

Calendar No. 220

103D CONGRESS
1ST SESSION

S. 729

[Report No. 103-152]

A BILL

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Reported with an amendment

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To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

Mr. REID (for himself, Mr. BRADLEY, Mr. LIEBERMAN, Mr. BRYAN, Mr. HARKIN, Mr. JEFFORDS, Mr. SIMON, Mr. KENNEDY, Mr. LEAHY, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. WELLSTONE, Mr. WOFFORD, Mr. HATFIELD, Mrs. BOXER, and Mr. GLENN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 4 (legislative day, SEPTEMBER 27), 1993

Reported by Mr. BAUCUS, with an amendment

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

A BILL

To amend the Toxic Substances Control Act to reduce the levels of lead in the environment, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) ~~SHORT TITLE.~~—This Act may be cited as the
 3 “Lead Exposure Reduction Act of 1993”.

4 (b) ~~TABLE OF CONTENTS.~~—The table of contents of
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LEAD ABATEMENT

Sec. 101. Findings and policy.

Sec. 102. Definitions.

Sec. 103. Restrictions on continuing uses of certain lead-containing products.

Sec. 104. Inventory of lead-containing products and new use notification procedures.

Sec. 105. Product labeling.

Sec. 106. Recycling of lead-acid batteries.

Sec. 107. Lead contamination in schools and day care facilities.

Sec. 108. Blood-lead and other abatement and measurement programs.

Sec. 109. Establishment of National Centers for the Prevention of Lead Poisoning.

Sec. 110. Conforming amendments.

Sec. 111. Amendment to table of contents.

TITLE II—MISCELLANEOUS

Sec. 201. Reporting of blood-lead levels; blood-lead laboratory reference project.

Sec. 202. Update of 1988 report to Congress on childhood lead poisoning.

Sec. 203. Additional conforming amendments.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

6 (c) ~~REFERENCE TO TOXIC SUBSTANCES CONTROL~~
 7 ~~ACT.~~—Wherever in title I an amendment or repeal is ex-
 8 pressed in terms of an amendment to, or repeal of, a sec-
 9 tion or other provision, the reference shall be considered
 10 to be made to a section or other provision of the Toxic
 11 Substances Control Act (15 U.S.C. 2601 et seq.), except
 12 to the extent otherwise specifically provided.

1 **TITLE I—LEAD ABATEMENT**

2 **SEC. 101. FINDINGS AND POLICY.**

3 (a) REDESIGNATIONS.—Sections 401 and 402
4 through 412 (15 U.S.C. 2681 and 2682 through 2692)
5 are redesignated as sections 402, and 410 through 420,
6 respectively.

7 (b) FINDINGS AND POLICY.—Title IV (15 U.S.C.
8 2681 et seq.) is amended by inserting before section 402
9 (as so redesignated) the following new section:

10 **“SEC. 401. FINDINGS AND POLICY.**

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

12 “(1) lead poisoning is the most prevalent dis-
13 ease of environmental origin among American chil-
14 dren today, and children under 7 years of age are
15 at special risk because of their susceptibility to the
16 potency of lead as a neurologic toxin;

17 “(2)(A) the effects of lead on children may in-
18 clude permanent and significant neurologic and
19 physiologic impairment; and

20 “(B) additional health effects occur in adults
21 exposed to similar exposure levels;

22 “(3) because of the practical difficulties of re-
23 moving lead already dispersed into the environment,
24 children and adults will continue to be exposed to
25 lead for years;

1 “(4) as a result of decades of highly dispersive
 2 uses of lead in a variety of products, contamination
 3 of the environment with unacceptable levels of lead
 4 is widespread; and

5 “(5) the continued manufacture, import, proc-
 6 essing, use, and disposal of some lead-containing
 7 products may cause further releases of lead into the
 8 environment, and the releases contribute to further
 9 environmental contamination and resultant exposure
 10 to lead.

11 “(b) POLICY.—It is the policy of the United States
 12 that further releases of lead into the environment should
 13 be minimized, and methods should be developed and imple-
 14 mented to reduce sources of lead that result in adverse
 15 human or environmental exposures.”.

16 **SEC. 102. DEFINITIONS.**

17 Section 402, as redesignated by section 101(a) of this
 18 Act, is amended—

19 (1) by striking “For the purposes” and insert-
 20 ing “(a) IN GENERAL.—Subject to subsection (b),
 21 for the purposes”;

22 (2) by redesignating—

23 (A) paragraphs (13) through (17) as para-
 24 graphs (18) through (22), respectively;

1 (B) paragraphs (5) through (12) as para-
2 graphs (7) through (14), respectively; and

3 (C) paragraph (4) as paragraph (5);

4 (3) by inserting after paragraph (3) the follow-
5 ing new paragraph:

6 “(4) DISTRIBUTOR.—The term ‘distributor’
7 means any individual, firm, corporation, or other en-
8 tity that takes title to goods purchased for resale.”;

9 (4) by inserting after paragraph (5) (as so re-
10 designated) the following new paragraph:

11 “(6) FACILITY.—The term ‘facility’ means any
12 public or private dwelling constructed before 1980,
13 public building constructed before 1980, commercial
14 building, bridge, or other structure or super-
15 structure.”;

16 (5) by inserting after paragraph (14) (as so re-
17 designated) the following new paragraphs:

18 “(15) PACKAGE.—The term ‘package’ means a
19 container that provides a means of marketing, pro-
20 tecting, or handling a product. The term includes a
21 unit package, an intermediate package, a crate, a
22 pail, a rigid foil, unsealed receptacle (such as a car-
23 rying case), a cup, tray, wrapper or wrapping film,
24 a bag, tub, shipping or other container, any package
25 included in the American Society for Testing and

1 Materials (referred to in this title as ‘ASTM’) Speci-
 2 fication D-996, and such other packages as the Ad-
 3 ministrator may specify by regulation.

4 “(16) PACKAGING COMPONENT.—The term
 5 ‘packaging component’ means any individual assem-
 6 bled part of a package (including any interior or ex-
 7 terior blocking, bracing, cushioning, weatherproof-
 8 ing, exterior strapping, coating, closure, ink, or
 9 label). For the purposes of this title, tin-plated steel
 10 that meets the ASTM Specification A-623 shall be
 11 deemed an individual packaging component.

12 “(17) PERSON.—The term ‘person’ means an
 13 individual, trust, firm, joint stock company, corpora-
 14 tion (including a government corporation), partner-
 15 ship, association, State, municipality, commission,
 16 political subdivision of a State, or interstate body.
 17 The term shall include each department, agency, or
 18 instrumentality of the United States.”; and

19 (6) by adding at the end the following new sub-
 20 section:

21 “(b) EXCEPTIONS.—As used in this title, the terms
 22 ‘package’ and ‘packaging component’ shall not include—

23 “(1) ceramic ware or crystal;

24 “(2) a container used for radiation shielding;

25 “(3) any casing for a lead-acid battery;

1 ~~“(4) steel strapping; or~~

2 ~~“(5) any package or packaging component con-~~
 3 ~~taining lead that is regulated or subject to regula-~~
 4 ~~tion under the Federal Food, Drug, and Cosmetic~~
 5 ~~Act (21 U.S.C. 301 et seq.).”.~~

6 **~~SEC. 103. RESTRICTIONS ON CONTINUING USES OF CER-~~**
 7 **~~TAIN LEAD-CONTAINING PRODUCTS.~~**

8 Title IV (15 U.S.C. 2681 et seq.), as amended by
 9 section 101 of this Act, is further amended by inserting
 10 after section 402, as redesignated by section 101(a) of this
 11 Act, the following new section:

12 **~~“SEC. 403. RESTRICTIONS ON CONTINUING USES OF CER-~~**
 13 **~~TAIN LEAD-CONTAINING PRODUCTS.~~**

14 ~~“(a) GENERAL RESTRICTIONS.—~~

15 ~~“(1) IN GENERAL.—~~

16 ~~“(A) PROHIBITION ON THE IMPORT, MAN-~~
 17 ~~UFACTURING, OR PROCESSING OF A PROD-~~
 18 ~~UCT.—Beginning on the date that is 1 year~~
 19 ~~after the date of enactment of this section, no~~
 20 ~~person may import, manufacture, or process a~~
 21 ~~product in any of the product categories de-~~
 22 ~~scribed in paragraph (2).~~

23 ~~“(B) PROHIBITION ON THE DISTRIBUTION~~
 24 ~~IN COMMERCE OF A PRODUCT.—Beginning on~~
 25 ~~the date that is 2 years after the date of enact-~~

ment of this section, no person may distribute in commerce a product in any of the product categories described in paragraph (2).

“(2) PRODUCT CATEGORIES.—The product categories described in this paragraph are as follows:

“(A) Paint containing more than 0.06 percent lead by dry weight, other than—

“(i) corrosion inhibitive coatings, including electrocoats and electrodeposition primers, applied by original equipment manufacturers to motor vehicle parts and containing no more than 1.9 percent lead by weight in dry film;

“(ii) certain paints and primers for equipment used for agricultural, construction, general, and industrial forestry purposes; and

“(iii) paints containing lead chromate pigments.

“(B) Pesticides (as defined in section 2(u) of the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136(u)) containing more than 0.1 percent lead by dry weight.

“(C) Toys and recreational game pieces containing more than 0.1 percent lead by dry

1 weight, except for toys and games that contain
2 electronic or electrical parts or components and
3 that meet the standards and regulations for
4 content, manufacture, processing, and distribu-
5 tion established by the Consumer Product Safe-
6 ty Commission under the Federal Hazardous
7 Substances Act (15 U.S.C. 1261 et seq.).

8 “(D) Curtain weights—

9 “(i) that are not encased in vinyl;

10 “(ii) that contain more than 0.1 per-
11 cent lead by dry weight; and

12 “(iii) that are common in residential
13 use.

14 “(E) Fishing weights, jigs, and lures, other
15 than lures that are artificial flies, containing
16 more than 0.1 percent lead by dry weight.

17 “(F) Inks containing more than 0.1 per-
18 cent lead by dry weight used in printing news-
19 papers, newspaper supplements, or magazines
20 published more than once per month.

21 “(G) Brick mortar containing more than 2
22 percent lead by dry weight.

23 “(3) GLASS COATINGS.—

24 “(A) IN GENERAL.—Beginning on the date
25 that is 5 years after the date of enactment of

1 this section, no person may import, manufac-
2 ture, or process a product in any of the follow-
3 ing product categories, and beginning on the
4 date that is 6 years after the date of enactment
5 of this section, no person may distribute in
6 commerce a product in any of the product cat-
7 egories described in subparagraph (B).

8 “(B) PRODUCT CATEGORIES.—The prod-
9 uct categories described in this subparagraph
10 are as follows:

11 “(i) Architectural glass coatings con-
12 taining more than 0.06 percent lead by dry
13 weight.

14 “(ii) Automotive window coatings con-
15 taining more than 0.06 percent lead by dry
16 weight.

17 “(iii) Mirror backings containing more
18 than 0.06 percent lead by dry weight.

19 “(4) STATUTORY CONSTRUCTION.—Nothing in
20 this section shall prohibit the recycling of any prod-
21 uct listed in this subsection if, following the original
22 use of the product, the product is reused as a raw
23 material in the manufacture of any product that is
24 not listed under this subsection.

25 “(b) MODIFICATION OF RESTRICTIONS.—

1 ~~“(1) IN GENERAL.—The Administrator may,~~
 2 ~~after public notice and opportunity for comment,~~
 3 ~~promulgate regulations to modify, pursuant to para-~~
 4 ~~graphs (2) and (3), the percentage of the allowable~~
 5 ~~lead content for a product, or a group of products,~~
 6 ~~within a product category described in subpara-~~
 7 ~~graphs (A) through (G) of subsection (a)(2) and~~
 8 ~~subparagraphs (A) through (C) of subsection (a)(3).~~

9 ~~“(2) REDUCED PERCENTAGE.—The Adminis-~~
 10 ~~trator may, pursuant to paragraph (1), establish by~~
 11 ~~regulation a percentage by dry weight of the allow-~~
 12 ~~able lead content that is less than the percentage~~
 13 ~~specified under subsection (a) (including~~
 14 ~~nondetectable levels) for a product, or a group of~~
 15 ~~products, within any product category described in~~
 16 ~~subparagraphs (A) through (G) of subsection (a)(2)~~
 17 ~~and subparagraphs (A) through (C) of subsection~~
 18 ~~(a)(3) if the Administrator determines that a reduc-~~
 19 ~~tion in the percentage of the allowable lead content~~
 20 ~~is necessary to protect human health or the environ-~~
 21 ~~ment.~~

22 ~~“(3) INCREASED PERCENTAGE.—~~

23 ~~“(A) IN GENERAL.—The Administrator~~
 24 ~~may, pursuant to paragraph (1), establish by~~
 25 ~~regulation a percentage by dry weight of the al-~~

1 allowable lead content that is greater than the
2 percentage specified under subsection (a) for a
3 product, or a group of products, within any
4 product category described in subparagraphs
5 (A) through (G) of subsection (a)(2) and sub-
6 paragraphs (A) through (C) of subsection
7 (a)(3) if the Administrator determines that an
8 increase in the percentage of the allowable lead
9 content will promote the protection of human
10 health or the environment.

11 “(B) TERMINATION DATE.—If the Admin-
12 istrator establishes by regulation an increased
13 percentage of the allowable lead content for a
14 product, or a group of products, within a prod-
15 uct category pursuant to this paragraph, the
16 regulation establishing the percentage shall ter-
17 minate on the date that is 6 years after the
18 date the regulation becomes final.

19 “(C) REVIEW.—Not later than 2 years
20 prior to the termination date of a regulation
21 promulgated under this paragraph, the Admin-
22 istrator shall review the regulation. If the Ad-
23 ministrator determines, pursuant to subpara-
24 graph (A), that the promulgation of a revised
25 regulation is appropriate, the Administrator,

not later than 1 year prior to the termination date of the regulation, may promulgate a revised regulation that shall terminate on the date that is 6 years after the date the revised regulation becomes final.

~~“(4) WAIVERS FOR TOYS AND RECREATIONAL GAME PIECES.—~~Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate regulations to waive the requirements of subsection (a)(2)(C) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

~~“(5) EXEMPTION OF PAINTS.—~~

~~“(A) DETERMINATION.—~~

~~“(i) IN GENERAL.—~~Not later than 5 years after the date of enactment of this section, the Administrator shall determine, following public notice and opportunity for comment, whether there is—

~~“(I) 1 (or more) primer paint suitable for use as an electrocoat or electrodeposition primer (or both) on motor vehicle parts that contains less than 1.9 percent lead by weight in dry film;~~

1 ~~“(II) 1 (or more) original equip-~~
2 ~~ment manufacturer paint, primer, or~~
3 ~~service paint or primer for equipment~~
4 ~~used for agricultural, construction,~~
5 ~~and general industrial and forestry~~
6 ~~purposes that, in the dry coating, has~~
7 ~~a lead solubility of less than 60 milli-~~
8 ~~grams per liter, as described in the~~
9 ~~American National Standards Insti-~~
10 ~~tute (referred to in this subtitle as~~
11 ~~‘ANSI’) standard Z66.1; or~~

12 ~~“(III) 1 (or more) substitute for~~
13 ~~paints containing lead chromate pig-~~
14 ~~ments for use in any class or category~~
15 ~~of uses that contains less than or~~
16 ~~equal to 0.06 percent lead by weight~~
17 ~~in dry film.~~

18 ~~“(ii) ADDITIONAL DETERMINATION BY~~
19 ~~ADMINISTRATOR.—The Administrator also~~
20 ~~shall determine whether 1 (or more) paint~~
21 ~~or primer referred to in clause (i)—~~

22 ~~“(I) has substantially equivalent~~
23 ~~corrosion inhibition and related per-~~
24 ~~formance characteristics to any paint~~
25 ~~or primer; and~~

1 “(H) does not pose a greater risk
2 to human health and the environment
3 than a paint or primer,
4 in use for the applicable purpose specified
5 in clause (i) on the date of enactment of
6 this section.

7 “(B) IDENTIFICATION.—If the Adminis-
8 trator determines pursuant to subparagraph
9 (A), that 1 (or more) of the paints and primers
10 referred to in subparagraph (A) meets the ap-
11 plicable specifications under such subparagraph,
12 the Administrator shall identify the lead con-
13 tent of the paint or primer of each applicable
14 category of paints or primers (or both) under
15 subclauses (I) through (III) of subparagraph
16 (A)(i).

17 “(C) PROHIBITION ON IMPORTATION, MAN-
18 UFACTURING, AND PROCESSING.—For a cat-
19 egory of paints or primers (or both) referred to
20 in subparagraph (B), beginning on the date
21 that is 3 years after the Administrator makes
22 a determination under subparagraph (B), no
23 person shall import, manufacture, or process
24 any paint or primer with a lead content that ex-

ceeds the level identified by the Administrator pursuant to subparagraph (B).

~~“(D) PROHIBITION ON DISTRIBUTION IN COMMERCE.—~~For a category of paints or primers (or both) referred to in subparagraph (B), beginning on the date that is 4 years after the Administrator makes a determination under subparagraph (B), no person shall—

~~“(i) distribute in commerce any paint or primer with a lead content that exceeds the level identified by the Administrator; or~~

~~“(ii) import, manufacture, or process any motor vehicle or motor vehicle part or new equipment part coated with the paint or primer with a lead content that exceeds the level identified by the Administrator.~~

~~“(E) EFFECT OF NEGATIVE DETERMINATION.—~~If the Administrator determines, pursuant to subparagraph (A), that there is no paint or primer suitable for a use referred to in subclause (I), (II), or (III) of subparagraph (A)(i) that meets the applicable requirements under subparagraph (A)—

~~“(i) beginning on the date that is 13 years after the date of enactment of this~~

1 section, no person shall import, manufac-
2 ture, or process any paint or primer for
3 the use specified in the determination pur-
4 suant to subparagraph (A); and

5 “(ii) beginning on the date that is 14
6 years after the date of enactment of this
7 section, no person shall distribute in com-
8 merce any paint or primer for the use
9 specified in the determination pursuant to
10 subparagraph (A) (or import, manufacture,
11 or process any motor vehicle or motor vehi-
12 cle part or new equipment part coated with
13 the paint or primer),
14 that contains a lead content that exceeds a level
15 of lead content that the Administrator shall de-
16 termine, on the basis of the identification of the
17 lead content of paints and primers for the use.

18 “(c) STATEMENTS BY THE ADMINISTRATOR RELAT-
19 ING TO MODIFICATIONS OF RESTRICTIONS.—In promul-
20 gating any regulation under subsection (b) with respect
21 to the allowable lead content for a product, or a group
22 of products, under a product category, the Administrator
23 shall, prior to the promulgation of a final regulation, con-
24 sider and publish a statement that describes the effects
25 of the proposed allowable lead content level for the prod-

1 uct, or group of products, under the product category on
 2 human health and the environment.

3 ~~“(d) LEAD SOLDER.—~~

4 ~~“(1) IN GENERAL.—~~Not later than 2 years
 5 after the date of enactment of this section, the Ad-
 6 ministrator shall promulgate regulations to ban the
 7 manufacture, importation, processing, sale, and dis-
 8 tribution in commerce of lead solders commonly used
 9 in plumbing systems, including lead solder that con-
 10 tains 50 percent tin and 50 percent lead (50–50 tin-
 11 lead solder) and lead solder that contains 85 percent
 12 tin and 15 percent lead (85–15 tin-lead solder).

13 ~~“(2) RESTRICTIONS ON SALE AND DISPLAY.—~~
 14 Not later than 2 years after the date of enactment
 15 of this section, the Administrator shall promulgate
 16 regulations to restrict the sale and display of lead
 17 solders not commonly used in plumbing systems, in-
 18 cluding—

19 ~~“(A) a prohibition on the sale or display of~~
 20 ~~the solders in the plumbing supply section of~~
 21 ~~any retail establishment;~~

22 ~~“(B) a restriction on the sale or display of~~
 23 ~~the solders in any wholesale establishment;~~

1 “(C) a prohibition on the sale or display of
2 the solders in proximity to plumbing materials
3 in any establishment; and

4 “(D) a requirement that each of the sol-
5 ders be labeled to indicate that the solder is not
6 intended for use in plumbing systems.

7 “(e) PLUMBING FITTINGS AND FIXTURES.—

8 “(1) IN GENERAL.—Not later than 2 years
9 after the date of enactment of this section, the Ad-
10 ministrators shall promulgate regulations to establish
11 a health-effects based performance standard that es-
12 tablishes minimal leaching levels of lead from new
13 plumbing fittings and fixtures that convey drinking
14 water.

15 “(2) CONSEQUENCES OF FAILURE TO MEET RE-
16 QUIREMENTS.—If the requirements of paragraph (1)
17 are not met—

18 “(A) by the date that is 4 years after the
19 date of enactment of this section, no person
20 may import, manufacture, process, or distribute
21 in commerce a plumbing fitting or fixture that
22 contains more than 7 percent lead by dry
23 weight;

24 “(B) by the date that is 5 years after the
25 date of enactment of this section, no person

1 may import, manufacture, process, or distribute
2 in commerce a plumbing fitting or fixture that
3 contains more than 6 percent lead by dry
4 weight;

5 “(C) by the date that is 6 years after the
6 date of enactment of this section, no person
7 may import, manufacture, process, or distribute
8 in commerce a plumbing fitting or fixture that
9 contains more than 5 percent lead by dry
10 weight; or

11 “(D) by the date that is 7 years after the
12 date of enactment of this section, no person
13 may import, manufacture, process, or distribute
14 in commerce a plumbing fitting or fixture that
15 contains more than 4 percent lead by dry
16 weight.

17 “(f) PACKAGING.—

18 “(1) DEFINITIONS.—As used in this subsection:

19 “(A) INCIDENTAL PRESENCE.—The term
20 ‘incidental presence’ means the presence of lead
21 in a package or packaging component that was
22 not purposely introduced into the package or
23 packaging component for the properties or
24 characteristics of the lead.

1 “(B) INTENTIONALLY INTRODUCE.—The
2 term ‘intentionally introduce’ means to purpose-
3 fully introduce lead into a package or packaging
4 component with the intent that the lead be
5 present in the package or packaging component.
6 The term does not include—

7 “(i) the presence of background levels
8 of lead that naturally occur in raw mate-
9 rials or are present as postconsumer addi-
10 tions, and that are not purposefully added
11 to perform as part of a package or packag-
12 ing component; and

13 “(ii) any trace amounts of a process-
14 ing aid or similar material that is—

15 “(I) used to produce a product
16 from which a package or packaging
17 component is manufactured; and

18 “(II) reasonably expected to be
19 consumed or transformed into a mate-
20 rial that is not regulated under this
21 title during the process.

22 “(2) INTENTIONAL INTRODUCTION.—Beginning
23 on the date that is 4 years after the date of enact-
24 ment of this section—

1 “(A) no package or packaging component
2 shall be sold or distributed in commerce by a
3 manufacturer or distributor; and

4 “(B) no product shall be distributed in
5 commerce by the manufacturer or distributor of
6 the product in a package,

7 if the product includes, in the package, or in any
8 packaging component, any ink, dye, pigment, adhe-
9 sive, stabilizer, or other additive to which lead has
10 been intentionally introduced as an element during
11 manufacturing or distribution (as opposed to the in-
12 cidental presence of lead).

13 “(3) LIMITATIONS ON THE AGGREGATE OF
14 CONCENTRATION LEVELS FROM INCIDENTAL PRES-
15 ENCE OF LEAD.—Notwithstanding paragraph (2),
16 the aggregate of the concentration levels from any
17 incidental presence of lead present in any package or
18 packaging component, other than the lead originat-
19 ing from the product contained in the package, shall
20 not exceed—

21 “(A) for the fifth 1-year period after the
22 date of enactment of this section, 600 parts per
23 million by weight (0.06 percent);

1 “(B) for the sixth 1-year period after the
2 date of enactment of this section, 250 parts per
3 million by weight (0.025 percent); and

4 “(C) for the seventh 1-year period after
5 the date of enactment of this section, and for
6 each 12-month period thereafter, 100 parts per
7 million by weight (0.01 percent).

8 “(4) PROHIBITION.—No package or packaging
9 component shall be sold or distributed in commerce
10 by a manufacturer or distributor, and no product
11 shall be sold or distributed in commerce in a pack-
12 age by a manufacturer or distributor, if the package
13 or packaging component exceeds the applicable level
14 provided under paragraph (3).

