

105TH CONGRESS  
1ST SESSION

# H. R. 1636

To disclose environmental risks to children's health and expand the public's right to know about toxic chemical use and release, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Mr. WAXMAN (for himself, Mr. SAXTON, Mr. PALLONE, Mr. MARKEY, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. SHAYS, Mr. BROWN of Ohio, Mr. GONZALEZ, Mr. DICKS, Mr. FOGLIETTA, Mr. BARRETT of Wisconsin, Ms. DEGETTE, Mr. JACKSON of Illinois, Mr. LANTOS, Mr. GUTIERREZ, Mr. HORN, Ms. MCCARTHY of Missouri, Mrs. ROUKEMA, Mr. FORD, Mr. MOAKLEY, Mr. CLAY, Mr. YATES, Mr. CASTLE, Ms. PELOSI, Mr. COYNE, Mr. CAPPs, Mr. DAVIS of Illinois, Mr. GEJDENSON, Mr. CUMMINGS, Mr. MILLER of California, Ms. ESHOO, Mrs. KENNELLY of Connecticut, Mr. DELLUMS, Mr. KUCINICH, Mr. HINCHEY, Mrs. MEEK of Florida, Mr. BERMAN, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MENENDEZ, Mr. WEXLER, Mr. FILNER, Mr. PASCRELL, Mr. PAYNE, Mr. BARCIA, Ms. RIVERS, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Mr. BONIOR, Mr. WYNN, Mr. BROWN of California, Mr. DEFazio, Mr. CLYBURN, Mr. KENNEDY of Massachusetts, Mrs. MORELLA, Mr. THOMPSON, Mr. CONYERS, Mr. ALLEN, Mr. EVANS, Mr. MORAN of Virginia, Mr. BLAGOJEVICH, Mr. HOOLEY of Oregon, Mr. RUSH, Mr. NADLER, Mr. PASTOR, Ms. FURSE, Ms. WOOLSEY, Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. BLUMENAUER, Mrs. CLAYTON, Mr. CARDIN, Mr. FRANKS of New Jersey, Mr. KIND, Ms. DELAURO, Mr. MCGOVERN, Mr. DELAHUNT, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. LAFALCE, Mr. ACKERMAN, Mrs. LOWEY, Mr. ROTHMAN, Mr. DIXON, Mr. MEEHAN, Mr. MCDERMOTT, Mr. ADAM SMITH of Washington, Mr. STARK, Mr. SKAGGS, and Mr. BAESLER) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To disclose environmental risks to children's health and ex-

pand the public’s right to know about toxic chemical use and release, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4        (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Children’s Environmental Protection and Right to Know  
 6 Act of 1997”.

7        (b) **TABLE OF CONTENTS.**—The table of contents for  
 8 this Act is as follows:

Sec. 1. Short title and table of contents.  
 Sec. 2. Findings.

**TITLE I—CHILDREN’S ENVIRONMENTAL PROTECTION**

Subtitle A—Disclosure of Industrial Releases That Present a Significant Risk  
 to Children

Sec. 101. Reporting requirements.

Subtitle B—Disclosure of High Health Risk Chemicals in Children’s  
 Consumer Products

Sec. 111. Listing of toxic substances.  
 Sec. 112. Reporting of toxic chemicals in consumer products.  
 Sec. 113. Exemptions.  
 Sec. 114. Private citizen enforcement.  
 Sec. 115. Preemption.

**TITLE II—PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL  
 USE**

Sec. 201. Disclosure of toxic chemical use.  
 Sec. 202. Disclosure of toxic chemical use by comparable facilities.  
 Sec. 203. Streamlining environmental reporting and public access to informa-  
 tion.  
 Sec. 204. Trade secret protection.  
 Sec. 205. Civil actions.

1 **SEC. 2. FINDINGS.**

2 Congress finds that requirements to disclose informa-  
3 tion about environmental risks have been shown to im-  
4 prove health and safety by—

5 (1) prompting those causing such risks to re-  
6 duce the risks; and

7 (2) enabling individuals to take actions to pro-  
8 tect themselves from those risks.

