

applicant proposes treating or serving juveniles whose offenses were not serious crimes.

Section 13054, Pub. L. 101-647, title II, §254, Nov. 29, 1990, 104 Stat. 4815, authorized appropriations to carry out this subchapter.

Section 13055, Pub. L. 101-647, title II, §255, Nov. 29, 1990, 104 Stat. 4815, defined “Administrator” and “juvenile” for purposes of this subchapter.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 102-586, §2(i)(2), Nov. 4, 1992, 106 Stat. 5015, provided that the repeal by that section is effective Sept. 30, 1993.

### CHAPTER 133—POLLUTION PREVENTION

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#### § 13101. Findings and policy

##### (a) Findings

The Congress finds that:

(1) The United States of America annually produces millions of tons of pollution and spends tens of billions of dollars per year controlling this pollution.

(2) There are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Such changes offer industry substantial savings in reduced raw material, pollution control, and liability costs as well as help protect the environment and reduce risks to worker health and safety.

(3) The opportunities for source reduction are often not realized because existing regulations, and the industrial resources they require for compliance, focus upon treatment and disposal, rather than source reduction; existing regulations do not emphasize multi-media management of pollution; and businesses need information and technical assistance to overcome institutional barriers to the adoption of source reduction practices.

(4) Source reduction is fundamentally different and more desirable than waste management and pollution control. The Environmental Protection Agency needs to address the historical lack of attention to source reduction.

(5) As a first step in preventing pollution through source reduction, the Environmental Protection Agency must establish a source reduction program which collects and disseminates information, provides financial assistance to States, and implements the other activities provided for in this chapter.

##### (b) Policy

The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be pre-

vented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.

(Pub. L. 101-508, title VI, §6602, Nov. 5, 1990, 104 Stat. 1388-321.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(5), was in the original “this subtitle”, meaning subtitle F (§§6501, 6601-6610) of title VI, Pub. L. 101-508, which is classified generally to this chapter. For complete classification of subtitle F to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Pub. L. 101-508, title VI, §6601, Nov. 5, 1990, 104 Stat. 1388-321, provided that: “This subtitle [subtitle F (§§6501, 6601-6610) of title VI of Pub. L. 101-508, enacting this chapter and section 4370c of this title] may be cited as the ‘Pollution Prevention Act of 1990’.”

#### § 13102. Definitions

For purposes of this chapter—

(1) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) The term “Agency” means the Environmental Protection Agency.

(3) The term “toxic chemical” means any substance on the list described in section 11023(c) of this title.

(4) The term “release” has the same meaning as provided by section 11049(8) of this title.

(5)(A) The term “source reduction” means any practice which—

(i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

(B) The term “source reduction” does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

(6) The term “multi-media” means water, air, and land.

(7) The term “SIC codes” refers to the 2-digit code numbers used for classification of economic activity in the Standard Industrial Classification Manual.

(Pub. L. 101-508, title VI, §6603, Nov. 5, 1990, 104 Stat. 1388-321.)

**§ 13103. EPA activities****(a) Authorities**

The Administrator shall establish in the Agency an office to carry out the functions of the Administrator under this chapter. The office shall be independent of the Agency's single-medium program offices but shall have the authority to review and advise such offices on their activities to promote a multi-media approach to source reduction. The office shall be under the direction of such officer of the Agency as the Administrator shall designate.

**(b) Functions**

The Administrator shall develop and implement a strategy to promote source reduction. As part of the strategy, the Administrator shall—

(1) establish standard methods of measurement of source reduction;

(2) ensure that the Agency considers the effect of its existing and proposed programs on source reduction efforts and shall review regulations of the Agency prior and subsequent to their proposal to determine their effect on source reduction;

(3) coordinate source reduction activities in each Agency Office<sup>1</sup> and coordinate with appropriate offices to promote source reduction practices in other Federal agencies, and generic research and development on techniques and processes which have broad applicability;

(4) develop improved methods of coordinating, streamlining and assuring public access to data collected under Federal environmental statutes;

(5) facilitate the adoption of source reduction techniques by businesses. This strategy shall include the use of the Source Reduction Clearinghouse and State matching grants provided in this chapter to foster the exchange of information regarding source reduction techniques, the dissemination of such information to businesses, and the provision of technical assistance to businesses. The strategy shall also consider the capabilities of various businesses to make use of source reduction techniques;

(6) identify, where appropriate, measurable goals which reflect the policy of this chapter, the tasks necessary to achieve the goals, dates at which the principal tasks are to be accomplished, required resources, organizational responsibilities, and the means by which progress in meeting the goals will be measured;

(8)<sup>2</sup> establish an advisory panel of technical experts comprised of representatives from industry, the States, and public interest groups, to advise the Administrator on ways to improve collection and dissemination of data;

(9) establish a training program on source reduction opportunities, including workshops and guidance documents, for State and Federal permit issuance, enforcement, and inspection officials working within all agency program offices.<sup>3</sup>

(10) identify and make recommendations to Congress to eliminate barriers to source re-

duction including the use of incentives and disincentives;

(11) identify opportunities to use Federal procurement to encourage source reduction;

(12) develop, test and disseminate model source reduction auditing procedures designed to highlight source reduction opportunities; and

(13) establish an annual award program to recognize a company or companies which operate outstanding or innovative source reduction programs.

(Pub. L. 101-508, title VI, §6604, Nov. 5, 1990, 104 Stat. 1388-322.)

**§ 13104. Grants to States for State technical assistance programs****(a) General authority**

The Administrator shall make matching grants to States for programs to promote the use of source reduction techniques by businesses.

**(b) Criteria**

When evaluating the requests for grants under this section, the Administrator shall consider, among other things, whether the proposed State program would accomplish the following:

(1) Make specific technical assistance available to businesses seeking information about source reduction opportunities, including funding for experts to provide onsite technical advice to business<sup>1</sup> seeking assistance and to assist in the development of source reduction plans.

(2) Target assistance to businesses for whom lack of information is an impediment to source reduction.

(3) Provide training in source reduction techniques. Such training may be provided through local engineering schools or any other appropriate means.

**(c) Matching funds**

Federal funds used in any State program under this section shall provide no more than 50 per centum of the funds made available to a State in each year of that State's participation in the program.

**(d) Effectiveness**

The Administrator shall establish appropriate means for measuring the effectiveness of the State grants made under this section in promoting the use of source reduction techniques by businesses.

**(e) Information**

States receiving grants under this section shall make information generated under the grants available to the Administrator.

(Pub. L. 101-508, title VI, §6605, Nov. 5, 1990, 104 Stat. 1388-323.)

**§ 13105. Source Reduction Clearinghouse****(a) Authority**

The Administrator shall establish a Source Reduction Clearinghouse to compile informa-

<sup>1</sup> So in original. Probably should not be capitalized.

<sup>2</sup> So in original. Subsec. (b) enacted without a par. (7).

<sup>3</sup> So in original. The period probably should be a semicolon.

<sup>1</sup> So in original. Probably should be "businesses".