

111TH CONGRESS
2^D SESSION

H. R. 6017

To amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mrs. CAPPES introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, 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 “Gulf Coast Health
5 Monitoring and Research Program Act of 2010”.

1 **SEC. 2. GULF COAST HEALTH MONITORING AND RESEARCH**
2 **PROGRAM.**

3 Part P of title III of the Public Health Service Act
4 (42 U.S.C. 280g et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 399V-5. GULF COAST HEALTH MONITORING AND RE-**
7 **SEARCH PROGRAM.**

8 “(a) IN GENERAL.—To ensure that the Federal Gov-
9 ernment has independent, peer-reviewed scientific data
10 and information to assess short-term and long-term direct
11 and indirect impacts on the health of oil spill clean-up
12 workers and vulnerable residents resulting from the Deep-
13 water Horizon oil spill, the Secretary, in consultation with
14 the Secretary of Labor, the Secretary of Commerce, and
15 the Administrator of the Environmental Protection Agen-
16 cy, shall establish as soon as practicable after date of en-
17 actment of this section, a short-term and long-term com-
18 prehensive health screening, monitoring, and research pro-
19 gram of oil spill workers and vulnerable residents, and of
20 food safety affected by the oil spill in the Gulf of Mexico.

21 “(b) SCOPE OF PROGRAM.—The program established
22 under subsection (a) shall at a minimum include screening
23 affected individuals for physical and behavioral health ef-
24 fects from the oil spill and the collection of exposure and
25 health effects data on a statistically robust cohort of work-
26 ers and vulnerable residents. In addition, this program

1 shall include research on food safety of Gulf Coast seafood
2 and the fresh water supply. This program shall coordinate
3 with other Federal agencies, including the National Oce-
4 anic and Atmospheric Administration, the Occupational
5 Safety and Health Administration, and the Environmental
6 Protection Agency, to ensure that health-related data from
7 exposures related to the oil spill or clean-up efforts in the
8 possession of such agencies is made available to the pro-
9 gram. Data collected by or on behalf of BP PLC shall
10 also be included.

11 “(c) RESEARCH ADVISORY COMMITTEE.—

12 “(1) ESTABLISHMENT.—Not later than 60 days
13 after the date of enactment of this section, the Sec-
14 retary shall appoint an independent technical advi-
15 sory committee to be known as the Gulf Coast
16 Health Research Advisory Committee.

17 “(2) PURPOSE.—The purpose of the Advisory
18 Committee shall be—

19 “(A) to offer high quality scientific re-
20 search advice to the program established under
21 this section, including proactive advice regard-
22 ing each agency’s long-term monitoring and re-
23 search objectives relating to workers and vul-
24 nerable residents at risk from the Deepwater
25 Horizon disaster and other oil spills; and

1 “(B) to provide a forum for ensuring that
2 health concerns of workers and the public are
3 considered in determining the priorities for sci-
4 entific research.

5 “(3) MEMBERSHIP.—

6 “(A) COMPOSITION.—The Advisory Com-
7 mittee shall be composed of at least 10 but not
8 more than 15 members. Members shall be
9 qualified by education, training, and experience
10 to provide scientific and technical advice with
11 regard to environmental health and occupa-
12 tional health methods and research, including
13 epidemiology, dose reconstruction, toxicology,
14 risk and health communication, and medical
15 ethics. At least 4 members shall be representa-
16 tive of the concerned and affected populations,
17 including 1 member to represent commercial
18 fishermen who were part of the Vessel of Op-
19 portunities program organized by BP PLC to
20 recruit boat owners to assist in the response to
21 the Deepwater Horizon oil spill, 1 member to
22 represent other workers involved in cleanup of
23 spill, and 2 members to represent the poten-
24 tially affected public in Gulf coastal commu-

1 nities. Consultants and nonvoting liaison rep-
2 resentatives may be invited as needed.

3 “(B) APPOINTMENT AND TERMS.—The
4 Secretary shall appoint Advisory Committee
5 members, including a chair and vice chair to
6 the Advisory Committee. Each term of a mem-
7 ber’s service on the Advisory Committee shall
8 be 3 years, except for initial terms, which may
9 be up to 5 years in length to allow staggering.
10 Members may be reappointed and may serve
11 after expiration of their terms until their suc-
12 cessors have been seated on the Advisory Com-
13 mittee.

14 “(C) CONFLICTS OF INTEREST.—The Sec-
15 retary shall establish requirements to ensure
16 that members of the Advisory Committee do not
17 have any conflicts of interest.

18 “(4) DUTIES.—The Advisory Committee
19 shall—

20 “(A) provide advice on the development
21 and implementation of the health research pro-
22 gram;

23 “(B) respond to requests for advice from
24 the appropriate Federal official on matters
25 within the Advisory Committee’s expertise; and

1 “(C) as appropriate, review reports or
2 other documents submitted to the appropriate
3 Federal officials pursuant to this section to ob-
4 tain information on protecting the health and
5 safety of cleanup workers and vulnerable com-
6 munities.