9 **TITLE I—CHILDREN’S**  
10 **ENVIRONMENTAL PROTECTION**  
11 **Subtitle A—Disclosure of Industrial**  
12 **Releases That Present a Signifi-**  
13 **cant Risk to Children**

14 **SEC. 101. REPORTING REQUIREMENTS.**

15 (a) REVISED THRESHOLDS.—Section 313(f)(1) of  
16 the Emergency Planning and Community Right-To-Know  
17 Act of 1986 (42 U.S.C. 11023(f)(1)) is amended by insert-  
18 ing the following after subparagraph (B):

19 “(C) With respect to each of the toxic chemicals  
20 described in clause (i) which are released from a fa-  
21 cility, the amount established pursuant to clause (ii):

22 “(i) Within 24 months of enactment of the  
23 Children’s Environmental Protection and Right  
24 to Know Act of 1997, the Administrator shall  
25 establish a threshold for each toxic chemical  
26 which the Administrator determines may

1 present a significant risk to children’s health or  
2 the environment due to its persistence or poten-  
3 tial to bioaccumulate or disrupt endocrine sys-  
4 tems, or to other characteristics. Such toxic  
5 chemicals shall include lead, mercury, dioxin,  
6 cadmium, and chromium, and substances listed  
7 as bioaccumulative chemicals of concern at 60  
8 Federal Register 15393.

9 “(ii) The Administrator shall establish a  
10 threshold for each toxic chemical described in  
11 clause (i) at a level which will ensure reporting  
12 on at least 80 percent of the aggregate of all  
13 releases of the chemical from facilities that (I)  
14 have 10 or more full-time employees and (II)  
15 are in Standard Industrial Classification Codes  
16 20 through 39 or in the Standard Industrial  
17 Classification Codes added under subsection  
18 (b)(1)(B) of this section.”.

19 (b) ADDITIONAL CHEMICALS.—Section 313(c) of the  
20 Emergency Planning and Community Right-To-Know Act  
21 of 1986 (42 U.S.C. 11023(c)) is amended by inserting the  
22 following before the period: “and dioxin and substances  
23 listed as bioaccumulative chemicals of concern at 60 Fed-  
24 eral Register 15393”.

1 (c) RELEASES.—Section 313(a) and section  
2 313(b)(1) of the Emergency Planning and Community  
3 Right-To-Know Act of 1986 (42 U.S.C. 11023(a) and  
4 (b)(1)) are each amended by striking “or otherwise used”  
5 and inserting “otherwise used, or released”.

6 (d) REPORTING THRESHOLDS.—Section  
7 326(a)(1)(B) of the Emergency Planning and Community  
8 Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(B))  
9 is amended by adding at the end the following:

10 “(vii) Establish reporting thresholds for chemi-  
11 cals referred to in section 313(f)(1)(C).”.

12 (e) REVISED THRESHOLDS.—Section 313(f)(2) of  
13 the Emergency Planning and Community Right-To-Know  
14 Act of 1986 (42 U.S.C. 11046(f)(2)) is amended by strik-  
15 ing “paragraph (1)” and inserting “subparagraph (A) or  
16 subparagraph (B) of paragraph (1)”.

17 **Subtitle B—Disclosure of High**  
18 **Health Risk Chemicals in Chil-**  
19 **dren’s Consumer Products**

20 **SEC. 111. LISTING OF TOXIC SUBSTANCES.**

21 Section 2 of the Federal Hazardous Substances Act  
22 (15 U.S.C. 1261) is amended as follows:

23 (1) Subsection (g) is amended by striking “(g)  
24 The term” and inserting “(g)(1) The term” and by  
25 inserting at the end the following:

1       “(2) Within one year after the date of enactment of  
2 this paragraph, and annually thereafter, the Secretary,  
3 acting through the National Toxicology Program, shall  
4 publish a list of substances or mixtures of substances  
5 which are toxic due to their carcinogenic, neurotoxic, or  
6 reproductive toxic effects. Such list shall include any  
7 chemical that has been identified by any Federal agency  
8 as a carcinogen, neurotoxin, or reproductive toxin. At a  
9 minimum, such list shall include each chemical identified  
10 as a Group A or Group B carcinogen in 53 Federal Reg-  
11 ister 41118 et seq., each chemical identified as adversely  
12 affecting the nervous system in criteria documents of the  
13 National Institute for Occupational Safety and Health,  
14 each chemical identified by the Consumer Product Safety  
15 Commission as having sufficient evidence in humans or  
16 animals of carcinogenicity, neurotoxicity, human devel-  
17 opmental toxicity, or male or female reproductive toxicity,  
18 each chemical regulated as a neurotoxin or reproductive  
19 toxin or developmental toxin by the Environmental Protec-  
20 tion Agency and each chemical on the Biennial List of  
21 Carcinogens submitted to the Congress by the Secretary  
22 of Health and Human Services. The Secretary shall in-  
23 clude with such information reasonably available informa-  
24 tion on adverse health effects which have resulted in the  
25 listing of the substance or mixture of substances as toxic.

1 “(3) In carrying out paragraph (2), the Secretary  
2 shall secure data sufficient to identify substances or mix-  
3 tures of substances which are toxic within the meaning  
4 of paragraph (2) and to which infants and young children  
5 are exposed by requiring manufacturers or producers to  
6 generate such data and by obtaining existing data from  
7 any Federal, State, or local government agency.”.

8 (2) By adding at the end the following:

9 “(u) The term ‘eligible product’ means any toy, or  
10 other article intended for use by children, except that after  
11 the date 3 years after the date of the enactment of the  
12 Children’s Environmental Protection and Right to Know  
13 Act of 1997, the term ‘eligible product’ means any  
14 consumer product as defined in section 3 of the Consumer  
15 Product Safety Act (15 U.S.C. 2052).”.

16 **SEC. 112. REPORTING OF TOXIC CHEMICALS IN CONSUMER**  
17 **PRODUCTS.**

18 (a) REPORTING.—The Federal Hazardous Sub-  
19 stances Act (15 U.S.C. 1261 and following) is amended  
20 by adding at the end the following:

21 **“SEC. 25. REPORTING OF TOXIC CHEMICALS.**

22 “(a) IN GENERAL.—A manufacturer or importer of  
23 any eligible product which contains, or is composed of, a  
24 substance or mixture of substances listed under section

1 2(g)(2) shall report each of the following to the Commis-  
2 sion:

3           “(1) The identity of the manufacturer or im-  
4           porter and the model name and model number of the  
5           eligible product.

6           “(2) The identity of the substance or mixture  
7           of substances listed under section 2(g)(2) and its  
8           concentration in the eligible product.

9           “(3) The information known to the manufac-  
10          turer or importer that would support a determina-  
11          tion that the eligible product is not a misbranded  
12          hazardous substance or a banned hazardous sub-  
13          stance.

14          “(b) PUBLICATION.—The Commission shall annually  
15          publish in the Federal Register and make available to the  
16          public electronically the information received under sub-  
17          section (a).

18          “(c) REGULATIONS.—The Commission may promul-  
19          gate such regulations as necessary to carry out this sec-  
20          tion.

21          “(d) EFFECTIVE DATE.—Subsection (a) of this sec-  
22          tion shall take effect with respect to a substance or mix-  
23          ture of substances one year after the date on which the  
24          substance or mixture of substances is listed under section  
25          2(g)(2).”.



1 (b) PROHIBITED ACTS.—(1) Section 4 of the Federal  
2 Hazardous Substances Act (15 U.S.C. 1263) is amended  
3 by adding at the end the following:

4 “(l) The failure to report as required under section  
5 25 of this Act.”.

6 (2) Section 5(c)(1) of such Act (15 U.S.C.  
7 1264(c)(1)) is amended by striking “and (k)” and insert-  
8 ing “(k), and (l)”.

