
7 that is necessary to verify and validate information  
8 submitted through the electronic system and the  
9 identity of persons submitting such information; or  
10 (2) eliminate the reporting of information that  
11 is required to be reported, or restrict the disclosure  
12 of information that may under law be disclosed, as  
13 of the day before the date of enactment of this Act,  
14 except as provided under section 3(b)(7) and as con-  
15 sistent with section 3(b)(13).

16 (d) POINT OF REPORTING.—Nothing in this Act re-  
17 quires that data being reported as of the date of enact-  
18 ment of this Act by a reporting person through a State,  
19 tribal, or local agency to the Administrator be reported  
20 instead by the reporting person directly to the Adminis-  
21 trator.

22 (e) STORAGE OF DATA.—Nothing in this Act affects  
23 the manner in which the data assembled through the inte-  
24 grated reporting program are stored.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this Act—

4           (1) \$7,000,000 for fiscal year 2001;

5           (2) \$10,000,000 for fiscal year 2002;

6           (3) \$13,000,000 for fiscal year 2003; and

7           (4) \$14,000,000 for fiscal year 2004.

○