7 “(d) COOPERATION AND CONSULTATION.—In devel-
8 oping the research and monitoring program established
9 under subsection (a), the Secretary shall consult with re-
10 lated agencies in the Department of Labor (including the
11 Occupational Safety and Health Administration), the De-
12 partment of Commerce (including the National Oceanic
13 and Atmospheric Administration), and the Environmental
14 Protection Agency, and shall consult with—

15 “(1) appropriate representatives from the Gulf
16 Coast States and localities;

17 “(2) local and State health department officials;

18 “(3) academic institutions and other research
19 organizations;

20 “(4) worker representatives, community rep-
21 resentatives, and other members of the Gulf Coast
22 communities; and

23 “(5) other experts with expertise in human
24 health and environmental monitoring and research.

1 “(e) DUTIES.—The primary duty of the program es-
2 tablished in section (a) is to implement and carry out the
3 health program, including collecting baseline health infor-
4 mation, and conducting health screening, monitoring, sur-
5 veillance, and research. The program specifically shall in-
6 clude the following research elements:

7 “(1) Exposure of workers and vulnerable resi-
8 dents to oil, dispersants, and other chemicals and
9 physical hazards during the clean-up effort, includ-
10 ing—

11 “(A) information about the use of personal
12 protective equipment;

13 “(B) biological sampling where appro-
14 priate; and

15 “(C) information on such exposure of
16 workers and vulnerable residents who may be
17 more susceptible to environmental health im-
18 pacts due to their age, preexisting health sta-
19 tus, pregnancy status, or other factors deter-
20 mined by the Secretary.

21 “(2) Acute health symptoms or biological find-
22 ings during the active clean-up period.

23 “(3) Reproductive effects or effects on fetal or
24 infant development, where relevant.

1 “(4) Chronic health effects, including genetic
2 and immunological alterations in cells and tissues.

3 “(5) Mental health effects, including stress,
4 anxiety, depression, PTSD, and related symptoms.

5 “(6) Levels of elevated hazardous substances in
6 Gulf Coast seafood and local fresh water sources.

7 “(7) Other elements considered necessary by
8 the Secretary to ensure a comprehensive environ-
9 mental health research and monitoring program—

10 “(A) to comprehend and understand the
11 implications to worker and public health caused
12 by the Deepwater Horizon oil spill; and

13 “(B) to make such recommendations to the
14 Secretary as may assist in improving the re-
15 sponse to, and management and monitoring of,
16 any future oil spills.

17 “(f) REPORT.—No later than 1 year after the estab-
18 lishment of the program under subsection (a), and bienni-
19 ally thereafter, the Secretary shall forward to the Con-
20 gress and make available to the public a comprehensive
21 report summarizing the activities and findings of the pro-
22 gram and detailing areas and issues requiring future mon-
23 itoring and research. Reports shall continue for at least
24 20 years after the date of enactment of this section, and
25 the Secretary may extend the reporting provision beyond

1 this initial period based upon a determination that addi-
2 tional monitoring and research is warranted. After 3
3 years, the Advisory Committee shall issue a report, for-
4 warded to the Congress and made available to the public,
5 examining lessons learned and a blueprint of best practices
6 to handle future environmental health disasters, including
7 strategies for rapid deployment of data collection and
8 health monitoring and registering of individuals exposed
9 to the environmental health disaster.

10 “(g) DISCLOSURE AUTHORITY.—The Secretary may
11 by order compel BP PLC to provide health-related data
12 and information collected by or on behalf of BP PLC, ex-
13 cept to the extent such data or information is protected
14 from disclosure under Federal law.

15 “(h) AVAILABILITY OF DATA.—The Secretary shall
16 maintain and archive information obtained or generated
17 through the program established under subsection (a) in
18 a manner that will facilitate use of such information for
19 the health monitoring and research purposes of the pro-
20 gram and ensure that it is accessible and available to gov-
21 ernmental and nongovernmental personnel for relevant re-
22 search in accordance with applicable State and Federal
23 law. Individual health information shall be handled in a
24 manner that will protect individual patient confidentiality.

1 “(i) DEFINITIONS.—For the purposes of this sec-
2 tion—

3 “(1) the term ‘Gulf Coast State’ means each of
4 the States of Texas, Louisiana, Mississippi, Ala-
5 bama, and Florida;

6 “(2) the term ‘Advisory Committee’ means the
7 Gulf Coast Health Research Advisory Committee es-
8 tablished under subsection (c).

9 “(3) the term ‘vulnerable residents’ means indi-
10 viduals who live in Gulf Coast States in areas where
11 they may be exposed to hazardous substances re-
12 lated to the oil spill; and

13 “(4) the term ‘workers’ means paid or volunteer
14 staff participating in the Deepwater Horizon oil spill
15 cleanup.”.

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