9 **SEC. 113. EXEMPTIONS.**

10 (a) IN GENERAL.—Section 3(c) of the Federal Haz-  
11 ardous Substances Act (15 U.S.C. 1262(c)) is amended  
12 by adding the following at the end thereof: “The Commis-  
13 sion may also promulgate regulations exempting from the  
14 reporting requirements of section 25 any substance or  
15 mixture of substances. This subsection shall not apply to  
16 any substance or mixture of substances unless, upon an  
17 adequate showing, the Commission establishes that such  
18 substance or mixture would not, by reason of containing  
19 a substance or mixture of substances listed under section  
20 2(g)(2), cause substantial personal injury or substantial  
21 illness during or as a proximate result of any customary  
22 or reasonably foreseeable handling or use, including rea-  
23 sonably foreseeable ingestion by children.”.

24 (b) OTHER PROVISIONS OF LAW.—Section 3(d) of  
25 such Act (15 U.S.C. 1262(d)) is amended by striking

1 “adequate requirements satisfying the purposes of” and  
2 inserting “requirements at least as stringent as”.

3 **SEC. 114. PRIVATE CITIZEN ENFORCEMENT.**

4 The Federal Hazardous Substances Act (15 U.S.C.  
5 1261 and following) is amended by adding at the end the  
6 following:

7 **“SEC. 26. PRIVATE CITIZEN ENFORCEMENT.**

8 “(a) IN GENERAL.—Any person, other than the Com-  
9 mission, may commence a civil action on his or her own  
10 behalf—

11 “(1) against any person for violation of section  
12 4(a), (b), or (l) (15 U.S.C. 1263(a), (b), or (l)); or

13 “(2) against the Commission for the failure to  
14 perform any nondiscretionary act or duty under the  
15 Children’s Environmental Protection and Right to  
16 Know Act of 1997.

17 The district courts shall have jurisdiction, without regard  
18 to the amount in controversy or the citizenship of the par-  
19 ties, over any action brought under paragraph (1) or (2)  
20 and in any such action the court may apply any appro-  
21 priate civil penalties under section 5 or order the Commis-  
22 sion to perform such act or duty, as the case may be.

23 “(b) ACTIONS PROHIBITED.—No action may be com-  
24 menced pursuant to this section unless—

1           “(1) the plaintiff has given notice of its intent  
2           to bring such action at least 60 days prior to the  
3           commencement of the action to the Commission and,  
4           for a violation of section 4, to the violator; and

5           “(2) for a violation of section 4, the Commis-  
6           sion has not commenced and is not diligently pursu-  
7           ing a civil action on behalf of the United States.

8           “(c) INTERVENTION.—In any action brought on be-  
9           half of the United States following receipt of a notice pur-  
10          suant to subsection (b)(1), the person giving such notice  
11          may intervene as of right as a plaintiff in such action.

12          “(d) COSTS AND FEES.—In an action brought under  
13          subsection (a), the court shall award to any substantially  
14          prevailing plaintiff (and in an action brought under sub-  
15          section (c), to the party intervening pursuant to subsection  
16          (c) if that party contributed significantly to the success  
17          of the plaintiff) the costs of litigation including reasonable  
18          attorney fees, unless the court finds such award to be in-  
19          appropriate under the circumstances.

20          “(e) BURDEN OF PROOF.—In an action brought  
21          under paragraph (1) of subsection (a), if the person al-  
22          leged to be in violation of section 4 asserts that a sub-  
23          stance or mixture of substances is not a hazardous sub-  
24          stance by reason of containing a substance or mixture of  
25          substances listed under section 2(g)(2), the burden of

1 proof shall be on such person to establish that such sub-  
2 stance or mixture of substances is not a hazardous sub-  
3 stance.

4 “(f) PENALTY FUND.—(1) Penalties received under  
5 subsection (a) shall be deposited in a special fund in the  
6 United States Treasury. Amounts in such fund are au-  
7 thorized to be appropriated and shall remain available  
8 until expended, for use by the Commission to finance com-  
9 pliance and enforcement activities under this Act. The  
10 Commission shall annually report to the Congress about  
11 the sums deposited into the fund, the sources thereof, and  
12 the actual and proposed uses thereof.

