

103D CONGRESS
1ST SESSION

S. 657

To reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25 (legislative day, MARCH 3), 1993

Mr. LAUTENBERG (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LIEBERMAN, Mr. WOFFORD, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. PELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indoor Radon Abate-
5 ment Reauthorization Act of 1993”.

6 **SEC. 2. NATIONAL GOALS.**

7 Section 301 of the Toxic Substances Control Act (15
8 U.S.C. 2661) is amended—

5 (3) by adding at the end the following new sub-
6 sections:

7 "(b) TESTING.—It is the goal of the United States
8 that all homes, schools, and Federal buildings be tested
9 for radon.

10 "(c) TARGET ACTION POINT.—

11 “(1) IN GENERAL.—Not later than 120 days
12 after the date of enactment of this subsection, the
13 Administrator shall establish a target action point
14 indicating a level of indoor radon that the Adminis-
15 trator determines to be as close to the national am-
16 bient outdoor radon level as can be achieved consist-
17 ently in single-family homes in existence at the time
18 of the determination through the application of read-
19 ily available and generally affordable radon mitiga-
20 tion practices and technologies.

21 “(2) REVIEW.—The Administrator shall review
22 the target action point periodically, but not less
23 often than every 5 years, and revise the target ac-
24 tion point as necessary.”.

1 **SEC. 3. DEFINITIONS.**

2 Section 302 of the Toxic Substances Control Act (15
3 U.S.C. 2662) is amended by adding at the end the follow-
4 ing new paragraphs:

5 “(5) The term ‘Administrator’ means the Ad-
6 ministrator of the Environmental Protection Agency.

7 “(6) The term ‘contract for the purchase and
8 sale of residential real property’ means any contract
9 or agreement whereby 1 party agrees to purchase
10 from another party any interest in real property on
11 which there is situated 1 or more residential dwell-
12 ing units used or occupied, or intended to be used
13 or occupied, wholly or partly, as the home or resi-
14 dence of 1 or more persons.

15 “(7) The term ‘direct Federal financial assist-
16 ance’ means assistance in financing a residential
17 dwelling provided by the Federal Housing Adminis-
18 tration, Farmers Home Administration, and the De-
19 partment of Veterans Affairs.

20 “(8) The term ‘Federal building’ means any
21 building that is used primarily as an office building,
22 school, hospital, or residence that is—

23 “(A) owned, leased, or operated by a Fed-
24 eral agency,

1 “(B) occupied by the Library of Congress,
2 is part of the White House, or is the residence
3 of the Vice President, or

4 “(C) included in the definition of ‘Capitol
5 Buildings’ under section 16(a) of the Act enti-
6 tled ‘An Act to define the area of the United
7 States Capitol Grounds, to regulate the use
8 thereof, and for other purposes’, approved July
9 31, 1946 (40 U.S.C. 193m(1)).

10 “(9) The term ‘federally owned housing’ means
11 any residential dwelling or multiunit residential
12 structures owned or managed by a Federal agency
13 or for which a Federal agency is a trustee or con-
14 servator. For the purpose of this paragraph, the
15 term ‘Federal agency’ includes the Resolution Trust
16 Corporation and the Federal Deposit Insurance Cor-
17 poration.

18 “(10) The term ‘multiunit residential structure’
19 means a building containing more than 4 separate
20 residential dwelling units, each such unit used or oc-
21 cupied, or intended to be used or occupied, wholly or
22 partly, as the home or residence of 1 or more per-
23 sons.

24 “(11) The term ‘person’ means an individual,
25 trust, firm, joint stock company, corporation (includ-

1 ing a government corporation), partnership, associa-
2 tion, State, municipality, commission, political sub-
3 division of a State, or an interstate body.

4 “(12) The term ‘residential dwelling’ means—

5 “(A) a single-family dwelling or a one-fam-
6 ily dwelling unit in a structure containing not
7 more than four separate residential dwelling
8 units, each such unit used or occupied, or in-
9 tended to be used or occupied, wholly or partly,
10 as the home or residence of one or more per-
11 sons; or

12 “(B) a single-family or one-family dwelling
13 unit on the subground, ground, or first-floor-
14 above-ground level of a multiunit residential
15 structure.”.

16 **SEC. 4. PRIORITY RADON AREAS.**

17 Title III of the Toxic Substances Control Act (15
18 U.S.C. 2661 et seq.) is amended—

19 (1) by redesignating sections 303 through 311
20 (15 U.S.C. 2663 through 2671) as sections 304
21 through 312, respectively; and

22 (2) by inserting after section 302 the following
23 new section:

1 **“SEC. 303. PRIORITY RADON AREAS.**

2 “(a) DESIGNATION OF AREAS.—The Administrator
3 shall, as expeditiously as possible, but not later than Octo-
4 ber 1, 1993, designate areas as priority radon areas, and
5 revise the designations, as appropriate thereafter.

6 “(b) STANDARD FOR DESIGNATION.—The Adminis-
7 trator shall designate an area as a priority radon area in
8 any case in which the Administrator determines that there
9 is a reasonable likelihood that the average indoor radon
10 level in the area is likely to exceed the national average
11 indoor radon level by more than a de minimis amount.

12 “(c) FACTORS.—In designating priority radon areas,
13 the Administrator shall consider the most current avail-
14 able information at the time of the designation, includ-
15 ing—

16 “(1) the national assessment of radon con-
17 ducted pursuant to section 118(k) of the Superfund
18 Amendments and Reauthorization Act of 1986 (42
19 U.S.C. 7401 note);

20 “(2) surveys of school buildings conducted pur-
21 suant to section 308;

22 “(3) surveys of Federal buildings conducted
23 pursuant to section 310;

24 “(4) surveys of work places conducted pursuant
25 to section 318; and

1 “(5) any other information, including other
2 radon measurements and geological data, that the
3 Administrator determines to be appropriate.”.

4 **SEC. 5. CITIZEN'S GUIDE.**

5 (a) SCHEDULE.—Section 304(a) of the Toxic Sub-
6 stances Control Act (as redesignated by section 4 of this
7 Act) is amended—

8 (1) by striking “June 1, 1989,” and inserting
9 “January 1, 1995,”; and

10 (2) by inserting “, in consultation with the Di-
11 rector of the Centers for Disease Control of the De-
12 partment of Health and Human Services,” after
13 “Administrator” in the last sentence of the sub-
14 section.

15 (b) ACTION LEVELS.—Section 304(b)(1) of the Toxic
16 Substances Control Act (as redesignated by section 4 of
17 this Act) is amended—

18 (1) by inserting “(A)” after “ACTION
19 LEVELS.—”; and

20 (2) by adding at the end the following new sub-
21 paragraphs:

22 “(B) The citizen's guide shall state the national
23 goals established in this title, and shall estimate the
24 average national ambient outdoor radon level. The

1 guide shall also indicate the health benefits of reduc-
2 ing indoor radon levels to ambient outdoor levels.

3 “(C) The citizen’s guide shall state and explain
4 the target action point established pursuant to sec-
5 tion 301(c).”.

6 (c) INFORMATION.—Section 304(b)(2) of the Toxic
7 Substances Control Act (as redesignated by section 4 of
8 this Act) is amended by adding at the end the following
9 new subparagraph:

10 “(F) The location of priority radon areas and
11 the likelihood of radon levels above the target action
12 point within and outside of priority radon areas.”.

