

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 657

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

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## 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

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## 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—

1           (1) in the heading, by striking “NATIONAL  
2 GOAL” and inserting “NATIONAL GOALS”;

3           (2) by inserting “(a) RADON LEVELS.—” be-  
4 fore the first sentence of the section; and

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”;

1 (B) by striking “No such charge may be im-  
2 posed on any State or local government.”; and

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        assessment 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 redesignig-  
11   nated 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 redesignig-  
22   nated 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

1           (2) by inserting “(1)” after “GOVERNMENTS.—  
2       ”; 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 sessment 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 mitiga-  
2       tion activities, the head of a Federal agency shall employ  
3       as a contractor a private firm certified by the Adminis-  
4       trator 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 Ad-  
21       ministrator 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.



1           (2) CONSULTATION.—In preparing the report,  
 2       the Administrator shall consult with concerned par-  
 3       ties, including public interest groups, health officials,  
 4       radon testing industries, realtors, home builders,  
 5       utilities and the States.

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.”.

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S 657 IS——2

S 657 IS——3

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