13 “(2) Notwithstanding paragraph (1), the court in any  
14 action under this section to apply civil penalties shall have  
15 discretion to order that such civil penalties, in lieu of being  
16 deposited in the fund referred to in paragraph (1), be used  
17 in projects which are consistent with this Act and designed  
18 to enhance public awareness of the health effects of toxic  
19 substances or mixtures and of possible children’s exposure  
20 to toxic substances or mixtures in eligible products. The  
21 court shall obtain the view of the Commission in exercising  
22 such discretion and selecting any such projects.”.

23 **SEC. 115. PREEMPTION.**

24 Nothing in this subtitle shall affect the authority of  
25 any State or political subdivision of a State to establish

1 or continue in effect any regulation or any other measure  
2 relating to any substance or mixture or article containing  
3 a substance or mixture, including consumer products.

4 **TITLE II—PUBLIC RIGHT TO**  
5 **KNOW ABOUT TOXIC CHEMI-**  
6 **CAL USE**

7 **SEC. 201. DISCLOSURE OF TOXIC CHEMICAL USE.**

8 (a) FORM.—(1) Section 313(g)(1)(C) of the Emer-  
9 gency Planning and Community Right-To-Know Act of  
10 1986 (42 U.S.C. 11023(g)(1)(C)) is amended by inserting  
11 at the end the following:

12 “(v) Number of employees, including contrac-  
13 tors, at the reporting facility; number of employees,  
14 including contractors, at the reporting facility ex-  
15 posed to the chemical; and an estimate of occupa-  
16 tional exposures to the chemical. Within 24 months  
17 after the date of enactment of the Children’s Envi-  
18 ronmental Protection and Right to Know Act of  
19 1997, the Administrator shall promulgate rules re-  
20 garding the information to be provided under this  
21 clause.

22 “(vi) The following annual materials accounting  
23 information:

24 “(I) A description of the uses of the chemi-  
25 cal at the facility.

1           “(II) The starting inventory of the chemi-  
2 cal at the facility.

3           “(III) The quantity of the chemical pro-  
4 duced at the facility.

5           “(IV) The quantity of the chemical  
6 brought into the facility and the mode of trans-  
7 portation.

8           “(V) The quantity of the chemical  
9 consumed at the facility.

10           “(VI) The quantity of the chemical shipped  
11 out of the facility as or in products and the  
12 quantities intended for industrial use; commer-  
13 cial use; and consumer use; and for additional  
14 categories of use that the Administrator may  
15 designate.

16           “(VII) The quantity of the chemical enter-  
17 ing any waste stream (or otherwise released  
18 into the environment) prior to recycling, treat-  
19 ment, or disposal.

20           “(VIII) The ending inventory of the chemi-  
21 cal at the facility.

22           “(IX) The amount of the chemical recycled  
23 at the facility that is subsequently used at the  
24 facility.

1           “(X) The ‘toxic chemical use’ of the chemi-  
2           cal, which shall be calculated by adding the  
3           quantities reported under subclauses (II), (III),  
4           (IV), and (IX) and subtracting the quantity re-  
5           ported under subclause (VIII).

6           Quantities reported under this clause shall be com-  
7           plete and verifiable by computations under conven-  
8           tional materials accounting practices. If the sum of  
9           the quantities reported under subclauses (II), (III),  
10          (IV), and (IX) does not equal the sum of the quan-  
11          tities reported under subclauses (V), (VI), (VII), and  
12          (VIII), an explanation of the difference shall be pro-  
13          vided.

14          “(vii) The reduction (from the prior calendar  
15          year) in the quantity of the toxic chemical entering  
16          any waste stream (or otherwise released to the envi-  
17          ronment) prior to recycling, treatment, or disposal  
18          (as reported under section 6607(b)(1) of the Pollu-  
19          tion Prevention Act of 1990), as a result of the fol-  
20          lowing: equipment or technology modifications; proc-  
21          ess or procedure modifications; reformulation or re-  
22          design of products; substitution of raw materials;  
23          and improvements in housekeeping, maintenance,  
24          training, or inventory control.