13 **SEC. 6. MODEL CONSTRUCTION STANDARDS.**

14 (a) TECHNICAL AMENDMENTS.—

15 (1) IN GENERAL.—Section 305 of the Toxic
16 Substances Control Act (as redesignated by section
17 4 of this Act) is amended—

18 (A) by inserting “(a) STANDARDS.—” be-
19 fore the first sentence;

20 (B) by inserting “and periodically update”
21 after “develop”;

22 (C) by striking the second and fifth sen-
23 tences of the section;

24 (D) by inserting the following new sub-
25 section after the first sentence:

1 “(b) CONSULTATION.—In developing and updating
2 standards and techniques pursuant to subsection (a), the
3 Administrator shall consult with—

4 “(1) the Secretary of Housing and Urban De-
5 velopment;

6 “(2) organizations that are involved in estab-
7 lishing national building construction standards and
8 techniques; and

9 “(3) national organizations that represent
10 homebuilders and State and local housing agencies
11 (including public housing agencies).”;

12 (E) by striking “The model standards”
13 and inserting the following:

14 “(c) GEOGRAPHIC DIFFERENCES.—

15 “(1) IN GENERAL.—The model standards”; and

16 (F) by striking “The Administrator shall
17 work to ensure” and inserting the following:

18 “(d) IMPLEMENTATION.—The Administrator shall
19 work to ensure”.

20 (2) SCHEDULE.—Section 305 of the Toxic Sub-
21 stances Control Act (as redesignated by section 4 of
22 this Act, and as amended by paragraph (1)) is fur-
23 ther amended by adding at the end the following
24 new subsection:

1 “(e) SCHEDULE.—The Administrator shall publish
2 final radon control standards and techniques for—

3 “(1) residential dwellings and make the tech-
4 niques available to the public and the building indus-
5 try by not later than 60 days after the date of enact-
6 ment of this subsection; and

7 “(2) multiunit residential structures and
8 schools by not later than January 1, 1995.”.

9 (b) OBJECTIVES.—Section 305 of the Toxic Sub-
10 stances Control Act (as redesignated by section 4 of this
11 Act, and as amended by subsection (a) of this section) is
12 further amended by adding at the end of subsection (c)
13 (as designated by subsection (a)(1)(E) of this section) the
14 following new paragraph:

15 “(2) MODEL STANDARDS AND TECHNIQUES.—

16 (A) The model standards and techniques shall—

17 “(i) indicate a range of effective radon con-
18 trol measures, practices, and techniques, that
19 apply to original construction of a wide variety
20 of building types, locations, conditions, and cir-
21 cumstances; and

22 “(ii) indicate the general range of radon
23 control achievable by the measures, individually,
24 and in combination with, other measures.

1 “(B)(i) At a minimum, the Administrator shall
2 establish minimum radon reduction measures, prac-
3 tices, and techniques for new construction for the
4 purpose of determining compliance with this section.

5 “(ii) The radon standards shall be designed—
6 “(I) to require the use of reasonably avail-
7 able and economically achievable techniques;
8 and

9 “(II) where possible, to achieve indoor
10 radon levels in homes that are less than the tar-
11 get action point established pursuant to section
12 304(b)(1)(C) by using the techniques referred
13 to in subclause (I).”.

14 (c) FEDERALLY ASSISTED HOUSING.—Section 305
15 of the Toxic Substances Control Act (as redesignated by
16 section 4 of this Act, and as amended by subsection (b)
17 of this section) is further amended by adding at the end
18 the following new subsection:

19 “(f) FEDERALLY ASSISTED HOUSING.—The appro-
20 priate Federal official shall require that any residential
21 dwelling or multiunit residential structure constructed—
22 “(1) later than 2 years after the date of the es-
23 tablishment of new construction standards pursuant
24 to this section or the date of enactment of this sec-

1 tion, whichever is later, in an area designated by the
2 Administrator as a priority radon area; or

3 “(2) later than 2 years after the designation of
4 an area as a priority radon area, whichever is later,
5 shall be constructed in accordance with the radon control
6 standards established pursuant to subsection (c)(2)(B),
7 before providing any direct Federal financial assistance.”.

8 (d) DESIGN AWARDS AND CERTIFICATION.—Section
9 305 of the Toxic Substances Control Act (as redesignated
10 by section 4 of this Act, and as amended by subsection
11 (c) of this section) is further amended by adding at the
12 end the following new subsection:

13 “(g) DESIGN AWARDS.—

14 “(1) IN GENERAL.—The Administrator shall es-
15 tablish a radon design awards program.

16 “(2) DESIGN AWARDS.—The radon design
17 awards program shall provide for an award for the
18 best residential design incorporating radon control
19 or mitigation standards for each category of residen-
20 tial design that the Administrator shall determine.”.

21 (e) RELATIONSHIP TO STATE AND LOCAL STAND-
22 ARDS.—Section 305 of the Toxic Substances Control Act
23 (as redesignated by section 4 of this Act, and as amended
24 by subsection (d) of this section) is further amended by
25 adding at the end the following new subsections:

1 “(h) RELATIONSHIP TO STATE AND LOCAL STAND-
2 ARDS.—The standards published pursuant to this section
3 shall not preempt the use of any State or local building
4 standard if the State or local standard is equally effective
5 in reducing radon levels as the standards published pursu-
6 ant to this section.

7 “(i) CODE PROMOTION.—The Administrator shall de-
8 velop a program to provide assistance to local govern-
9 ments, builders, national code organizations, national as-
10 sociations, States and other persons and entities that the
11 Administrator determines to be appropriate to implement
12 the adoption and use of radon-resistant building stand-
13 ards. The assistance may include educational and outreach
14 materials and technical assistance.”.

15 **SEC. 7. TECHNICAL ASSISTANCE.**

16 (a) ACTIVITIES.—Section 306(a) of the Toxic Sub-
17 stances Control Act (as redesignated by section 4 of this
18 Act) is amended by adding at the end the following new
19 paragraphs:

20 “(9) Development of a model State program to
21 disseminate radon information to State and local
22 tenant organizations.

23 “(10) Assistance to State agencies and other
24 organizations concerning the assessment and mitiga-
25 tion of radon in public water supplies.

1 “(11) Assistance to State agencies and other
2 organizations to facilitate prompt adoption and ef-
3 fective enforcement of new construction standards
4 for reducing radon levels developed pursuant to sec-
5 tion 305.

6 “(12) Development of—

7 “(A) testing guidelines for multiunit resi-
8 dential structures and multistory buildings not
9 later than 6 months after the date of enactment
10 of this paragraph; and

11 “(B) mitigation guidelines not later than 3
12 years after the date of enactment of this para-
13 graph.

14 “(13) Issuance of guidance to States on appro-
15 priate elements of State radon measurement and
16 mitigation proficiency programs.”.

17 (b) PROFICIENCY TESTING.—(1) Section 306(a)(2)
18 of the Toxic Substances Control Act (as redesignated by
19 section 4 of this Act) is amended by striking “voluntary”.

20 (2) Section 306(e) of the Toxic Substances Control
21 Act (as redesignated by section 4 of this Act) is amend-
22 ed—

23 (A) in paragraph (2), by inserting “(A)” before
24 “To cover the operating cost”;

3 (C) by adding after paragraph (2)(A), as so re-
4 designated, the following new subparagraphs:

5 “(B)(i) Except as otherwise provided in clause (ii),
6 for the purposes of this paragraph, the term ‘small busi-
7 ness’ means a corporation, partnership, or unincorporated
8 business that—

9 “(I) has 150 or fewer employees; and

10 “(II) for the 3-year period preceding the date
11 of the assessment, has an average annual gross reve-
12 nue from radon measurement and mitigation activi-
13 ties in an amount that does not exceed \$40,000,000.