15 “(5) CERTIFICATE OF COMPLIANCE.—

16 “(A) IN GENERAL.—A certificate of com-
17 pliance stating that a package or packaging
18 component is in compliance with the require-
19 ments of this section shall be prepared and re-
20 tained by the manufacturer or distributor of the
21 package or packaging component.

22 “(B) STATEMENT RELATING TO EXEMP-
23 TION.—In any case in which compliance with
24 this section is based on an exemption under
25 paragraph (6), the certificate shall state the

1 specific basis upon which the exemption is
2 claimed.

3 ~~“(C) SIGNATURE OF AUTHORIZED OFFI-~~
4 ~~CIAL.—A certificate of compliance shall be~~
5 ~~signed by an authorized official of the manufac-~~
6 ~~turer or distributor referred to in subparagraph~~
7 ~~(A).~~

8 ~~“(6) EXEMPTION FROM PACKAGING REQUIRE-~~
9 ~~MENTS.—Prior to the expiration of the 7-year period~~
10 ~~beginning on the date of enactment of this section,~~
11 ~~on receipt of an application (in such form and con-~~
12 ~~taining such information as the Administrator may~~
13 ~~prescribe by regulation), the Administrator may ex-~~
14 ~~empt from the requirements of paragraph (2), (3) or~~
15 ~~(4)—~~

16 ~~“(A) a package or packaging component~~
17 ~~manufactured prior to the date of enactment of~~
18 ~~this section, as determined by the Adminis-~~
19 ~~trator; and~~

20 ~~“(B) a package or packaging component to~~
21 ~~which lead has been added in the manufactur-~~
22 ~~ing, forming, printing, or distribution process in~~
23 ~~order to comply with health or safety require-~~
24 ~~ments of Federal law or the law of any State~~
25 ~~or political subdivision of a State.~~

1 ~~“(g) EXEMPTIONS.—~~

2 ~~“(1) IN GENERAL.—The Administrator shall,~~
 3 ~~by regulation, exempt from the restrictions on the~~
 4 ~~lead content of paint described in subsection~~
 5 ~~(a)(1)—~~

6 ~~“(A) any paint that is imported, processed,~~
 7 ~~manufactured, or distributed in commerce for~~
 8 ~~use by an artist (including any graphic artist)~~
 9 ~~in a work of art if the paint is sold or otherwise~~
 10 ~~distributed in a package labeled pursuant to the~~
 11 ~~requirements under section 405(c)(1); and~~

12 ~~“(B) during the 5-year period beginning on~~
 13 ~~the date of enactment of this section, zinc-en-~~
 14 ~~riched industrial paint with respect to which the~~
 15 ~~incidental presence of lead does not exceed 0.19~~
 16 ~~percent lead by dry weight.~~

17 ~~“(2) EXEMPTIONS.—The Administrator shall,~~
 18 ~~by regulation, exempt from the applicable restric-~~
 19 ~~tions on lead content under subsection (a) or (b) any~~
 20 ~~product, or group of products, within a product cat-~~
 21 ~~egory used—~~

22 ~~“(A) for a medical purpose (as defined by~~
 23 ~~the Administrator, in consultation with the Sec-~~
 24 ~~retary of Health and Human Services);~~

1 “(B) for a purpose in the paramount inter-
2 est of the United States (as determined by the
3 Administrator, in consultation with the Sec-
4 retary of Defense);

5 “(C) for radiation protection (as jointly de-
6 fined by the Administrator and the Nuclear
7 Regulatory Commission), including any product
8 or product category used in connection with the
9 national security programs of the Department
10 of Energy;

11 “(D) in the mining industry to determine
12 the presence of noble metals in geological mate-
13 rials; or

14 “(E) as radiation shielding in any elec-
15 tronic device, or in specialized electronics uses
16 in any case in which the Administrator has de-
17 termined that no appropriate substitute for lead
18 is available.

19 “(3) STATUTORY CONSTRUCTION.—Nothing in
20 this section or the Lead Exposure Reduction Act of
21 1993 and the amendments made by such Act is in-
22 tended to prohibit the recycling (for use as a raw
23 material or for processing), recovery, or reuse of
24 lead-containing metal, glass, plastic, paper, or tex-
25 tiles, except that any product manufactured or proc-

1 essed from the lead-containing materials shall meet
 2 the requirements (including standards) of this sec-
 3 tion.”.

4 **SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS**
 5 **AND NEW USE NOTIFICATION PROCEDURES.**

6 Title IV (15 U.S.C. 2681 et seq.), as amended by
 7 section 103 of this Act, is further amended by inserting
 8 after section 403, as redesignated by section 101(a) of this
 9 Act, the following new section:

10 **“SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS**
 11 **AND NEW USE NOTIFICATION PROCEDURES.**

12 “(a) CREATION OF AN INVENTORY OF USES OF LEAD
 13 IN PRODUCTS IN COMMERCE.—

14 “(1) IN GENERAL.—Not later than 60 days
 15 after the date of enactment of this section, the Ad-
 16 ministrators shall, with the active participation of all
 17 interested parties, initiate a survey of all lead-con-
 18 taining products sold or distributed in commerce in
 19 the United States.

20 “(2) DEVELOPMENT OF INVENTORY.—

21 “(A) IN GENERAL.—On the basis of the
 22 survey described in paragraph (1), the Adminis-
 23 trator shall develop an inventory of all lead-con-
 24 taining products sold or distributed in com-

merce (referred to in this section as the ‘inventory’).

“(B) ~~PRODUCT CATEGORIES.~~—In developing the inventory, the Administrator may group in product categories those products that meet both of the following criteria:

“(i) The products are functionally similar.

“(ii) The products provide similar opportunities for lead exposure or release during manufacturing, processing, or use, or at the end of the useful life of the product (taking into account other applicable regulations).

“(3) ~~PUBLICATION OF DRAFT INVENTORY.~~—

“(A) ~~IN GENERAL.~~—The Administrator shall—

“(i) publish the inventory in the Federal Register in draft form; and

“(ii) solicit public comment on the draft inventory.

“(B) ~~PUBLICATION.~~—Not later than 2 years after the date of enactment of this section, after providing public notice and oppor-

1 tunity for comment on the draft inventory; the
2 Administrator shall publish a final inventory.

3 ~~“(4) PRODUCTS CONTAINING COMPONENTS IN-~~
4 ~~CLUDED ON INVENTORY.—~~For the purposes of this
5 section, any product that contains lead-containing
6 components included on the inventory shall be
7 deemed to be included on the inventory.

8 ~~“(5) FAILURE OF ADMINISTRATOR TO PUBLISH~~
9 ~~INVENTORY.—~~If the Administrator fails to publish
10 the inventory by the date specified in paragraph
11 ~~(3)(B),~~ the list of products referred to in subsection
12 ~~(c)(6)~~ shall be deemed to comprise the inventory.

13 ~~“(6) MODIFICATIONS.—~~The Administrator may,
14 from time to time, after notice and opportunity for
15 comment, make modifications to the inventory pub-
16 lished under this subsection. If the Administrator
17 modifies the inventory, the Administrator shall pub-
18 lish the modified inventory.

19 ~~“(b) LIST OF USES OF LEAD IN PRODUCTS THAT~~
20 ~~POSE EXPOSURE CONCERNS.—~~

21 ~~“(1) IN GENERAL.—~~Beginning on the date that
22 is 3 years after the date of enactment of this sec-
23 tion, the Administrator shall promulgate regulations
24 that establish a list (referred to in this section as the
25 ‘list’) of lead-containing products or categories of

1 products that the Administrator determines may
2 reasonably be anticipated to present an unreasonable
3 risk of injury to human health or the environment
4 due to exposure to lead during manufacturing, proc-
5 essing, distribution in commerce or use, or at the
6 end of the useful life of the product (taking into ac-
7 count other applicable regulations).

8 “(2) CRITERIA FOR DETERMINATION TO LIST A
9 PRODUCT OR CATEGORY OF PRODUCT.—Each deter-
10 mination to list a product or category of product
11 shall be based on exposure-related information per-
12 taining to the product or category of products, or to
13 a product or category of products that poses similar
14 exposure risks.

15 “(3) SPECIFICATION OF LEAD CONCENTRA-
16 TION.—For each product or category of products,
17 the Administrator shall specify the concentration of
18 lead (as a percentage of the dry weight of the prod-
19 uct or category of products) that the Administrator
20 determines to be the maximum concentration of lead
21 found in the product or category of products.

22 “(4) MODIFICATION OF LIST.—

23 “(A) ADDITIONS TO LIST.—After promul-
24 gating the list, the Administrator may, by regu-
25 lation—

1 “(i) add a product or category of
2 products to the list, if the Administrator
3 determines that the product or category of
4 products meets the standard established in
5 paragraph (1); or

6 “(ii) remove a product or category of
7 products from the list, if the Administrator
8 determines that the product or category of
9 products does not meet the standard estab-
10 lished in paragraph (1).

11 “(B) PETITIONS FOR MODIFICATIONS.—

12 “(i) IN GENERAL.—Any person may
13 petition the Administrator to make a de-
14 termination to add a product or category
15 of products to the list, or to remove a
16 product or category of products from the
17 list.

18 “(ii) ACTION BY THE ADMINIS-
19 TRATOR.—Not later than 90 days after re-
20 ceipt of a petition under clause (i), the Ad-
21 ministrator shall take one of the following
22 actions:

23 “(I) Grant the petition, initiate a
24 procedure to promulgate a regulation
25 to add or delete the product or prod-

1 uct category as requested in the peti-
 2 tion, and complete the procedure by
 3 not later than 90 days after initiating
 4 the procedure.

5 “(II) Deny the petition and pub-
 6 lish an explanation of the basis for de-
 7 nying the petition in the Federal Reg-
 8 ister.

9 “(c) NOTIFICATION OF NEW USES OF LEAD IN
 10 PRODUCTS IN COMMERCE.—

11 “(1) IN GENERAL.—

12 “(A) PUBLICATION.—After the publication
 13 of the inventory in final form pursuant to sub-
 14 section (a)(3), any person who manufactures,
 15 processes, or imports a lead-containing product
 16 referred to in subparagraph (B) shall submit to
 17 the Administrator a notice prepared pursuant
 18 to paragraph (2) on the commencement of the
 19 manufacture, processing, or importation of the
 20 product.

21 “(B) APPLICABILITY.—Subparagraph (A)
 22 shall apply to any lead-containing product for
 23 which a notice is required under subparagraph
 24 (A) that—

1 “(i) is not listed in the inventory de-
2 veloped under subsection (a); or

3 “(ii) is a product that—

4 “(I) is identified on the list pro-
5 mulgated under subsection (b), or
6 that is included in a category of prod-
7 ucts identified on the list; and

8 “(II) utilizes a greater concentra-
9 tion of lead, as a percentage of dry
10 weight, than the concentration identi-
11 fied by the Administrator for the
12 product or category under subsection
13 (b)(3) (unless the concentration is ex-
14 ceeded on a percentage basis solely as
15 a result of efforts to reduce the size or
16 weight of the product, rather than by
17 the addition of greater quantities of
18 lead into the product).

19 “(2) CONTENTS OF NOTICE.—The notice re-
20 quired by paragraph (1) shall include—

21 “(A) a general description of the product;

22 “(B) a description of the manner in which
23 lead is used in the product;

24 “(C) the quantity of the product manufac-
25 tured, processed, or imported; and

1 “(D) the quantity and percentage of lead
2 used in the manufacturing of the product, or
3 the quantity and percentage of lead contained
4 in the imported product.

5 “(3) REPORT BY THE ADMINISTRATOR.—On an
6 annual basis, the Administrator shall publish a re-
7 port that provides a nonconfidential summary of new
8 uses identified pursuant to this subsection. The re-
9 port shall include aggregated information regarding
10 the amount of lead associated with the new uses.

11 “(4) RELATIONSHIP WITH OTHER PROVI-
12 SIONS.—The notification requirement under para-
13 graph (1) shall be subject to the confidentiality pro-
14 visions under section 5, and the research and devel-
15 opment exemption under section 5.

16 “(5) AMENDMENT OF LIST AND INVENTORY.—
17 After the receipt of a notice under paragraph (1),
18 the Administrator shall—

19 “(A) make such amendments to the inven-
20 tory established under subsection (a) as the Ad-
21 ministrator determines to be appropriate; and

22 “(B) evaluate whether any new products
23 should be added to the list established under
24 subsection (b).

25 “(6) DELAY IN PUBLICATION.—

1 “(A) IN GENERAL.—If the publication of a
2 final list is delayed beyond the date specified in
3 subsection (b), subparagraphs (B) and (C) shall
4 apply.

5 “(B) PROHIBITION.—Beginning on the
6 date that the final list is required to be promul-
7 gated under subsection (b), and until such time
8 as a final list is published, no person shall man-
9 ufacture, process, or import a product that is
10 listed or included within a product category
11 identified in subparagraph (C), if—

12 “(i) the product, or a substantially
13 similar product, has not been distributed
14 in commerce prior to the date of enact-
15 ment of this section; or

16 “(ii) the product contains a greater
17 percentage of lead than any substantially
18 similar product distributed in commerce
19 before the date of enactment of this sec-
20 tion,

21 unless the person has submitted a notice under
22 paragraph (2).

23 “(C) LIST OF PRODUCTS OR CAT-
24 EGORIES.—The list of products or categories of
25 products referred to in subparagraph (B) shall

1 be the products listed under section 403(a)(2)
 2 and subsections (d) through (f) of section 403.

3 “(D) BURDEN OF PROOF.—In any pro-
 4 ceeding to enforce subparagraph (B) with re-
 5 spect to a product, the manufacturer, processor,
 6 or importer shall have the burden of dem-
 7 onstrating that the manufacturer, processor, or
 8 importer had a reasonable basis for concluding
 9 that the product (or a substantially similar
 10 product) had been distributed in commerce
 11 prior to the date of publication of the final list,
 12 as referred to in subparagraph (B).

13 “(d) EXEMPTIONS.—

14 “(1) IN GENERAL.—Subsections (b) and (c)
 15 shall not apply to the following:

16 “(A) Stained glass products.

17 “(B) Articles referred to in section
 18 3(2)(B)(v).

19 “(C) Containers used for radiation shield-
 20 ing.

21 “(2) AUTOMOTIVE DISMANTLERS.—This section
 22 shall not apply to any metal, glass, paper, or textile
 23 sold or distributed by the owner or operator of any
 24 automotive dismantler or recycling facility regulated
 25 by a State or the Administrator.”

1 **SEC. 105. PRODUCT LABELING.**

2 Title IV (15 U.S.C. 2681 et seq.), as amended by
3 section 104 of this Act, is further amended by inserting
4 after section 404, as redesignated by section 101(a) of this
5 Act, the following new section:

6 **~~“SEC. 405. PRODUCT LABELING.~~**

7 ~~“(a) IN GENERAL.—~~

8 ~~“(1) LABELING.—~~

9 ~~“(A) IN GENERAL.—Not later than 3 years~~
10 ~~after the date of enactment of this section, the~~
11 ~~Administrator shall promulgate regulations that~~
12 ~~provide for the labeling of products included in~~
13 ~~the list established under section 404(b).~~

14 ~~“(B) EXEMPTIONS.—The regulations pro-~~
15 ~~mulgated under this paragraph shall not apply~~
16 ~~to—~~

17 ~~“(i) lead-acid batteries, to the extent~~
18 ~~that the labeling of the batteries as to the~~
19 ~~lead content of the batteries is regulated~~
20 ~~under any other Federal law; and~~

21 ~~“(ii) products regulated under the~~
22 ~~Federal Food, Drug and Cosmetic Act (21~~
23 ~~U.S.C. 301 et seq.).~~

24 ~~“(C) DIFFERENTIATION IN LABELING.—~~
25 The regulations promulgated under this section

1 may distinguish between labels required for
2 products—

3 “(i) that present a risk of exposure to
4 lead during manufacture or processing;
5 and

6 “(ii) that present a risk of exposure to
7 lead during distribution or use.

8 ~~“(2) EFFECTIVE DATE OF REGULATIONS.—The~~
9 regulations promulgated pursuant to paragraph (1)
10 shall take effect not later than the date that is 3
11 years after the date of enactment of this section.

12 ~~“(b) CONTENT OF REGULATIONS.—The regulations~~
13 described in subsection (a) shall specify the wording, type
14 size, and placement of the labels described in subsection
15 (a).

16 ~~“(c) LABELING OF CERTAIN ITEMS.—~~

17 ~~“(1) IN GENERAL.—The Administrator shall~~
18 promulgate regulations requiring that the following
19 labeling be included in the labeling of the packaging
20 of the following items:

21 ~~“(A) For any paint for use by artists (in-~~
22 cluding graphic artists) described in section
23 403(g):

1 **~~‘CONTAINS LEAD—FOR USE BY ADULTS ONLY.~~**
 2 **~~DO NOT USE OR STORE AROUND CHILDREN~~**
 3 **~~OR IN AREAS ACCESSIBLE TO CHILDREN.’.~~**

4 “(B) For each toy or recreational game
 5 piece that is a collectible item and for each
 6 scale model that is subject to the regulations
 7 promulgated under section 403(b)(4) and is
 8 manufactured on or after the effective date of
 9 the regulations promulgated under this sub-
 10 section:

11 **~~‘COLLECTIBLE ITEM, CONTAINS LEAD, NOT~~**
 12 **~~SUITABLE FOR CHILDREN.’.~~**

13 “(2) ~~CRITERIA FOR REGULATIONS.~~—The regu-
 14 lations promulgated pursuant to paragraph (1) shall
 15 specify the type, size, and placement of the labeling
 16 described in paragraph (1).

17 “(3) ~~EFFECTIVE DATE.~~—Each regulation pro-
 18 mulgated under paragraph (1) shall take effect on
 19 the date that is 1 year after the date of the promul-
 20 gation of the regulation.

21 “(4) ~~LABELS.~~—If, by the date that is 2 years
 22 after the date of enactment of this section, the Ad-
 23 ministrator has not promulgated regulations that
 24 specify the alternate type, size, and placement of the
 25 wording for labels referred to in paragraph (1), the
 26 wording shall be placed prominently on the package

1 in letters the same size as the largest text letter (ex-
 2 cept for letters in logos or brand markings) other-
 3 wise affixed to the label or packaging of the product
 4 until such time as the Administrator promulgates
 5 the regulations.

6 ~~“(d) BAR ON DEFENSES.—Compliance with the la-~~
 7 ~~beling requirements of this section shall not constitute, in~~
 8 ~~whole or in part, a defense for liability relating to, or a~~
 9 ~~cause for reduction in damages resulting from, any civil~~
 10 ~~or criminal action brought under any Federal or State law,~~
 11 ~~other than an action brought for failure to comply with~~
 12 ~~the labeling requirements of this section.”.~~

13 **SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.**

14 Title IV (15 U.S.C. 2681 et seq.), as amended by
 15 section 105 of this Act, is further amended by inserting
 16 after section 405, as redesignated by section 101(a) of this
 17 Act, the following new section:

18 **“SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.**

19 ~~“(a) PROHIBITIONS.—~~

20 ~~“(1) IN GENERAL.—Beginning on the date that~~
 21 ~~is 1 year after the date of enactment of this section,~~
 22 ~~no person shall—~~

23 ~~“(A) place a lead-acid battery in any land-~~
 24 ~~fill; or~~

25 ~~“(B) incinerate any lead-acid battery.~~

1 ~~“(2) DISPOSAL.—No person may—~~

2 ~~“(A) discard or otherwise dispose of a~~
3 ~~lead-acid battery in mixed municipal solid~~
4 ~~waste; or~~

5 ~~“(B) discard or otherwise dispose of a~~
6 ~~lead-acid battery in a manner other than by re-~~
7 ~~cycling in accordance with this section.~~

8 ~~“(3) EXEMPTION.—Paragraphs (1) through (2)~~
9 ~~shall not apply to an owner or operator of a munici-~~
10 ~~pal solid waste landfill, incinerator, or collection pro-~~
11 ~~gram that inadvertently receives any lead-acid bat-~~
12 ~~tery that—~~

13 ~~“(A) is commingled with other municipal~~
14 ~~solid waste; and~~

15 ~~“(B) is not readily removable from the~~
16 ~~waste stream,~~

17 ~~if the owner or operator of the facility or collection~~
18 ~~program has established contractual requirements or~~
19 ~~other appropriate notification or inspection proce-~~
20 ~~dures to ensure that no lead-acid battery is received~~
21 ~~at, or burned in, the facility or accepted through the~~
22 ~~collection program.~~

23 ~~“(b) GENERAL DISCARD OR DISPOSAL REQUIRE-~~
24 ~~MENTS.—Beginning on the date that is 1 year after the~~
25 ~~date of enactment of this section, no person (except a per-~~

1 son described in subsection (c), (d), or (e)) may discard
 2 or otherwise dispose of any used lead-acid battery except
 3 by delivery to 1 of the following persons (or an authorized
 4 representative of the person):

5 “(1) A person who sells lead-acid batteries at
 6 retail or wholesale.

7 “(2) A lead smelter regulated by a State or the
 8 Administrator under the Solid Waste Disposal Act
 9 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
 10 U.S.C. 7401 et seq.).

11 “(3) A collection or recycling facility regulated
 12 by a State or subject to regulation by the Adminis-
 13 trator under the Solid Waste Disposal Act (42
 14 U.S.C. 6901 et seq.).

15 “(4) An automotive dismantler (as defined by
 16 the Administrator).

17 “(5) A curbside collection program operated by,
 18 or under an agreement with, a governmental entity.

19 “(6) A manufacturer of batteries of the same
 20 general type.

21 “(c) DISCARD OR DISPOSAL REQUIREMENTS FOR
 22 RETAILERS.—Beginning on the date that is 1 year after
 23 the date of enactment of this section, no person who sells
 24 lead-acid batteries at retail may discard or otherwise dis-
 25 pose of any used lead-acid battery except by delivery to

1 1 of the following persons (or an authorized representative
2 of the person):

3 “(1) A person who sells lead-acid batteries at
4 wholesale.

5 “(2) A lead smelter regulated by a State or the
6 Administrator under the Solid Waste Disposal Act
7 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
8 U.S.C. 7401 et seq.).

9 “(3) A battery manufacturer.

10 “(4) A collection or recycling facility regulated
11 by a State or subject to regulation by the Adminis-
12 trator under the Solid Waste Disposal Act (42
13 U.S.C. 6901 et seq.).

14 “(5) An automotive dismantler (as defined by
15 the Administrator).

16 “(d) DISCARD OR DISPOSAL REQUIREMENTS FOR
17 WHOLESALE AND AUTOMOTIVE DISMANTLERS.—

18 “(1) IN GENERAL.—Beginning on the date that
19 is 1 year after the date of enactment of this sec-
20 tion—

21 “(A) no person who sells lead-acid bat-
22 teries at wholesale; and

23 “(B) no automotive dismantler,
24 may discard or otherwise dispose of any used lead-
25 acid battery, except by delivery to 1 of the persons

1 described in paragraph (2) (or an authorized rep-
 2 resentative of the person).

3 “(2) PERSONS.—The persons described in this
 4 paragraph are as follows:

5 “(A) A lead smelter regulated by a State
 6 or the Administrator under the Solid Waste
 7 Disposal Act (42 U.S.C. 6901 et seq.) or the
 8 Clean Air Act (42 U.S.C. 7401 et seq.).

9 “(B) A battery manufacturer.

10 “(C) A collection or recycling facility regu-
 11 lated by a State or subject to regulation by the
 12 Administrator under the Solid Waste Disposal
 13 Act (42 U.S.C. 6901 et seq.).

14 “(e) DISCARD OR DISPOSAL REQUIREMENTS FOR
 15 MANUFACTURERS.—

16 “(1) IN GENERAL.—Beginning on the date that
 17 is 1 year after the date of enactment of this section,
 18 no person who manufactures lead-acid batteries may
 19 discard or otherwise dispose of any used lead-acid
 20 battery, except by delivery to 1 of the persons de-
 21 scribed in paragraph (2) (or an authorized rep-
 22 resentative of the person).

23 “(2) PERSONS.—The persons described in this
 24 paragraph are as follows:

1 “(A) A lead smelter regulated by a State
 2 or the Administrator under the Solid Waste
 3 Disposal Act (42 U.S.C. 6901 et seq.) or the
 4 Clean Air Act (42 U.S.C. 7401 et seq.).