1 “(viii) The reduction (from the prior calendar  
2 year) in the quantity of toxic chemical use as defined  
3 in subclause (X) as a result of the following: equip-  
4 ment or technology modifications; process or proce-  
5 dure modifications; reformulation or redesign of  
6 products; substitution of raw materials; and im-  
7 provements in housekeeping, maintenance, training,  
8 or inventory control.”.

9 (2) Section 313(g)(1)(C) of such Act is amended by  
10 inserting “for the preceding calendar year” after “items  
11 of information” and by striking “the preceding calendar  
12 year” in clause (ii) and inserting “the calendar year con-  
13 cerned”.

14 (b) OTHER REQUIREMENTS.—The Administrator of  
15 the Environmental Protection Agency shall integrate the  
16 reporting requirements under the Emergency Planning  
17 and Community Right-To-Know Act of 1986 (42 U.S.C.  
18 11001 et seq.), the Pollution Prevention Act of 1990 (42  
19 U.S.C. 12101 et seq.), and this Act.

20 **SEC. 202. DISCLOSURE OF TOXIC CHEMICAL USE BY COM-**  
21 **PARABLE FACILITIES.**

22 Section 313(b)(1)(B) of the Emergency Planning and  
23 Community Right-To-Know Act of 1986 (42 U.S.C.  
24 11023(b)(1)(B)) is amended as follows:



1           (1) By striking “(B) The Administrator” and  
2           inserting “(B)(i) The Administrator”.

3           (2) By adding at the end the following:

4           “(ii) Effective beginning with the 1998 report-  
5           ing year, facilities identified by the Standard Indus-  
6           trial Codes listed in the Federal Register notice at  
7           61 Fed. Reg. 33587–33619 shall be subject to the  
8           requirements of this section.

9           “(iii) Within 24 months after the date of enact-  
10          ment of this clause, the Administrator shall promul-  
11          gate a final regulation that adds all additional cat-  
12          egories of facilities that used or released toxic chemi-  
13          cals in volumes similar to the uses or releases of fa-  
14          cilities that are covered by this section as of such  
15          date of enactment. This clause shall not apply to  
16          any farm.”.

17 **SEC. 203. STREAMLINING ENVIRONMENTAL REPORTING**  
18 **AND PUBLIC ACCESS TO INFORMATION.**

19          (a) STREAMLINED DATA COLLECTION AND DISSEMI-  
20          NATION.—Section 313 of the Emergency Planning and  
21          Community Right-To-Know Act of 1986 (42 U.S.C.  
22          11023) is amended by adding at the end the following:

23          “(m) STREAMLINED DATA COLLECTION AND DIS-  
24          SEMINATION.—

1           “(1) IN GENERAL.—To enhance public access  
2 and use of information resources, to facilitate com-  
3 pliance with reporting requirements, and to promote  
4 multimedia permitting, reporting, and pollution pre-  
5 vention, the Administrator shall, within 36 months  
6 after the enactment of this subsection, take each of  
7 the following actions:

8           “(A) Create standard data formats for in-  
9 formation management.

10           “(B) Integrate information resources,  
11 using common company, facility, industry, geo-  
12 graphic, and chemical identifiers, and other  
13 identifiers as the Administrator deems appro-  
14 priate.

15           “(C) Establish a system for indexing, lo-  
16 cating, and obtaining agency-held information  
17 about parent companies, facilities, industries,  
18 chemicals, geographic locations, ecological indi-  
19 cators, and the regulatory status of chemicals  
20 and entities subject to agency regulation.

21           “(D) Consolidate all annual reporting re-  
22 quirements, pursuant to this title and other  
23 Federal environmental laws, for small busi-  
24 nesses. Such consolidated reporting require-  
25 ments shall allow reporting to one point of con-

1           tact using one form or electronic reporting sys-  
2           tem.

