

establishment and operation of programs to prevent or eliminate unreasonable risks within the States to health or the environment which are associated with a chemical substance or mixture and with respect to which the Administrator is unable or is not likely to take action under this chapter for their prevention or elimination. The amount of a grant under this subsection shall be determined by the Administrator, except that no grant for any State program may exceed 75 per centum of the establishment and operation costs (as determined by the Administrator) of such program during the period for which the grant is made.

**(b) Approval by Administrator**

(1) No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Administrator. Such an application shall be submitted in such form and manner as the Administrator may require and shall—

(A) set forth the need of the applicant for a grant under subsection (a),

(B) identify the agency or agencies of the State which shall establish or operate, or both, the program for which the application is submitted,

(C) describe the actions proposed to be taken under such program,

(D) contain or be supported by assurances satisfactory to the Administrator that such program shall, to the extent feasible, be integrated with other programs of the applicant for environmental and public health protection,

(E) provide for the making of such reports and evaluations as the Administrator may require, and

(F) contain such other information as the Administrator may prescribe.

(2) The Administrator may approve an application submitted in accordance with paragraph (1) only if the applicant has established to the satisfaction of the Administrator a priority need, as determined under rules of the Administrator, for the grant for which the application has been submitted. Such rules shall take into consideration the seriousness of the health effects in a State which are associated with chemical substances or mixtures, including cancer, birth defects, and gene mutations, the extent of the exposure in a State of human beings and the environment to chemical substances and mixtures, and the extent to which chemical substances and mixtures are manufactured, processed, used, and disposed of in a State.

**(c) Annual reports**

Not later than six months after the end of each of the fiscal years 1979, 1980, and 1981, the Administrator shall submit to the Congress a report respecting the programs assisted by grants under subsection (a) in the preceding fiscal year and the extent to which the Administrator has disseminated information respecting such programs.

**(d) Authorization**

For the purpose of making grants under subsection (a), there are authorized to be appropriated \$1,500,000 for each of the fiscal years 1982

and 1983. Sums appropriated under this subsection shall remain available until expended.

(Pub. L. 94-469, title I, § 28, Oct. 11, 1976, 90 Stat. 2049; Pub. L. 97-129, § 1(a), Dec. 29, 1981, 95 Stat. 1686; renumbered title I, Pub. L. 99-519, § 3(c)(1), Oct. 22, 1986, 100 Stat. 2989.)

AMENDMENTS

1981—Subsec. (d). Pub. L. 97-129 substituted provisions relating to authorization of appropriations of \$1,500,000 for each of the fiscal years 1982 and 1983 for provisions relating to such authorization for fiscal years ending Sept. 30, 1977, Sept. 30, 1978, and Sept. 30, 1979.

**§ 2628. Authorization of appropriations**

There are authorized to be appropriated to the Administrator for purposes of carrying out this chapter (other than sections 2626 and 2627 of this title and subsections (a) and (c) through (g) of section 2609 of this title) \$58,646,000 for the fiscal year 1982 and \$62,000,000 for the fiscal year 1983. No part of the funds appropriated under this section may be used to construct any research laboratories.

(Pub. L. 94-469, title I, § 29, Oct. 11, 1976, 90 Stat. 2050; Pub. L. 97-129, § 1(b), Dec. 29, 1981, 95 Stat. 1686; renumbered title I, Pub. L. 99-519, § 3(c)(1), Oct. 22, 1986, 100 Stat. 2989.)

AMENDMENTS

1981—Pub. L. 97-129 substituted provisions relating to authorization of appropriation of \$58,646,000 for fiscal year 1982, and \$62,000,000 for fiscal year 1983, for provisions relating to such authorization of \$10,100,000 for fiscal year ending Sept. 30, 1977, \$12,625,000 for fiscal year ending Sept. 30, 1978, and \$16,200,000 for fiscal year ending Sept. 30, 1979.