14 “(ii) If, after consultation with the Small Business
15 Administration, the Administrator determines that a
16 modification of the definition of the term ‘small business’
17 under clause (i) is appropriate to characterize small busi-
18 nesses associated with radon measurement and mitigation,
19 the Administrator shall, by regulation, modify the defini-
20 tion in such manner as the Administrator determines to
21 be appropriate.

22 “(C) The Administrator shall consider reductions of
23 such charges for small businesses pursuant to the Regu-
24 latory Flexibility Act (5 U.S.C. 601 et seq.).

1 “(D) No such change may be imposed on any State
2 or local government. In the case of a State that admin-
3 isters a radon proficiency program pursuant to section
4 314(c), the State may impose charges consistent with any
5 charges that would otherwise have been imposed by the
6 Administrator. Any amounts collected by a State as
7 charges under this paragraph may be used as part of the
8 non-Federal share of any grant awarded pursuant to sec-
9 tion 307.”.

10 **SEC. 8. GRANT ASSISTANCE.**

11 (a) APPLICATION.—Section 307(b) of the Toxic Sub-
12 stances Control Act (as redesignated by section 4 of this
13 Act) is amended by adding at the end the following new
14 paragraph:

15 “(6) A description of the efforts of the State to
16 develop a mandatory radon proficiency program that
17 is consistent with sections 306(a)(2) and 314.”.

18 (b) ELIGIBLE ACTIVITIES.—Section 307(c) of the
19 Toxic Substances Control Act (as redesignated by section
20 4 of this Act) is amended by adding at the end the follow-
21 ing new paragraphs:

22 “(11) Technical assistance to public water sup-
23 ply systems concerning the mitigation of radon in
24 public water supplies, and public education and in-
25 formation activities to assist homeowners in the as-

1 essment and mitigation of radon in private drinking
2 water supplies.

3 “(12) Activities to—

4 “(A) adopt model new construction stand-
5 ards for reducing radon levels developed pursu-
6 ant to section 305 with respect to the State;
7 and

8 “(B) ensure the implementation of the
9 standards in the State.

10 “(13) Technical and financial assistance to non-
11 profit public interest groups to encourage radon test-
12 ing and mitigation at local levels.

13 “(14) Targeting outreach and technical assist-
14 ance activities to licensed child care facilities in pri-
15 ority radon areas.

16 “(15) Notwithstanding the limitation in sub-
17 section (i)(4), payment, in the form of grants or
18 loans, of the cost of implementing remediation meas-
19 ures necessary to prevent, in school buildings, levels
20 of radon above the target action point identified pur-
21 suant to section 304(b)(1)(C) if the payments are
22 made in consideration of the financial need of the
23 applicant.

24 “(16) Payment of the costs of conducting radon
25 tests required pursuant to section 308(d) if the pay-

1 ments are made in consideration of the financial
2 need of the applicant.

3 “(17) Educational programs, for members of
4 the housing industry, concerning the model construc-
5 tion standards and techniques published pursuant to
6 section 305.

7 “(18) Financial assistance to conduct surveys
8 to improve the precision of priority radon areas.”.

9 (c) PREFERENCE TO CERTAIN STATES.—Section
10 307(d) of the Toxic Substances Control Act (as redesign-
11 ated by section 4 of this Act) is amended—

12 (1) by striking “1991” and inserting “1994”;
13 and

14 (2) by inserting before the period “, or have
15 adopted equally effective standards”.

16 (d) FEDERAL SHARE.—Section 307(f) of the Toxic
17 Substances Control Act (as redesignated by section 4 of
18 this Act) is amended by striking “in the third year” and
19 inserting “in each succeeding year”.

20 (e) ASSISTANCE TO LOCAL GOVERNMENTS.—Section
21 307(g) of the Toxic Substances Control Act (as redesign-
22 ated by section 4 of this Act) is amended—

23 (1) by striking “and (6)” and inserting “(6),
24 (11), (12), (14), (15), and (16),”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(2) Any remediation plan for reducing radon in
6 school buildings implemented pursuant to this section
7 shall be reviewed for consistency with Environmental Pro-
8 tection Agency guidance by the school official responsible
9 for authorizing the types of structural changes referred
10 to in the plan.”.

11 (f) INFORMATION.—Section 307(h) of the Toxic Sub-
12 stances Control Act (as redesignated by section 4 of this
13 Act) is amended by adding at the end the following new
14 paragraph:

15 “(4) Any State that receives funds under this section
16 shall investigate consumer complaints concerning radon
17 services that violate the radon proficiency program of the
18 Environmental Protection Agency or the State. An appro-
19 priate official of the State shall advise the Administrator
20 concerning any person who violates the requirements of
21 section 314.”.

22 (g) AUTHORIZATION.—Section 307(j) of the Toxic
23 Substances Control Act (as redesignated by section 4 of
24 this Act) is amended by striking paragraph (5).

1 **SEC. 9. RADON IN SCHOOLS.**

2 Section 308 of the Toxic Substances Control Act (as
3 redesignated by section 4 of this Act) is amended by add-
4 ing at the end the following new subsections:

5 “(c) GUIDELINES.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this subsection, the Admin-
8 istrator shall publish guidelines on testing for and
9 remediating radon in school buildings.

10 “(2) REQUIREMENTS AFTER PUBLICATION OF
11 GUIDELINES.—After the publication of the guide-
12 lines pursuant to this subsection, any testing or re-
13 mediation carried out pursuant to this section shall
14 be conducted in a manner consistent with the guide-
15 lines.

16 “(3) INTERIM GUIDELINES.—Any radon testing
17 or remediation of school buildings conducted prior to
18 the publication of guidelines pursuant to this sub-
19 section shall be considered to meet the requirements
20 of this section if the testing or remediation is con-
21 ducted in a manner consistent with any interim
22 guidance published by the Administrator or by a
23 State (in any case where the Administrator deter-
24 mines that the guidelines of the interim guidance are
25 substantially consistent with the guidelines published
26 under this subsection).

1 “(d) REQUIREMENT FOR RADON TESTING.—

2 “(1) IN GENERAL.—Not later than 2 years
3 after the designation by the Administrator of an
4 area as a priority radon area, each local educational
5 agency located in whole or in part in the designated
6 area shall conduct tests for radon in each school
7 building owned or operated by the local educational
8 agency.

9 “(2) EXTENSION.—The Administrator may ex-
10 tend the schedule for testing for radon pursuant to
11 this subsection to the date that is 2 years after the
12 date of publication of testing guidelines pursuant to
13 subsection (c).

14 “(3) TEST RESULTS.—

15 “(A) IN GENERAL.—The results of any
16 tests conducted pursuant to this section by a
17 local educational agency shall be available for
18 public review in the administrative offices of the
19 local educational agency during normal business
20 hours.

21 “(B) NOTIFICATION.—The local edu-
22 cational agency shall—

23 “(i) notify parent, teacher, and em-
24 ployee organizations of the results; and

1 “(ii) send the results to the Adminis-
2 trator and the agency of the State that im-
3 plements radon programs.

4 “(4) SUPERVISION OF RADON TESTING.—Any
5 radon testing conducted pursuant to this section
6 shall be supervised by a person who has received in-
7 struction pursuant to a program of the Environ-
8 mental Protection Agency or an equivalent State-ap-
9 proved program, as determined by the Adminis-
10 trator, and shall use radon measurement devices and
11 methods approved by the radon proficiency program
12 established pursuant to sections 306(a)(2) and
13 314.”.