3           “(E) Provide members of the public one  
4           point of contact for access to all the publicly  
5           available information gathered by the Environ-  
6           mental Protection Agency for any one regulated  
7           entity.

8           “(2) CONSOLIDATION.—The Administrator  
9           shall, within 5 years after the enactment of this sub-  
10          section, consolidate all annual reporting pursuant to  
11          this title and other Federal environmental laws for  
12          each entity subject to such reporting. Such consoli-  
13          dated reporting requirements shall allow reporting to  
14          one point of contact using one form or electronic re-  
15          porting system.

16          “(3) UNDERSTANDABLE LANGUAGE.—In im-  
17          proving the means by which the Administrator pro-  
18          vides information to the public and requires informa-  
19          tion be reported by regulated entities, as required by  
20          paragraphs (1) and (2), the Administrator shall use  
21          language and methods of communication that the  
22          Administrator believes to be clear and understand-  
23          able.”.

24          (b) DISCLOSURE OF USES OF TOXIC CHEMICALS.—  
25          (1) Section 313(a) of the Emergency Planning and Com-

1 munity Right-To-Know Act of 1986 is amended by strik-  
2 ing “releases” and inserting “toxic chemical uses and re-  
3 leases”.

4 (2) Section 313(h) of the Emergency Planning and  
5 Community Right-To-Know Act of 1986 is amended by  
6 inserting “the uses of toxic chemicals at covered facilities  
7 and” before “the releases of toxic chemicals to the envi-  
8 ronment”.

9 **SEC. 204. TRADE SECRET PROTECTION.**

10 Section 322 of the Emergency Planning and Commu-  
11 nity Right-To-Know Act of 1986 is amended as follows:

12 (1) In subsection (a)(1) by adding the following  
13 at the end thereof:

14 “(C) Any person required to submit mate-  
15 rials accounting information under section  
16 313(g)(1)(C)(vi) may withhold an element or  
17 portion of such information, as defined in regu-  
18 lations prescribed by the Administrator under  
19 subsection (c) of this section, if the person com-  
20 plies with paragraph (2) with respect to the in-  
21 formation to be withheld. This subparagraph  
22 shall not provide authority to withhold any in-  
23 formation referred to in the Pollution Preven-  
24 tion Act of 1990 (42 U.S.C. 13101 and follow-  
25 ing).”.

1           (2) Subsection (b)(4) is amended by inserting  
2           “or other information withheld” after “The chemical  
3           identity”.

4           (3) Subsection (d)(1) is amended by inserting  
5           “or other information” after “toxic chemical”.

6           (4) Subsection (d)(2) is amended by inserting  
7           “or other information withheld” after “specific  
8           chemical identity”.

9           (5) Subsection (d)(3)(A) is amended by insert-  
10          ing “or other information withheld” after “specific  
11          chemical identity”.

12          (6) Subsection (d)(3)(B) is amended by insert-  
13          ing “or other information withheld” after “chemical  
14          identity”.

15          (7) Subsection (d)(3)(C) is amended by insert-  
16          ing “or other information withheld” after “chemical  
17          identity” in each place it appears.

18          (8) Subsection (d)(4)(A) is amended by insert-  
19          ing “or other information withheld” after “chemical  
20          identity”.

21          (9) Subsection (f) is amended by inserting “or  
22          other information withheld under subsection (a)(1)”  
23          after “specific chemical identity”.

1           (10) Subsection (h)(1) is amended by inserting  
2           “or other information withheld” before “is claimed  
3           as a”.

4           (11) Subsection (h)(2) is amended by inserting  
5           “or other information withheld” after “identity of a  
6           toxic chemical”.

7   **SEC. 205. CIVIL ACTIONS.**

8           Section 326(a)(1)(A) of the Emergency Planning and  
9   Community Right-To-Know Act of 1986 (42 U.S.C.  
10 11046(a)(1)(A)) is amended by inserting “any past or on-  
11 going” after “An owner or operator of a facility for”.

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