**§ 2629. Annual report**

The Administrator shall prepare and submit to the President and the Congress on or before January 1, 1978, and on or before January 1 of each succeeding year a comprehensive report on the administration of this chapter during the preceding fiscal year. Such reports shall include—

(1) a list of the testing required under section 2603 of this title during the year for which the report is made and an estimate of the costs incurred during such year by the persons required to perform such tests;

(2) the number of notices received during such year under section 2604 of this title, the number of such notices received during such year under such section for chemical substances subject to a section 2603 rule, and a summary of any action taken during such year under section 2604(g) of this title;

(3) a list of rules issued during such year under section 2605 of this title;

(4) a list, with a brief statement of the issues, of completed or pending judicial actions under this chapter and administrative actions under section 2615 of this title during such year;

(5) a summary of major problems encountered in the administration of this chapter; and

(6) such recommendations for additional legislation as the Administrator deems necessary to carry out the purposes of this chapter.

(Pub. L. 94-469, title I, § 30, Oct. 11, 1976, 90 Stat. 2050; renumbered title I, Pub. L. 99-519, § 3(c)(1), Oct. 22, 1986, 100 Stat. 2989.)

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 163 of House Document No. 103-7.

### SUBCHAPTER II—ASBESTOS HAZARD EMERGENCY RESPONSE

#### § 2641. Congressional findings and purpose

##### (a) Findings

The Congress finds the following:

(1) The Environmental Protection Agency's rule on local educational agency inspection for, and notification of, the presence of friable asbestos-containing material in school buildings includes neither standards for the proper identification of asbestos-containing material and appropriate response actions with respect to friable asbestos-containing material, nor a requirement that response actions with respect to friable asbestos-containing material be carried out in a safe and complete manner once actions are found to be necessary. As a result of the lack of regulatory guidance from the Environmental Protection Agency, some schools have not undertaken response action while many others have undertaken expensive projects without knowing if their action is necessary, adequate, or safe. Thus, the danger of exposure to asbestos continues to exist in schools, and some exposure actually may have increased due to the lack of Federal standards and improper response action.

(2) There is no uniform program for accrediting persons involved in asbestos identification and abatement, nor are local educational agencies required to use accredited contractors for asbestos work.

(3) The guidance provided by the Environmental Protection Agency in its "Guidance for Controlling Asbestos-Containing Material in Buildings" is insufficient in detail to ensure adequate responses. Such guidance is intended to be used only until the regulations required by this subchapter become effective.

(4) Because there are no Federal standards whatsoever regulating daily exposure to asbestos in other public and commercial buildings, persons in addition to those comprising the Nation's school population may be exposed daily to asbestos.

##### (b) Purpose

The purpose of this subchapter is—

(1) to provide for the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in the Nation's schools in a safe and complete manner;

(2) to mandate safe and complete periodic reinspection of school buildings following response actions, where appropriate; and

(3) to require the Administrator to conduct a study to find out the extent of the danger to

human health posed by asbestos in public and commercial buildings and the means to respond to any such danger.

(Pub. L. 94-469, title II, § 201, as added Pub. L. 99-519, § 2, Oct. 22, 1986, 100 Stat. 2970.)

#### § 2642. Definitions

For purposes of this subchapter—

##### (1) Accredited asbestos contractor

The term "accredited asbestos contractor" means a person accredited pursuant to the provisions of section 2646 of this title.

##### (2) Administrator

The term "Administrator" means the Administrator of the Environmental Protection Agency.

##### (3) Asbestos

The term "asbestos" means asbestiform varieties of—

- (A) chrysotile (serpentine),
- (B) crocidolite (riebeckite),
- (C) amosite (cummingtonite-grunerite),
- (D) anthophyllite,
- (E) tremolite, or
- (F) actinolite.

##### (4) Asbestos-containing material

The term "asbestos-containing material" means any material which contains more than 1 percent asbestos by weight.

##### (5) EPA guidance document

The term "Guidance for Controlling Asbestos-Containing Material in Buildings", means the Environmental Protection Agency document with such title as in effect on March 31, 1986.

##### (6) Friable asbestos-containing material

The term "friable asbestos-containing material" means any asbestos-containing material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable asbestos-containing material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

##### (7) Local educational agency

The term "local educational agency" means—

- (A) any local educational agency as defined in section 7801 of title 20,
- (B) the owner of any private, nonprofit elementary or secondary school building, and
- (C) the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

##### (8) Most current guidance document

The term "most current guidance document" means the Environmental Protection Agency's "Guidance for Controlling Asbestos-Containing Material in Buildings" as modified by the Environmental Protection Agency after March 31, 1986.