5 “(B) A collection or recycling facility regu-
 6 lated by a State or subject to regulation by the
 7 Administrator.

8 “(f) COLLECTION REQUIREMENTS FOR RETAIL-
 9 ERS.—Beginning on the date that is 1 year after the date
 10 of enactment of this section, a person who sells, or offers
 11 for sale, lead-acid batteries at retail shall accept from cus-
 12 tomers used lead-acid batteries of the same type as the
 13 batteries sold and in a quantity approximately equal to
 14 the number of batteries sold. The used lead-acid batteries
 15 shall be accepted at the place where lead-acid batteries are
 16 offered for sale.

17 “(g) COLLECTION REQUIREMENTS FOR WHOLE-
 18 SALEERS.—

19 “(1) IN GENERAL.—Beginning on the date that
 20 is 1 year after the date of enactment of this section,
 21 a person who sells, or offers for sale, lead-acid bat-
 22 teries at wholesale (referred to in this section as a
 23 ‘wholesaler’) shall accept from customers used lead-
 24 acid batteries of the same type as the batteries sold

1 and in a quantity approximately equal to the number
2 of batteries sold.

3 ~~“(2) WHOLESALER WHO SELLS LEAD-ACID~~
4 ~~BATTERIES TO A RETAILER.—In the case of a whole-~~
5 ~~saler who sells, or offers for sale, lead-acid batteries~~
6 ~~to a retailer, the wholesaler shall also provide for re-~~
7 ~~moving used lead-acid batteries at the place of busi-~~
8 ~~ness of the retailer. Unless the quantity of batteries~~
9 ~~to be removed is less than 5, the removal shall occur~~
10 ~~not later than 90 days after the retailer notifies the~~
11 ~~wholesaler of the existence of the used lead-acid bat-~~
12 ~~teries for removal. If the quantity of batteries to be~~
13 ~~removed is less than 5, the wholesaler shall remove~~
14 ~~the batteries not later than 180 days after the noti-~~
15 ~~fication referred to in the preceding sentence.~~

16 ~~“(h) COLLECTION REQUIREMENTS FOR MANUFAC-~~
17 ~~TURERS.—Beginning on the date that is 1 year after the~~
18 ~~date of enactment of this section, a person who manufac-~~
19 ~~tures lead-acid batteries shall accept from customers used~~
20 ~~lead-acid batteries of the same type as the batteries sold~~
21 ~~and in a quantity approximately equal to the number of~~
22 ~~batteries sold.~~

23 ~~“(i) WRITTEN NOTICE REQUIREMENTS FOR RETAIL-~~
24 ~~ERS.—~~

1 “(1) IN GENERAL.—Beginning on the date that
2 is 1 year after the date of enactment of this section,
3 a person who sells, or offers for sale, lead-acid bat-
4 teries at retail shall post written notice that—

5 “(A) is clearly visible in a public area of
6 the establishment in which the lead-acid bat-
7 teries are sold or offered for sale;

8 “(B) is at least 8½ inches by 11 inches in
9 size; and

10 “(C) contains the following language:

11 “(i) ‘It is illegal to throw away a
12 motor vehicle battery or other lead-acid
13 battery.’

14 “(ii) ‘Recycle your used batteries.’

15 “(iii) ‘Federal law requires battery re-
16 tailers to accept used lead-acid batteries
17 for recycling when a battery is purchased.’

18 “(iv) ‘Federal law allows you to sell or
19 return used batteries to an authorized bat-
20 tery collector, recycler, or processor, or to
21 an automotive dismantler.’

22 “(2) FAILURE TO POST NOTICE.—Any person
23 who, after receiving a written warning by the Ad-
24 ministrators, fails to post a notice required under
25 paragraph (1) shall, notwithstanding section 16, be

1 subject to a civil penalty in an amount not to exceed
 2 \$1,000 per day.

3 ~~“(j) LEAD-ACID BATTERY LABELING REQUIRE-~~
 4 ~~MENTS.—~~

5 ~~“(1) IN GENERAL.—Beginning on the date that~~
 6 ~~is 18 months after the date of enactment of this sec-~~
 7 ~~tion, it shall be unlawful for any lead-acid battery~~
 8 ~~manufacturer to sell, or offer for sale, any lead-acid~~
 9 ~~battery that does not bear a permanent label that~~
 10 ~~contains the statements required under paragraph~~
 11 ~~(3).~~

12 ~~“(2) SALES.—Beginning on the date that is 2~~
 13 ~~years after the date of enactment of this section, it~~
 14 ~~shall be unlawful to sell a lead-acid battery that does~~
 15 ~~not bear a permanent label that contains the state-~~
 16 ~~ments required under paragraph (3).~~

17 ~~“(3) LABELS.—A label described in paragraph~~
 18 ~~(1) or (2) shall be considered to be consistent with~~
 19 ~~the requirements of this section if the label—~~

20 ~~“(A) identifies that the lead-acid battery~~
 21 ~~contains lead; and~~

22 ~~“(B) contains the following statements:~~

23 ~~“(i) ‘Federal law requires recycling.’~~

24 ~~“(ii) ‘Retailers must accept in ex-~~
 25 ~~change.’~~

1 ~~“(4) RECYCLING SYMBOLS.—~~Nothing in this
 2 section shall be interpreted as prohibiting the display
 3 on the label of a lead-acid battery a recycling symbol
 4 (as defined by the Administrator) or other informa-
 5 tion intended to encourage recycling.

6 ~~“(k) PUBLICATION OF NOTICE.—~~Not later than 6
 7 months after the date of enactment of this section, the
 8 Administrator shall publish in the Federal Register a no-
 9 tice of the requirements of this section and such other re-
 10 lated information as the Administrator determines to be
 11 appropriate.

12 ~~“(l) WARNINGS AND CITATIONS.—~~The Administrator
 13 may issue a warning or citation (or both) to any person
 14 who fails to comply with any provision of this section.

15 ~~“(m) EXPORT FOR PURPOSES OF RECYCLING.—~~Not-
 16 withstanding any other provision of this section, any per-
 17 son may export any used lead-acid battery for the purpose
 18 of recycling.

19 ~~“(n) STUDY.—~~

20 ~~“(1) IN GENERAL.—~~Not later than 18 months
 21 after the date of enactment of this section, the Ad-
 22 ministrator shall—

23 ~~“(A) conduct a study on the recycling and~~
 24 disposal of small-sealed consumer lead-acid bat-

teries and submit a report on the results of the study to Congress; and

“(B) publish in the Federal Register either—

“(i) a proposed rule to regulate the recycling and disposal of small-sealed consumer lead-acid batteries; or

“(ii) with respect to the batteries referred to in clause (i), a determination that regulations are not needed to protect human health and the environment.

“(2) CONTENTS OF STUDY AND REPORT.—The study and report referred to in paragraph (1) shall include an assessment of—

“(A) the quantity (expressed in volume) of new small-sealed consumer lead-acid batteries produced annually and an estimate of the quantity of the batteries disposed of annually in municipal solid waste landfills and incinerators;

“(B) the feasibility of recycling used small-sealed consumer lead-acid batteries (including an assessment of potential collection systems, technologies for recovering reusable materials from the batteries, and the cost of recycling the batteries); and

1 ~~“(C) such other information as the Admin-~~
2 ~~istrator determines to be appropriate with re-~~
3 ~~spect to disposal practices of small-sealed~~
4 ~~consumer lead-acid batteries that are current at~~
5 ~~the time of the study and potential alternatives~~
6 ~~to the practices.~~

7 ~~“(3) INVESTIGATION.—~~

8 ~~“(A) IN GENERAL.—In carrying out the~~
9 ~~study and preparing the report, the Adminis-~~
10 ~~trator may—~~

11 ~~“(i) undertake such original investiga-~~
12 ~~tions as the Administrator determines to~~
13 ~~be necessary to generate the data required~~
14 ~~to make findings for the report; or~~

15 ~~“(ii) rely on data generated and com-~~
16 ~~plied by any industry or other organization~~
17 ~~with an interest in the report.~~

18 ~~“(B) SUBMITTAL OF CONFIDENTIAL IN-~~
19 ~~FORMATION.—Any person who submits con-~~
20 ~~fidential information to the Administrator pur-~~
21 ~~suant subparagraph (A) shall also submit data~~
22 ~~that is publicly available.~~

23 ~~“(o) EXEMPTION.—~~

1 “(1) ~~IN GENERAL.~~—Except as provided in para-

2 graph (2), this section shall not apply to small-

3 sealed consumer lead-acid batteries.

4 “(2) ~~EXCEPTION.~~—Subsection (n) shall apply

5 to small-sealed lead-acid batteries.

6 “(p) ~~DEFINITIONS.~~—As used in this section:

7 “(1) ~~LEAD-ACID BATTERY.~~—The term ‘lead-

8 acid battery’ means a battery that—

9 “(A) consists of lead and sulfuric acid; and

10 “(B) is used as a power source.

11 “(2) ~~SMALL-SEALED CONSUMER LEAD-ACID~~

12 ~~BATTERY.~~—The term ‘small-sealed consumer lead-

13 acid battery’ means a lead-acid battery, weighing 25

14 pounds or less, used in non-vehicular, non-SLI

15 (starting, lighting, and ignition) applications.”.

16 **SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY**

17 **CARE FACILITIES.**

18 Title IV (15 U.S.C. 2681 et seq.), as amended by

19 section 106 of this Act, is further amended by inserting

20 after section 406, as redesignated by section 101(a) of this

21 Act, the following new section:

22 **“SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY**

23 **CARE FACILITIES.**

24 “(a) ~~DEFINITIONS.~~—As used in this subsection:

1 ~~“(1) COVERED DAY CARE FACILITY.—~~The term
 2 ‘covered day care facility’ means—

3 ~~“(A) the interior and exterior of any build-~~
 4 ing constructed before 1980 that is used as a
 5 day care facility that regularly provides day
 6 care services for children in kindergarten or
 7 younger children; and

8 ~~“(B) any land and structure on the land,~~
 9 and any related common grounds or playground
 10 area and playground structures, that are under
 11 the same ownership as the building referred to
 12 in subparagraph (A) and that is regularly ac-
 13 cessible to children in kindergarten or younger
 14 children.

15 ~~“(2) COVERED SCHOOL.—~~The term ‘covered
 16 school’ means—

17 ~~“(A) the interior and exterior of any build-~~
 18 ing constructed before 1980 that is used—

19 ~~“(i) as an elementary school (as de-~~
 20 fined in section 1471(8) of the Elementary
 21 and Secondary Education Act of 1965 (20
 22 U.S.C. 2891(8)))”; or

23 ~~“(ii) as a kindergarten that regularly~~
 24 provides education for children in kinder-
 25 garten or younger children; and

1 ~~“(B) any land and structure on the land,~~
 2 ~~and any related common grounds or playground~~
 3 ~~area and playground structures, that are under~~
 4 ~~the same ownership as the building referred to~~
 5 ~~in subparagraph (A) and that is regularly ac-~~
 6 ~~cessible to children in kindergarten or younger~~
 7 ~~children.~~

8 ~~“(3) DAY CARE FACILITY.—The term ‘day care~~
 9 ~~facility’ means any portion of a facility used for day~~
 10 ~~care for children in kindergarten or younger children~~
 11 ~~and owned or operated by a person that provides the~~
 12 ~~day care for compensation, and that—~~

13 ~~“(A) is licensed or regulated under State~~
 14 ~~law for day care purposes; or~~

15 ~~“(B) receives Federal funds for day care~~
 16 ~~purposes.~~

17 ~~“(4) LEAD HAZARD.—The term ‘lead hazard’~~
 18 ~~means—~~

19 ~~“(A) lead-based paint that is chipping,~~
 20 ~~peeling, flaking, or chalking;~~

21 ~~“(B) any surface coated with lead-based~~
 22 ~~paint that is subject to abrasion;~~

23 ~~“(C) any surface coated with lead-based~~
 24 ~~paint that can be mouthed by a child under 6~~
 25 ~~years of age; and~~

1 ~~“(D) interior dust that contains a dan-~~
 2 ~~gerous level of lead, as identified by the Admin-~~
 3 ~~istrator.~~

4 ~~“(5) LEAD INSPECTION.—The term ‘lead in-~~
 5 ~~spection’ means an inspection to detect the presence~~
 6 ~~of any lead-based paint or lead hazard.~~

7 ~~“(6) LOCAL EDUCATION AGENCY.—The term~~
 8 ~~‘local education agency’ means—~~

9 ~~“(A) any local educational agency (as de-~~
 10 ~~fin ed in section 1471(12) of the Elementary~~
 11 ~~and Secondary Education Act of 1965 (20~~
 12 ~~U.S.C. 2891(12)))~~;

13 ~~“(B) the owner of any private nonprofit el-~~
 14 ~~ementary or secondary school building; and~~

15 ~~“(C) the governing authority of any school~~
 16 ~~operating under the defense dependents’ edu-~~
 17 ~~cation system provided for under the Defense~~
 18 ~~Dependents’ Education Act of 1978 (20 U.S.C.~~
 19 ~~921 et seq.).~~

20 ~~“(7) OWNER OR OPERATOR.—The term ‘owner~~
 21 ~~or operator’, when used with respect to a school,~~
 22 ~~means the local education agency that has jurisdic-~~
 23 ~~tion over the school.~~

24 ~~“(8) SIGNIFICANT USE.—The term ‘significant~~
 25 ~~use’ means use by more than 1 child at least 2 times~~

1 per week, and for a total period of at least 2 hours
 2 per week.

3 ~~“(b) COVERED SCHOOLS AND COVERED DAY CARE~~
 4 ~~FACILITIES.—~~

5 ~~“(1) IN GENERAL.—~~Except as provided in sub-
 6 section ~~(d)(4)~~, not later than 1 year after the date
 7 of enactment of this section, the Administrator shall
 8 promulgate regulations that shall be adequate to
 9 carry out this section and be consistent with other
 10 regulations promulgated by the Administrator under
 11 this title.

12 ~~“(2) REGULATIONS.—~~Pursuant to paragraph
 13 ~~(1)~~, the Administrator shall promulgate regulations
 14 that require each State that receives a grant under
 15 subsection ~~(d)~~ to—

16 ~~“(A) not later than 3 years after the date~~
 17 ~~of promulgation of the regulations or the date~~
 18 ~~on which amounts are allotted to the State~~
 19 ~~under subsection (d)(2), whichever is later, con-~~
 20 ~~duct—~~

21 ~~“(i) an inspection of each covered~~
 22 ~~school and covered day care facility to de-~~
 23 ~~tect lead-based paint that is chipping, peel-~~
 24 ~~ing, flaking, or chalking; and~~

1 “(ii) an inspection of each room at
2 each covered school and covered day care
3 facility that is used daily or receives sig-
4 nificant use by children in kindergarten or
5 by younger children for the purpose of de-
6 tecting any lead-based paint or interior
7 dust in the rooms of the school or day care
8 facility that contains a dangerous level of
9 lead, as identified by the Administrator
10 pursuant to section 411; and

11 “(B) prepare a report that includes—

12 “(i) the results of the inspections re-
13 ferred to in subparagraph (A); and

14 “(ii) recommendations as to whether
15 any lead hazard detected pursuant to an
16 inspection should be alleviated through en-
17 capsulation, in-place management, or other
18 form of abatement.

19 “(3) RANKING.—In conducting inspections of
20 covered schools and covered day care facilities re-
21 quired by paragraph (2), the appropriate official of
22 the State shall—

23 “(A) rank areas in the State in order of
24 the severity of the suspected lead hazard of the

1 areas, in accordance with procedures that the
2 Administrator shall establish; and

3 “(B) give priority to inspecting covered
4 schools and covered day care facilities located in
5 areas with the greatest suspected lead hazard.

6 “(4) PROCEDURES.—The procedures referred
7 to in paragraph (3) shall use factors for assessing
8 an area, including—

9 “(A) medical evidence regarding the extent
10 of lead poisoning (as determined through lead
11 screening) of children in the area;

12 “(B) the ages of children in the area;

13 “(C) the age and condition of school build-
14 ings in the area; and

15 “(D) the age and condition of the housing
16 in the area,

17 in order to determine which areas in the State are
18 most likely to have a lead hazard.

19 “(5) DISSEMINATION OF REPORTS.—

20 “(A) IN GENERAL.—Each State shall pro-
21 vide to the owner or operator of each covered
22 school and covered day care facility of the State
23 a copy of the report required under paragraph
24 (2)(B).

1 “(B) REQUIREMENTS FOR OWNERS OR OP-
2 ERATORS.—

3 “(i) IN GENERAL.—Except as pro-
4 vided under paragraph (6), in each case in
5 which an inspection conducted pursuant to
6 the requirements of paragraph (2) indi-
7 cates the presence of lead-based paint that
8 poses a lead hazard, or interior dust con-
9 taining a dangerous level of lead (as identi-
10 fied by the Administrator pursuant to sec-
11 tion 411) at a covered school or covered
12 day care facility, the owner or operator of
13 the covered school or covered day care fa-
14 cility shall, not later than 60 days after re-
15 ceiving the report under subparagraph (A),
16 provide a copy of risk disclosure informa-
17 tion that meets the requirements of sub-
18 paragraph (C) to all teachers and other
19 school personnel and parents (or guard-
20 ians) of children attending the covered
21 school or covered day care facility con-
22 cerned.

23 “(ii) NOTIFICATION TO NEW PERSON-
24 NEL MEMBERS AND PARENTS AND GUARD-
25 IANS OF NEW STUDENTS.—During such

1 time as lead-based paint, or interior dust
2 containing a dangerous level of lead (as
3 identified by the Administrator pursuant to
4 section 411), continues to be present at the
5 covered school or covered day care facility,
6 the owner or operator of the covered school
7 or covered day care facility shall also pro-
8 vide the risk disclosure information re-
9 ferred to in clause (i) to newly hired teach-
10 ers and other personnel and parents (or
11 guardians) of newly enrolled children.

12 ~~“(C) RISK DISCLOSURE.—~~

13 ~~“(i) IN GENERAL.—~~As part of the
14 regulations required under paragraph (2),
15 the Administrator shall prescribe the con-
16 tents of the risk disclosure information re-
17 quired to be provided to the persons speci-
18 fied in the regulations.

19 ~~“(ii) CONTENTS OF RISK DISCLOSURE~~
20 ~~INFORMATION.—~~The information shall in-
21 clude each of the following, with respect to
22 each covered school or covered day care fa-
23 cility:

1 “(I) A summary of the results of
2 the inspection conducted pursuant to
3 paragraph (2).
4

5 “(II) A description of the risks of
6 lead exposure to children in kinder-
7 garten and younger children, teachers,
8 and other personnel at the covered
9 school or covered day care facility that
10 takes into account the accessibility of
11 lead-based paint or interior dust con-
12 taining a dangerous level of lead (as
13 identified by the Administrator pursu-
14 ant to section 411) to children in kin-
15 dergarten and younger children, and
16 other factors that the Administrator
17 determines to be appropriate.
18

19 “(III) A description of any abate-
20 ment undertaken, or to be under-
21 taken, by the owner or operator.
22

23 “(D) METHOD OF PROVIDING INFORMA-
24 TION.—An owner or operator of a covered
25 school or covered day care facility may provide
26 the risk disclosure information to the parents
27 (or guardians) of the children attending the
28 covered school or covered day care facility con-

1 cerned in the same manner as written materials
2 are regularly delivered to the parents (or guard-
3 ians).

4 ~~“(6) EXEMPTION FROM NOTICE REQUIRE-~~
5 ~~MENT.—~~An owner or operator of a covered school or
6 covered day care facility shall not be required to pro-
7 vide notification under paragraph (5) if, not later
8 than 180 days prior to the date on which the notifi-
9 cation would otherwise be required—

10 ~~“(A) the owner, operator, or the State per-~~
11 ~~forms encapsulation, in-place management or~~
12 ~~other form of abatement;~~

13 ~~“(B) the State conducts a reinspection;~~
14 ~~and~~

15 ~~“(C) the owner or operator obtains a re-~~
16 ~~port from the State that shows that—~~

17 ~~“(i) the lead-based paint that poses a~~
18 ~~lead hazard; and~~

19 ~~“(ii) any interior dust containing a~~
20 ~~dangerous level of lead, as identified by the~~
21 ~~Administrator,~~

22 ~~have been removed, encapsulated, or managed~~
23 ~~in place.~~

24 ~~“(7) AVAILABILITY OF CERTAIN REPORTS.—~~In
25 lieu of notification under paragraph (5), an owner or

1 operator that elects to perform encapsulation, in-
2 place management, or other form of abatement
3 under this subsection shall—

4 “(A) make a copy of the inspection reports
5 for inspections conducted pursuant to this sub-
6 section available in each administrative office of
7 the owner or operator; and

8 “(B) notify parent, teacher, and employee
9 organizations of the availability of the reports.

10 “(c) RENOVATED AREAS.—With respect to each ren-
11 ovation of a covered school or covered day care facility
12 that commences on or after the date that is 1 year after
13 the date of promulgation of a regulation under subsection
14 (b)(2), for each covered school or covered day care facility
15 in which a renovation will be undertaken, the owner or
16 operator of the covered school or covered day care facility
17 or the State (on the request of the owner or operator)
18 shall, prior to the renovation—

19 “(1) conduct an inspection of the area to be
20 renovated to detect any lead-based paint that could
21 be disturbed as a result of the renovation; and

22 “(2) take any action that is necessary to ensure
23 that the renovation does not result in a dangerous
24 level of lead (as identified by the Administrator pur-
25 suant to section 411), in interior dust.

1 ~~“(d) FEDERAL ASSISTANCE.—~~

2 ~~“(1) IN GENERAL.—~~

3 ~~“(A) GRANTS.—The Administrator shall~~
 4 ~~make grants to States for the purposes of test-~~
 5 ~~ing, at covered schools and covered day care fa-~~
 6 ~~cilities, for—~~

7 ~~“(i) lead-based paint that poses a lead~~
 8 ~~hazard; and~~

9 ~~“(ii) interior dust containing a dan-~~
 10 ~~gerous level of lead (as identified by the~~
 11 ~~Administrator pursuant to section 411).~~

12 ~~“(B) USE OF GRANT AWARD.—A grant~~
 13 ~~awarded pursuant to this subsection may be~~
 14 ~~used by a State only to cover expenses incurred~~
 15 ~~by the State after the date of enactment of this~~
 16 ~~section for lead hazard inspection in covered~~
 17 ~~schools and covered day care facilities.~~

18 ~~“(2) ALLOTMENT.—For each fiscal year, from~~
 19 ~~amounts appropriated pursuant to the authorization~~
 20 ~~under subsection (j), the Administrator shall allot to~~
 21 ~~each State for the purpose of making grants under~~
 22 ~~this subsection, an amount that bears the same ratio~~
 23 ~~to the appropriated amounts as the number of chil-~~
 24 ~~dren under 7 years of age bears to the number of~~
 25 ~~children under age 7 in all States.~~

1 ~~“(3) REALLOTMENT.—~~If the Administrator de-
 2 termines that the amount of the allotment of any
 3 State determined under paragraph (2) for any fiscal
 4 year will not be required for carrying out the pro-
 5 gram for which the amount has been allotted, the
 6 Administrator shall make the amount available for
 7 reallotment.

8 ~~“(4) RESERVATION BY STATE.—~~For each fiscal
 9 year, from the amounts allotted to a State under
 10 paragraph (2), the State shall reserve not more than
 11 5 percent of the amounts for administrative costs.

12 ~~“(5) LIMITATION ON REQUIREMENT.—~~

13 ~~“(A) IN GENERAL.—~~Except as provided in
 14 paragraph (6), the Administrator shall require
 15 each State to fulfill the requirements of sub-
 16 section (a) relating to inspections only to the
 17 extent that assistance under this section is
 18 available to defray the costs of the inspections.

19 ~~“(B) REQUIREMENTS FOR REGULA-~~
 20 TIONS.—

21 ~~“(i) IN GENERAL.—~~With respect to
 22 any State that fails to carry out an appli-
 23 cable requirement under subsection (b),
 24 the Administrator shall take such action as
 25 may be necessary to ensure that the State

meets all applicable requirements of subsection (b) not later than 2 years after the first day on which the cumulative total of all amounts appropriated to the States pursuant to the authorization under subsection (j) equals or exceeds \$90,000,000.

