

the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

- (1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;
- (2) modes of transportation available to students and staff;
- (3) the efficient use of energy; and
- (4) the potential use of a school at the site as an emergency shelter.

(Pub. L. 94-469, title V, §502, as added Pub. L. 110-140, title IV, §461(a), Dec. 19, 2007, 121 Stat. 1640.)

§ 2695b. Public outreach

(a) Reports

The Administrator shall publish and submit to Congress an annual report on all activities carried out under this subchapter, until the expiration of authority described in section 2695(b) of this title.

(b) Public outreach

The Federal Director appointed under section 17092(a) of title 42 (in this subchapter referred to as the “Federal Director”) shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 17083(1) of title 42 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

(Pub. L. 94-469, title V, §503, as added Pub. L. 110-140, title IV, §461(a), Dec. 19, 2007, 121 Stat. 1640.)

§ 2695c. Environmental health program

(a) In general

Not later than 2 years after December 19, 2007, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

- (1) takes into account the status and findings of Federal initiatives established under this subchapter or subtitle C of title IV of the Energy Independence and Security Act of 2007 [42 U.S.C. 17091 et seq.] and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—
 - (A) health, safety, and productivity; and
 - (B) disabilities or special needs;
- (2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007 [42 U.S.C. 17122];
- (3) takes into account, with respect to school facilities, each of—
 - (A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—
 - (i) lead from drinking water;

- (ii) lead from materials and products;
 - (iii) asbestos;
 - (iv) radon;
 - (v) the presence of elemental mercury releases from products and containers;
 - (vi) pollutant emissions from materials and products; and
 - (vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;
- (B) natural day lighting;
 - (C) ventilation choices and technologies;
 - (D) heating and cooling choices and technologies;
 - (E) moisture control and mold;
 - (F) maintenance, cleaning, and pest control activities;
 - (G) acoustics; and
 - (H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

(6) assists States and the public in better understanding and improving the environmental health of children; and

(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

(b) Public outreach

The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 [42 U.S.C. 17083] receives and makes available—

- (1) information from the Administrator that is contained in the report described in section 2695b(a) of this title; and
- (2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

(Pub. L. 94-469, title V, §504, as added Pub. L. 110-140, title IV, §461(a), Dec. 19, 2007, 121 Stat. 1641.)

REFERENCES IN TEXT

The Energy Independence and Security Act of 2007, referred to in subsec. (a)(1), is Pub. L. 110-140, Dec. 19, 2007, 121 Stat. 1492. Subtitle C of title IV of the Act enacted part C (§17091 et seq.) of subchapter III of chapter 152 of Title 42, The Public Health and Welfare, amended sections 6832, 6834, 8253, and 8254 of Title 42, and enacted provisions set out as a note under section 6834 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 17001 of Title 42 and Tables.

§ 2695d. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$1,000,000 for fiscal

year 2009, and \$1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.

(Pub. L. 94-469, title V, §505, as added Pub. L. 110-140, title IV, §461(a), Dec. 19, 2007, 121 Stat. 1642.)

SUBCHAPTER VI—FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS

§ 2697. Formaldehyde standards

(a) Definitions

In this section:

(1) Finished good

(A) In general

The term “finished good” means any good or product (other than a panel) containing—

- (i) hardwood plywood;
- (ii) particleboard; or
- (iii) medium-density fiberboard.

(B) Exclusions

The term “finished good” does not include—

- (i) any component part or other part used in the assembly of a finished good; or
- (ii) any finished good that has previously been sold or supplied to an individual or entity that purchased or acquired the finished good in good faith for purposes other than resale, such as—
 - (I) an antique; or
 - (II) secondhand furniture.

(2) Hardboard

The term “hardboard” has such meaning as the Administrator shall establish, by regulation, pursuant to subsection (d).

(3) Hardwood plywood

(A) In general

The term “hardwood plywood” means a hardwood or decorative panel that is—

- (i) intended for interior use; and
- (ii) composed of (as determined under the standard numbered ANSI/HPVA HP-1-2009) an assembly of layers or plies of veneer, joined by an adhesive with—
 - (I) lumber core;
 - (II) particleboard core;
 - (III) medium-density fiberboard core;
 - (IV) hardboard core; or
 - (V) any other special core or special back material.

(B) Exclusions

The term “hardwood plywood” does not include—

- (i) military-specified plywood;
- (ii) curved plywood; or
- (iii) any other product specified in—
 - (I) the standard entitled “Voluntary Product Standard—Structural Plywood” and numbered PS 1-07; or
 - (II) the standard entitled “Voluntary Product Standard—Performance Standard for Wood-Based Structural-Use Panels” and numbered PS 2-04.

(C) Laminated products

(i) Rulemaking

(I) In general

The Administrator shall conduct a rulemaking process pursuant to sub-

section (d) that uses all available and relevant information from State authorities, industry, and other available sources of such information, and analyzes that information to determine, at the discretion of the Administrator, whether the definition of the term “hardwood plywood” should exempt engineered veneer or any laminated product.

(II) Modification

The Administrator may modify any aspect of the definition contained in clause (ii) before including that definition in the regulations promulgated pursuant to subclause (I).

(ii) Laminated product

The term “laminated product” means a product—

(I) in which a wood veneer is affixed to—

- (aa) a particleboard platform;
- (bb) a medium-density fiberboard platform; or
- (cc) a veneer-core platform; and

(II) that is—

- (aa) a component part;
- (bb) used in the construction or assembly of a finished good; and
- (cc) produced by the manufacturer or fabricator of the finished good in which the product is incorporated.

(4) Manufactured home

The term “manufactured home” has the meaning given the term in section 3280.2 of title 24, Code of Federal Regulations (as in effect on the date of promulgation of regulations pursuant to subsection (d)).

(5) Medium-density fiberboard

The term “medium-density fiberboard” means a panel composed of cellulosic fibers made by dry forming and pressing a resinated fiber mat (as determined under the standard numbered ANSI A208.2-2009).

(6) Modular home

The term “modular home” means a home that is constructed in a factory in 1 or more modules—

(A) each of which meet applicable State and local building codes of the area in which the home will be located; and

(B) that are transported to the home building site, installed on foundations, and completed.

(7) No-added formaldehyde-based resin

(A) In general

(i) The term “no-added formaldehyde-based resin” means a resin formulated with no added formaldehyde as part of the resin cross-linking structure in a composite wood product that meets the emission standards in subparagraph (C) as measured by—

(I) one test conducted pursuant to test method ASTM E-1333-96 (2002) or, subject to clause (ii), ASTM D-6007-02; and

(II) 3 months of routine quality control tests pursuant to ASTM D-6007-02 or