14 **SEC. 10. REGIONAL RADON TRAINING CENTERS.**

15 Section 309(b) of the Toxic Substances Control Act
16 (as redesignated by section 4 of this Act) is amended by
17 adding at the end the following new sentence: “The re-
18 gional radon training centers are authorized to provide
19 training to State and local building code officials, contrac-
20 tors, and other persons or entities of the building commu-
21 nity, on the model construction standards and techniques
22 published pursuant to section 305.”.

1 **SEC. 11. FEDERAL BUILDINGS.**

2 Section 310 of the Toxic Substances Control Act (as
3 redesignated by section 4 of this Act) is amended by add-
4 ing at the end the following new subsection:

5 “(g) RADON ASSESSMENT AND MITIGATION PLAN.—
6 (1) Not later than January 1, 1994, the Administrator
7 shall submit to Congress a plan describing activities to be
8 undertaken by appropriate Federal agencies to assess and
9 mitigate radon in Federal buildings.

10 “(2) The Administrator shall consult with the heads
11 of affected Federal agencies in the development of the plan
12 required under this subsection.

13 “(3) The plan required under this subsection shall,
14 at a minimum—

15 “(A) include a list of each Federal building and
16 an indication of the results of any radon tests for
17 the buildings conducted by the date of issuance of
18 the plan;

19 “(B) specify the Federal buildings for which as-
20 essment and mitigation will be undertaken on an
21 expedited basis on the basis of a consideration of—

22 “(i) the radon levels in the buildings;

23 “(ii) the number of people exposed to high
24 radon levels; and

25 “(iii) the susceptibility of the building to
26 mitigation;

1 “(C) specify the schedule for mitigation for
2 each Federal building in which radon levels exceed
3 the target action level specified in section
4 303(b)(1)(C); and

5 “(D) specify the Federal agency responsible for
6 the building, the estimated cost of mitigation, and
7 the source of funds for assessment and mitigation
8 actions.

9 “(4) At a minimum, the head of each Federal agency
10 that is responsible for Federal buildings shall ensure
11 that—

12 “(A) all schools and residences that are Federal
13 buildings are assessed to determine radon levels by
14 not later than January 1, 1996;

15 “(B) all other Federal buildings are assessed to
16 determine radon levels by not later than January 1,
17 1998; and

18 “(C) in the case of a Federal building with a
19 radon level above the target action point established
20 by the Administrator pursuant to section
21 304(b)(1)(C), measures designed to achieve radon
22 levels at or below the target action point shall be im-
23 plemented by not later than 2 years after the appli-
24 cable deadline for assessment specified in this para-
25 graph.

1 “(5) In implementing radon assessment and mitigation activities, the head of a Federal agency shall employ 2 as a contractor a private firm certified by the Administrator 3 as proficient pursuant to section 306(a)(2).

5 “(6) Not later than 2 years after the submittal of 6 the plan required under this subsection, the Administrator 7 shall submit to Congress a report on actions taken to im- 8 plement the plan.”.

9 **SEC. 12. RADON INFORMATION.**

10 Title III of the Toxic Substances Control Act (15 11 U.S.C. 2661 et seq.) (as amended by section 4 of this Act) 12 is further amended by adding at the end the following new 13 section:

14 **SEC. 313. DISCLOSURE OF INFORMATION CONCERNING**
15 **RADON UPON TRANSFER OF RESIDENTIAL**
16 **PROPERTY.**

17 “(a) RADON DISCLOSURE IN PURCHASE AND SALE
18 OR LEASE OF HOUSING.—

19 “(1) RADON HAZARDS.—Not later than 2 years 20 after the date of enactment of this section, the Administrator 21 and the Secretary of Housing and Urban 22 Development shall promulgate regulations for the 23 disclosure of radon hazards in housing that is of- 24 fered for sale or lease. The regulations shall require 25 that, before a purchaser or lessee is obligated under

1 any contract to purchase or lease the housing, the
2 seller or lessor shall—

3 “(A) provide the purchaser or lessee with
4 a radon information pamphlet that meets the
5 requirements of paragraph (2);

6 “(B) disclose to the purchaser or lessee the
7 presence or level of any known radon in the
8 housing and provide to the purchaser or lessee
9 any radon evaluation report available to the
10 seller or lessor; and

11 “(C) permit a purchaser to have a 10-day
12 period before becoming obligated (unless the
13 parties mutually agree upon a different period
14 of time) to conduct a test to determine the level
15 of radon in the housing.

16 “(2) RADON INFORMATION PAMPHLET.—

17 “(A) IN GENERAL.—Not later than 18
18 months after the date of enactment of this sec-
19 tion, the Administrator, in consultation with the
20 Secretary of Housing and Urban Development,
21 representatives of national organizations that
22 represent State and local housing agencies (in-
23 cluding public housing agencies), real estate
24 groups, citizen groups and other groups that
25 the Administrator determines to be appropriate,

1 shall develop a written document containing
2 radon-related information.

3 “(B) CONTENTS OF DOCUMENT.—The doc-
4 ument shall include, at a minimum—

5 “(i) information indicating the health
6 risk associated with different levels of
7 radon exposure consistent with the health
8 information in the citizen’s guide under
9 section 304;

10 “(ii) information regarding the advis-
11 ability of undertaking measures to mitigate
12 dangerous levels of radon;

13 “(iii) information regarding appro-
14 priate Federal agencies and departments
15 and agencies of States and that can pro-
16 vide further information on the health risk
17 from radon, and a list of firms or other en-
18 tities approved by the Administrator for
19 the purposes of radon detection and miti-
20 gation; and

21 “(iv) recommended Environmental
22 Protection Agency radon testing proce-
23 dures that will provide quality and reliable
24 measurements in conjunction with a real
25 estate transaction.

1 “(3) CONTRACT FOR PURCHASE AND SALE.—

2 The regulations promulgated under this section shall
3 provide that each contract for the purchase and sale
4 of any interest in housing shall contain a Radon
5 Warning Statement and a statement signed by the
6 purchaser that the purchaser has—

7 “(A) read the Radon Warning Statement
8 and understands the contents of the statement;

9 “(B) received a radon hazard information
10 pamphlet; and

11 “(C) had an opportunity to conduct a test
12 to determine the level of radon in the housing
13 within the period specified in paragraph (1)(C)
14 or a period agreed on pursuant to paragraph
15 (1)(C).

16 “(4) CONTENTS OF RADON WARNING STATE-
17 MENT.—The Radon Warning Statement shall con-
18 tain the following text printed in large type on a
19 separate sheet of paper attached to the contract:

20 “ ‘Every purchaser of any interest in residential
21 real property is notified that the property may
22 present exposure to levels of radon gas that may
23 cause lung cancer. The seller of any interest in resi-
24 dential real property is required to provide the buyer
25 with any information on the levels of radon in the

1 housing in the possession of the seller. A radon test
2 is recommended prior to purchase.'

3 "(5) COMPLIANCE ASSURANCE.—In any case in
4 which a seller or lessor has entered into a contract
5 with an agent for the purpose of selling or leasing
6 a unit of housing, the regulations promulgated under
7 this section shall require the agent, on behalf of the
8 seller or lessor, to ensure compliance with the re-
9 quirements of this section.

10 "(6) PROMULGATION.—A suit may be brought
11 against the Administrator or the Secretary of Hous-
12 ing and Urban Development under section 321 to
13 compel the promulgation of the regulations required
14 under this section. The Federal district court shall
15 have jurisdiction to order the promulgation of the
16 regulations.