“(ii) PLAN.—With respect to any State that fails to—

“(I) submit to the Administrator, by the date that is 6 years after the date of enactment of this section, a plan that the Administrator determines adequate to complete all applicable requirements of subsection (b) by not later than 8 years after the date of enactment of this section; or

“(II) implement the plan referred to in subclause (I);

the Administrator shall ensure that the actions are completed within the 8-year period referred to in subclause (I), or by not later than 9 years after the date of enactment of this section, in the case of any State that fails to implement the plan.

1 ~~“(6) REQUIREMENT FOR PAYMENTS.—No pay-~~
2 ments shall be made under this section for any fiscal
3 year to a State unless the Administrator determines
4 that the aggregate expenditures of the State for
5 comparable lead inspection programs for the year
6 equaled or exceeded the aggregate expenditures for
7 the most recent fiscal year for which data is avail-
8 able.

9 ~~“(7) STATUTORY CONSTRUCTION.—Nothing in~~
10 this section is intended to prohibit the expenditure
11 of Federal funds for the purposes authorized under
12 this section in or by sectarian institutions. No provi-
13 sion of law (including a State constitution or State
14 law) shall be construed to prohibit the expenditure
15 in or by sectarian institutions of any Federal funds
16 provided under this section. Except as provided in
17 the preceding sentence, nothing in this section is in-
18 tended to supersede or modify any provision of State
19 law that prohibits the expenditure of public funds in
20 or by sectarian institutions.

21 ~~“(e) PUBLIC PROTECTION.—No owner or operator of~~
22 a covered school or covered day care facility may discrimi-
23 nate against a person on the basis that the person pro-
24 vided information relating to a potential violation of this

1 section to any other person, including a State or the Ad-
2 ministrator.

3 ~~“(f) PENALTIES.—~~

4 ~~“(1) IN GENERAL.—~~Notwithstanding any other
5 provision of this Act, the amount of any penalty that
6 may be assessed for a violation of this section pursu-
7 ant to section 16 shall not exceed an amount equal
8 to \$5,000 for each day during which the violation of
9 this section continues.

10 ~~“(2) MANNER OF ASSESSMENT.—~~Any civil pen-
11 alty under this subsection shall be assessed and col-
12 lected in the same manner, and subject to the same
13 provisions, as for civil penalties assessed and col-
14 lected under section 16.

15 ~~“(3) VIOLATION DEFINED.—~~As used in this
16 subsection, the term ‘violation’ means a failure to
17 comply with a requirement of this section with re-
18 spect to a single covered school or covered day care
19 facility.

20 ~~“(g) USE OF PENALTIES.—~~In any action against a
21 State or an owner or operator (or both) of a covered school
22 or covered day care facility for a violation of this section,
23 the court shall have the discretion to order that any civil
24 penalty collected under this subsection be used by the
25 State or the owner or operator (or both) for the cost of

1 inspection and reporting, as required under subsection
2 (b)(2), or lead-based paint abatement activities under-
3 taken for the purpose of complying with this title (or
4 both).

5 “(h) INSPECTIONS.—An inspection required under
6 this section and any abatement performed in lieu of notifi-
7 cation under this section shall be carried out by a lead-
8 based paint abatement contractor who is in compliance
9 with certification requirements under applicable Federal
10 law.

11 “(i) ANNUAL REPORTS TO ADMINISTRATOR.—Each
12 State shall, not later than 1 year after receiving assistance
13 under this section, and annually thereafter, submit to the
14 Administrator an annual report. The report shall include,
15 with respect to the State—

16 “(1) a description of the manner in which the
17 assistance provided under this section was used;

18 “(2) the number of covered schools and covered
19 day care facilities affected by the assistance;

20 “(3) an estimate of the number of children
21 served by the covered schools and covered day care
22 facilities;

23 “(4) an estimate of the magnitude and cost of
24 future efforts required to carry out this section; and

1 ~~“(5) any other information the Administrator~~
 2 ~~may require.~~

3 ~~“(j) AUTHORIZATION OF APPROPRIATIONS.—There~~
 4 ~~are authorized to be appropriated to carry out this sec-~~
 5 ~~tion—~~

6 ~~“(1) \$30,000,000 for the fiscal year 1994;~~

7 ~~“(2) \$30,000,000 for the fiscal year 1995; and~~

8 ~~“(3) \$30,000,000 for the fiscal year 1996.”.~~

9 ~~SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND~~
 10 ~~MEASUREMENT PROGRAMS.~~

11 ~~Title IV (15 U.S.C. 2681 et seq.), as amended by~~
 12 ~~section 107 of this Act, is further amended by inserting~~
 13 ~~after section 407, as redesignated by section 101(a) of this~~
 14 ~~Act, the following new section:~~

15 ~~“SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND~~
 16 ~~MEASUREMENT PROGRAMS.~~

17 ~~“(a) STANDARDS FOR BLOOD ANALYSIS LABORA-~~
 18 ~~TORIES.—~~

19 ~~“(1) IN GENERAL.—~~

20 ~~“(A) STANDARDS FOR LABORATORY ANAL-~~
 21 ~~YSIS.—The Secretary of Health and Human~~
 22 ~~Services (referred to in this subsection as the~~
 23 ~~‘Secretary’), acting through the Director of the~~
 24 ~~Centers for Disease Control, shall establish pro-~~
 25 ~~ocols, criteria, and minimum performance~~

1 standards for the laboratory analysis of lead in
2 blood.

3 ~~“(B) CERTIFICATION PROGRAM.—~~

4 ~~“(i) IN GENERAL.—Except as pro-~~
5 ~~vided in clause (ii) and paragraph (4), not~~
6 ~~later than 18 months after the date of en-~~
7 ~~actment of this section, the Secretary shall~~
8 ~~establish a certification program to ensure~~
9 ~~the quality and consistency of laboratory~~
10 ~~analyses.~~

11 ~~“(ii) EXEMPTION.—If the Secretary~~
12 ~~determines, by the date specified in sub-~~
13 ~~paragraph (A), that effective voluntary ac-~~
14 ~~creditation programs are in place and oper-~~
15 ~~ating on a nationwide basis at the time of~~
16 ~~the determination, the Secretary shall not~~
17 ~~be required to establish the certification~~
18 ~~program referred to in clause (i).~~

19 ~~“(2) REPORTING REQUIREMENT.—The quality~~
20 ~~control program established by the Secretary under~~
21 ~~this subsection shall provide for the reporting of the~~
22 ~~results of blood-lead analyses to the Director of the~~
23 ~~Centers for Disease Control on an ongoing basis.~~
24 ~~Each report prepared pursuant to this paragraph~~

1 shall be in such form as the Secretary shall require
2 by regulation.

3 ~~“(3) LIST.—~~Not later than 2 years after the
4 date of enactment of this section, and annually
5 thereafter, the Secretary shall publish and make
6 available to the public a list of certified or accredited
7 blood analysis laboratories.

8 ~~“(4) REVIEW OF VOLUNTARY ACCREDITA-~~
9 ~~TION.—~~

10 ~~“(A) IN GENERAL.—~~If the Secretary deter-
11 mines, under paragraph (1)(B)(ii), that effec-
12 tive voluntary accreditation programs are in ef-
13 fect for blood analysis laboratories, the Sec-
14 retary shall review the performance and effec-
15 tiveness of the programs not later than 3 years
16 after the date of the determination, and every
17 3 years thereafter.

18 ~~“(B) EFFECT OF NEGATIVE DETERMINA-~~
19 ~~TION.—~~If, on making a review under this para-
20 graph, the Secretary determines that the vol-
21 untary accreditation programs reviewed are not
22 effective in ensuring the quality and consistency
23 of laboratory analyses, the Secretary shall, not
24 later than 1 year after the date of the deter-

1 mination, establish a certification program that
2 meets the requirements of paragraph (1)(B).

3 ~~“(b) CLASSIFICATION OF ABATEMENT WASTES.—~~

4 Not later than 6 months after the date of enactment of
5 this section, the Administrator shall issue guidelines for
6 the management of lead-based paint abatement debris.
7 The guidelines shall describe steps for segregating wastes
8 from lead-based paint abatement projects in order to mini-
9 mize the volume of material qualifying as hazardous solid
10 waste.

11 ~~“(c) SOIL LEAD GUIDELINES.—~~

12 ~~“(1) IN GENERAL.—~~Not later than 2 years
13 after the date of enactment of this section, the Ad-
14 ministrator shall issue guidelines concerning—

15 ~~“(A) action levels for lead in soil; and~~

16 ~~“(B) mitigation recommendations.~~

17 ~~“(2) REQUIREMENTS FOR GUIDELINES.—~~The
18 guidelines under this subsection establishing action
19 levels and mitigation recommendations shall take
20 into account different soil types, land uses, and
21 other site-related characteristics affecting lead expo-
22 sure conditions and levels of lead in blood.

23 ~~“(d) STUDY OF LEAD IN USED OIL.—~~

24 ~~“(1) IN GENERAL.—~~Not later than 18 months
25 after the date of enactment of this section, the Ad-

1 administrator shall conduct a study concerning the ef-
2 fects on the environment and public health of burn-
3 ing used oil.

4 “(2) REPORT.—On the completion of the study,
5 the Secretary shall submit a report to Congress on
6 the results of the study.

7 “(3) CONTENTS OF STUDY.—The study shall
8 include an assessment of—

9 “(A) the volume of lead in used oil released
10 into the environment, and the sources of the
11 lead contaminants;

12 “(B) the impact of a variety of approaches
13 to regulation of used oil recycling facilities; and

14 “(C) such other information as the Admin-
15 istrator determines to be appropriate regarding
16 disposal practices of lead in used oil in use at
17 the time of the study and alternatives to the
18 practices, including the manner in which any
19 detrimental effects on the environment or public
20 health (or both) can be reduced or eliminated
21 by the reduction of lead as a constituent of
22 used oil.

23 “(e) COORDINATOR FOR LEAD ACTIVITIES.—Not
24 later than 30 days after the date of enactment of this sec-
25 tion, the Administrator shall appoint, from among the em-

1 ployees of the Environmental Protection Agency, a Coordi-
 2 nator for Lead Activities to coordinate the activities con-
 3 ducted by the Agency (or in conjunction with the Agency)
 4 relating to the prevention of lead poisoning, the reduction
 5 of lead exposure, and lead abatement.”.

6 **SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR**
 7 **THE PREVENTION OF LEAD POISONING.**

8 Title IV (15 U.S.C. 2681 et seq.), as amended by
 9 section 108 of this Act, is further amended by inserting
 10 after section 408, as redesignated by section 101(a) of this
 11 Act, the following new section:

12 **“SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR**
 13 **THE PREVENTION OF LEAD POISONING.**

14 **“(a) ESTABLISHMENT AND RESPONSIBILITIES.—**

15 **“(1) IN GENERAL.—**The Administrator shall es-
 16 tablish a grant program to establish 1 or more Cen-
 17 ters for the Prevention of Lead Poisoning. (Each
 18 such Center is referred to in this subsection as a
 19 ‘Center’.)

20 **“(2) GRANTS.—**The Administrator shall award
 21 grants to 1 or more institutions of higher education
 22 (as defined in 1201(a) of the Higher Education Act
 23 of 1965 (20 U.S.C. 1141(a)) in the United States
 24 for the purpose of establishing and funding a Cen-
 25 ter. Each Center shall assist the Administrator in

1 carrying out this title, including providing for the
2 transfer of technology and serving as a source of in-
3 formation to the general public.

4 “(b) APPLICATIONS.—The Administrator shall solicit
5 applications from institutions of higher education of the
6 United States for the establishment of a Center. The ap-
7 plication shall be in such form, and contain such informa-
8 tion, as the Administrator may require by regulation.

9 “(c) SELECTION CRITERIA.—The Administrator shall
10 select each grant recipient from among the applicant insti-
11 tutions referred to in subsection (b) in accordance with
12 the following criteria:

13 “(1) The capability of the applicant institution
14 to provide leadership in making national contribu-
15 tions to the prevention of lead poisoning.

16 “(2) The demonstrated capacity of the appli-
17 cant institution to conduct relevant research.

18 “(3) The appropriateness of the projects pro-
19 posed to be carried out by the applicant institution.

20 “(4) The assurance of the applicant institution
21 of a commitment of at least \$100,000 in budgeted
22 institutional funds to relevant research upon receipt
23 of the grant.

1 “(5) The presence at the applicant institution
2 of an interdisciplinary staff with demonstrated ex-
3 pertise in lead poisoning prevention.

4 “(6) The demonstrated ability of the applicant
5 institution to disseminate the results of relevant re-
6 search and educational programs through an inter-
7 disciplinary continuing education program.

8 “(7) Any other criteria that the Administrator
9 determines to be appropriate.

10 “(d) FEDERAL SHARE AND DURATION OF GRANT.—

11 “(1) FEDERAL SHARE.—The Federal share of a
12 grant under this section shall not exceed an amount
13 equal to 95 percent of the cost of establishing and
14 operating a Center and related research activities
15 carried out by the Center.

16 “(2) DURATION OF GRANT.—A grant awarded
17 under this section shall be for a period of not more
18 than 2 years.”.

19 **SEC. 110. CONFORMING AMENDMENTS.**

20 (a) CROSS-REFERENCES.—

21 (1) PENALTIES.—Section 16 (15 U.S.C. 2615)
22 is amended by striking “409” each place it appears
23 and inserting “417”.

1 ~~(2) SPECIFIC ENFORCEMENT AND SEIZURE.—~~

2 Section 17(a)(1)(A) ~~(15 U.S.C. 2616(a)(1)(A))~~ is
3 amended by striking “409” and inserting “417”.

4 ~~(3) AUTHORIZED STATE PROGRAMS.—~~Section
5 412, as redesignated by section 101(a), is amend-
6 ed—

7 (A) by striking “402 or 406” each place it
8 appears and inserting “410 or 414”; and

9 ~~(B) in subsection (d), by striking “402”~~
10 and inserting “410”.

11 ~~(b) AUTHORIZATION OF APPROPRIATIONS.—~~In sec-
12 tion 420, as redesignated by section 101(a) of this Act,
13 by striking “There are authorized” and inserting “Except
14 as provided in section 407(j) and in title III of the Lead
15 Exposure Reduction Act of 1993, there are authorized”.

16 **SEC. 111. AMENDMENT TO TABLE OF CONTENTS.**

17 The table of contents in section 4 of the Act ~~(15~~
18 ~~U.S.C. 2601 et seq.)~~ is amended by striking the items re-
19 lating to title IV and inserting the following new items:

“TITLE IV—LEAD EXPOSURE REDUCTION

“Sec. 401. Findings and policy.

“Sec. 402. Definitions.

“Sec. 403. Restrictions on continuing uses of certain lead-containing products.

“Sec. 404. Inventory of lead-containing products and new use notification pro-
cedures.

“Sec. 405. Product labeling.

“Sec. 406. Recycling of lead-acid batteries.

“Sec. 407. Lead contamination in schools and day care facilities.

“Sec. 408. Blood-lead and other abatement and measurement programs.

“Sec. 409. Establishment of National Centers for the Prevention of Lead Poi-
soning.

“Sec. 410. Lead-based paint activities training and certification.
 “Sec. 411. Identification of dangerous levels of lead.
 “Sec. 412. Authorized State programs.
 “Sec. 413. Lead abatement and measurement.
 “Sec. 414. Lead hazard information pamphlet.
 “Sec. 415. Regulations.
 “Sec. 416. Control of lead-based paint hazards at Federal facilities.
 “Sec. 417. Prohibited acts.
 “Sec. 418. Relationship to other Federal law.
 “Sec. 419. General provisions relating to administrative proceedings.
 “Sec. 420. Authorization of appropriations.”.

1 **TITLE II—MISCELLANEOUS**

2 **SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-** 3 **LEAD LABORATORY REFERENCE PROJECT.**

4 ~~(a) REPORTING OF BLOOD-LEAD LEVELS.—~~

5 (1) IN GENERAL.—The Secretary of Health and
 6 Human Services (referred to in this section as the
 7 “Secretary”), acting through the Director of the
 8 Centers for Disease Control (referred to in this sec-
 9 tion as the “Director”), shall identify methods for
 10 reporting blood-lead levels in a standardized format
 11 by State public health officials to the Director.

12 (2) REPORT TO CONGRESS.—Not later than 18
 13 months after the date of enactment of this Act, the
 14 Secretary shall submit a report to Congress that—

15 (A) describes the status of blood-lead re-
 16 porting; and

17 (B) evaluates the feasibility and desirabil-
 18 ity of instituting a national requirement for
 19 mandatory preschool blood-lead screening.

1 (3) ~~ADDITIONAL REPORT.~~—Not later than 2
 2 years after the date of enactment of this Act, the
 3 Secretary, in consultation with the Secretary of
 4 Labor and the Administrator of the Environmental
 5 Protection Agency, shall submit a report to Congress
 6 that assesses the effectiveness of the blood-lead re-
 7 porting provisions under the regulations establishing
 8 the accreditation and certification programs for
 9 blood analysis laboratories described in section
 10 408(a) of the Toxic Substances Control Act (as
 11 added by section 108).

12 ~~(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY~~
 13 ~~REFERENCE PROJECT.~~—Subpart 2 of part C of title IV
 14 of the Public Health Service Act (42 U.S.C. 258b et seq.),
 15 is amended by adding at the end the following new section:
 16 **“SEC. 424. BLOOD-LEAD LABORATORY REFERENCE**
 17 **PROJECT.**

18 “‘The Secretary of Health and Human Services, act-
 19 ing through the Director of the Centers for Disease Con-
 20 trol, shall establish a blood-lead laboratory reference
 21 project to assist States and local governments in establish-
 22 ing, maintaining, improving, and ensuring the quality of
 23 laboratory measurements performed for lead poisoning
 24 prevention programs. The project shall include—

1 ~~“(1) collaboration with manufacturers of ana-~~
 2 ~~lytical instruments to develop blood-lead measure-~~
 3 ~~ment devices that are accurate, portable, precise,~~
 4 ~~rugged, reliable, safe, and of reasonable cost;~~

5 ~~“(2) the development of improved techniques~~
 6 ~~for safe, contamination-free blood sample collection;~~
 7 ~~and~~

8 ~~“(3) assistance to State and local laboratories~~
 9 ~~in the form of reference materials, equipment, sup-~~
 10 ~~plies, training, consultation, and technology develop-~~
 11 ~~ment for quality assurance, capacity expansion, and~~
 12 ~~technology transfer.”.~~

13 **SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON**
 14 **CHILDHOOD LEAD POISONING.**

15 ~~(a) IN GENERAL.~~—Not later than 2 years after the
 16 date of enactment of this Act, and every 2 years thereafter
 17 until the date that is 10 years after the date of enactment
 18 of this Act, and as necessary thereafter, the Administrator
 19 of the Agency for Toxic Substances and Disease Registry
 20 shall submit to Congress a report that updates the report
 21 submitted pursuant to section 118(f)(1) of the Superfund
 22 Amendments and Reauthorization Act of 1986. Each up-
 23 dated report shall include, at a minimum, revised esti-
 24 mates of the prevalence of elevated lead levels among chil-
 25 dren and adults in the population of the United States,

1 and estimates of the prevalence of adverse health out-
 2 comes associated with lead exposure. The initial report
 3 under this section shall include an assessment of the po-
 4 tential contribution to elevated blood lead levels in children
 5 from exposure to sources of lead in schools and day care
 6 centers.

7 (b) FUNDING.—The costs of preparing and submit-
 8 ting the updated reports referred to in subsection (a) shall
 9 be paid from the Hazardous Substance Superfund estab-
 10 lished under section 9507 of the Internal Revenue Code
 11 of 1986.

12 **SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.**

13 (a) AMENDMENT TO THE FAIR PACKAGING AND LA-
 14 BELING ACT.—Section 11 of the Fair Packaging and La-
 15 beling Act (15 U.S.C. 1460) is amended—

16 (1) in subsection (b), by striking “or” at the
 17 end;

18 (2) in subsection (c), by striking the period at
 19 the end and inserting “; or”; and

20 (3) by adding at the end the following new sub-
 21 section:

22 “(d) The Lead Exposure Reduction Act of 1993 and
 23 the amendments made by such Act.”.

24 (b) AMENDMENTS TO THE FEDERAL FOOD, DRUG
 25 AND COSMETIC ACT.—

1 (1) ~~TIME-BASED REQUIREMENTS.~~—Section 402
 2 of the Federal Food, Drug, and Cosmetic Act (21
 3 U.S.C. 342) is amended by adding at the end the
 4 following new subsections:

5 “(f) For the third 1-year period after the date of en-
 6 actment of this subsection and thereafter, if any package
 7 or packaging component (including any solder or flux)
 8 used in packaging the food contains any lead that has been
 9 intentionally introduced into the package or component.

10 “(g) If the incidental presence of lead in any package
 11 or packaging component (including any solder or flux)
 12 used in packaging the food exceeds—

13 “(1) for the third 1-year period after the date
 14 of enactment of this subsection, 600 parts per mil-
 15 lion (0.06 percent);

16 “(2) for the fourth 1-year period after the date
 17 of enactment of this subsection, 250 parts per mil-
 18 lion (0.025 percent); and

19 “(3) for the fifth 1-year period after the date
 20 of enactment of this subsection and thereafter, 100
 21 parts per million (0.01 percent).”.

22 (2) ~~CERAMIC WARE; PROCESSED FOODS;~~
 23 ~~WINE.~~—Title IV of such Act (21 U.S.C. 341 et seq.)
 24 is amended by adding at the end the following new
 25 section:

1 **~~“SEC. 413. LEAD REGULATIONS.~~**

2 ~~“(a) CERAMIC WARES.—Not later than 18 months~~
3 ~~after the date of enactment of this section, the Secretary~~
4 ~~shall promulgate regulations to establish such standards~~
5 ~~and testing procedures with respect to lead in ceramic~~
6 ~~wares as are necessary to make food that contacts the~~
7 ~~ware not adulterated as containing an added substance~~
8 ~~under section 402(a)(1).~~

9 ~~“(b) CRYSTAL WARES.—Not later than 30 months~~
10 ~~after the date of enactment of this section, the Secretary~~
11 ~~shall promulgate regulations to establish such standards~~
12 ~~and testing procedures with respect to lead in crystal~~
13 ~~wares as are necessary to make food that contacts the~~
14 ~~ware not adulterated as containing an added substance~~
15 ~~under section 402(a)(1).~~

16 ~~“(c) PROCESSED FOODS.—Not later than 2 years~~
17 ~~after the date of enactment of this section, the Secretary~~
18 ~~shall promulgate regulations to reduce lead in processed~~
19 ~~foods. The regulations shall determine the processed foods~~
20 ~~and related manufacturing practices that are significant~~
21 ~~sources of lead in the human diet and require the greatest~~
22 ~~degree of reduction of lead in the foods that is achievable~~
23 ~~in practice.~~

24 ~~“(d) WINE.—Not later than 1 year after the date of~~
25 ~~enactment of this section, the Secretary shall promulgate~~
26 ~~regulations to establish such tolerance level and testing~~

1 procedures with respect to lead in wine as the Secretary
2 determines to be necessary to protect public health.

3 (3) PROHIBITION RELATING TO CERAMIC
4 WARE.—Section 301 of such Act (21 U.S.C. 331) is
5 amended by adding at the end the following new
6 subsections:

7 “(u) Beginning on the date that is 180 days after
8 the date of promulgation of regulations under section
9 413(a), the introduction or delivery into interstate com-
10 merce of any ceramic ware that is not in compliance with
11 the regulations.

12 “(v) Beginning on the date that is 180 days after
13 the date of promulgation of regulations under section
14 413(b), the introduction or delivery into interstate com-
15 merce of any crystal ware that is not in compliance with
16 the regulations.

17 “(w) Beginning on the date that is 180 days after
18 the date of promulgation of regulations under section
19 413(c), the introduction, or delivery for introduction, into
20 commerce of any processed food, or other action, in viola-
21 tion of section 413(c).”.

4 Except as provided in the amendment made by sec-
5 tion 107 of this Act, to carry out this Act and the amend-
6 ments made by this Act—

- 11 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

14 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
15 *Act is as follows:*

TITLE I—LEAD ABATEMENT

- TITLE II—MISCELLANEOUS*

- S 729 RS**

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

1 (c) *REFERENCE TO TOXIC SUBSTANCES CONTROL*
2 *ACT.*—Wherever in title I an amendment or repeal is ex-
3 pressed in terms of an amendment to, or repeal of, a section
4 or other provision, the reference shall be considered to be
5 made to a section or other provision of the Toxic Substances
6 Control Act (15 U.S.C. 2601 et seq.), except to the extent
7 otherwise specifically provided.

