102D CONGRESS
1ST SESSION

H. R. 845

To require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1991

Mr. BALLANCE (for himself, Mr. GOODLING, and Mr. HENRY) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the "Workers' Family Protec-
5 tion Act of 1991".
SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) hazardous chemicals and substances are being transported out of industries on workers' clothing and persons;

(2) the chemicals and substances are posing a threat to the health and welfare of workers and their families;

(3) additional information is needed on the issues related to employee transported contaminant releases;

and

(4) additional regulation may be needed to prevent future such releases.

(b) PURPOSES.—The purposes of this Act are to—

(1) increase awareness of the extent and severity of the problem and incidents described in subsection (a);

(2) prevent or mitigate future incidents of home contamination;

(3) clarify regulatory authority for preventing and responding to the incidents; and

(4) assist workers in redressing and responding to the incidents when they occur.
SEC. 3. STUDY OF EMPLOYEE TRANSPORTED CONTAMINANT
RELEAS.

(a) In General.—The Director of the National Institute for Occupational Safety and Health (hereinafter in this Act referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administration of the Agency for Toxic Substances and Disease Registry, and the Secretary of Energy, shall conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace.

In conducting the study, the Director shall—

(1) identify industries prone to the contamination through a review of literature and past investigations and enforcement actions of the National Institute for Occupational Safety and Health and—

(A) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(B) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(C) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;
(2) evaluate current statutory, regulatory, and voluntary industrial hygiene measures used to prevent and remediate home contamination; and

(3) compile a review of the previous research conducted on employee transported contaminant releases, including a review of—

(A) the use and effectiveness of personal protective equipment in preventing the incidents;

(B) the health effects of the resulting exposure on workers and their families; and

(C) the efficiency of normal house cleaning and laundry procedures for removing chemicals from workers' homes and personal clothing.

(b) Case Studies.—

(1) In general.—The Director shall provide grants to pay for the costs of conducting case studies to evaluate such areas as the economic, physiological, and psychological effects on workers and their communities from, and preventive and remediation methods for, contamination of workers' homes with hazardous chemicals and substances transported from their workplace.

(2) Application.—To be eligible to receive a grant under this subsection, the applicant shall submit an application to the Director at such time, in such
manner, and containing such information as the Director requires. At a minimum, each application shall contain—

(A) a description of the case study to be conducted in accordance with paragraph (1);

(B) an assurance that the applicant will submit such reports to the Director describing the results of the study as the Director may require within a timeframe sufficient to allow the Secretary of Labor to comply with section 4; and

(C) such other information as the Director determines to be appropriate.

(3) GRANT ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Director shall use $1,000,000 of the funds made available to the Director for studies, to conduct the case studies required under this subsection.

(B) GRANT LIMITATION.—Except as provided in subparagraph (C), the amount of a grant made under this subsection for a case study may not exceed $100,000.

(C) INSUFFICIENT APPLICATIONS.—If by the date that is 180 days after the issuance of regulations in accordance with paragraph (4) the Direc-
tor has not received a sufficient number of applications to conduct case studies under this subsection, the Director may—

(i) use any remaining funds made available under this subsection to provide grants to conduct research that is consistent with this section; or

(ii) make a grant under this subsection in excess of the limitation prescribed in subparagraph (B).

(D) ELIGIBILITY.—A State that enforces an occupational safety or health standard in accordance with section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) shall be eligible for a grant made under this subsection.

(4) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director shall issue such regulations as are necessary to carry out this subsection.

(c) SECRETARY OF LABOR.—The Secretary of Labor, in cooperation with the Administrator of the Environmental Protection Agency, shall—

(1) cooperate with the Director and grantees to assist in carrying out studies under this section;
(2) evaluate the effectiveness of programs established under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), and the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499) in addressing the contamination of workers' homes with hazardous chemicals and substances transported from their workplace;

(3) compile a review of previous research conducted on indoor air quality, as the research pertains to the fate of chemicals transported from a workplace into the home environment; and

(4) evaluate whether current occupational safety and health and environmental laws and regulations pose an undue burden on families seeking to redress contamination of their homes.

(d) REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall issue an interim report to Congress describing the results of the studies conducted under this section.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Direc-
tor shall issue a final report to Congress describing the results of the studies conducted under this section.

(B) REGULATORY OVERLAP.—The Director shall include in the final report the recommendations of the Secretary of Labor, the Secretary of Energy, the Administrator of the Agency for Toxic Substances and Disease Registry, and the Administrator of the Environmental Protection Agency for addressing any overlap in the regulation of the prevention of and response to contamination of workers' homes with hazardous chemicals and substances transported from their workplace under the Occupational Safety and Health Act of 1970, the Comprehensive Environmental Response, Compensation, and Liability Act, and other Federal laws and regulations considered appropriate by the Director, in consultation with the Secretary of Labor, the Secretary of Energy, the Administrator of the Agency for Toxic Substances and Disease Registry, and the Administrator of the Environmental Protection Agency.

SEC. 4. REGULATIONS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Labor, based on
the studies conducted in section 3 and other information available to the Secretary, shall—

(1) issue regulations, as appropriate, to prevent the release of hazardous chemicals and substances from a workplace on worker’s clothing or persons; or

(2) report to Congress on why the regulations are unnecessary

(b) REQUIREMENTS.—In carrying out subsection (a), at a minimum, the Secretary shall—

(1) determine whether additional regulations are needed to protect workers’ families from employee transported releases of—

(A) lead;

(B) mercury;

(C) asbestos;

(D) pharmaceuticals; and

(E) other materials that may pose an occupational safety or health risk to workers’ families from employee transported releases, including risks posed by commercial pesticide application and manufacture;

(2) consider the risk of acute and chronic health effects to workers’ families; and

(3) consider environmental laws and regulations.
SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this Act.