

108TH CONGRESS
1ST SESSION

S. 1279

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2003

Mr. VOINOVICH (for himself, Mrs. CLINTON, Mr. DEWINE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environmental and Public Works

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Area Health
5 and Environmental Monitoring Act of 2003”.

1 **SEC. 2. PROTECTION OF HEALTH AND SAFETY OF INDIVID-**
 2 **UALS IN A DISASTER AREA.**

3 Title IV of the Robert T. Stafford Disaster Relief and
 4 Emergency Assistance Act is amended by inserting after
 5 section 408 (42 U.S.C. 5174) the following:

6 **“SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDIV-**
 7 **VIDUALS IN A DISASTER AREA.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) INDIVIDUAL.—The term ‘individual’ in-
 10 cludes—

11 “(A) a worker or volunteer who responds
 12 to a disaster, including—

13 “(i) a police officer;

14 “(ii) a firefighter;

15 “(iii) an emergency medical techni-
 16 cian;

17 “(iv) any participating member of an
 18 urban search and rescue team; and

19 “(v) any other relief or rescue worker
 20 or volunteer that the President determines
 21 to be appropriate;

22 “(B) a worker who responds to a disaster
 23 by assisting in the cleanup or restoration of
 24 critical infrastructure in and around a disaster
 25 area;

1 “(C) a person whose place of residence is
2 in a disaster area;

3 “(D) a person who is employed in or at-
4 tends school, child care, or adult day care in a
5 building located in a disaster area; and

6 “(E) any other person that the President
7 determines to be appropriate.

8 “(2) PROGRAM.—The term ‘program’ means a
9 program described in subsection (b) that is carried
10 out for a disaster area.

11 “(3) SUBSTANCE OF CONCERN.—The term
12 ‘substance of concern’ means any chemical or sub-
13 stance associated with potential acute or chronic
14 human health effects, the risk of exposure to which
15 could potentially be increased as the result of a dis-
16 aster.

17 “(b) PROGRAM.—

18 “(1) IN GENERAL.—If the President determines
19 that 1 or more substances of concern are being, or
20 have been, released in an area declared to be a dis-
21 aster area under this Act, the President may carry
22 out a program for the protection, assessment, moni-
23 toring, and study of the health and safety of individ-
24 uals to ensure that—

1 “(A) the individuals are adequately in-
 2 formed about and protected against potential
 3 health impacts of the substance of concern and
 4 potential mental health impacts in a timely
 5 manner;

6 “(B) the individuals are monitored and
 7 studied over time, including through baseline
 8 and follow-up clinical health examinations,
 9 for—

10 “(i) any short- and long-term health
 11 impacts of any substance of concern; and

12 “(ii) any mental health impacts;

13 “(C) the individuals receive health care re-
 14 ferrals as needed and appropriate; and

15 “(D) information from any such moni-
 16 toring and studies is used to prevent or protect
 17 against similar health impacts from future dis-
 18 asters.

19 “(2) ACTIVITIES.—A program under paragraph
 20 (1) may include such activities as—

21 “(A) collecting and analyzing environ-
 22 mental exposure data;

23 “(B) developing and disseminating infor-
 24 mation and educational materials;

1 “(C) performing baseline and follow-up
2 clinical health and mental health examinations
3 and taking biological samples;

4 “(D) establishing and maintaining an ex-
5 posure registry;

6 “(E) studying the long-term human health
7 impacts of any exposures through epidemiolog-
8 ical and other health studies; and

9 “(F) providing assistance to individuals in
10 determining eligibility for health coverage and
11 identifying appropriate health services.

12 “(3) TIMING.—To the maximum extent prac-
13 ticable, a program under paragraph (1) shall be es-
14 tablished, and activities under the program shall be
15 commenced (including baseline health examinations),
16 in a timely manner that will ensure the highest level
17 of public health protection and effective monitoring.

18 “(4) PARTICIPATION IN REGISTRIES AND STUD-
19 IES.—

20 “(A) IN GENERAL.—Participation in any
21 registry or study that is part of a program
22 under paragraph (1) shall be voluntary.

