

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 concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

(Pub. L. 98-377, title V, §509, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §14(a)(9), Nov. 28, 1990, 104 Stat. 4594.)

Editorial Notes

AMENDMENTS

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

§ 4019. Affect on rights under other laws

Except as otherwise provided in section 4017 of this title, nothing in this subchapter shall—

- (1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or
- (2) affect the rights of any party under any other law.

(Pub. L. 98-377, title V, §510, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §14(a)(10), Nov. 28, 1990, 104 Stat. 4594.)

Editorial Notes

AMENDMENTS

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

§ 4020. Definitions

For purposes of this subchapter:

- (1) The term "asbestos" means—
 - (A) chrysotile, amosite, or crocidolite; or
 - (B) in fibrous form, tremolite, anthophyllite, or actinolite.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within reach of students or employees or otherwise susceptible to damage (including damage from water, vibration, or air circulation) which could result in the dispersal of asbestos fibers into the school environment.

(4) The term "local educational agency" means—

- (A) any local educational agency as defined in section 7801 of this title; and
- (B) the governing authority of any nonprofit elementary or secondary school.

(5) The term "nonprofit elementary or secondary school" means—

(A) any elementary school or secondary school as defined in section 7801 of this title owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States.

(6) The term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph.

(7) The term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee.

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

(9) The term "response action" has the meaning given such term by section 2642(11) of title 15.

(Pub. L. 98-377, title V, §511, Aug. 11, 1984, 98 Stat. 1294; Pub. L. 101-637, §§10, 14(a)(11), (c)(6), Nov. 28, 1990, 104 Stat. 4592, 4594, 4596; Pub. L. 103-382, title III, §394(c), Oct. 20, 1994, 108 Stat. 4027; Pub. L. 107-110, title X, §1076(l)(2), Jan. 8, 2002, 115 Stat. 2092; Pub. L. 114-95, title IX, §9215(dd)(2), Dec. 10, 2015, 129 Stat. 2173.)

Editorial Notes

AMENDMENTS

2015—Par. (4)(A). Pub. L. 114-95, §9215(dd)(2)(A), added subpar. (A) and struck out former subpar. (A) which read as follows: "any local educational agency as defined in section 7801 of this title; and".

Par. (5)(A). Pub. L. 114-95, §9215(dd)(2)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: "any elementary or secondary school as defined in section 7801 of this title owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and".

2002—Par. (4)(A). Pub. L. 107-110, §1076(l)(2)(A), which directed amendment of subpar. (A) by substituting in the original "9101" for "198(a)(10)", was executed by substituting "section 7801 of this title" for "section 8801 of this title", to reflect the probable intent of Congress and prior amendment by Pub. L. 103-382, §394(c)(1), which had substituted "14101" for "198(a)(10)" in the original. See 1994 Amendment note below.

Par. (5)(A). Pub. L. 107-110, §1076(l)(2)(B), which directed amendment of subpar. (A) by substituting in the