8 ***TITLE I—LEAD ABATEMENT***

9 ***SEC. 101. FINDINGS AND POLICY.***

10 (a) *REDESIGNATIONS.*—Sections 401 and 402 through
11 412 (15 U.S.C. 2681 and 2682 through 2692) are redesign-
12 nated as sections 402, and 410 through 420, respectively.

13 (b) *FINDINGS AND POLICY.*—Title IV (15 U.S.C. 2681
14 et seq.) is amended by inserting before section 402 (as so
15 redesignated) the following new section:

16 ***“SEC. 401. FINDINGS AND POLICY.***

17 “(a) *FINDINGS.*—Congress finds that—

18 “(1) *lead poisoning is the most prevalent disease*
19 *of environmental origin among American children*
20 *today, and children under 7 years of age are at spe-*
21 *cial risk because of their susceptibility to the potency*
22 *of lead as a neurologic toxin;*

1 “(2)(A) the effects of lead on children may in-
2 clude permanent and significant neurologic and phys-
3 iologic impairment; and

4 “(B) additional health effects occur in adults ex-
5 posed to similar exposure levels;

6 “(3) because of the practical difficulties of remov-
7 ing lead already dispersed into the environment, chil-
8 dren and adults will continue to be exposed to lead
9 for years;

10 “(4) as a result of decades of highly dispersive
11 uses of lead in a variety of products, contamination
12 of the environment with unacceptable levels of lead is
13 widespread; and

14 “(5) the continued manufacture, import, process-
15 ing, use, and disposal of some lead-containing prod-
16 ucts may cause further releases of lead into the envi-
17 ronment, and the releases contribute to further envi-
18 ronmental contamination and resultant exposure to
19 lead.

20 “(b) *POLICY.*—It is the policy of the United States that
21 further releases of lead into the environment should be mini-
22 mized, and methods should be developed and implemented
23 to reduce sources of lead that result in adverse human or
24 environmental exposures.”.

1 **SEC. 102. DEFINITIONS.**

2 *Section 402, as redesignated by section 101(a) of this*
 3 *Act, is amended—*

4 *(1) by striking “For the purposes” and inserting*
 5 *“(a) IN GENERAL.—Subject to subsection (b), for the*
 6 *purposes”;*

7 *(2) by redesignating—*

8 *(A) paragraphs (13) through (17) as para-*
 9 *graphs (18) through (22), respectively;*

10 *(B) paragraphs (5) through (12) as para-*
 11 *graphs (7) through (14), respectively; and*

12 *(C) paragraph (4) as paragraph (5);*

13 *(3) by inserting after paragraph (3) the follow-*
 14 *ing new paragraph:*

15 *“(4) DISTRIBUTOR.—The term ‘distributor’*
 16 *means any individual, firm, corporation, or other en-*
 17 *tity that takes title to goods purchased for resale.”;*

18 *(4) by inserting after paragraph (5) (as so redes-*
 19 *ignated) the following new paragraph:*

20 *“(6) FACILITY.—The term ‘facility’ means any*
 21 *public or private dwelling constructed before 1980,*
 22 *public building constructed before 1980, commercial*
 23 *building, bridge, or other structure or super-*
 24 *structure.”;*

25 *(5) by inserting after paragraph (14) (as so re-*
 26 *designated) the following new paragraphs:*

1 “(15) *PACKAGE*.—The term ‘package’ means a
 2 container that provides a means of marketing, pro-
 3 tecting, or handling a product. The term includes a
 4 unit package, an intermediate package, a crate, a
 5 pail, a rigid foil, unsealed receptacle (such as a car-
 6 rying case), a cup, tray, wrapper or wrapping film,
 7 a bag, tub, shipping or other container, any package
 8 included in the American Society for Testing and
 9 Materials (referred to in this title as ‘ASTM’) Speci-
 10 fication D–996, and such other packages as the Ad-
 11 ministrator may specify by regulation.

12 “(16) *PACKAGING COMPONENT*.—The term ‘pack-
 13 aging component’ means any individual assembled
 14 part of a package (including any interior or exterior
 15 blocking, bracing, cushioning, weatherproofing, exte-
 16 rior strapping, coating, closure, ink, or label). For the
 17 purposes of this title, tin-plated steel that meets the
 18 ASTM Specification A–623 shall be deemed an indi-
 19 vidual packaging component.

20 “(17) *PERSON*.—The term ‘person’ means an in-
 21 dividual, trust, firm, joint stock company, corpora-
 22 tion (including a government corporation), partner-
 23 ship, association, State, municipality, commission,
 24 political subdivision of a State, or interstate body.

1 *The term shall include each department, agency, or*
 2 *instrumentality of the United States.”; and*

3 *(6) by adding at the end the following new sub-*
 4 *section:*

5 “(b) *EXCEPTIONS.*—*As used in this title, the terms*
 6 *‘package’ and ‘packaging component’ shall not include—*

7 “(1) *ceramic ware or crystal;*

8 “(2) *a container used for radiation shielding;*

9 “(3) *any casing for a lead-acid battery;*

10 “(4) *steel strapping; or*

11 “(5) *any package or packaging component con-*
 12 *taining lead that is regulated or subject to regulation*
 13 *under the Federal Food, Drug, and Cosmetic Act (21*
 14 *U.S.C. 301 et seq.).”.*

15 ***SEC. 103. RESTRICTIONS ON CONTINUING USES OF CER-***
 16 ***TAIN LEAD-CONTAINING PRODUCTS.***

17 *Title IV (15 U.S.C. 2681 et seq.), as amended by sec-*
 18 *tion 101 of this Act, is further amended by inserting after*
 19 *section 402, as redesignated by section 101(a) of this Act,*
 20 *the following new section:*

21 ***“SEC. 403. RESTRICTIONS ON CONTINUING USES OF CER-***
 22 ***TAIN LEAD-CONTAINING PRODUCTS.***

23 “(a) *GENERAL RESTRICTIONS.*—

24 “(1) *IN GENERAL.*—

1 “(A) *PROHIBITION ON THE IMPORT, MANU-*
 2 *FACTURING, OR PROCESSING OF A PRODUCT.—*
 3 *Beginning on the date that is 1 year after the*
 4 *date of enactment of this subsection, no person*
 5 *may import, manufacture, or process a product*
 6 *in any of the product categories described in*
 7 *paragraph (2).*

8 “(B) *PROHIBITION ON THE DISTRIBUTION*
 9 *IN COMMERCE OF A PRODUCT.—Beginning on*
 10 *the date that is 2 years after the date of enact-*
 11 *ment of this subsection, no person may distribute*
 12 *in commerce a product in any of the product*
 13 *categories described in paragraph (2).*

14 “(2) *PRODUCT CATEGORIES.—The product cat-*
 15 *egories described in this paragraph are as follows:*

16 “(A) *Paint containing more than 0.06 per-*
 17 *cent lead by dry weight, other than—*

18 “(i) *corrosion inhibitive coatings, in-*
 19 *cluding electrocoats and electrodeposition*
 20 *primers, applied by original equipment*
 21 *manufacturers to motor vehicle parts and*
 22 *containing no more than 1.9 percent lead*
 23 *by weight in dry film;*

24 “(ii) *certain paints and primers for*
 25 *equipment used for agricultural, construc-*

tion, general, and industrial forestry purposes;

“(iii) paints containing lead chromate pigments; and

“(iv) zinc-enriched industrial paint with respect to which the incidental presence of lead does not exceed 0.19 percent lead by dry weight.

“(B) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight, except for toys and games with respect to which all lead is contained in electronic or electrical parts or components and that meet the standards and regulations for content, manufacture, processing, and distribution established by the Consumer Product Safety Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.).

“(C) Curtain weights—

“(i) that are not encased in vinyl or plastic;

“(ii) that contain more than 0.1 percent lead by dry weight; and

“(iii) that are common in residential use.

1 “(D) Inks containing more than 0.1 percent
2 lead by dry weight used in printing newspapers,
3 newspaper supplements, or magazines published
4 more than once per month.

5 “(3) GLASS COATINGS.—

6 “(A) IN GENERAL.—Beginning on the date
7 that is 5 years after the date of enactment of this
8 subsection, no person may import, manufacture,
9 or process a product in any of the following
10 product categories, and beginning on the date
11 that is 6 years after the date of enactment of this
12 subsection, no person may distribute in com-
13 merce a product in any of the product categories
14 described in subparagraph (B).

15 “(B) PRODUCT CATEGORIES.—The product
16 categories described in this subparagraph are as
17 follows:

18 “(i) Architectural glass coatings con-
19 taining more than 0.06 percent lead by dry
20 weight.

21 “(ii) Automotive window coatings con-
22 taining more than 0.06 percent lead by dry
23 weight.

24 “(iii) Mirror backings containing more
25 than 0.06 percent lead by dry weight.

1 “(4) *STATUTORY CONSTRUCTION.*—Nothing in
2 this section shall prohibit the recycling of any product
3 listed in this subsection if, following the original use
4 of the product, the product is reused as a raw mate-
5 rial in the manufacture of any product that is not
6 listed under this subsection.

7 “(b) *MODIFICATION OF RESTRICTIONS.*—

8 “(1) *IN GENERAL.*—The Administrator may,
9 after public notice and opportunity for comment, pro-
10 mulgate regulations to modify, pursuant to para-
11 graphs (2) and (3), the percentage of the allowable
12 lead content for a product, or a group of products,
13 within a product category described in subparagraphs
14 (A) through (D) of subsection (a)(2) and subpara-
15 graphs (A) and (B) of subsection (a)(3).

16 “(2) *REDUCED PERCENTAGE.*—The Adminis-
17 trator may, pursuant to paragraph (1), establish by
18 regulation a percentage by dry weight of the allowable
19 lead content that is less than the percentage specified
20 under subsection (a) (including nondetectable levels)
21 for a product, or a group of products, within any
22 product category described in subparagraphs (A)
23 through (D) of subsection (a)(2) and subparagraphs
24 (A) and (B) of subsection (a)(3) if the Administrator
25 determines that a reduction in the percentage of the

1 *allowable lead content is necessary to protect human*
2 *health or the environment.*

3 “(3) *INCREASED PERCENTAGE.*—

4 “(A) *IN GENERAL.*—The Administrator
5 *may, pursuant to paragraph (1), establish by*
6 *regulation a percentage by dry weight of the al-*
7 *lowable lead content that is greater than the per-*
8 *centage specified under subsection (a) for a prod-*
9 *uct, or a group of products, within any product*
10 *category described in subparagraphs (A) through*
11 *(D) of subsection (a)(2) and subparagraphs (A)*
12 *and (B) of subsection (a)(3) if the Administrator*
13 *determines that an increase in the percentage of*
14 *the allowable lead content will not adversely af-*
15 *fect human health or the environment.*

16 “(B) *REVIEW.*—Not later than 2 years
17 *prior to the termination date of a regulation*
18 *promulgated under this paragraph, the Adminis-*
19 *trator shall review the regulation. If the Admin-*
20 *istrator determines, pursuant to subparagraph*
21 *(A), that the promulgation of a revised regula-*
22 *tion is appropriate, the Administrator, not later*
23 *than 1 year prior to the termination date of the*
24 *regulation, may promulgate a revised regulation*
25 *that shall terminate on the date that is 6 years*

1 *after the date the revised regulation becomes*
 2 *final.*

3 “(4) *WAIVERS FOR TOYS AND RECREATIONAL*
 4 *GAME PIECES.—Not later than 1 year after the date*
 5 *of enactment of this subsection, the Administrator*
 6 *shall promulgate regulations to waive the require-*
 7 *ments of subsection (a)(2)(B) with respect to certain*
 8 *toys and recreational game pieces that are collectible*
 9 *items and scale models intended for adult acquisition.*

10 “(5) *EXEMPTION OF PAINTS.—*

11 “(A) *DETERMINATION.—*

12 “(i) *IN GENERAL.—Not later than 5*
 13 *years after the date of enactment of this*
 14 *subsection, the Administrator shall deter-*
 15 *mine, following public notice and oppor-*
 16 *tunity for comment, whether there is—*

17 “(I) *1 (or more) primer paint*
 18 *suitable for use as an electrocoat or*
 19 *electrodeposition primer (or both) on*
 20 *motor vehicle parts that contains less*
 21 *than 1.9 percent lead by weight in dry*
 22 *film;*

23 “(II) *1 (or more) original equip-*
 24 *ment manufacturer paint, primer, or*
 25 *service paint or primer for equipment*

1 *used for agricultural, construction, and*
 2 *general industrial and forestry pur-*
 3 *poses that, in the dry coating, has a*
 4 *lead solubility of less than 60 milli-*
 5 *grams per liter, as described in the*
 6 *American National Standards Insti-*
 7 *tute (referred to in this subtitle as*
 8 *‘ANSI’) standard Z66.1;*

9 “(III) 1 (or more) substitute for
 10 *paints containing lead chromate pig-*
 11 *ments for use in any class or category*
 12 *of uses that contains less than or equal*
 13 *to 0.06 percent lead by weight in dry*
 14 *film; or*

15 “(IV) 1 (or more) substitute for
 16 *zinc-enriched industrial paint for use*
 17 *in any class or category of uses that*
 18 *contains less than 0.19 percent lead by*
 19 *weight in dry film.*

20 “(ii) *ADDITIONAL DETERMINATION BY*
 21 *ADMINISTRATOR.—The Administrator also*
 22 *shall determine whether 1 (or more) paint*
 23 *or primer referred to in clause (i)—*

24 “(I) *has substantially equivalent*
 25 *corrosion inhibition and related per-*

1 *formance characteristics to any paint*
2 *or primer; and*

3 *“(II) does not pose a greater risk*
4 *to human health and the environment*
5 *than a paint or primer,*
6 *in use for the applicable purpose specified*
7 *in clause (i) on the date of enactment of*
8 *this section.*

9 *“(B) IDENTIFICATION.—If the Adminis-*
10 *trator determines pursuant to subparagraph (A),*
11 *that 1 (or more) of the paints and primers re-*
12 *ferred to in subparagraph (A) meets the applica-*
13 *ble specifications under such subparagraph, the*
14 *Administrator shall identify the lead content of*
15 *the paint or primer of each applicable category*
16 *of paints or primers (or both) under subclauses*
17 *(I) through (III) of subparagraph (A)(i).*

18 *“(C) PROHIBITION ON IMPORTATION, MANU-*
19 *FACTURING, AND PROCESSING.—For a category*
20 *of paints or primers (or both) referred to in sub-*
21 *paragraph (B), beginning on the date that is 3*
22 *years after the Administrator makes a deter-*
23 *mination under subparagraph (B), no person*
24 *shall import, manufacture, or process any paint*
25 *or primer with a lead content that exceeds the*

1 *level identified by the Administrator pursuant to*
 2 *subparagraph (B).*

3 “(D) *PROHIBITION ON DISTRIBUTION IN*
 4 *COMMERCE.—For a category of paints or prim-*
 5 *ers (or both) referred to in subparagraph (B), be-*
 6 *ginning on the date that is 4 years after the Ad-*
 7 *ministrator makes a determination under sub-*
 8 *paragraph (B), no person shall—*

9 “(i) *distribute in commerce any paint*
 10 *or primer with a lead content that exceeds*
 11 *the level identified by the Administrator; or*

12 “(ii) *import, manufacture, or process*
 13 *any new motor vehicle or new motor vehicle*
 14 *part or new equipment part coated with the*
 15 *paint or primer with a lead content that ex-*
 16 *ceeds the level identified by the Adminis-*
 17 *trator.*

18 “(E) *EFFECT OF NEGATIVE DETERMINA-*
 19 *TION.—If the Administrator determines, pursu-*
 20 *ant to subparagraph (A), that there is no paint*
 21 *or primer suitable for a use referred to in*
 22 *subclause (I), (II), or (III) of subparagraph*
 23 *(A)(i) that meets the applicable requirements*
 24 *under subparagraph (A)—*

1 “(i) beginning on the date that is 13
2 years after the date of enactment of this
3 subsection, no person shall import, manu-
4 facture, or process any paint or primer for
5 the use specified in the determination pur-
6 suant to subparagraph (A); and

7 “(ii) beginning on the date that is 14
8 years after the date of enactment of this
9 subsection, no person shall distribute in
10 commerce any paint or primer for the use
11 specified in the determination pursuant to
12 subparagraph (A) (or import, manufacture,
13 or process any motor vehicle or motor vehi-
14 cle part or new equipment part coated with
15 the paint or primer),
16 that contains a lead content that exceeds a level
17 of lead content that the Administrator shall de-
18 termine, on the basis of the identification of the
19 lead content of paints and primers for the use.

20 “(c) STATEMENTS BY THE ADMINISTRATOR RELATING
21 TO MODIFICATIONS OF RESTRICTIONS.—In promulgating
22 any regulation under subsection (b) with respect to the al-
23 lowable lead content for a product, or a group of products,
24 under a product category, the Administrator shall, prior
25 to the promulgation of a final regulation, consider and pub-

1 *lish a statement that describes the effects of the proposed*
2 *allowable lead content level for the product, or group of*
3 *products, under the product category on human health and*
4 *the environment.*

5 “(d) *LEAD SOLDER.*—

6 “(1) *IN GENERAL.*—Not later than 2 years after
7 *the date of enactment of this subsection, the Adminis-*
8 *trator shall promulgate regulations to ban the manu-*
9 *facture, importation, processing, sale, and distribu-*
10 *tion in commerce of lead solders commonly used in*
11 *plumbing systems, including lead solder that contains*
12 *50 percent tin and 50 percent lead (50–50 tin-lead*
13 *solder) and lead solder that contains 85 percent tin*
14 *and 15 percent lead (85–15 tin-lead solder).*

15 “(2) *RESTRICTIONS ON SALE AND DISPLAY.*—Not
16 *later than 2 years after the date of enactment of this*
17 *subsection, the Administrator shall promulgate regu-*
18 *lations to restrict the sale and display of lead solders*
19 *not commonly used in plumbing systems, including—*

20 “(A) *a prohibition on the sale or display of*
21 *the solders in the plumbing supply section of any*
22 *retail establishment;*

23 “(B) *a restriction on the sale or display of*
24 *the solders in any wholesale establishment;*

1 “(C) a prohibition on the sale or display of
 2 the solders in proximity to plumbing materials
 3 in any establishment; and

4 “(D) a requirement that each of the solders
 5 be labeled to indicate that the solder is not in-
 6 tended for use in plumbing systems.

7 “(e) PLUMBING FITTINGS AND FIXTURES.—

8 “(1) IN GENERAL.—Not later than 2 years after
 9 the date of enactment of this subsection, the Adminis-
 10 trator shall promulgate regulations to establish a
 11 health-effects based performance standard that estab-
 12 lishes maximum leaching levels of lead from new
 13 plumbing fittings and fixtures that convey drinking
 14 water.

15 “(2) CONSEQUENCES OF FAILURE TO MEET RE-
 16 QUIREMENTS.—If the requirements of paragraph (1)
 17 are not met—

18 “(A) by the date that is 4 years after the
 19 date of enactment of this subsection, no person
 20 may import, manufacture, process, or distribute
 21 in commerce a plumbing fitting or fixture that
 22 contains more than 7 percent lead by dry weight;

23 “(B) by the date that is 5 years after the
 24 date of enactment of this subsection, no person
 25 may import, manufacture, process, or distribute

1 *in commerce a plumbing fitting or fixture that*
 2 *contains more than 6 percent lead by dry weight;*

3 “(C) *by the date that is 6 years after the*
 4 *date of enactment of this subsection, no person*
 5 *may import, manufacture, process, or distribute*
 6 *in commerce a plumbing fitting or fixture that*
 7 *contains more than 5 percent lead by dry weight;*
 8 *or*

9 “(D) *by the date that is 7 years after the*
 10 *date of enactment of this subsection, no person*
 11 *may import, manufacture, process, or distribute*
 12 *in commerce a plumbing fitting or fixture that*
 13 *contains more than 4 percent lead by dry weight.*

14 “(f) *PACKAGING.—*

15 “(1) *DEFINITIONS.—As used in this subsection:*

16 “(A) *INCIDENTAL PRESENCE.—The term*
 17 *‘incidental presence’ means the presence of lead*
 18 *in a package or packaging component that was*
 19 *not purposely introduced into the package or*
 20 *packaging component for the properties or char-*
 21 *acteristics of the lead.*

22 “(B) *INTENTIONALLY INTRODUCE.—The*
 23 *term ‘intentionally introduce’ means to purpose-*
 24 *fully introduce lead into a package or packaging*
 25 *component with the intent that the lead be*

1 *present in the package or packaging component.*

2 *The term does not include—*

3 “(i) *the presence of background levels of*
4 *lead that naturally occur in raw materials*
5 *or are present as postconsumer additions,*
6 *and that are not purposefully added to per-*
7 *form as part of a package or packaging*
8 *component; and*

9 “(ii) *any trace amounts of a process-*
10 *ing aid or similar material that is used to*
11 *produce a product from which a package or*
12 *packaging component is manufactured.*

13 “(2) *INTENTIONAL INTRODUCTION.—Beginning*
14 *on the date that is 4 years after the date of enactment*
15 *of this subsection—*

16 “(A) *no package or packaging component*
17 *shall be sold or distributed in commerce by a*
18 *manufacturer or distributor; and*

19 “(B) *no product shall be distributed in com-*
20 *merce by the manufacturer or distributor of the*
21 *product in a package,*

22 *if the product includes, in the package, or in any*
23 *packaging component, any ink, dye, pigment, adhe-*
24 *sive, stabilizer, or other additive to which lead has*
25 *been intentionally introduced as an element during*

1 *manufacturing or distribution (as opposed to the in-*
2 *cidental presence of lead).*

3 “(3) *LIMITATIONS ON THE AVERAGE OF CON-*
4 *CENTRATION LEVELS FROM INCIDENTAL PRESENCE OF*
5 *LEAD.—Notwithstanding paragraph (2), the average*
6 *of the concentration levels from any incidental pres-*
7 *ence of lead present in any package or packaging*
8 *component, other than the lead originating from the*
9 *product contained in the package, shall not exceed—*

10 “(A) *for the fifth 1-year period after the*
11 *date of enactment of this subsection, 600 parts*
12 *per million by weight (0.06 percent);*

13 “(B) *for the sixth 1-year period after the*
14 *date of enactment of this subsection, 250 parts*
15 *per million by weight (0.025 percent); and*

16 “(C) *for the seventh 1-year period after the*
17 *date of enactment of this subsection, and for each*
18 *12-month period thereafter, 100 parts per mil-*
19 *lion by weight (0.01 percent).*

20 “(4) *PROHIBITION.—No package or packaging*
21 *component shall be sold or distributed in commerce by*
22 *a manufacturer or distributor, and no product shall*
23 *be sold or distributed in commerce in a package by*
24 *a manufacturer or distributor, if the package or pack-*

1 aging component exceeds the applicable level provided
2 under paragraph (3).

3 “(5) *CERTIFICATE OF COMPLIANCE.*—

4 “(A) *IN GENERAL.*—A certificate of compli-
5 ance stating that a package or packaging compo-
6 nent is in compliance with the requirements of
7 this section shall be prepared and retained by the
8 manufacturer or distributor of the package or
9 packaging component.

10 “(B) *STATEMENT RELATING TO EXEMP-*
11 *TION.*—In any case in which compliance with
12 this section is based on an exemption under
13 paragraph (6), the certificate shall state the spe-
14 cific basis upon which the exemption is claimed.

15 “(C) *SIGNATURE OF AUTHORIZED OFFI-*
16 *CIAL.*—A certificate of compliance shall be signed
17 by an authorized official of the manufacturer or
18 distributor referred to in subparagraph (A).

