

Pub. L. 101-637, §6(b), substituted “uses the least burdensome methods which protect human health and the environment” for “is cost-effective compared to other techniques including management of material containing asbestos”.

Subsec. (c)(3). Pub. L. 101-637, §6(c), substituted “shall consider the financial resources available to the applicant as certified by the Governor pursuant to section 4013(b)(4) of this title.” for “shall consider—

“(A) the financial resources available to the applicant as certified by the Governor pursuant to section 4013(b)(4) of this title; and

“(B) the report, if any, of the Secretary of Education pursuant to section 4013(b)(5) of this title.”

Subsec. (d). Pub. L. 101-637, §6(d), inserted heading and amended text generally. Prior to amendment, text read as follows: “In no event shall financial assistance be provided under this subchapter to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.”

Subsec. (e). Pub. L. 101-637, §14(b)(7)(D), inserted heading.

Subsec. (e)(1). Pub. L. 101-637, §14(c)(3), substituted “percent” for “per centum” in two places.

Subsec. (f). Pub. L. 101-637, §14(b)(7)(E), inserted heading.

Subsec. (f)(3). Pub. L. 101-637, §6(e), substituted “for deposit in the Asbestos Trust Fund established by section 4022 of this title” for “for deposit in the general fund”.

Subsec. (g). Pub. L. 101-637, §14(b)(7)(F), inserted heading.

Subsec. (g)(1). Pub. L. 101-637, §6(f)(1), substituted “in accordance with such procedures as may be developed by the Administrator” for “within the five-year period beginning on August 11, 1984”.

Subsec. (g)(2)(B)(i), (ii). Pub. L. 101-637, §6(f)(2), amended cls. (i) and (ii) generally. Prior to amendment, cls. (i) and (ii) read as follows:

“(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 4015(b)(2)(B) of this title; and

“(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity.”

Subsec. (g)(3), (4). Pub. L. 101-637, §§6(f)(3), 14(c)(4), redesignated subpar. (B) appearing after par. (3) as par. (4), inserted a comma after “section 4021(b)(1) of this title”, and struck out former par. (4) which read as follows:

“(A) No financial assistance may be provided under this section to any school—

“(i) which uses any person who has not been accredited pursuant to section 2646(b) or (c) of title 15, to carry out activities described in section 2646(a) of title 15, or

“(ii) which uses any laboratory which has not been accredited pursuant to section 2646(d) of title 15, to carry out activities described in such section.

“(B) This paragraph shall apply to any financial assistance provided under this section after October 22, 1986, for activities performed after the following dates:

“(i) In the case of activities performed by persons, after the date which is one year after October 22, 1986.

“(ii) In the case of activities performed by laboratories, after the date which is 180 days after the date on which a laboratory accreditation program is completed under section 2646(d) of title 15.”

1988—Subsec. (g)(4)(B)(i). Pub. L. 100-368, §6(b)(1), substituted reference to October 22, 1986, for reference to August 11, 1984.

Subsec. (g)(4)(B)(ii). Pub. L. 100-368, §6(b)(2), substituted “section 2646(d) of title 15” for “subsection (d)”.

1986—Subsec. (g)(4). Pub. L. 99-519 added par. (4).

#### FINANCIAL ASSISTANCE TO CARRY OUT INSPECTIONS FOR ASBESTOS-CONTAINING MATERIAL

Pub. L. 99-519, §4(b), Oct. 22, 1986, 100 Stat. 2989, provided that, notwithstanding subsec. (c) of this section,

for fiscal years 1988 and 1989 the Administrator would provide financial assistance under this section in the form of grants to States or local educational agencies to carry out inspections for asbestos-containing material in school buildings and preparation of management plans for school buildings under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).

### § 4015. Administrative provisions

#### (a) Regulations

The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this subchapter.

#### (b) Procedures

The Administrator also shall establish procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title, for—

(1) abating asbestos materials in school buildings;

(2) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(3) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken.

#### (c) Relationship to other laws

Nothing contained in this subchapter shall be construed, interpreted, or applied to diminish in any way the level of protection required under any other State or Federal worker protection or other applicable laws.

#### (d) Other authority

In order to effectuate the purposes of this subchapter, the Administrator may also adopt such other procedures, standards, and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this subchapter.

(Pub. L. 98-377, title V, §506, Aug. 11, 1984, 98 Stat. 1292; Pub. L. 101-637, §§7, 14(a)(6), (b)(8), (9), Nov. 28, 1990, 104 Stat. 4592, 4594, 4595.)

#### AMENDMENTS

1990—Pub. L. 101-637 inserted section catchline.

Subsec. (a). Pub. L. 101-637, §14(b)(8), inserted heading.

Subsec. (b). Pub. L. 101-637, §7(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “The Administrator shall also establish—

“(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 4014 of this title for—

“(A) abating asbestos materials in school buildings;

“(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

“(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

“(2) within ninety days, standards for determining—

“(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

“(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

“(3) nothing contained in this subchapter shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.”

Subsec. (c). Pub. L. 101-637, §7(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 101-637, §§7(1), 14(b)(9), redesignated subsec. (c) as (d), inserted heading, and inserted a comma after “standards” in introductory provisions.

#### **§ 4016. Annual report**

During each calendar year until 1999, the Administrator shall prepare and submit, not later than June 1 of each year, to the Committee on Environment and Public Works of the Senate and to the Committee on Energy and Commerce of the House of Representatives a report on the loan and grant program authorized by section 4014 of this title.

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards.

(Pub. L. 98-377, title V, §507, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101-637, §§8, 14(a)(7), Nov. 28, 1990, 104 Stat. 4592, 4594.)

#### AMENDMENTS

1990—Pub. L. 101-637, §14(a)(7), made technical amendment to section catchline.

Pub. L. 101-637, §8(a), amended first sentence generally. Prior to amendment, first sentence read as follows: “During each of the ten calendar years after 1984, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 4014 of this title.”

Par. (6). Pub. L. 101-637, §8(b), inserted before period at end “and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards”.

#### CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on

Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

#### **§ 4017. Recovery of costs**

##### **(a) Loan condition**

(1) As a condition of the award of any financial assistance under section 4014 of this title, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such section.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, by deposit in the Asbestos Trust Fund established by section 4022 of this title, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

##### **(b) Expedited recovery**

The Attorney General shall, where appropriate, proceed in an expedited manner to recover the amounts expended by the United States to carry out this subchapter from the persons identified by the Attorney General as being liable for such costs.

(Pub. L. 98-377, title V, §508, Aug. 11, 1984, 98 Stat. 1293; Pub. L. 101-637, §§9, 14(a)(8), (b)(10), (11), (c)(5), Nov. 28, 1990, 104 Stat. 4592, 4594-4596.)

#### AMENDMENTS

1990—Pub. L. 101-637, §14(a)(8), inserted section catchline.

Subsec. (a). Pub. L. 101-637, §14(b)(10), inserted heading.

Subsec. (a)(1). Pub. L. 101-637, §14(c)(5), substituted “section” for “sections” after “such”.

Subsec. (a)(2). Pub. L. 101-637, §9, inserted “by deposit in the Asbestos Trust Fund established by section 4022 of this title,” after “repay to the United States.”

Subsec. (b). Pub. L. 101-637, §14(b)(11), inserted heading.

#### **§ 4018. Employee protection**

No State or local educational agency receiving assistance under this subchapter may discharge any employee or otherwise discriminate against any employee with respect to the employee’s compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information con-