17 "(b) CIVIL LIABILITY.—

18 "(1) IN GENERAL.—Any person who knowingly
19 violates any provision of this section shall be jointly
20 and severally liable to a mortgage applicant, pur-
21 chaser, or lessee in an amount equal to 3 times the
22 amount of damages incurred by the individual.

23 "(2) COURT COSTS AND ATTORNEY FEES.—In
24 any civil action brought for damages under this sub-
25 section, the appropriate court may award court costs

1 to the party that commences the action, together
2 with reasonable attorney fees and any expert witness
3 fees, in any case in which the party prevails.

4 “(c) VALIDITY OF CONTRACTS AND LIENS.—Nothing
5 in this section shall—

6 “(1) affect the validity or enforceability of any
7 sale or contract for the purchase and sale or lease
8 of any interest in residential real property or any
9 loan, loan agreement, mortgage, or lien made or
10 arising in connection with a mortgage loan; or

11 “(2) create a defect in title.

12 “(d) EFFECTIVE DATE.—The regulations under this
13 section shall take effect on the date that is 3 years after
14 the date of the enactment of this section.”.

15 **SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.**

16 Title III of the Toxic Substances Control Act (15
17 U.S.C. 2661 et seq.) (as amended by section 12 of this
18 Act) is further amended by adding at the end the following
19 new section:

20 **“SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.**

21 “(a) MANDATORY PARTICIPATION.—Beginning on
22 the date that is 2 years after the date of the enactment
23 of this section, no person shall offer radon measurement
24 devices or radon measurement or mitigation services to the
25 public unless such person has successfully completed the

1 radon proficiency program of the Environmental Protec-
2 tion Agency, or appropriate portions of the program.

3 “(b) STATUTORY CONSTRUCTION.—Nothing in this
4 section shall be construed to apply to governmental units
5 or nonprofit organizations that provide a radon service for
6 their own use and do not provide that service for commer-
7 cial purposes.

8 “(c) DELEGATION TO STATES.—

9 “(1) IN GENERAL.—The Administrator shall
10 administer the mandatory proficiency program under
11 this section in a manner consistent with the Guid-
12 ance to States on Radon Certification of the Envi-
13 ronmental Protection Agency.

14 “(2) AGREEMENT.—The Administrator is au-
15 thorized to enter into any agreement or other ar-
16 rangement with any State for the purpose of dele-
17 gating the radon proficiency program of the Envi-
18 ronmental Protection Agency, including enforcement
19 provisions, or any other part of the program, to the
20 State, if the State program is consistent with the
21 Federal program.

22 “(d) PROHIBITED ACTS.—It shall be unlawful for
23 any person to—

24 “(1) fail or refuse to comply with this section
25 (including any rule or regulation promulgated under

1 this section or order issued pursuant to this section);

2 or

3 “(2) fail or refuse to—

4 “(A) establish or maintain records as re-
5 quired by the Administrator or by a State with
6 respect to which the Administrator has entered
7 into an agreement or other arrangement under
8 subsection (c);

9 “(B) submit any report, notice, or other
10 information, required to be submitted by the
11 Administrator or by the appropriate official of
12 a State the Administrator has entered into an
13 agreement or other arrangement under sub-
14 section (c);

15 “(C) permit entry or inspection by the Ad-
16 ministrator, or by the appropriate official of a
17 State with respect to which the Administrator
18 has entered into an agreement or other ar-
19 rangement under subsection (c); or

20 “(D) permit access to, or copying of,
21 records by the appropriate official of a State
22 with respect to which the Administrator has en-
23 tered into an agreement or other arrangement
24 under subsection (c).”.

1 **SEC. 14. MEDICAL COMMUNITY OUTREACH.**

2 Title III of the Toxic Substances Control Act (15
3 U.S.C. 2661 et seq.) (as amended by section 13 of this
4 Act) is further amended by adding at the end the following
5 new section:

6 **“SEC. 315. MEDICAL COMMUNITY OUTREACH.**

7 “(a) IN GENERAL.—The Administrator, in coopera-
8 tion with the Secretary of Health and Human Services,
9 shall develop and implement an outreach program to pro-
10 vide information concerning radon to the medical commu-
11 nity.

12 “(b) INFORMATION.—

13 “(1) IN GENERAL.—The Administrator, in con-
14 sultation with the Secretary of Health and Human
15 Services, the Surgeon General, and the Director of
16 the Centers for Disease Control, shall develop infor-
17 mational material concerning radon tailored to phy-
18 sicians in general practice and in specialties related
19 to lung cancer. The information shall, at a mini-
20 mum—

21 “(A) explain the health threats posed by
22 exposure to radon and include a summary of
23 scientific evidence that demonstrates the human
24 health effects of exposure to radon;

25 “(B) explain the association of radon with
26 smoking and other causes of lung cancer;

1 “(C) identify appropriate steps to take to
2 determine exposure to radon in the home; and
3 “(D) identify sources of additional infor-
4 mation.

5 “(2) TRANSMITTAL OF INFORMATION.—Not
6 later than 1 year after the date of enactment of this
7 section, the Administrator shall transmit the infor-
8 mation developed pursuant to this section to—

9 “(A) physicians in general practice;
10 “(B) physicians in specialties related to
11 lung cancer;

12 “(C) all physicians employed by the Fed-
13 eral Government;

14 “(D) all hospital administrators; and

15 “(E) other physicians and officials deter-
16 mined by the Administrator to be appropriate.

17 “(c) REPORT.—Not later than 2 years after the date
18 of enactment of this section, the Administrator, in con-
19 sultation with the Secretary of Health and Human Serv-
20 ices, shall report to Congress concerning—

21 “(1) the implementation of this section; and

22 “(2) recommendations for measures to improve
23 radon information dissemination to the medical com-
24 munity.”.

1 **SEC. 15. FEDERAL HOUSING.**

2 Title III of the Toxic Substances Control Act (15
3 U.S.C. 2661 et seq.) (as amended by section 14 of this
4 Act) is further amended by adding at the end the following
5 new section:

6 **“SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES,**7 **SCHOOLS, AND BUILDINGS.**

8 “(a) FEDERALLY FUNDED CONSTRUCTION.—Not
9 later than 6 months after the publication of priority radon
10 areas required by section 303, or the publication of model
11 construction standards required by section 305, whichever
12 is later, the head of each Federal agency shall adopt such
13 procedures as may be necessary to ensure that any new
14 Federal building, or any school constructed with Federal
15 financial assistance, in a priority radon area shall conform
16 to the model construction standards required by section
17 305.

18 “(b) FEDERALLY ASSISTED HOUSING.—The Sec-
19 retary of Housing and Urban Development, in cooperation
20 with the Administrator, shall, not later than 1 year after
21 the date of enactment of this section, disseminate in prior-
22 ity radon areas information concerning the health threats
23 posed by radon, proper methods of testing for radon, and
24 techniques for mitigating elevated radon levels to public
25 housing agencies and Indian housing authorities, as de-
26 fined in paragraphs (6) and (11), respectively, of section

1 3(b) of the United States Housing Act of 1937 (42 U.S.C.
2 1437a(b)), and to owners and managers of other housing
3 assisted under other provisions of the United States Hous-
4 ing Act of 1937 (42 U.S.C. 1437 et seq.) and the National
5 Housing Act (12 U.S.C. 1701 et seq.).

6 “(c) RESEARCH.—The Secretary of Housing and
7 Urban Development shall undertake a program of radon
8 research, consisting of research concerning—

9 “(1) radon distribution and mitigation within
10 multiunit residential structures in conjunction with
11 the Administrator;

12 “(2) landlord liability;

13 “(3) predicting radon hazards in new multiunit
14 residential structures on particular lands; and

15 “(4) such other research as both the Secretary
16 of Housing and Urban Development and the Admin-
17 istrator consider appropriate.