19 “(6) *EXEMPTION FROM PACKAGING REQUIRE-*
20 *MENTS.*—Prior to the expiration of the 7-year period
21 beginning on the date of enactment of this subsection,
22 on receipt of an application (in such form and con-
23 taining such information as the Administrator may
24 prescribe by regulation), the Administrator may ex-

1 *empt from the requirements of paragraph (2), (3) or*
2 *(4)—*

3 *“(A) a package or packaging component*
4 *manufactured prior to the date of enactment of*
5 *this section, as determined by the Administrator;*
6 *and*

7 *“(B) a package or packaging component to*
8 *which lead has been added in the manufacturing,*
9 *forming, printing, or distribution process in*
10 *order to comply with health or safety require-*
11 *ments of Federal law or the law of any State or*
12 *political subdivision of a State.*

13 *“(g) EXEMPTIONS.—*

14 *“(1) IN GENERAL.—The Administrator shall, by*
15 *regulation, exempt from the restrictions on the lead*
16 *content of paint described in subsection (a)(1) any*
17 *products that are imported, processed, manufactured,*
18 *or distributed in commerce for use by artists in creat-*
19 *ing, restoring, and preserving works of art, including*
20 *graphic works of art, if the paint is sold or otherwise*
21 *distributed in a package labeled pursuant to the re-*
22 *quirements under section 405(c)(1).*

23 *“(2) EXEMPTIONS.—The Administrator shall, by*
24 *regulation, exempt from the applicable restrictions on*
25 *lead content under subsection (a) or (b) any product,*

1 or group of products, within a product category
2 used—

3 “(A) for a medical purpose (as defined by
4 the Administrator, in consultation with the Sec-
5 retary of Health and Human Services);

6 “(B) for a purpose in the paramount inter-
7 est of the United States (as determined by the
8 Administrator, in consultation with the Sec-
9 retary of Defense);

10 “(C) for radiation protection (as jointly de-
11 fined by the Administrator and the Nuclear Reg-
12 ulatory Commission), including any product or
13 product category used in connection with the na-
14 tional security programs of the Department of
15 Energy;

16 “(D) in the mining industry to determine
17 the presence of noble metals in geological mate-
18 rials; or

19 “(E) as radiation shielding in any elec-
20 tronic device, or in specialized electronics uses in
21 any case in which the Administrator has deter-
22 mined that no appropriate substitute for lead is
23 available.

24 “(3) *STATUTORY CONSTRUCTION.*—Nothing in
25 this section or the Lead Exposure Reduction Act of

1 *1993 and the amendments made by such Act is in-*
 2 *tended to prohibit the recycling (for use as a raw ma-*
 3 *terial or for processing), recovery, or reuse of lead-*
 4 *containing metal, glass, plastic, paper, or textiles, ex-*
 5 *cept that any product manufactured or processed*
 6 *from the lead-containing materials shall meet the re-*
 7 *quirements (including standards) of this section.”.*

8 ***SEC. 104. INVENTORY OF LEAD-CONTAINING PRODUCTS***
 9 ***AND NEW USE NOTIFICATION PROCEDURES.***

10 *Title IV (15 U.S.C. 2681 et seq.) is further amended*
 11 *by inserting after section 403, as added by section 103 of*
 12 *this Act, the following new section:*

13 ***“SEC. 404. INVENTORY OF LEAD-CONTAINING PRODUCTS***
 14 ***AND NEW USE NOTIFICATION PROCEDURES.***

15 *“(a) CREATION OF AN INVENTORY OF USES OF LEAD*
 16 *IN PRODUCTS IN COMMERCE.—*

17 *“(1) IN GENERAL.—Not later than 180 days*
 18 *after the date of enactment of this paragraph, the Ad-*
 19 *ministrator shall, with the active participation of all*
 20 *interested parties, initiate a survey of all lead-con-*
 21 *taining products sold or distributed in commerce in*
 22 *the United States.*

23 *“(2) DEVELOPMENT OF INVENTORY.—*

24 *“(A) IN GENERAL.—On the basis of the sur-*
 25 *vey described in paragraph (1), the Adminis-*

1 *trator shall develop an inventory of all lead-con-*
2 *taining products sold or distributed in commerce*
3 *(referred to in this section as the ‘inventory’).*

4 *“(B) PRODUCT CATEGORIES.—In develop-*
5 *ing the inventory, the Administrator may group*
6 *in product categories those products that meet*
7 *both of the following criteria:*

8 *“(i) The products are functionally*
9 *similar.*

10 *“(ii) The products provide similar op-*
11 *portunities for lead exposure or release dur-*
12 *ing manufacturing, processing, or use, or at*
13 *the end of the useful life of the product (tak-*
14 *ing into account other applicable regula-*
15 *tions).*

16 *“(3) PUBLICATION OF DRAFT INVENTORY.—*

17 *“(A) IN GENERAL.—The Administrator*
18 *shall—*

19 *“(i) publish the inventory in the Fed-*
20 *eral Register in draft form; and*

21 *“(ii) solicit public comment on the*
22 *draft inventory and the grouping of prod-*
23 *ucts by the Administrator pursuant to*
24 *paragraph (2).*

1 “(B) *PUBLICATION.*—Not later than 4 years
2 after the date of enactment of this paragraph,
3 after providing public notice and opportunity
4 for comment on the draft inventory, the Admin-
5 istrator shall publish a final inventory.

6 “(4) *PRODUCTS CONTAINING COMPONENTS IN-*
7 *CLUDED ON INVENTORY.*—For the purposes of this sec-
8 tion, any product that contains lead-containing com-
9 ponents included on the inventory shall be deemed to
10 be included on the inventory.

11 “(5) *FAILURE OF ADMINISTRATOR TO PUBLISH*
12 *INVENTORY.*—If the Administrator fails to publish the
13 inventory by the date specified in paragraph (3)(B),
14 the list of products referred to in subsection (c)(6)
15 shall be deemed to comprise the inventory.

16 “(6) *MODIFICATIONS.*—The Administrator may,
17 from time to time, after notice and opportunity for
18 comment, make modifications to the inventory pub-
19 lished under this subsection. If the Administrator
20 modifies the inventory, the Administrator shall pub-
21 lish the modified inventory.

22 “(b) *LIST OF USES OF LEAD IN PRODUCTS THAT*
23 *POSE EXPOSURE CONCERNS.*—

24 “(1) *IN GENERAL.*—Beginning on the date that
25 is 6 years after the date of enactment of this para-

1 *graph, the Administrator shall promulgate regula-*
2 *tions that establish a list (referred to in this section*
3 *as the 'list') of lead-containing products or categories*
4 *of products that the Administrator determines may*
5 *reasonably be anticipated to present an unreasonable*
6 *risk of injury to human health or the environment*
7 *due to exposure to lead during manufacturing, proc-*
8 *essing, distribution in commerce or use, or at the end*
9 *of the useful life of the product (taking into account*
10 *other applicable regulations).*

11 “(2) *CRITERIA FOR DETERMINATION TO LIST A*
12 *PRODUCT OR CATEGORY OF PRODUCT.—Each deter-*
13 *mination to list a product or category of product*
14 *shall be based on exposure-related information per-*
15 *taining to the product or category of products, or to*
16 *a product or category of products that poses similar*
17 *exposure risks.*

18 “(3) *SPECIFICATION OF LEAD CONCENTRA-*
19 *TION.—For each product or category of products, the*
20 *Administrator shall specify the concentration of lead*
21 *(as a percentage of the dry weight of the product or*
22 *category of products) that the Administrator deter-*
23 *mines to be the maximum concentration of lead found*
24 *in the product or category of products.*

25 “(4) *MODIFICATION OF LIST.—*

1 “(A) *ADDITIONS TO LIST.*—After promul-
2 gating the list, the Administrator may, by regu-
3 lation—

4 “(i) *add a product or category of prod-*
5 *ucts to the list, if the Administrator deter-*
6 *mines that the product or category of prod-*
7 *ucts meets the standard established in para-*
8 *graph (1); or*

9 “(ii) *remove a product or category of*
10 *products from the list, if the Administrator*
11 *determines that the product or category of*
12 *products does not meet the standard estab-*
13 *lished in paragraph (1).*

14 “(B) *PETITIONS FOR MODIFICATIONS.*—

15 “(i) *IN GENERAL.*—Any person may
16 *petition the Administrator to make a deter-*
17 *mination to add a product or category of*
18 *products to the list, or to remove a product*
19 *or category of products from the list.*

20 “(ii) *ACTION BY THE ADMINIS-*
21 *TRATOR.*—Not later than 2 years after re-
22 *ceipt of a petition under clause (i), the Ad-*
23 *ministrator shall take one of the following*
24 *actions:*

1 “(I) Grant the petition, initiate a
 2 procedure to promulgate a regulation
 3 to add or delete the product or product
 4 category as requested in the petition,
 5 and complete the procedure by not
 6 later than 2 years after initiating the
 7 procedure.

8 “(II) Deny the petition and pub-
 9 lish an explanation of the basis for de-
 10 nying the petition in the Federal Reg-
 11 ister.

12 “(c) NOTIFICATION OF NEW USES OF LEAD IN PROD-
 13 UCTS IN COMMERCE.—

14 “(1) IN GENERAL.—

15 “(A) PUBLICATION.—After the publication
 16 of the inventory in final form pursuant to sub-
 17 section (a)(3), any person who manufactures,
 18 processes, or imports a lead-containing product
 19 referred to in subparagraph (B) shall submit to
 20 the Administrator a notice prepared pursuant to
 21 paragraph (2) on the commencement of the man-
 22 ufacture, processing, or importation of the prod-
 23 uct.

24 “(B) APPLICABILITY.—Subparagraph (A)
 25 shall apply to any lead-containing product for

1 *which a notice is required under subparagraph*
 2 *(A) that—*

3 *“(i) is not listed in the inventory de-*
 4 *veloped under subsection (a); or*

5 *“(ii) is a product that—*

6 *“(I) is identified on the list pro-*
 7 *mulgated under subsection (b), or that*
 8 *is included in a category of products*
 9 *identified on the list; and*

10 *“(II) utilizes a greater concentra-*
 11 *tion of lead, as a percentage of dry*
 12 *weight, than the concentration identi-*
 13 *fied by the Administrator for the prod-*
 14 *uct or category under subsection (b)(3)*
 15 *(unless the concentration is exceeded on*
 16 *a percentage basis solely as a result of*
 17 *efforts to reduce the size or weight of*
 18 *the product, rather than by the addi-*
 19 *tion of greater quantities of lead into*
 20 *the product).*

21 *“(2) CONTENTS OF NOTICE.—The notice required*
 22 *by paragraph (1) shall include—*

23 *“(A) a general description of the product;*

24 *“(B) a description of the manner in which*
 25 *lead is used in the product;*

1 “(C) the quantity of the product manufac-
2 tured, processed, or imported; and

3 “(D) the quantity and percentage of lead
4 used in the manufacturing of the product, or the
5 quantity and percentage of lead contained in the
6 imported product.

7 “(3) *REPORT BY THE ADMINISTRATOR.*—On an
8 annual basis, the Administrator shall publish a re-
9 port that provides a nonconfidential summary of new
10 uses identified pursuant to this subsection. The report
11 shall include aggregated information regarding the
12 amount of lead associated with the new uses.

13 “(4) *RELATIONSHIP WITH OTHER PROVISIONS.*—
14 The notification requirement under paragraph (1)
15 shall be subject to the confidentiality provisions under
16 section 5, and the research and development exemp-
17 tion under section 5.

18 “(5) *AMENDMENT OF LIST AND INVENTORY.*—
19 After the receipt of a notice under paragraph (1), the
20 Administrator shall—

21 “(A) make such amendments to the inven-
22 tory established under subsection (a) as the Ad-
23 ministrator determines to be appropriate; and

1 “(B) *evaluate whether any new products*
2 *should be added to the list established under sub-*
3 *section (b).*

4 “(6) *DELAY IN PUBLICATION.—*

5 “(A) *IN GENERAL.—If the publication of a*
6 *final list is delayed beyond the date specified in*
7 *subsection (b), subparagraphs (B) and (C) shall*
8 *apply.*

9 “(B) *PROHIBITION.—Beginning on the date*
10 *that the final list is required to be promulgated*
11 *under subsection (b), and until such time as a*
12 *final list is published, no person shall manufac-*
13 *ture, process, or import a product that is listed*
14 *or included within a product category identified*
15 *in subparagraph (C), if—*

16 “(i) *the product, or a substantially*
17 *similar product, has not been distributed in*
18 *commerce prior to the date of enactment of*
19 *this section; or*

20 “(ii) *the product contains a greater*
21 *percentage of lead than any substantially*
22 *similar product distributed in commerce be-*
23 *fore the date of enactment of this section,*
24 *unless the person has submitted a notice under*
25 *paragraph (2).*

1 “(C) *LIST OF PRODUCTS OR CATEGORIES.*—

2 *The list of products or categories of products re-*
 3 *ferred to in subparagraph (B) shall be the prod-*
 4 *ucts listed under section 403(a)(2) and sub-*
 5 *sections (d) through (f) of section 403.*

6 “(D) *BURDEN OF PROOF.*—*In any proceed-*
 7 *ing to enforce subparagraph (B) with respect to*
 8 *a product, the manufacturer, processor, or im-*
 9 *porter shall have the burden of demonstrating*
 10 *that the manufacturer, processor, or importer*
 11 *had a reasonable basis for concluding that the*
 12 *product (or a substantially similar product) had*
 13 *been distributed in commerce prior to the date of*
 14 *publication of the final list, as referred to in sub-*
 15 *paragraph (B).*

16 “(d) *EXEMPTIONS.*—

17 “(1) *IN GENERAL.*—*Subsections (b) and (c) shall*
 18 *not apply to the following:*

19 “(A) *Stained glass products.*

20 “(B) *Articles referred to in section*
 21 *3(2)(B)(v).*

22 “(C) *Containers used for radiation shield-*
 23 *ing.*

24 “(2) *AUTOMOTIVE DISMANTLERS.*—*This section*
 25 *shall not apply to any metal, glass, paper, or textile*

1 *sold or distributed by the owner or operator of any*
 2 *automotive dismantler or recycling facility regulated*
 3 *by a State or the Administrator.”.*

4 ***SEC. 105. PRODUCT LABELING.***

5 *Title IV (15 U.S.C. 2681 et seq.) is further amended*
 6 *by inserting after section 404, as added by section 104 of*
 7 *this Act, the following new section:*

8 ***“SEC. 405. PRODUCT LABELING.***

9 *“(a) IN GENERAL.—*

10 *“(1) LABELING.—*

11 *“(A) IN GENERAL.—Not later than 6 years*
 12 *after the date of enactment of this paragraph, the*
 13 *Administrator shall promulgate regulations that*
 14 *provide for the labeling of products included in*
 15 *the list established under section 404(b).*

16 *“(B) EXEMPTIONS.—The regulations pro-*
 17 *mulgated under this paragraph shall not apply*
 18 *to—*

19 *“(i) lead-acid batteries, to the extent*
 20 *that the labeling of the batteries as to the*
 21 *lead content of the batteries is regulated*
 22 *under any other Federal law;*

23 *“(ii) products regulated under the Fed-*
 24 *eral Food, Drug and Cosmetic Act (21*
 25 *U.S.C. 301 et seq.); and*

1 “(iii) during or after disposal.

2 “(C) *DIFFERENTIATION IN LABELING.*—The
3 regulations promulgated under this section may
4 distinguish between labels required for prod-
5 ucts—

6 “(i) that present a risk of exposure to
7 lead during manufacture or processing;

8 “(ii) that present a risk of exposure to
9 lead during distribution or use; and

10 “(iii) that present a risk of exposure to
11 lead during or after disposal.

12 “(2) *EFFECTIVE DATE OF REGULATIONS.*—The
13 regulations promulgated pursuant to paragraph (1)
14 shall take effect not later than the date that is 7 years
15 after the date of enactment of this paragraph.

16 “(b) *CONTENT OF REGULATIONS.*—The regulations de-
17 scribed in subsection (a) shall specify the wording, type size,
18 and placement of the labels described in subsection (a).

19 “(c) *LABELING OF CERTAIN ITEMS.*—

20 “(1) *IN GENERAL.*—The Administrator shall pro-
21 mulgate regulations requiring that the following label-
22 ing be included in the labeling of the packaging of the
23 following items:

1 “(A) *For any paint for use by artists (in-*
 2 *cluding graphic artists) described in section*
 3 *403(g):*

4 **‘CONTAINS LEAD—FOR USE BY ADULTS ONLY.**
 5 ***DO NOT USE OR STORE AROUND CHILDREN***
 6 ***OR IN AREAS ACCESSIBLE TO CHILDREN.’***

7 “(B) *For each toy or recreational game*
 8 *piece that is a collectible item and for each scale*
 9 *model that is subject to the regulations promul-*
 10 *gated under section 403(b)(4) and is manufac-*
 11 *tured on or after the effective date of the regula-*
 12 *tions promulgated under this subsection:*

13 **‘COLLECTIBLE ITEM, CONTAINS LEAD, NOT**
 14 ***SUITABLE FOR CHILDREN.’***

15 “(2) *CRITERIA FOR REGULATIONS.—The regula-*
 16 *tions promulgated pursuant to paragraph (1) shall*
 17 *specify the type, size, and placement of the labeling*
 18 *described in paragraph (1).*

19 “(3) *EFFECTIVE DATE.—Each regulation pro-*
 20 *mulgated under paragraph (1) shall take effect on the*
 21 *date that is 1 year after the date of the promulgation*
 22 *of the regulation.*

23 “(4) *LABELS.—If, by the date that is 2 years*
 24 *after the date of enactment of subsection (a)(1), the*
 25 *Administrator has not promulgated regulations that*

1 specify the alternate type, size, and placement of the
 2 wording for labels referred to in paragraph (1), the
 3 wording shall be placed prominently on the package
 4 in letters the same size as the largest text letter (ex-
 5 cept for letters in logos or brand markings) otherwise
 6 affixed to the label or packaging of the product until
 7 such time as the Administrator promulgates the regu-
 8 lations.

9 “(d) *BAR ON DEFENSES.*—Compliance with the label-
 10 ing requirements of this section shall not constitute, in
 11 whole or in part, a defense for liability relating to, or a
 12 cause for reduction in damages resulting from, any civil
 13 or criminal action brought under any Federal or State law,
 14 other than an action brought for failure to comply with the
 15 labeling requirements of this section.”.

16 **SEC. 106. RECYCLING OF LEAD-ACID BATTERIES.**

17 Title IV (15 U.S.C. 2681 et seq.) is further amended
 18 by inserting after section 405, as added by section 105 of
 19 this Act, the following new section:

20 **“SEC. 406. RECYCLING OF LEAD-ACID BATTERIES.**

21 “(a) *PROHIBITIONS.*—

22 “(1) *IN GENERAL.*—Beginning on the date that
 23 is 1 year after the date of enactment of subsection (c),
 24 no person shall—

1 “(A) *place a lead-acid battery in any land-*
2 *fill; or*

3 “(B) *incinerate any lead-acid battery.*

4 “(2) *DISPOSAL.—No person may—*

5 “(A) *discard or otherwise dispose of a lead-*
6 *acid battery in mixed municipal solid waste; or*

7 “(B) *discard or otherwise dispose of a lead-*
8 *acid battery in a manner other than by recycling*
9 *in accordance with this section.*

10 “(3) *EXEMPTION.—Paragraphs (1) through (2)*
11 *shall not apply to an owner or operator of a munici-*
12 *pal solid waste landfill, incinerator, or collection pro-*
13 *gram that inadvertently receives any lead-acid bat-*
14 *tery that—*

15 “(A) *is commingled with other municipal*
16 *solid waste; and*

17 “(B) *is not readily removable from the*
18 *waste stream,*

19 *if the owner or operator of the facility or collection*
20 *program has established contractual requirements or*
21 *other appropriate notification or inspection proce-*
22 *dures to ensure that no lead-acid battery is received*
23 *at, or burned in, the facility or accepted through the*
24 *collection program.*

1 “(b) *GENERAL DISCARD OR DISPOSAL REQUIRE-*
2 *MENTS.—Beginning on the date that is 1 year after the date*
3 *of enactment of subsection (c), no person (except a person*
4 *described in subsection (c), (d), or (e)) may discard or oth-*
5 *erwise dispose of any used lead-acid battery except by deliv-*
6 *ery to 1 of the following persons (or an authorized rep-*
7 *resentative of the person):*

8 “(1) *A person who sells lead-acid batteries at re-*
9 *tail or wholesale.*

10 “(2) *A lead smelter regulated by a State or the*
11 *Administrator under the Solid Waste Disposal Act*
12 *(42 U.S.C. 6901 et seq.) or the Clean Air Act (42*
13 *U.S.C. 7401 et seq.).*

14 “(3) *A collection or recycling facility regulated*
15 *by a State or subject to regulation by the Adminis-*
16 *trator under the Solid Waste Disposal Act (42 U.S.C.*
17 *6901 et seq.).*

18 “(4) *An automotive dismantler (as defined by*
19 *the Administrator).*

20 “(5) *A community collection program operated*
21 *by, or pursuant to an agreement with, a govern-*
22 *mental entity.*

23 “(6) *A manufacturer of batteries of the same gen-*
24 *eral type.*

1 “(c) *DISCARD OR DISPOSAL REQUIREMENTS FOR RE-*
 2 *TAILERS.*—Beginning on the date that is 1 year after the
 3 date of enactment of this subsection, no person who sells
 4 lead-acid batteries at retail may discard or otherwise dis-
 5 pose of any used lead-acid battery except by delivery to 1
 6 of the following persons (or an authorized representative of
 7 the person):

8 “(1) A person who sells lead-acid batteries at
 9 wholesale.

10 “(2) A lead smelter regulated by a State or the
 11 Administrator under the Solid Waste Disposal Act
 12 (42 U.S.C. 6901 et seq.) or the Clean Air Act (42
 13 U.S.C. 7401 et seq.).

14 “(3) A battery manufacturer.

15 “(4) A collection or recycling facility regulated
 16 by a State or subject to regulation by the Adminis-
 17 trator under the Solid Waste Disposal Act (42 U.S.C.
 18 6901 et seq.).

19 “(5) An automotive dismantler (as defined by
 20 the Administrator).

21 “(d) *DISCARD OR DISPOSAL REQUIREMENTS FOR*
 22 *WHOLESALE, AUTOMOTIVE DISMANTLERS, AND COMMU-*
 23 *NITY COLLECTION PROGRAMS.*—

1 “(1) *IN GENERAL.*—Beginning on the date that
2 is 1 year after the date of enactment of this sub-
3 section—

4 “(A) no person who sells lead-acid batteries
5 at wholesale;

6 “(B) no automotive dismantler; and

7 “(C) no community collection program op-
8 erated pursuant to an agreement with a govern-
9 mental entity,
10 may discard or otherwise dispose of any used lead-
11 acid battery, except by delivery to 1 of the persons de-
12 scribed in paragraph (2) (or an authorized represent-
13 ative of the person).

14 “(2) *PERSONS.*—The persons described in this
15 paragraph are as follows:

16 “(A) A lead smelter regulated by a State or
17 the Administrator under the Solid Waste Dis-
18 posal Act (42 U.S.C. 6901 et seq.) or the Clean
19 Air Act (42 U.S.C. 7401 et seq.).

20 “(B) A battery manufacturer.

21 “(C) A collection or recycling facility regu-
22 lated by a State or subject to regulation by the
23 Administrator under the Solid Waste Disposal
24 Act (42 U.S.C. 6901 et seq.).

1 “(e) *DISCARD OR DISPOSAL REQUIREMENTS FOR*
2 *MANUFACTURERS.*—

3 “(1) *IN GENERAL.*—Beginning on the date that
4 is 1 year after the date of enactment of this sub-
5 section, no person who manufactures lead-acid bat-
6 teries may discard or otherwise dispose of any used
7 lead-acid battery, except by delivery to 1 of the per-
8 sons described in paragraph (2) (or an authorized
9 representative of the person).

10 “(2) *PERSONS.*—The persons described in this
11 paragraph are as follows:

12 “(A) A lead smelter regulated by a State or
13 the Administrator under the Solid Waste Dis-
14 posal Act (42 U.S.C. 6901 et seq.) or the Clean
15 Air Act (42 U.S.C. 7401 et seq.).

16 “(B) A collection or recycling facility regu-
17 lated by a State or subject to regulation by the
18 Administrator.