23 “(B) PROTECTION OF PRIVACY.—The
24 President shall take appropriate measures to

1 protect the privacy of any participant in a reg-
 2 istry or study described in subparagraph (A).

3 “(5) COOPERATIVE AGREEMENTS.—The Presi-
 4 dent may carry out a program under paragraph (1)
 5 through a cooperative agreement with a medical in-
 6 stitution, or a consortium of medical institutions,
 7 that is—

8 “(A) located near the disaster area, and
 9 near groups of individuals that worked or vol-
 10 unteered in response to the disaster in the dis-
 11 aster area, with respect to which the program
 12 is carried out; and

13 “(B) experienced in the area of environ-
 14 mental or occupational health, toxicology, and
 15 safety, including experience in—

16 “(i) developing clinical protocols and
 17 conducting clinical health examinations, in-
 18 cluding mental health assessments;

19 “(ii) conducting long-term health
 20 monitoring and epidemiological studies;

21 “(iii) conducting long-term mental
 22 health studies; and

23 “(iv) establishing and maintaining
 24 medical surveillance programs and environ-
 25 mental exposure or disease registries.

1 “(6) INVOLVEMENT.—

2 “(A) IN GENERAL.—In establishing and
3 maintaining a program under paragraph (1),
4 the President shall ensure the involvement of
5 interested and affected parties, as appropriate,
6 including representatives of—

7 “(i) Federal, State, and local govern-
8 ment agencies;

9 “(ii) labor organizations;

10 “(iii) local residents, businesses, and
11 schools (including parents and teachers);

12 “(iv) health care providers; and

13 “(v) other organizations and persons.

14 “(B) COMMITTEES.—Involvement under
15 subparagraph (A) may be provided through the
16 establishment of an advisory or oversight com-
17 mittee or board.

18 “(c) REPORTS.—Not later than 1 year after the es-
19 tablishment of a program under subsection (b)(1), and
20 every 5 years thereafter, the President, or the medical in-
21 stitution or consortium of such institutions having entered
22 into a cooperative agreement under subsection (b)(5),
23 shall submit to the Secretary of Homeland Security, the
24 Secretary of Health and Human Services, the Secretary
25 of Labor, the Administrator of the Environmental Protec-

tion Agency, and appropriate committees of Congress a report on programs and studies carried out under the program.”.

SEC. 3. BLUE RIBBON PANEL ON DISASTER AREA HEALTH PROTECTION AND MONITORING.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this section, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency shall jointly establish a Blue Ribbon Panel on Disaster Area Health Protection and Monitoring (referred to in this section as the “Panel”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be composed of—

(A) 15 voting members, to be appointed by the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency in accordance with paragraph (2); and

(B) officers or employees of the Department of Health and Human Services, the Department of Homeland Security, the Environmental Protection Agency, and other Federal agencies, as appropriate, to be appointed by the

1 Secretary of Health and Human Services, the
2 Secretary of Homeland Security, and the Ad-
3 ministrator of the Environmental Protection
4 Agency as nonvoting, ex officio members of the
5 Panel.

6 (2) BACKGROUND AND EXPERTISE.—The vot-
7 ing members of the Panel shall be individuals who—

8 (A) are not officers or employees of the
9 Federal Government; and

10 (B) have expertise in—

11 (i) environmental health, safety, and
12 medicine;

13 (ii) occupational health, safety, and
14 medicine;

15 (iii) clinical medicine, including pedi-
16 atrics;

17 (iv) toxicology;

18 (v) epidemiology;

19 (vi) mental health;

20 (vii) medical monitoring and surveil-
21 lance;

22 (viii) environmental monitoring and
23 surveillance;

24 (ix) environmental and industrial hy-
25 giene;

- 1 (x) emergency planning and prepared-
- 2 ness;
- 3 (xi) public outreach and education;
- 4 (xii) State and local health depart-
- 5 ments;
- 6 (xiii) State and local environmental
- 7 protection departments;
- 8 (xiv) functions of workers that re-
- 9 spond to disasters, including first respond-
- 10 ers; and
- 11 (xv) public health and family services.