18 “(d) TESTING REQUIREMENT.—

19 “(1) IN GENERAL.—Beginning on the date that
20 is 6 months after the date of publication of Radon
21 Priority Areas required by this title, any federally
22 owned housing in a Radon Priority Area shall be
23 tested for radon before a sales contract to sell the
24 home is signed.

1 “(2) REQUIREMENTS FOR RADON TESTING.—

2 Any radon testing conducted pursuant to this sec-
3 tion shall—

4 “(A) be supervised by a person who has re-
5 ceived instruction pursuant to a program of the
6 Environmental Protection Agency or equivalent
7 State approved program, as determined by the
8 Administrator; and

9 “(B) use radon measurement devices and
10 methods approved by the radon proficiency pro-
11 gram established pursuant to section 306(a)(2).

12 “(3) SATISFACTION OF REQUIREMENTS BY CER-
13 TAIN DEPARTMENTS AND AGENCIES.—Radon testing
14 conducted within a 5-year period prior to acquisition
15 by a Federal department or agency, or any Govern-
16 ment corporation or Government-controlled corpora-
17 tion, shall be considered to satisfy the requirements
18 of this section if the test otherwise meets the re-
19 quirements of paragraph (2).

20 “(4) AVAILABILITY OF RESULTS.—The results
21 of a radon test required pursuant to this section
22 shall be made available to potential buyers of any
23 homes described in paragraph (1) before a sales con-
24 tract to sell the home is signed.

1 “(5) TREATMENT AS MODIFICATIONS.—To the
2 extent that this subsection increases the costs of the
3 Federal Government of outstanding direct loan obli-
4 gations or loan guaranty commitments, the activities
5 shall be treated as modifications under section
6 504(e) of the Federal Credit Reform Act of 1990 (2
7 U.S.C. 661c(e)) and shall be subject to the availabil-
8 ity of appropriations. To the extent that this sub-
9 section imposes additional costs to the Resolution
10 Trust Corporation and the Federal Deposit Insur-
11 ance Corporation, the requirements of this sub-
12 section shall be carried out only if appropriations are
13 provided in advance in an appropriations Act. In the
14 absence of appropriations sufficient to cover the
15 costs of this subsection, the requirements shall not
16 apply to any agency affected by the requirements.”.

17 **SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.**

18 Title III of the Toxic Substances Control Act (15
19 U.S.C. 2661 et seq.) (as amended by section 15 of this
20 Act) is further amended by adding at the end the following
21 new section:

22 **“SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.**

23 “The Administrator shall establish a national edu-
24 cation campaign to increase public awareness concerning
25 radon health risks and motivate public action to reduce

1 radon levels. The national education campaign shall in-
2 clude the use of funds for the purchase and production
3 of public educational materials. The Administrator is au-
4 thorized to enter into cooperative agreements to carry out
5 this section.”.

6 **SEC. 17. RADON IN WORK PLACES.**

7 Title III of the Toxic Substances Control Act (15
8 U.S.C. 2661 et seq.) (as amended by section 16 of this
9 Act) is further amended by adding at the end the following
10 new section:

11 **“SEC. 318. RADON IN WORK PLACES.**

12 “(a) STUDY OF RADON IN WORK PLACES.—

13 “(1) AUTHORITY.—The Director of the Na-
14 tional Institute for Occupational Safety and Health
15 of the Department of Health and Human Services,
16 in consultation with the Administrator, shall conduct
17 a study for the purpose of determining the extent of
18 radon contamination in the work places of the Unit-
19 ed States.

20 “(2) SURVEY.—In conducting the study, the
21 Director of the National Institute for Occupational
22 Safety and Health of the Department of Health and
23 Human Services and the Administrator shall be
24 jointly responsible for designing a survey that, on
25 completion, shall allow Congress to characterize the

1 extent of radon contamination in work places. The
2 survey shall include testing from a representative
3 sample of work places in each priority radon area
4 and shall include additional testing, to the extent re-
5 sources are available for the testing.

6 “(3) REPORT.—Not later than 2 years after the
7 date of enactment of this section, the Director of the
8 National Institute for Occupational Safety and
9 Health of the Department of Health and Human
10 Services, in consultation with the Administrator,
11 shall submit to Congress a report that describes the
12 results of the study conducted pursuant to this sec-
13 tion.

14 “(b) AUTHORIZATION.—There are authorized to be
15 appropriated such sums as may be necessary to carry out
16 this section, but not to exceed \$2,000,000.”.

17 **SEC. 18. PREEMPTION.**

18 Title III of the Toxic Substances Control Act (15
19 U.S.C. 2661 et seq.) (as amended by section 17 of this
20 Act) is further amended by adding at the end the following
21 new section:

22 **“SEC. 319. PREEMPTION.**

23 “(a) CONSTRUCTION OF PROVISIONS AS NOT PRE-
24 EMPTING OTHER LAWS.—Nothing in this title shall be
25 construed, interpreted, or applied to preempt, displace, or

1 supplant any other Federal or State law, whether statu-
2 tory or common.

3 “(b) AWARD OF COSTS AND DAMAGE AWARDS.—
4 Nothing in this title shall be construed or interpreted to
5 preclude any court from awarding costs and damages as-
6 sociated with the testing or mitigation of radon contami-
7 nation, or a portion of such costs, at any time.

8 “(c) CONSTRUCTION OF PROVISIONS AS NOT PRO-
9 HIBITING MORE STRINGENT STATE REQUIREMENTS.—
10 Nothing in this title shall be construed or interpreted as
11 preempting a State, with respect to radon within the
12 State, from establishing any liability or more stringent re-
13 quirement that is equal to or, more stringent than, a re-
14 quirement under this title.

15 “(d) CREATION OF CAUSE OF ACTION.—Nothing in
16 this title shall create a cause of action, or in any other
17 way increase or diminish the liability of any person under
18 any other law.

19 “(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR
20 DAMAGES.—

21 “(1) IN GENERAL.—It is not the intent of Con-
22 gress that this section, or any rule, regulation, or or-
23 ders issued pursuant to this section, shall be inter-
24 preted as influencing, in either the favor of a plain-

1 tiff or defendant, the disposition of any civil action
2 for damages relating to radon.

3 “(2) STATUTORY CONSTRUCTION.—This shall
4 not affect the authority of any court to make a de-
5 termination in any adjudicatory proceeding under
6 applicable State law with respect to the admission
7 into evidence or any other application of this title or
8 rules, regulations, or orders issued pursuant to this
9 title.”.

10 **SEC. 19. ENFORCEMENT.**

11 Title III of the Toxic Substances Control Act (15
12 U.S.C. 2661 et seq.) (as amended by section 18 of this
13 Act) is further amended by adding at the end the following
14 new section:

15 **“SEC. 320. ENFORCEMENT.**

16 “(a) CIVIL PENALTIES.—

17 “(1) IN GENERAL.—Any person who violates
18 section 313 or 314, or who provides false informa-
19 tion concerning compliance with section 305(f) to an
20 appropriate Federal official, shall be liable to the
21 United States for a civil penalty in an amount not
22 to exceed \$10,000 for each violation.

