

EXTENSIONS OF REMARKS

SMALL BUSINESS REMEDIATION ACT OF 1995

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 1995

Mr. BARTON of Texas. Mr. Speaker, the environmental legislation that I am introducing today, the Small Business Remediation Act of 1995, is designed to ensure that small businesses and landowners will not be subjected to unreasonable remediation liability for dry-cleaning fluids. The intent of this bill is to strike a balance between adequate environmental protection and the avoidance of needlessly costly remediation not justified by human health exposure.

To fill the void in EPA's cleanup standards for the drycleaning fluid perchlorethylene (perc), the proposed legislation uses an extrapolation from another Federal agency, the Occupational Safety and Health Administration [OSHA], which already has a standard covering an estimated 99.9 percent of all exposure to perc. This is a rigorous standard required by law to adequately protect workers from harmful effects of a chemical, even if they are exposed 8 hours a day, 40 hours a week, for their entire working lives. Recognizing the difference between workplace and environmental standards such as the "healthy worker" effect and the potential exposure in the environment of 24 rather than 8 hours a day, the bill sets a safety margin or an entire order of magnitude. That is, the exposure standard for remediation in this bill 10 times stricter than OSHA allows for an entire working lifetime. If OSHA even lowers its standard, the remediation standard set in this bill will follow accordingly.

The bill seeks to address the real risks from perc exposure. It seeks to change the well-intentioned, hopefully apocryphal, process in which standards are selected to protect children even from eating tons of dirt for 70 years. Instead, an independent government scientific body will simply determine the equivalent exposure the general public faces, using realistic exposure and absorption assumptions. That information, plus the OSHA standard, will be used to calculate the proper amount of remediation necessary. Importantly, the bill protects all people from real human exposure by explicitly declaring it does not change existing Federal standards under the Safe Drinking Water Act.

While this bill does not specifically address third-party liability, it should remove all or most of that threat. If remediation is not necessary, except in the case of significant human exposure, and there is a congressional finding based on OSHA standards and the calculations of the National Institutes of Health that any health risks are small, it is difficult to see how there could be serious litigation, either under the environmental statutes or the common law.

I believe this bill is consistent with the Superfund reform legislation introduced last week and other regulatory reform legislation which seeks to relate environmental costs to real benefits. By doing so, the bill will benefit not only the tens of thousands of small dry-cleaners and their employees but also shopping mall owners, insurance companies, banks, and consumers. They will be free from the fear of crushing liability from an ordered remediation that could cost them a lifetime of savings, merely for such pointless requirements as cleaning up soil behind a shopping center to arbitrary pristine levels.

I look forward to working with my colleagues to pass this important bill.

H.R. —

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Remediation Act of 1995".

SEC. 2. FINDINGS AND INTENT OF CONGRESS.

(a) The Congress declares that the public should be protected from the risk of waste or spilled solvents and other chemicals in the soil, surface water, groundwater, and other environmental media.

(b) The Congress finds that the remediation requirements for spilled or waste chemical substances are often inconsistent, conflicting, and may impose a burden that bears little relationship to the potential harm to the environment and that these requirements pose a special burden on small businesses and landowners.

(c) Congress intends that standards shall be set for remediation that, with an adequate margin of safety, will protect public health from significant risk from these chemicals and below which level remediation will be permitted but not required.

(d) Congress resolves that to implement these conclusions a maximum level of remediation in soil, surface water, groundwater, and other environmental media shall be set, initially, for solvents for the dry cleaning industry.

SEC. 3. STANDARD FOR CLEAN-UP.

The maximum level of remediation of dry cleaning solvents in soil, surface water, groundwater, and other environmental media that a Federal, State, local agency, or court may require of a person engaged in dry cleaning or the owner of land or a facility in which such a person is conducting dry cleaning shall be one-tenth the equivalent exposure of the workplace standard for such solvents established by the Secretary of Labor under the Occupational Safety and Health Act of 1970.

SEC. 4. CALCULATION OF EQUIVALENT EXPOSURE

(a) In consultation with the Administrators of the Occupational Safety and Health Administration and the Environmental Protection Agency, the National Institute of Environmental Health Sciences shall, within 6 months of the date of the enactment of this Act, publish in the Federal Register its computation, based on realistic scientific assumptions, of equivalent exposure by ingestion, inhalation, and absorption indices for the general public, for soil, surface water, groundwater, and other environmental media in nonoccupational circumstances.

(b) The equivalent exposure shall be calculated from the workplace standard for dry cleaning solvents which assures on the basis of the best available evidence that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure for the employee's entire working lifetime.

SEC. 5. AUTHORIZATION TO REMEDIATE AT A LOWER LEVEL THAN THE MAXIMUM LEVEL OF REMEDIATION.

Nothing in this Act—

(1) shall preempt or otherwise prevent a Federal, State, or local government or private party from remediating soil, surface water, groundwater, or other environmental media to a lower level than the maximum level of remediation at its own cost and expense, or

(2) shall alter or affect the Federal drinking water standards under title XIV of the Public Health Service Act.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) The term "other environmental media" means air and organic and inorganic material.

(2) The term "equivalent exposure" means the amount of a chemical substance found in air, surface water, groundwater, and other environmental media which is equivalent, under general and realistic conditions of human exposure, absorption, and toxicity, to that of the workplace standard for that substance.

(3) The term "maximum level of remediation" means one-tenth the equivalent exposure and is deemed fully protective of human health.

(4) The term "workplace standard for dry cleaning solvents" means the standard established by the Secretary of Labor under section 6(b)(5) of the Occupational Safety and Health Act of 1970 as the time-weighted average and set forth in section 1810.1000 Z-2 of title 29 of the Code of Federal Regulations.

CONGRATULATIONS TO REVEREND ALIFERAKIS AND THE CON- GREGATION OF THE ST. GEORGE HELLENIC ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 1995

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to rise and call attention to St. George Hellenic Orthodox Church in Schererville, IN. On October 29, 1995, the congregation of St. George will hold a consecration celebration of their church. This celebration will begin with a vespers service on Saturday night, followed by a dedication, banquet, and ball on Sunday.

Citizens of Hellenic origin began settling in the Indiana Harbor community of East Chicago in 1903. In 1929, a very small group of

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