12 (c) DUTIES.—

13 (1) IN GENERAL.—The Panel shall provide ad-
14 vice and recommendations regarding protecting and
15 monitoring the health and safety of individuals po-
16 tentially exposed to any chemical or substance asso-
17 ciated with potential acute or chronic human health
18 effects as the result of a disaster, including advice
19 and recommendations regarding—

20 (A) the implementation of programs under
21 section 409 of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (as added
23 by section 2); and

24 (B) the establishment of protocols for the
25 monitoring of and response to releases of sub-

stances of concern (as defined in section 409(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by section 2)) in a disaster area for the purpose of protecting public health and safety, including—

(i) those substances of concern for which samples should be collected in the event of a disaster, including a terrorist attack;

(ii) chemical-specific methods of sample collection, including sampling methodologies and locations;

(iii) chemical-specific methods of sample analysis;

(iv) health-based threshold levels to be used and response actions to be taken in the event that thresholds are exceeded for individual chemicals or substances;

(v) procedures for providing monitoring results to—

(I) appropriate Federal, State, and local government agencies;

(II) appropriate response personnel; and

(III) the public;

1 (vi) responsibilities of Federal, State
2 and local agencies for—

3 (I) collecting and analyzing sam-
4 ples;

5 (II) reporting results; and

6 (III) taking appropriate response
7 actions; and

8 (vii) capabilities and capacity within
9 the Federal Government to conduct appro-
10 priate environmental monitoring and re-
11 sponse in the event of a disaster, including
12 a terrorist attack; and

13 (C) other issues as specified by the Sec-
14 retary of Homeland Security, the Secretary of
15 Health and Human Services, and the Adminis-
16 trator of the Environmental Protection Agency.

17 (2) REPORT.—Not later than 1 year after the
18 date of establishment of the Panel, the Panel shall
19 submit to the Secretary of Homeland Security, the
20 Secretary of Health and Human Services, and the
21 Administrator of the Environmental Protection
22 Agency a report of the findings and recommenda-
23 tions of the Panel under this section, including rec-
24 ommendations for such legislative and administrative
25 actions as the Panel considers to be appropriate.

1 (d) POWERS.—

2 (1) HEARINGS.—The Panel may hold such
3 hearings, sit and act at such times and places, take
4 such testimony, and receive such evidence as the
5 Panel considers necessary to carry out this section.

6 (2) INFORMATION FROM FEDERAL AGENCIES.—

7 (A) IN GENERAL.—The Panel may secure
8 directly from any Federal department or agency
9 such information as the Panel considers nec-
10 essary to carry out this section.

11 (B) FURNISHING OF INFORMATION.—On
12 request of the Panel, the head of the depart-
13 ment or agency shall furnish the information to
14 the Panel.

15 (3) POSTAL SERVICES.—The Panel may use the
16 United States mails in the same manner and under
17 the same conditions as other departments and agen-
18 cies of the Federal Government.

19 (e) PERSONNEL.—

20 (1) TRAVEL EXPENSES.—The members of the
21 Panel shall not receive compensation for the per-
22 formance of services for the Panel, but shall be al-
23 lowed travel expenses, including per diem in lieu of
24 subsistence, at rates authorized for employees of
25 agencies under subchapter I of chapter 57 of title 5,

1 United States Code, while away from their homes or
2 regular places of business in the performance of
3 services for the Panel.

4 (2) VOLUNTARY AND UNCOMPENSATED SERV-
5 ICES.—Notwithstanding section 1342 of title 31,
6 United States Code, the Secretary may accept the
7 voluntary and uncompensated services of members of
8 the Panel.

9 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
10 Any Federal Government employee may be detailed
11 to the Panel without reimbursement, and such detail
12 shall be without interruption or loss of civil service
13 status or privilege.

14 (4) STAFF, INFORMATION, AND OTHER ASSIST-
15 ANCE.—The Secretary of Homeland Security, the
16 Secretary of Health and Human Services, and the
17 Administrator of the Environmental Protection
18 Agency shall provide to the Panel such staff, infor-
19 mation, and other assistance as may be necessary to
20 carry out the duties of the Panel.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this section.

24 (g) TERMINATION OF AUTHORITY.—This section, the
25 authority provided under this section, and the Panel shall

- 1 terminate on the date that is 18 months after the date
- 2 of enactment of this Act.