23 “(2) CIVIL PENALTIES.—

24 “(A) IN GENERAL.—A civil penalty under
25 this section shall be assessed by the Adminis-

1 trator by an order made on the record after op-
2 portunity for a hearing in accordance with sec-
3 tion 554 of title 5, United States Code. Before
4 issuing the order, the Administrator shall give
5 written notice to the person to be assessed a
6 civil penalty under the order and provide such
7 person an opportunity to request a hearing on
8 the order not later than 15 days after the date
9 the notice is received by the person.

10 “(B) DETERMINATION OF AMOUNT OF
11 CIVIL PENALTY.—In determining the amount of
12 a civil penalty, the Administrator may take into
13 account—

14 “(i) the nature, circumstances, extent,
15 and gravity of each violation; and

16 “(ii) with respect to the violator, the
17 ability to pay, the effect on ability to con-
18 tinue to do business, any history of prior
19 such violations, the degree of culpability,
20 and such other matters as justice may re-
21 quire.

22 “(C) NOTIFICATION OF CIVIL PEN-
23 ALTIES.—The Administrator may compromise,
24 modify, remit, with or without conditions, any
25 civil penalty that may be imposed under this

1 subsection. The amount of the penalty, when fi-
2 nally determined, or the amount agreed upon in
3 compromise, may be deducted from any sums
4 owing by the United States to the firm charged.

5 “(3) JUDICIAL REVIEW.—Any person who—

6 “(A) has requested a hearing under this
7 section concerning the assessment of a civil
8 penalty; and

9 “(B) is aggrieved by an order assessing a
10 civil penalty,

11 may file a petition for judicial review of such order
12 with the United States Court of Appeals for the Dis-
13 trict of Columbia Circuit or for any other circuit in
14 which such person resides or transacts business. The
15 petition may only be filed within the 30-day period
16 beginning on the date the order making the assess-
17 ment is issued.

18 “(4) FAILURE TO PAY ASSESSMENT.—If any
19 person fails to pay an assessment of a civil pen-
20 alty—

21 “(A) after the order making the assess-
22 ment has become a final order (if such person
23 does not file a petition for judicial review of the
24 order in accordance with paragraph (3)); or

1 “(B) after a court, in an action brought
2 under paragraph (3), has entered a final judg-
3 ment in favor of the Administrator,
4 the Attorney General shall recover the amount as-
5 sessed (plus interest at currently prevailing rates
6 from the date of the expiration of the 30-day period
7 referred to in paragraph (3) or the date of the final
8 judgment, as the case may be) in an action brought
9 in any appropriate district court of the United
10 States. In such an action, the validity, amount, and
11 appropriateness of such penalty shall not be subject
12 to review.

13 “(b) COMPLIANCE ORDERS.—

14 “(1) IN GENERAL.—If the Administrator finds
15 on the basis of information made available, that a
16 person, firm, or organization is in violation of this
17 title, the Administrator shall proceed under the au-
18 thority under paragraph (2), or notify the person,
19 firm, or organization in which the violation occurred.
20 If, after a 30-day period beginning on the date of
21 notification by the Administrator, the State has not
22 commenced appropriate enforcement action, the Ad-
23 ministrator may issue an order requiring compliance
24 or such other relief as the Administrator may find

1 appropriate, or bring a civil action in accordance
2 with paragraph (4).

3 “(2) ENFORCEMENT.—If the Administrator
4 finds, on the basis of information made available,
5 that a person, firm, or organization is in violation of
6 a requirement of this title, the Administrator may
7 issue an order requiring such person, firm, or orga-
8 nization to comply with the requirement or such
9 other relief as the Administrator may find appro-
10 priate, or shall bring a civil action in accordance
11 with paragraph (4).

12 “(3) ORDERS.—

13 “(A) IN GENERAL.—Any orders issued
14 under this section shall—

15 “(i) be by personal service;
16 “(ii) state with reasonable specificity
17 the nature of the violation; and
18 “(iii) specify a period for compliance
19 of not to exceed 30 days.

20 “(B) ORDERS.—In issuing each order the
21 Administrator shall take into account the seri-
22 ousness of the violation and any good faith ef-
23 forts to comply with applicable requirements.

24 “(4) CIVIL ACTION.—

1 “(A) IN GENERAL.—The Administrator is
2 authorized to commence a civil action for ap-
3 propriate relief, including a permanent or tem-
4 porary injunction, of any violation for which the
5 Administrator is authorized to issue a compli-
6 ance order under paragraph (1).

7 “(B) VENUE.—Any action taken under
8 this subsection may be brought in the district
9 court of the United States in the district in
10 which the defendant is located or resides or is
11 doing business. The court shall have jurisdiction
12 to restrain the violation and require compliance.
13 Notice of the commencement of the action shall
14 be given immediately on commencement to the
15 appropriate State.”.

16 **SEC. 20. CITIZEN SUITS.**

17 Title III of the Toxic Substances Control Act (15
18 U.S.C. 2661 et seq.) (as amended by section 19 of this
19 Act) is further amended by adding at the end the following
20 new section:

21 **“SEC. 321. CITIZEN SUITS.**

22 “(a) IN GENERAL.—

23 “(1) IN GENERAL.—Except as provided in sub-
24 section (b), any person may commence a civil ac-
25 tion—

1 “(A) against the United States in any case
2 in which the United States is alleged to be in
3 violation of section 305(f), 310, or 316, or any
4 rule promulgated thereunder, to restrain the
5 violation;

6 “(B) against any person who is alleged to
7 be in violation of section 308, 313, or 314, or
8 any rule promulgated thereunder, to restrain
9 the violation; or

10 “(C) against the Administrator to compel
11 the Administrator to perform any act or duty
12 under this title that is not discretionary.

13 “(2) ACTIONS.—

14 “(A) IN GENERAL.—Each civil action
15 under paragraph (1)(A) shall be brought in the
16 United States district court for the district in
17 which the alleged violation occurred, in which
18 the defendant resides, or in which the principal
19 place of business of the defendant is located.
20 Any action brought under paragraph (1)(B)
21 shall be brought in the United States District
22 Court for the District of Columbia, or the Unit-
23 ed States district court for the judicial district
24 in which the plaintiff is domiciled.

1 “(B) JURISDICTION.—The district courts
2 of the United States shall have jurisdiction over
3 suits brought under this section, without regard
4 to the amount in controversy or the citizenship
5 of any party.

6 “(C) SERVICE OF PROCESS.—In any civil
7 action under this subsection, process may be
8 served on a defendant in any judicial district in
9 which the defendant resides or may be found.
10 Subpoenas for witnesses may be served in any
11 judicial district.

12 “(b) LIMITATION.—

13 “(1) IN GENERAL.—No civil action may be
14 commenced—

15 “(A) under subsection (a)(1)(A) to restrain
16 a violation of this title, or rule or order under
17 this title—

18 “(i) before the expiration of the 60-
19 day period beginning on the date that the
20 plaintiff gives notice of the violation—

21 “(I) to the Administrator; and

22 “(II) to the person who is alleged
23 to have committed the violation; or

24 “(ii) if—

1 “(I)(aa) the Administrator has
2 commenced, and is diligently prosecut-
3 ing, a proceeding to require compli-
4 ance with this title or with a rule or
5 order issued under this title; or

6 “(bb) the Attorney General has
7 commenced and is diligently prosecut-
8 ing a civil action in a court of the
9 United States to require compliance
10 with this title or with a rule or order
11 issued under this title; and

12 “(II) the proceeding or civil ac-
13 tion is commenced after the giving of
14 notice; or

15 “(B) under subsection (a)(1)(B) before the
16 expiration of the 60-day period beginning on
17 the date that the plaintiff gives notice to the
18 Administrator of the alleged failure of the Ad-
19 ministrator to perform an act or duty that is
20 the basis for such action.

