

§ 2691. General provisions relating to administrative proceedings

(a) Applicability

This section applies to the promulgation or revision of any regulation issued under this subchapter.

(b) Rulemaking docket

Not later than the date of proposal of any action to which this section applies, the Administrator shall establish a rulemaking docket for such action (hereinafter in this subsection referred to as a “rule”). Whenever a rule applies only within a particular State, a second (identical) docket shall be established in the appropriate regional office of the Environmental Protection Agency.

(c) Inspection and copying

(1) The rulemaking docket required under subsection (b) of this section shall be open for inspection by the public at reasonable times specified in the notice of proposed rulemaking. Any person may copy documents contained in the docket. The Administrator shall provide copying facilities which may be used at the expense of the person seeking copies, but the Administrator may waive or reduce such expenses in such instances as the public interest requires. Any person may request copies by mail if the person pays the expenses, including personnel costs to do the copying.

(2)(A) Promptly upon receipt by the agency, all written comments and documentary information on the proposed rule received from any person for inclusion in the docket during the comment period shall be placed in the docket. The transcript of public hearings, if any, on the proposed rule shall also be included in the docket promptly upon receipt from the person who transcribed such hearings. All documents which become available after the proposed rule has been published and which the Administrator determines are of central relevance to the rulemaking shall be placed in the docket as soon as possible after their availability.

(B) The drafts of proposed rules submitted by the Administrator to the Office of Management and Budget for any interagency review process prior to proposal of any such rule, all documents accompanying such drafts, and all written comments thereon by other agencies and all written responses to such written comments by the Administrator shall be placed in the docket no later than the date of proposal of the rule. The drafts of the final rule submitted for such review process prior to promulgation and all such written comments thereon, all documents accompanying such drafts, and written responses thereto shall be placed in the docket no later than the date of promulgation.

(d) Explanation

(1) The promulgated rule shall be accompanied by an explanation of the reasons for any major changes in the promulgated rule from the proposed rule.

(2) The promulgated rule shall also be accompanied by a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations during the comment period.

(3) The promulgated rule may not be based (in part or whole) on any information or data which has not been placed in the docket as of the date of such promulgation.

(e) Judicial review

The material referred to in subsection (c)(2)(B) of this section shall not be included in the record for judicial review.

(f) Effective date

The requirements of this section shall take effect with respect to any rule the proposal of which occurs after 90 days after October 28, 1992.

(Pub. L. 94-469, title IV, §411, as added Pub. L. 102-550, title X, §1021(a), Oct. 28, 1992, 106 Stat. 3922.)

§ 2692. Authorization of appropriations

There are authorized to be appropriated to carry out the purposes of this subchapter such sums as may be necessary.

(Pub. L. 94-469, title IV, §412, as added Pub. L. 102-550, title X, §1021(a), Oct. 28, 1992, 106 Stat. 3923.)

SUBCHAPTER V—HEALTHY HIGH-PERFORMANCE SCHOOLS

§ 2695. Grants for healthy school environments

(a) In general

The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

(2) development and implementation of State school environmental health programs that include—

(A) standards for school building design, construction, and renovation; and

(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

(b) Sunset

The authority of the Administrator to carry out this section shall expire 5 years after December 19, 2007.

(Pub. L. 94-469, title V, §501, as added Pub. L. 110-140, title IV, §461(a), Dec. 19, 2007, 121 Stat. 1640.)

EFFECTIVE DATE

Subchapter effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 2695a. Model guidelines for siting of school facilities

Not later than 18 months after December 19, 2007, the Administrator, in consultation with

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