19 “(f) *COLLECTION REQUIREMENTS FOR RETAILERS.*—

20 “(1) *IN GENERAL.*—Beginning on the date that
21 is 1 year after the date of enactment of this sub-
22 section, a person who sells, or offers for sale, lead-acid
23 batteries at retail shall—

24 “(A) accept from customers used lead-acid
25 batteries of the same general type as the batteries

1 *sold and in a quantity approximately equal to*
2 *the number of batteries sold; and*

3 *“(B) collect a deposit in an amount not less*
4 *than \$10 for the sale of any new replacement*
5 *automotive type lead-acid battery that is not ac-*
6 *companied by the return of a used automotive*
7 *type lead-acid battery.*

8 *“(2) DEPOSITS.—A person who pays a deposit*
9 *pursuant to this subsection shall receive from the re-*
10 *tailer a refund in an amount equal to the deposit*
11 *paid, if the person returns a used automotive type*
12 *lead-acid battery of the same general type as the bat-*
13 *tery purchased from the retailer not later than 30*
14 *days after the date of sale of the battery purchased.*
15 *All unredeemed deposits shall inure to the benefit of*
16 *the retailer. The used lead-acid batteries shall be ac-*
17 *cepted at the place where lead-acid batteries are of-*
18 *fered for sale.*

19 *“(g) COLLECTION REQUIREMENTS FOR WHOLE-*
20 *SALERS.—*

21 *“(1) IN GENERAL.—Beginning on the date that*
22 *is 1 year after the date of enactment of this sub-*
23 *section, a person who sells, or offers for sale, lead-acid*
24 *batteries at wholesale (referred to in this section as a*
25 *‘wholesaler’) shall accept from customers used lead-*

1 *acid batteries of the same general type as the batteries*
2 *sold and in a quantity approximately equal to the*
3 *number of batteries sold.*

4 “(2) *WHOLESALE WHO SELLS LEAD-ACID BAT-*
5 *TERIES TO A RETAILER.—In the case of a wholesaler*
6 *who sells, or offers for sale, lead-acid batteries to a re-*
7 *tailer, the wholesaler shall also provide for removing*
8 *used lead-acid batteries at the place of business of the*
9 *retailer. Unless the quantity of batteries to be removed*
10 *is less than 5, the removal shall occur not later than*
11 *90 days after the retailer notifies the wholesaler of the*
12 *existence of the used lead-acid batteries for removal.*
13 *If the quantity of batteries to be removed is less than*
14 *5, the wholesaler shall remove the batteries not later*
15 *than 180 days after the notification referred to in the*
16 *preceding sentence.*

17 “(h) *COLLECTION REQUIREMENTS FOR MANUFACTUR-*
18 *ERS.—Beginning on the date that is 1 year after the date*
19 *of enactment of this subsection, a person who manufactures*
20 *lead-acid batteries shall accept from customers used lead-*
21 *acid batteries of the same general type as the batteries sold*
22 *and in a quantity approximately equal to the number of*
23 *batteries sold.*

24 “(i) *WRITTEN NOTICE REQUIREMENTS FOR RETAIL-*
25 *ERS.—*

1 “(1) *IN GENERAL.*—Beginning on the date that
 2 is 1 year after the date of enactment of this sub-
 3 section, a person who sells, or offers for sale, lead-acid
 4 batteries at retail shall post written notice that—

5 “(A) is clearly visible in a public area of
 6 the establishment in which the lead-acid batteries
 7 are sold or offered for sale;

8 “(B) is at least 8½ inches by 11 inches in
 9 size; and

10 “(C) contains the following language:

11 “(i) ‘It is illegal to throw away a
 12 motor vehicle battery or other lead-acid bat-
 13 tery.’.

14 “(ii) ‘Recycle your used batteries.’.

15 “(iii) ‘Federal law requires battery re-
 16 tailers to accept used lead-acid batteries for
 17 recycling when a battery is purchased.’.

18 “(iv) ‘Federal law allows you to sell or
 19 return used batteries to an authorized bat-
 20 tery collector, recycler, or processor, or to
 21 an automotive dismantler.’.

22 “(2) *FAILURE TO POST NOTICE.*—Any person
 23 who, after receiving a written warning by the Admin-
 24 istrator, fails to post a notice required under para-
 25 graph (1) shall, notwithstanding section 16, be subject

1 to a civil penalty in an amount not to exceed \$1,000
2 per day.

3 “(j) LEAD-ACID BATTERY LABELING REQUIRE-
4 MENTS.—

5 “(1) IN GENERAL.—Beginning on the date that
6 is 18 months after the date of enactment of this sub-
7 section, it shall be unlawful for any lead-acid battery
8 manufacturer to sell, or offer for sale, any lead-acid
9 battery that does not bear a permanent label that con-
10 tains the statements required under paragraph (3).

11 “(2) SALES.—Beginning on the date that is 2
12 years after the date of enactment of this subsection, it
13 shall be unlawful to sell a lead-acid battery that does
14 not bear a permanent label that contains the state-
15 ments required under paragraph (3).

16 “(3) LABELS.—A label described in paragraph
17 (1) or (2) shall be considered to be consistent with the
18 requirements of this section if the label—

19 “(A) identifies that the lead-acid battery
20 contains lead; and

21 “(B) contains the following statements:

22 “(i) ‘Federal law requires recycling.’

23 “(ii) ‘Retailers must accept in ex-
24 change.’

1 “(4) *RECYCLING SYMBOLS.*—Nothing in this sec-
 2 tion shall be interpreted as prohibiting the display on
 3 the label of a lead-acid battery a recycling symbol (as
 4 defined by the Administrator) or other information
 5 intended to encourage recycling.

6 “(k) *PUBLICATION OF NOTICE.*—Not later than 180
 7 days after the date of enactment of this subsection, the Ad-
 8 ministrator shall publish in the Federal Register a notice
 9 of the requirements of this section and such other related
 10 information as the Administrator determines to be appro-
 11 priate.

12 “(l) *WARNINGS AND CITATIONS.*—The Administrator
 13 may issue a warning or citation (or both) to any person
 14 who fails to comply with any provision of this section.

15 “(m) *EXPORT FOR PURPOSES OF RECYCLING.*—Not-
 16 withstanding any other provision of this section, any person
 17 may export any used lead-acid battery for the purpose of
 18 recycling.

19 “(n) *STUDY.*—

20 “(1) *IN GENERAL.*—Not later than 18 months
 21 after the date of enactment of this subsection, the Ad-
 22 ministrator shall—

23 “(A) conduct a study on the recycling and
 24 disposal of small-sealed consumer lead-acid bat-

1 *teries and submit a report on the results of the*
2 *study to Congress; and*

3 *“(B) publish in the Federal Register ei-*
4 *ther—*

5 *“(i) a proposed rule to regulate the re-*
6 *cycling and disposal of small-sealed*
7 *consumer lead-acid batteries; or*

8 *“(ii) with respect to the batteries re-*
9 *ferred to in clause (i), a determination that*
10 *regulations are not needed to protect human*
11 *health and the environment.*

12 *“(2) CONTENTS OF STUDY AND REPORT.—The*
13 *study and report referred to in paragraph (1) shall*
14 *include an assessment of—*

15 *“(A) the quantity (expressed in volume) of*
16 *new small-sealed consumer lead-acid batteries*
17 *produced annually and an estimate of the quan-*
18 *tity of the batteries disposed of annually in mu-*
19 *nicipal solid waste landfills and incinerators;*

20 *“(B) the feasibility of recycling used small-*
21 *sealed consumer lead-acid batteries (including an*
22 *assessment of potential collection systems, tech-*
23 *nologies for recovering reusable materials from*
24 *the batteries, and the cost of recycling the bat-*
25 *teries); and*

1 “(C) *such other information as the Admin-*
2 *istrator determines to be appropriate with re-*
3 *spect to disposal practices of small-sealed*
4 *consumer lead-acid batteries that are current at*
5 *the time of the study and potential alternatives*
6 *to the practices.*

7 “(3) *INVESTIGATION.—*

8 “(A) *IN GENERAL.—In carrying out the*
9 *study and preparing the report, the Adminis-*
10 *trator may—*

11 “(i) *undertake such original investiga-*
12 *tions as the Administrator determines to be*
13 *necessary to generate the data required to*
14 *make findings for the report; or*

15 “(ii) *rely on data generated and com-*
16 *plied by any industry or other organization*
17 *with an interest in the report.*

18 “(B) *SUBMITTAL OF CONFIDENTIAL INFOR-*
19 *MATION.—Any person who submits confidential*
20 *information to the Administrator pursuant sub-*
21 *paragraph (A) shall also submit data that is*
22 *publicly available.*

23 “(o) *EXEMPTION.—*

1 “(1) *IN GENERAL.*—Except as provided in para-
 2 graph (2), this section shall not apply to small-sealed
 3 consumer lead-acid batteries.

4 “(2) *EXCEPTION.*—Subsection (n) shall apply to
 5 small-sealed lead-acid batteries.

6 “(p) *DEFINITIONS.*—As used in this section:

7 “(1) *LEAD-ACID BATTERY.*—The term ‘lead-acid
 8 battery’ means a battery that—

9 “(A) consists of lead and sulfuric acid; and

10 “(B) is used as a power source.

11 “(2) *SMALL-SEALED CONSUMER LEAD-ACID BAT-*
 12 *TERY.*—The term ‘small-sealed consumer lead-acid
 13 battery’ means a lead-acid battery, weighing 25
 14 pounds or less, used in non-vehicular, non-SLI (start-
 15 ing, lighting, and ignition) applications.”.

16 **SEC. 107. LEAD CONTAMINATION IN SCHOOLS AND DAY**
 17 **CARE FACILITIES.**

18 Title IV (15 U.S.C. 2681 et seq.) is further amended
 19 by inserting after section 406, as added by section 106 of
 20 this Act, the following new section:

21 **“SEC. 407. LEAD CONTAMINATION IN SCHOOLS AND DAY**
 22 **CARE FACILITIES.**

23 “(a) *DEFINITIONS.*—As used in this subsection:

24 “(1) *COVERED DAY CARE FACILITY.*—The term
 25 ‘covered day care facility’ means the interior and ex-

1 *terior of any building constructed before 1980 that is*
 2 *used as a day care facility that regularly provides*
 3 *day care services for children in kindergarten or*
 4 *younger children.*

5 “(2) *COVERED SCHOOL*.—The term ‘covered

6 *school’ means the interior and exterior of any build-*

7 *ing constructed before 1980 that is used—*

8 “(A) *as an elementary school (as defined in*

9 *section 1471(8) of the Elementary and Second-*

10 *ary Education Act of 1965 (20 U.S.C. 2891(8))*;

11 *or*

12 “(B) *as a kindergarten that regularly pro-*

13 *vides education for children in kindergarten or*

14 *younger children.*

15 “(3) *DAY CARE FACILITY*.—The term ‘day care

16 *facility’ means any portion of a facility used for day*

17 *care for children in kindergarten or younger children*

18 *and owned or operated by a person that provides the*

19 *day care for compensation, and that—*

20 “(A) *is licensed or regulated under State*

21 *law for day care purposes; or*

22 “(B) *receives Federal funds for day care*

23 *purposes.*

24 “(4) *LEAD HAZARD*.—The term ‘lead hazard’

25 *means—*

1 “(A) *lead-based paint that is chipping, peel-*
2 *ing, flaking, or chalking;*

3 “(B) *any surface coated with lead-based*
4 *paint that is subject to abrasion;*

5 “(C) *any surface coated with lead-based*
6 *paint that can be mouthed by a child under 6*
7 *years of age; and*

8 “(D) *interior dust that contains a dan-*
9 *gerous level of lead, as identified by the Adminis-*
10 *trator.*

11 “(5) *LEAD INSPECTION.*—*The term ‘lead inspec-*
12 *tion’ means an inspection to detect the presence of*
13 *any lead-based paint or lead hazard.*

14 “(6) *LOCAL EDUCATION AGENCY.*—*The term*
15 *‘local education agency’ means—*

16 “(A) *any local educational agency (as de-*
17 *finied in section 1471(12) of the Elementary and*
18 *Secondary Education Act of 1965 (20 U.S.C.*
19 *2891(12))));*

20 “(B) *the owner of any private nonprofit ele-*
21 *mentary or secondary school building; and*

22 “(C) *the governing authority of any school*
23 *operating under the defense dependents’ edu-*
24 *cation system provided for under the Defense De-*

1 *pendents' Education Act of 1978 (20 U.S.C. 921*
 2 *et seq.).*

3 “(7) *OWNER OR OPERATOR.*—*The term ‘owner or*
 4 *operator’, when used with respect to a school, means*
 5 *the local education agency that has jurisdiction over*
 6 *the school.*

7 “(8) *SIGNIFICANT USE.*—*The term ‘significant*
 8 *use’ means use by more than 1 child at least 2 times*
 9 *per week, and for a total period of at least 2 hours*
 10 *per week.*

11 “(b) *COVERED SCHOOLS AND COVERED DAY CARE FA-*
 12 *CILITIES.*—

13 “(1) *IN GENERAL.*—*Except as provided in sub-*
 14 *section (d)(4), not later than 3 years after the date*
 15 *of enactment of this subsection, the Administrator*
 16 *shall promulgate regulations that shall be adequate to*
 17 *carry out this section and be consistent with other*
 18 *regulations promulgated by the Administrator under*
 19 *this title.*

20 “(2) *REGULATIONS.*—*Pursuant to paragraph*
 21 *(1), the Administrator shall promulgate regulations*
 22 *that require each State that receives a grant under*
 23 *subsection (d) to—*

24 “(A) *not later than 3 years after the date*
 25 *of promulgation of the regulations or the date on*

1 *which amounts are allotted to the State under*
2 *subsection (d)(2), whichever is later, conduct—*

3 “(i) an inspection of—

4 “(I) each room of each covered
5 school and covered day care facility
6 that is used daily or receives signifi-
7 cant use by children in kindergarten or
8 by younger children to detect interior
9 lead-based paint and an inspection of
10 each covered school that is chipping,
11 peeling, flaking, or chalking; and

12 “(II) each covered school and cov-
13 ered day care facility to detect exterior
14 lead-based paint; and

15 “(ii) an inspection of each room at
16 each covered school and covered day care fa-
17 cility that is used daily or receives signifi-
18 cant use by children in kindergarten or by
19 younger children for the purpose of detect-
20 ing any lead-based paint or interior dust in
21 the rooms of the school or day care facility
22 that contains a dangerous level of lead, as
23 identified by the Administrator pursuant to
24 section 411; and

25 “(B) prepare a report that includes—

1 “(i) the results of the inspections re-
2 ferred to in subparagraph (A); and

3 “(ii) recommendations as to whether
4 any lead hazard detected pursuant to an in-
5 spection should be alleviated through encap-
6 sulation, in-place management, or other
7 form of abatement.

8 “(3) *RANKING.*—In conducting inspections of
9 covered schools and covered day care facilities re-
10 quired by paragraph (2), the appropriate official of
11 the State shall—

12 “(A) rank facilities in the State in order of
13 the severity of the suspected lead hazard of the
14 areas, in accordance with procedures that the
15 Administrator shall establish; and

16 “(B) give priority to inspecting covered
17 schools and covered day care facilities serving
18 populations at greatest risk.

19 “(4) *PROCEDURES.*—The procedures referred to
20 in paragraph (3) shall use factors for assessing facili-
21 ties, including—

22 “(A) medical evidence regarding the extent
23 of lead poisoning (as determined through lead
24 screening) of children in the area;

25 “(B) the ages of children in the area;

1 “(C) the age and condition of school build-
2 ings in the area; and

3 “(D) the age and condition of the housing
4 in the area,
5 in order to determine which facilities in the State are
6 most likely to have a lead hazard.

7 “(5) DISSEMINATION OF REPORTS.—

8 “(A) IN GENERAL.—Each State shall pro-
9 vide to the owner or operator of each covered
10 school and covered day care facility of the State
11 a copy of the report required under paragraph
12 (2)(B).

13 “(B) REQUIREMENTS FOR OWNERS OR OP-
14 ERATORS.—

15 “(i) IN GENERAL.—Except as provided
16 under paragraph (6), in each case in which
17 an inspection conducted pursuant to the re-
18 quirements of paragraph (2) indicates the
19 presence of lead-based paint that poses a
20 lead hazard, or interior dust containing a
21 dangerous level of lead (as identified by the
22 Administrator pursuant to section 411) at a
23 covered school or covered day care facility,
24 the owner or operator of the covered school
25 or covered day care facility shall, not later

1 *than 60 days after receiving the report*
2 *under subparagraph (A), provide a copy of*
3 *risk disclosure information that meets the*
4 *requirements of subparagraph (C) to all*
5 *teachers and other school personnel and*
6 *parents (or guardians) of children attending*
7 *the covered school or covered day care facil-*
8 *ity concerned.*

9 “(ii) *NOTIFICATION TO NEW PERSON-*
10 *NEL MEMBERS AND PARENTS AND GUARD-*
11 *IANs OF NEW STUDENTS.—During such*
12 *time as lead-based paint, or interior dust*
13 *containing a dangerous level of lead (as*
14 *identified by the Administrator pursuant to*
15 *section 411), continues to be present at the*
16 *covered school or covered day care facility,*
17 *the owner or operator of the covered school*
18 *or covered day care facility shall also pro-*
19 *vide the risk disclosure information referred*
20 *to in clause (i) to newly hired teachers and*
21 *other personnel and parents (or guardians)*
22 *of newly enrolled children.*

23 “(iii) *NO CAUSE OF ACTION.—The fail-*
24 *ure of a teacher or other school personnel*
25 *member of a covered school or covered day*

1 care facility, or parent (or guardian) of a
 2 child (including a newly enrolled child) at-
 3 tending a covered school or covered day care
 4 facility, to receive a copy of the risk disclo-
 5 sure information shall not constitute a
 6 cause of action under this subsection.

7 “(C) *RISK DISCLOSURE.*—

8 “(i) *IN GENERAL.*—As part of the regu-
 9 lations required under paragraph (2), the
 10 Administrator shall prescribe the contents of
 11 the risk disclosure information required to
 12 be provided to the persons specified in the
 13 regulations.

14 “(ii) *CONTENTS OF RISK DISCLOSURE*
 15 *INFORMATION.*—The information shall in-
 16 clude each of the following, with respect to
 17 each covered school or covered day care fa-
 18 cility:

19 “(I) A summary of the results of
 20 the inspection conducted pursuant to
 21 paragraph (2).

22 “(II) A description of the risks of
 23 lead exposure to children in kinder-
 24 garten and younger children, teachers,
 25 and other personnel at the covered

1 *school or covered day care facility that*
2 *takes into account the accessibility of*
3 *lead-based paint or interior dust con-*
4 *taining a dangerous level of lead (as*
5 *identified by the Administrator pursu-*
6 *ant to section 411) to children in kin-*
7 *dergarten and younger children, and*
8 *other factors that the Administrator*
9 *determines to be appropriate.*

10 *“(III) A description of any abate-*
11 *ment undertaken, or to be undertaken,*
12 *by the owner or operator.*

13 *“(D) METHOD OF PROVIDING INFORMA-*
14 *TION.—An owner or operator of a covered school*
15 *or covered day care facility may provide the risk*
16 *disclosure information to the parents (or guard-*
17 *ians) of the children attending the covered school*
18 *or covered day care facility concerned in the*
19 *same manner as written materials are regularly*
20 *delivered to the parents (or guardians).*

21 *“(6) EXEMPTION FROM NOTICE REQUIREMENT.—*
22 *An owner or operator of a covered school or covered*
23 *day care facility shall not be required to provide noti-*
24 *fication under paragraph (5) if, not later than 180*

1 *days prior to the date on which the notification would*
2 *otherwise be required—*

3 “(A) the owner, operator, or the State per-
4 *forms encapsulation, in-place management or*
5 *other form of abatement;*

6 “(B) the State conducts a reinspection; and

7 “(C) the owner or operator obtains a report
8 *from the State that shows that—*

9 “(i) the lead-based paint that poses a
10 *lead hazard; and*

11 “(ii) any interior dust containing a
12 *dangerous level of lead, as identified by the*
13 *Administrator,*

14 *have been removed, encapsulated, or managed in*
15 *place.*

16 “(7) AVAILABILITY OF CERTAIN REPORTS.—*In*
17 *lieu of notification under paragraph (5), an owner or*
18 *operator that elects to perform encapsulation, in-place*
19 *management, or other form of abatement under this*
20 *subsection shall—*

21 “(A) make a copy of the inspection reports
22 *for inspections conducted pursuant to this sub-*
23 *section available in each administrative office of*
24 *the owner or operator; and*

1 “(B) notify parent, teacher, and employee
2 organizations of the availability of the reports.

3 “(c) *RENOVATED AREAS.*—With respect to each ren-
4 ovation of a covered school or covered day care facility that
5 commences on or after the date that is 1 year after the date
6 of promulgation of a regulation under subsection (b)(2), for
7 each covered school or covered day care facility in which
8 a renovation will be undertaken, the owner or operator of
9 the covered school or covered day care facility or the State
10 (on the request of the owner or operator) shall, prior to the
11 renovation—

12 “(1) conduct an inspection of the area to be ren-
13 ovated to detect any lead-based paint that could be
14 disturbed as a result of the renovation; and

15 “(2) take any action that is necessary to ensure
16 that the renovation does not result in a dangerous
17 level of lead (as identified by the Administrator pur-
18 suant to section 411), in interior dust.

19 “(d) *FEDERAL ASSISTANCE.*—

20 “(1) *IN GENERAL.*—

21 “(A) *GRANTS.*—The Administrator shall
22 make grants to States for the purposes of testing,
23 at covered schools and covered day care facilities,
24 for—

1 “(i) lead-based paint that poses a lead
2 hazard; and

3 “(ii) interior dust containing a dan-
4 gerous level of lead (as identified by the Ad-
5 ministrator pursuant to section 411).

6 “(B) *USE OF GRANT AWARD.*—A grant
7 awarded pursuant to this subsection may be used
8 by a State only to cover expenses incurred by the
9 State after the date of enactment of this section
10 for lead hazard inspection in covered schools and
11 covered day care facilities.

12 “(2) *ALLOTMENT.*—For each fiscal year, from
13 amounts appropriated pursuant to the authorization
14 under subsection (j), the Administrator shall allot to
15 each State for the purpose of making grants under
16 this subsection, an amount that bears the same ratio
17 to the appropriated amounts as the number of chil-
18 dren under 7 years of age bears to the number of chil-
19 dren under age 7 in all States.

20 “(3) *REALLOTMENT.*—If the Administrator de-
21 termines that the amount of the allotment of any
22 State determined under paragraph (2) for any fiscal
23 year will not be required for carrying out the pro-
24 gram for which the amount has been allotted, the Ad-

1 *ministrator shall make the amount available for real-*
2 *lotment.*

3 “(4) *RESERVATION BY STATE.*—*For each fiscal*
4 *year, from the amounts allotted to a State under*
5 *paragraph (2), the State shall reserve not more than*
6 *5 percent of the amounts for administrative costs.*

7 “(5) *LIMITATION ON REQUIREMENT.*—

8 “(A) *IN GENERAL.*—*Except as provided in*
9 *paragraph (6), the Administrator shall require*
10 *each State to fulfill the requirements of sub-*
11 *section (a) relating to inspections only to the ex-*
12 *tent that assistance under this section is avail-*
13 *able to cover the costs of the inspections.*

14 “(B) *REQUIREMENTS FOR REGULATIONS.*—

15 “(i) *IN GENERAL.*—*With respect to any*
16 *State that fails to carry out an applicable*
17 *requirement under subsection (b), the Ad-*
18 *ministrator shall take such action as may*
19 *be necessary to ensure that the State meets*
20 *all applicable requirements of subsection (b)*
21 *not later than 2 years after the first day on*
22 *which the cumulative total of all amounts*
23 *appropriated to the States pursuant to the*
24 *authorization under subsection (j) equals or*
25 *exceeds \$90,000,000.*

1 “(ii) *PLAN.*—With respect to any State
2 that fails to—

3 “(I) submit to the Administrator,
4 by the date that is 6 years after the
5 date of enactment of this subsection, a
6 plan that the Administrator deter-
7 mines adequate to complete all appli-
8 cable requirements of subsection (b) by
9 not later than 8 years after the date of
10 enactment of this subsection; or

11 “(II) implement the plan referred
12 to in subclause (I),
13 the Administrator shall ensure that the ac-
14 tions are completed within the 8-year pe-
15 riod referred to in subclause (I), or by not
16 later than 9 years after the date of enact-
17 ment of this subsection, in the case of any
18 State that fails to implement the plan.

19 “(6) *REQUIREMENT FOR PAYMENTS.*—No pay-
20 ments shall be made under this section for any fiscal
21 year to a State unless the Administrator determines
22 that the aggregate expenditures of the State for com-
23 parable lead inspection programs for the year equaled
24 or exceeded the aggregate expenditures for the most re-
25 cent fiscal year for which data is available.