21 “(2) NOTICE.—Notice under this subsection
22 shall be given in such manner as the Administrator
23 shall prescribe by rule. Any person who pursuant to
24 paragraph (1)(A) may intervene as a matter of right
25 in the proceeding or action.

1 “(c) IN GENERAL.—

2 “(1) INTERVENTION BY ADMINISTRATOR.—In
3 any action under this section, the Administrator, if
4 not a party, may intervene as a matter of right.

5 “(2) COURT COSTS.—The court, in issuing any
6 final order in any action brought pursuant to sub-
7 section (a), may award costs of suit and reasonable
8 fees for attorneys and expert witnesses if the court
9 determines that the award is appropriate. In issuing
10 a decision in an action brought to review such an
11 order, the court may award costs of suit and reason-
12 able fees for attorneys if the court determines that
13 the award is appropriate.

14 “(3) STATUTORY CONSTRUCTION.—Nothing in
15 this section shall restrict any right that any person
16 (or class of persons) may have under any statute or
17 common law to seek enforcement of this Act, or any
18 rule or order under this Act, or to seek any other
19 relief.

20 “(d) CONSOLIDATION.—

21 “(1) IN GENERAL.—If 2 or more civil actions
22 brought under subsection (a) involve the same de-
23 fendant and the same issues or violations are pend-
24 ing in 2 or more judicial districts, the pending ac-
25 tions, upon an application of the defendants to the

1 actions is made to a court in which any of the ac-
2 tions is brought, may, if the court in the discretion
3 of the court so decides, be consolidated for trial by
4 order (issued after giving all parties reasonable no-
5 tice and opportunity to be heard) of the court and
6 tried in—

7 “(A) a district that is selected by the de-
8 fendant and in which 1 of the actions is pend-
9 ing;

10 “(B) a district that is agreed upon by stip-
11 ulation between all the parties to the actions
12 and in which 1 of the actions is pending; or

13 “(C) a district that is selected by the court
14 and in which 1 of the actions is pending.

15 “(2) NOTIFICATION.—In issuing an order re-
16 ferred to in paragraph (1), the Court shall give
17 prompt notification of the order to the other courts
18 in which the civil actions consolidated under the
19 order are pending.”.

20 **SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.**

21 (a) TECHNICAL ASSISTANCE.—Section 306(f) of the
22 Toxic Substances Control Act (as redesignated by section
23 4 of this Act) is amended by striking “and 1991.” and
24 inserting “1991, 1992, 1993, 1994, 1995, and 1996.”.

1 (b) GRANT ASSISTANCE.—Section 307(j)(1) of the
2 Toxic Substances Control Act (as redesignated by section
3 4 of this Act) is amended by inserting before the period
4 “, and \$15,000,000 for each of fiscal years 1992, 1993,
5 1994, 1995, and 1996.”.

6 (c) SCHOOL REMEDIATION.—Section 307(j) of the
7 Toxic Substances Control Act (as redesignated by section
8 4 of this Act) is amended—

9 (1) by striking paragraph (5); and
10 (2) by adding at the end the following new
11 paragraphs:

12 “(5) Of funds appropriated pursuant to this
13 subsection for fiscal years 1994 through 1996, not
14 more than one-third shall be used to implement
15 radon remediation measures for local educational
16 agencies pursuant to paragraphs (15) and (16) of
17 subsection (c).

18 “(6) Of funds appropriated pursuant to this
19 subsection for fiscal years 1994 through 1996, the
20 Administrator may reserve an amount up to 2 per-
21 cent or \$200,000, whichever is the greater, for the
22 purposes of making grants to local educational agen-
23 cies for the implementation of measures to reduce
24 radon levels—

1 “(A) local educational agency is prohibited
2 by State law from receiving grant assistance
3 from the State; and

4 “(B) the local educational agency provides
5 not less than 50 percent of the cost of imple-
6 menting such measures from non-Federal
7 sources.”.

8 (d) REGIONAL TRAINING CENTERS.—Section 309(f)
9 of the Toxic Substances Control Act (as redesignated by
10 section 4 of this Act) is amended by inserting before the
11 period “, and \$1,500,000 for each of fiscal years 1992,
12 1993, 1994, 1995, and 1996.”.

13 **SEC. 22. TECHNICAL AMENDMENTS.**

14 (a) TABLE OF CONTENTS.—The table of contents in
15 section 1 of the Toxic Substances Control Act (15 U.S.C.
16 2601 note) is amended—

17 (1) by redesignating the items relating to sec-
18 tions 303 through 311 as 304 through 312, respec-
19 tively;

20 (2) by inserting after the item relating to sec-
21 tion 302 the following new item:

“Sec. 303. Priority radon areas.”;

22 and

23 (3) by adding at the end the following new
24 items:

“Sec. 313. Radon-related information.

“Sec. 314. Mandatory radon proficiency program.
“Sec. 315. Medical community outreach.
“Sec. 316. Federally owned and assisted homes, schools, and buildings.
“Sec. 317. National radon educational campaign.
“Sec. 318. Radon in work places.
“Sec. 319. Preemption.
“Sec. 320. Enforcement.
“Sec. 321. Citizens suits.
“Sec. 322. Periodic reassessment of health risks.”.

1 (b) RADON MITIGATION DEMONSTRATION PRO-
2 GRAM.—Section 118(k)(2) of the Superfund Amendments
3 and Reauthorization Act of 1986 (42 U.S.C. 7401 note)
4 is amended—

5 (1) in subparagraph (A)—

6 (A) by inserting “develop and” before “test
7 methods”; and

8 (B) by adding at the end of the subpara-
9 graph the following new sentence: “The dem-
10 onstration program shall include the develop-
11 ment and evaluation of innovative low-cost tech-
12 niques to reduce radon concentrations in exist-
13 ing structure (in existence at the time of the
14 program), including structures with low to mod-
15 erate radon levels, and in new structures, and
16 the development and demonstration of radon
17 mitigation technology for multistory buildings.”.

18 (2) by striking subparagraph (B); and

19 (3) by redesignating subparagraph (C) as sub-
20 paragraph (B).

1 **SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON**2 **TESTING.**

3 (a) EVALUATION.—The Administrator of the Envi-
4 ronmental Protection Agency, in consultation with the
5 Secretary of Housing and Urban Development, the Sec-
6 retary of Agriculture, and the Secretary of Veterans Af-
7 fairs, shall evaluate existing (in existence at the time of
8 the evaluation) efforts to promote radon testing in the
9 homes of the United States and methods to increase radon
10 testing.

11 (b) REPORT.—

12 (1) IN GENERAL.—The Administer shall report
13 to Congress by October 1, 1994, on the effectiveness
14 of alternative strategies to promote radon testing.
15 The strategies shall include—

16 (A) grants to support the development of
17 radon testing strategies by States;

18 (B) financial incentives to homeowners;

19 (C) testing and disclosure of radon levels
20 during real estate marketing;

21 (D) public education programs;

22 (E) distributing radon information during
23 real estate marketing; and

24 (F) distributing radon information with
25 utility bills.

6 SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.

7 Title III of the Toxic Substances Control Act (15
8 U.S.C. 2661 et seq.) is amended by adding at the end
9 thereof the following new section:

10 “SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.

11 The Administrator, in consultation with the heads of
12 the National Academy of Sciences and the Centers for
13 Disease Control, shall conduct a program to reassess, on
14 a periodic basis, the human health risks associated with
15 radon exposure.”.

○

S 657 IS—2

S 657 IS—3

S 657 IS—4

S 657 IS—5