1 “(7) *STATUTORY CONSTRUCTION.*—*Nothing in*
2 *this section is intended to prohibit the expenditure of*
3 *Federal funds for the purposes authorized under this*
4 *section in or by sectarian institutions. No provision*
5 *of law (including a State constitution or State law)*
6 *shall be construed to prohibit the expenditure in or by*
7 *sectarian institutions of any Federal funds provided*
8 *under this section. Except as provided in the preced-*
9 *ing sentence, nothing in this section is intended to su-*
10 *persede or modify any provision of State law that*
11 *prohibits the expenditure of public funds in or by sec-*
12 *tarian institutions.*

13 “(e) *PUBLIC PROTECTION.*—*No owner or operator of*
14 *a covered school or covered day care facility may discrimi-*
15 *nate against a person on the basis that the person provided*
16 *information relating to a potential violation of this section*
17 *to any other person, including a State or the Administrator.*

18 “(f) *PENALTIES.*—

19 “(1) *IN GENERAL.*—*Notwithstanding any other*
20 *provision of this Act, the amount of any penalty that*
21 *may be assessed for a violation of this section pursu-*
22 *ant to section 16 shall not exceed an amount equal to*
23 *\$5,000 for each day during which the violation of this*
24 *section continues.*

1 “(2) *MANNER OF ASSESSMENT.*—Any civil pen-
2 alty under this subsection shall be assessed and col-
3 lected in the same manner, and subject to the same
4 provisions, as for civil penalties assessed and collected
5 under section 16.

6 “(3) *VIOLATION DEFINED.*—As used in this sub-
7 section, the term ‘violation’ means a failure to comply
8 with a requirement of this section with respect to a
9 single covered school or covered day care facility.

10 “(g) *USE OF PENALTIES.*—In any action against a
11 State or an owner or operator (or both) of a covered school
12 or covered day care facility for a violation of this section,
13 the court shall have the discretion to order that any civil
14 penalty collected under this subsection be used by the State
15 or the owner or operator (or both) for the cost of inspection
16 and reporting, as required under subsection (b)(2), or lead-
17 based paint abatement activities undertaken for the purpose
18 of complying with this title (or both).

19 “(h) *INSPECTIONS.*—An inspection required under this
20 section and any abatement performed in lieu of notification
21 under this section shall be carried out by a lead-based paint
22 abatement contractor who is in compliance with certifi-
23 cation requirements under applicable Federal law.

24 “(i) *ANNUAL REPORTS TO ADMINISTRATOR.*—Each
25 State shall, not later than 1 year after receiving assistance

1 *under this section, and annually thereafter, submit to the*
 2 *Administrator an annual report. The report shall include,*
 3 *with respect to the State—*

4 “(1) *a description of the manner in which the*
 5 *assistance provided under this section was used;*

6 “(2) *the number of covered schools and covered*
 7 *day care facilities affected by the assistance;*

8 “(3) *an estimate of the number of children served*
 9 *by the covered schools and covered day care facilities;*

10 “(4) *an estimate of the magnitude and cost of fu-*
 11 *ture efforts required to carry out this section; and*

12 “(5) *any other information the Administrator*
 13 *may require.*

14 “(j) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 15 *authorized to be appropriated to carry out this section—*

16 “(1) *\$30,000,000 for the fiscal year 1994;*

17 “(2) *\$30,000,000 for the fiscal year 1995; and*

18 “(3) *\$30,000,000 for the fiscal year 1996.”.*

19 ***SEC. 108. BLOOD-LEAD AND OTHER ABATEMENT AND MEAS-***
 20 ***UREMENT PROGRAMS.***

21 *Title IV (15 U.S.C. 2681 et seq.) is further amended*
 22 *by inserting after section 407, as added by section 107 of*
 23 *this Act, the following new section:*

1 **“SEC. 408. BLOOD-LEAD AND OTHER ABATEMENT AND**
 2 **MEASUREMENT PROGRAMS.**

3 “(a) *STANDARDS FOR BLOOD ANALYSIS LABORA-*
 4 *TORIES.—*

5 “(1) *IN GENERAL.—*

6 “(A) *STANDARDS FOR LABORATORY ANALY-*
 7 *SIS.—The Secretary of Health and Human Serv-*
 8 *ices (referred to in this subsection as the ‘Sec-*
 9 *retary’), acting through the Director of the Cen-*
 10 *ters for Disease Control, shall establish protocols,*
 11 *criteria, and minimum performance standards*
 12 *for the laboratory analysis of lead in blood.*

13 “(B) *CERTIFICATION PROGRAM.—*

14 “(i) *IN GENERAL.—Except as provided*
 15 *in clause (ii) and paragraph (4), not later*
 16 *than 18 months after the date of enactment*
 17 *of this subsection, the Secretary shall estab-*
 18 *lish a certification program to ensure the*
 19 *quality and consistency of laboratory analy-*
 20 *ses.*

21 “(ii) *EXEMPTION.—If the Secretary de-*
 22 *termines, by the date specified in subpara-*
 23 *graph (A), that effective voluntary accredi-*
 24 *tation programs are in place and operating*
 25 *on a nationwide basis at the time of the de-*
 26 *termination, the Secretary shall not be re-*

1 *quired to establish the certification program*
2 *referred to in clause (i).*

3 “(2) *REPORTING REQUIREMENT.*—*The quality*
4 *control program established by the Secretary under*
5 *this subsection shall provide for the reporting of the*
6 *results of blood-lead analyses to the Director of the*
7 *Centers for Disease Control on an ongoing basis. Each*
8 *report prepared pursuant to this paragraph shall be*
9 *in such form as the Secretary shall require by regula-*
10 *tion.*

11 “(3) *LIST.*—*Not later than 2 years after the date*
12 *of enactment of this subsection, and annually there-*
13 *after, the Secretary shall publish and make available*
14 *to the public a list of certified or accredited blood*
15 *analysis laboratories.*

16 “(4) *REVIEW OF VOLUNTARY ACCREDITATION.*—

17 “(A) *IN GENERAL.*—*If the Secretary deter-*
18 *mines, under paragraph (1)(B)(ii), that effective*
19 *voluntary accreditation programs are in effect*
20 *for blood analysis laboratories, the Secretary*
21 *shall review the performance and effectiveness of*
22 *the programs not later than 3 years after the*
23 *date of the determination, and every 3 years*
24 *thereafter.*

1 “(B) *EFFECT OF NEGATIVE DETERMINA-*
 2 *TION.—If, on making a review under this para-*
 3 *graph, the Secretary determines that the vol-*
 4 *untary accreditation programs reviewed are not*
 5 *effective in ensuring the quality and consistency*
 6 *of laboratory analyses, the Secretary shall, not*
 7 *later than 1 year after the date of the determina-*
 8 *tion, establish a certification program that meets*
 9 *the requirements of paragraph (1)(B).*

10 “(b) *CLASSIFICATION OF ABATEMENT WASTES.—Not*
 11 *later than 6 months after the date of enactment of this sub-*
 12 *section, the Administrator shall issue guidelines for the*
 13 *management of lead-based paint abatement debris. The*
 14 *guidelines shall describe steps for segregating wastes from*
 15 *lead-based paint abatement projects in order to minimize*
 16 *the volume of material qualifying as hazardous solid waste.*

17 “(c) *SOIL LEAD GUIDELINES.—*

18 “(1) *IN GENERAL.—Not later than 2 years after*
 19 *the date of enactment of this subsection, the Adminis-*
 20 *trator shall issue guidelines concerning—*

21 “(A) *action levels for lead in soil; and*

22 “(B) *mitigation recommendations.*

23 “(2) *REQUIREMENTS FOR GUIDELINES.—The*
 24 *guidelines under this subsection establishing action*
 25 *levels and mitigation recommendations shall take into*

1 *account different soil types, land uses, and other site-*
2 *related characteristics affecting lead exposure condi-*
3 *tions and levels of lead in blood.*

4 “(d) *STUDY OF LEAD IN USED OIL.*—

5 “(1) *IN GENERAL.*—Not later than 18 months
6 *after the date of enactment of this subsection, the Ad-*
7 *ministrator shall conduct a study concerning the ef-*
8 *fects on the environment and public health of burning*
9 *used oil.*

10 “(2) *REPORT.*—On the completion of the study,
11 *the Secretary shall submit a report to Congress on the*
12 *results of the study.*

13 “(3) *CONTENTS OF STUDY.*—The study shall in-
14 *clude an assessment of—*

15 “(A) *the volume of lead in used oil released*
16 *into the environment, and the sources of the lead*
17 *contaminants;*

18 “(B) *the impact of a variety of approaches*
19 *to regulation of used oil recycling facilities; and*

20 “(C) *such other information as the Admin-*
21 *istrator determines to be appropriate regarding*
22 *disposal practices of lead in used oil in use at*
23 *the time of the study and alternatives to the*
24 *practices, including the manner in which any*
25 *detrimental effects on the environment or public*

1 *health (or both) can be reduced or eliminated by*
 2 *the reduction of lead as a constituent of used oil.*

3 “(e) *COORDINATOR FOR LEAD ACTIVITIES.*—Not later
 4 *than 30 days after the date of enactment of this subsection,*
 5 *the Administrator shall appoint, from among the employees*
 6 *of the Environmental Protection Agency, a Coordinator for*
 7 *Lead Activities to coordinate the activities conducted by the*
 8 *Agency (or in conjunction with the Agency) relating to the*
 9 *prevention of lead poisoning, the reduction of lead exposure,*
 10 *and lead abatement.”.*

11 ***SEC. 109. ESTABLISHMENT OF NATIONAL CENTERS FOR***
 12 ***THE PREVENTION OF LEAD POISONING.***

13 *Title IV (15 U.S.C. 2681 et seq.) is further amended*
 14 *by inserting after section 408, as added by section 108 of*
 15 *this Act, the following new section:*

16 ***“SEC. 409. ESTABLISHMENT OF NATIONAL CENTERS FOR***
 17 ***THE PREVENTION OF LEAD POISONING.***

18 “(a) *ESTABLISHMENT AND RESPONSIBILITIES.*—

19 “(1) *IN GENERAL.*—The Administrator shall es-
 20 *tablish a grant program to establish 1 or more Cen-*
 21 *ters for the Prevention of Lead Poisoning. (Each such*
 22 *Center is referred to in this subsection as a ‘Center’.)*

23 “(2) *GRANTS.*—The Administrator shall award
 24 *grants to 1 or more institutions of higher education*
 25 *(as defined in 1201(a) of the Higher Education Act*

1 *of 1965 (20 U.S.C. 1141(a)) in the United States for*
2 *the purpose of establishing and funding a Center.*
3 *Each Center shall assist the Administrator in carry-*
4 *ing out this title, including providing for the transfer*
5 *of technology and serving as a source of information*
6 *to the general public.*

7 “(b) *APPLICATIONS.*—*The Administrator shall solicit*
8 *applications from institutions of higher education of the*
9 *United States for the establishment of a Center. The appli-*
10 *cation shall be in such form, and contain such information,*
11 *as the Administrator may require by regulation.*

12 “(c) *SELECTION CRITERIA.*—*The Administrator shall*
13 *select each grant recipient from among the applicant insti-*
14 *tutions referred to in subsection (b) in accordance with the*
15 *following criteria:*

16 “(1) *The capability of the applicant institution*
17 *to provide leadership in making national contribu-*
18 *tions to the prevention of lead poisoning.*

19 “(2) *The demonstrated capacity of the applicant*
20 *institution to conduct relevant research.*

21 “(3) *The appropriateness of the projects proposed*
22 *to be carried out by the applicant institution.*

23 “(4) *The assurance of the applicant institution*
24 *of a commitment of at least \$100,000 in budgeted in-*

1 stitutional funds to relevant research upon receipt of
2 the grant.

3 “(5) The presence at the applicant institution of
4 an interdisciplinary staff with demonstrated expertise
5 in lead poisoning prevention.

6 “(6) The demonstrated ability of the applicant
7 institution to disseminate the results of relevant re-
8 search and educational programs through an inter-
9 disciplinary continuing education program.

10 “(7) Any other criteria that the Administrator
11 determines to be appropriate.

12 “(d) *FEDERAL SHARE AND DURATION OF GRANT.*—

13 “(1) *FEDERAL SHARE.*—The Federal share of a
14 grant under this section shall not exceed an amount
15 equal to 95 percent of the cost of establishing and op-
16 erating a Center and related research activities car-
17 ried out by the Center.

18 “(2) *DURATION OF GRANT.*—A grant awarded
19 under this section shall be for a period of not more
20 than 2 years.”.

21 **SEC. 110. CONFORMING AMENDMENTS.**

22 (a) *CROSS-REFERENCES.*—

23 (1) *PENALTIES.*—Section 16 (15 U.S.C. 2615) is
24 amended by striking “409” each place it appears and
25 inserting “417”.

1 (2) *SPECIFIC ENFORCEMENT AND SEIZURE.*—
 2 Section 17(a)(1)(A) (15 U.S.C. 2616(a)(1)(A)) is
 3 amended by striking “409” and inserting “417”.

4 (3) *AUTHORIZED STATE PROGRAMS.*—Section
 5 412, as redesignated by section 101(a), is amended—

6 (A) by striking “402 or 406” each place it
 7 appears and inserting “410 or 414”; and

8 (B) in subsection (d), by striking “402” and
 9 inserting “410”.

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—In section
 11 420, as redesignated by section 101(a) of this Act, by strik-
 12 ing “There are authorized” and inserting “Except as pro-
 13 vided in section 407(j) and in title III of the Lead Exposure
 14 Reduction Act of 1993, there are authorized”.

15 **SEC. 111. AMENDMENT TO TABLE OF CONTENTS.**

16 The table of contents in section 1 of the Act (15 U.S.C.
 17 2601 et seq.) is amended by striking the items relating to
 18 title IV and inserting the following new items:

“TITLE IV—LEAD EXPOSURE REDUCTION

“Sec. 401. Findings and policy.

“Sec. 402. Definitions.

“Sec. 403. Restrictions on continuing uses of certain lead-containing products.

“Sec. 404. Inventory of lead-containing products and new use notification proce-
 dures.

“Sec. 405. Product labeling.

“Sec. 406. Recycling of lead-acid batteries.

“Sec. 407. Lead contamination in schools and day care facilities.

“Sec. 408. Blood-lead and other abatement and measurement programs.

“Sec. 409. Establishment of National Centers for the Prevention of Lead Poison-
 ing.

“Sec. 410. Lead-based paint activities training and certification.

“Sec. 411. Identification of dangerous levels of lead.

"Sec. 412. Authorized State programs.

"Sec. 413. Lead abatement and measurement.

"Sec. 414. Lead hazard information pamphlet.

"Sec. 415. Regulations.

"Sec. 416. Control of lead-based paint hazards at Federal facilities.

"Sec. 417. Prohibited acts.

"Sec. 418. Relationship to other Federal law.

"Sec. 419. General provisions relating to administrative proceedings.

"Sec. 420. Authorization of appropriations.".

1 ***TITLE II—MISCELLANEOUS***

2 ***SEC. 201. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-*** 3 ***LEAD LABORATORY REFERENCE PROJECT.***

4 *(a) REPORTING OF BLOOD-LEAD LEVELS.—*

5 *(1) IN GENERAL.—The Secretary of Health and*
 6 *Human Services (referred to in this section as the*
 7 *"Secretary"), acting through the Director of the Cen-*
 8 *ters for Disease Control (referred to in this section as*
 9 *the "Director"), shall identify methods for reporting*
 10 *blood-lead levels in a standardized format by State*
 11 *public health officials to the Director.*

12 *(2) REPORT TO CONGRESS.—Not later than 18*
 13 *months after the date of enactment of this Act, the*
 14 *Secretary shall submit a report to Congress that—*

15 *(A) describes the status of blood-lead report-*
 16 *ing; and*

17 *(B) evaluates the feasibility and desirability*
 18 *of instituting a national requirement for manda-*
 19 *tory preschool blood-lead screening.*

20 *(3) ADDITIONAL REPORT.—Not later than 2*
 21 *years after the date of enactment of this Act, the Sec-*

1 retary, in consultation with the Secretary of Labor
 2 and the Administrator of the Environmental Protec-
 3 tion Agency, shall submit a report to Congress that
 4 assesses the effectiveness of the blood-lead reporting
 5 provisions under the regulations establishing the ac-
 6 creditation and certification programs for blood anal-
 7 ysis laboratories described in section 408(a) of the
 8 Toxic Substances Control Act (as added by section
 9 108).

10 (b) *ESTABLISHMENT OF BLOOD-LEAD LABORATORY*
 11 *REFERENCE PROJECT.*—Subpart 2 of part C of title IV of
 12 the Public Health Service Act (42 U.S.C. 258b et seq.), is
 13 amended by adding at the end the following new section:
 14 **“SEC. 424. BLOOD-LEAD LABORATORY REFERENCE**
 15 **PROJECT.**

16 “The Secretary of Health and Human Services, acting
 17 through the Director of the Centers for Disease Control, shall
 18 establish a blood-lead laboratory reference project to assist
 19 States and local governments in establishing, maintaining,
 20 improving, and ensuring the quality of laboratory measure-
 21 ments performed for lead poisoning prevention programs.
 22 The project shall include—

23 “(1) collaboration with manufacturers of analyt-
 24 ical instruments to develop blood-lead measurement

1 *devices that are accurate, portable, precise, rugged, re-*
2 *liable, safe, and of reasonable cost;*

3 *“(2) the development of improved techniques for*
4 *safe, contamination-free blood sample collection; and*

5 *“(3) assistance to State and local laboratories in*
6 *the form of reference materials, equipment, supplies,*
7 *training, consultation, and technology development*
8 *for quality assurance, capacity expansion, and tech-*
9 *nology transfer.”.*

10 ***SEC. 202. UPDATE OF 1988 REPORT TO CONGRESS ON***
11 ***CHILDHOOD LEAD POISONING.***

12 (a) *IN GENERAL.*—Not later than 2 years after the
13 *date of enactment of this Act, and every 2 years thereafter*
14 *until the date that is 10 years after the date of enactment*
15 *of this Act, and as necessary thereafter, the Administrator*
16 *of the Agency for Toxic Substances and Disease Registry*
17 *shall submit to Congress a report that updates the report*
18 *submitted pursuant to section 118(f)(1) of the Superfund*
19 *Amendments and Reauthorization Act of 1986. Each up-*
20 *dated report shall include, at a minimum, revised estimates*
21 *of the prevalence of elevated lead levels among children and*
22 *adults in the population of the United States, and estimates*
23 *of the prevalence of adverse health outcomes associated with*
24 *lead exposure. The initial report under this section shall*
25 *include an assessment of the potential contribution to ele-*

1 vated blood lead levels in children from exposure to sources
2 of lead in schools and day care centers.

3 (b) *FUNDING.*—The costs of preparing and submitting
4 the updated reports referred to in subsection (a) shall be
5 paid from the Hazardous Substance Superfund established
6 under section 9507 of the Internal Revenue Code of 1986.

7 **SEC. 203. ADDITIONAL CONFORMING AMENDMENTS.**

8 (a) *AMENDMENT TO THE FAIR PACKAGING AND LA-*
9 *BELING ACT.*—Section 11 of the Fair Packaging and Label-
10 ing Act (15 U.S.C. 1460) is amended—

11 (1) in subsection (b), by striking “or” at the end;

12 (2) in subsection (c), by striking the period at
13 the end and inserting “; or”; and

14 (3) by adding at the end the following new sub-
15 section:

16 “(d) *The Lead Exposure Reduction Act of 1993 and*
17 *the amendments made by such Act.*”.

18 (b) *AMENDMENTS TO THE FEDERAL FOOD, DRUG AND*
19 *COSMETIC ACT.*—

20 (1) *TIME-BASED REQUIREMENTS.*—Section 402
21 of the Federal Food, Drug, and Cosmetic Act (21
22 U.S.C. 342) is amended by adding at the end the fol-
23 lowing new subsections:

24 “(f) *For the third 1-year period after the date of enact-*
25 *ment of this subsection and thereafter, if any package or*

1 *packaging component (including any solder or flux) used*
 2 *in packaging the food contains any lead that has been in-*
 3 *tentionally introduced into the package or component.*

4 “(g) *If the incidental presence of lead in any package*
 5 *or packaging component (including any solder or flux) used*
 6 *in packaging the food exceeds—*

7 “(1) *for the third 1-year period after the date of*
 8 *enactment of this subsection, 600 parts per million*
 9 *(0.06 percent);*

10 “(2) *for the fourth 1-year period after the date*
 11 *of enactment of this subsection, 250 parts per million*
 12 *(0.025 percent); and*

13 “(3) *for the fifth 1-year period after the date of*
 14 *enactment of this subsection and thereafter, 100 parts*
 15 *per million (0.01 percent).”.*

16 (2) *CERAMIC WARE; PROCESSED FOODS; WINE.—*
 17 *Title IV of such Act (21 U.S.C. 341 et seq.) is amend-*
 18 *ed by adding at the end the following new section:*

19 ***“SEC. 413. LEAD REGULATIONS.***

20 “(a) *CERAMIC WARES.—Not later than 18 months*
 21 *after the date of enactment of this section, the Secretary*
 22 *shall promulgate regulations to establish such standards*
 23 *and testing procedures with respect to lead in ceramic*
 24 *wares as are necessary to make food that contacts the ware*

1 *not adulterated as containing an added substance under*
2 *section 402(a)(1).*

3 “(b) *CRYSTAL WARES.*—Not later than 30 months
4 *after the date of enactment of this section, the Secretary*
5 *shall promulgate regulations to establish such standards*
6 *and testing procedures with respect to lead in crystal wares*
7 *as are necessary to make food that contacts the ware not*
8 *adulterated as containing an added substance under section*
9 *402(a)(1).*

10 “(c) *PROCESSED FOODS.*—Not later than 2 years after
11 *the date of enactment of this section, the Secretary shall*
12 *promulgate regulations to reduce lead in processed foods.*
13 *The regulations shall determine the processed foods and re-*
14 *lated manufacturing practices that are significant sources*
15 *of lead in the human diet and require the greatest degree*
16 *of reduction of lead in the foods that is achievable in prac-*
17 *tice.*

18 “(d) *WINE.*—Not later than 1 year after the date of
19 *enactment of this section, the Secretary shall promulgate*
20 *regulations to establish such tolerance level and testing pro-*
21 *cedures with respect to lead in wine as the Secretary deter-*
22 *mines to be necessary to protect public health.”.*

23 (3) *PROHIBITION RELATING TO CERAMIC*
24 *WARE.*—Section 301 of such Act (21 U.S.C. 331) is

1 *amended by adding at the end the following new sub-*
2 *sections:*

3 *“(u) Beginning on the date that is 180 days after the*
4 *date of promulgation of regulations under section 413(a),*
5 *the introduction or delivery into interstate commerce of any*
6 *ceramic ware that is not in compliance with the regula-*
7 *tions.*

8 *“(v) Beginning on the date that is 180 days after the*
9 *date of promulgation of regulations under section 413(b),*
10 *the introduction or delivery into interstate commerce of any*
11 *crystal ware that is not in compliance with the regulations.*

12 *“(w) Beginning on the date that is 180 days after the*
13 *date of promulgation of regulations under section 413(c),*
14 *the introduction, or delivery for introduction, into com-*
15 *merce of any processed food, or other action, in violation*
16 *of section 413(c).”.*

17 **SEC. 204. NON-INTERFERENCE.**

18 *Nothing in this Act shall interfere with the promulga-*
19 *tion of regulations required pursuant to the Residential*
20 *Lead-Based Paint Hazard Reduction Act of 1992 (106 Stat.*
21 *3897 et seq.)*

1 ***TITLE III—AUTHORIZATION OF***
 2 ***APPROPRIATIONS***

3 ***SEC. 301. AUTHORIZATION OF APPROPRIATIONS.***

4 *Except as provided in the amendment made by section*
 5 *107 of this Act, to carry out this Act and the amendments*
 6 *made by this Act—*

7 *(1) \$25,000,000 for fiscal year 1994;*

8 *(2) \$24,000,000 for fiscal year 1995;*

9 *(3) \$24,000,000 for fiscal year 1996; and*

10 *(4) \$22,000,000 for fiscal year 1997.*

S 729 RS——2

S 729 RS——3

S 729 RS——4

S 729 RS——5

S 729 RS——6

S 729 RS——7

S 729 RS——8

S 729 RS——9

S 729 RS——10

S 729 RS——11

S 729 RS——12