

115TH CONGRESS
2D SESSION

S. 2722

To establish environmental justice as a consideration in the regulation of pesticides, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2018

Ms. HARRIS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish environmental justice as a consideration in the regulation of pesticides, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Environmental Justice Right to Know Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PESTICIDES AND OTHER CHEMICAL SUBSTANCES

Sec. 101. Pesticides.

Sec. 102. Inclusion of certain chemicals in Safer Choice program.

TITLE II—HEALTH AND SAFETY IN THE WORKPLACE

- Sec. 201. Definitions.
 Sec. 202. Occupational safety and health standard for nail and hair salons.
 Sec. 203. NIOSH study on ventilation in hair and nail salons.
 Sec. 204. Healthy nail salon recognition programs.
 Sec. 205. Impact of toxic cosmetics on women.
 Sec. 206. Susan Harwood training grants.

1 **TITLE I—PESTICIDES AND** 2 **OTHER CHEMICAL SUBSTANCES**

3 **SEC. 101. PESTICIDES.**

4 (a) ENVIRONMENTAL JUSTICE CONSIDERATIONS.—
 5 Section 25 of the Federal Insecticide, Fungicide, and
 6 Rodenticide Act (7 U.S.C. 136w) is amended by adding
 7 at the end the following:

8 “(f) ENVIRONMENTAL JUSTICE CONSIDERATIONS.—

9 “(1) DEFINITION OF ENVIRONMENTAL JUS-
 10 TICE.—In this subsection, the term ‘environmental
 11 justice’ means the fair treatment and meaningful in-
 12 volvement of all affected individuals, regardless of
 13 race, color, national origin, income, gender, citizen-
 14 ship status, language, or literacy, with respect to the
 15 development, implementation, and enforcement of an
 16 environmental law, regulation, or policy.

17 “(2) REQUIREMENT.—Notwithstanding any
 18 other provision of law (including regulations), in de-
 19 veloping any policy, procedure, or guidance or pro-
 20 mulgating any regulation pursuant to this Act, the
 21 Administrator shall, to the maximum extent prac-
 22 ticable—

1 “(A) solicit, and take into consideration,
2 comments from—

3 “(i) interested Federal and State
4 agencies; and

5 “(ii) the public;

6 “(B) seek to achieve environmental justice;
7 and

8 “(C) ensure transparency with respect to
9 information regarding the ingredients of pes-
10 ticides.”.

11 (b) TRAINING AND LABELING REQUIREMENTS.—

12 (1) IN GENERAL.—Section 30 of the Federal
13 Insecticide, Fungicide, and Rodenticide Act (7
14 U.S.C. 136w–5) is amended—

15 (A) in the third sentence—

16 (i) by striking “this section” and in-
17 serting “this subsection”; and

18 (ii) by striking “The authority” and
19 inserting the following:

20 “(3) LIMITATION ON AUTHORITY OF ADMINIS-
21 TRATOR.—The authority”;

22 (B) in the second sentence, by striking
23 “Such training” and inserting the following:

24 “(2) INCLUSIONS.—Subject to subsection (b),
25 the training described in paragraph (1)”;

1 (C) by striking the section designation and
 2 heading and all that follows through “Each
 3 State” in the first sentence and inserting the
 4 following:

5 **“SEC. 30. TRAINING AND LABELING REQUIREMENTS.**

6 “(a) TRAINING.—

7 “(1) STATE REQUIREMENTS FOR MAINTENANCE
 8 APPLICATORS AND SERVICE TECHNICIANS.—Each
 9 State”; and

10 (D) by adding at the end the following:

11 “(b) LABELING.—

12 “(1) IN GENERAL.—Notwithstanding any other
 13 provision of law (including regulations), the Admin-
 14 istrator shall require that each label borne by a pes-
 15 ticide includes a translation of essential safety and
 16 environmental information, as determined by the Ad-
 17 ministrator subject to paragraph (2), into—

18 “(A) Spanish; and

19 “(B) such other appropriate languages as
 20 the Administrator may require, on receipt of a
 21 recommendation from a unit of State or local
 22 government within the boundaries of which the
 23 pesticide is sold, transported, or used.

1 “(2) INCLUSIONS.—The information required to
2 be translated under paragraph (1) shall include, as
3 applicable—

4 “(A) warnings and precautionary state-
5 ments;

6 “(B) information relating to—

7 “(i) exposure symptoms;

8 “(ii) toxicity levels;

9 “(iii) appropriate first aid measures;

10 “(iv) personal protective equipment;

11 and

12 “(v) restricted entry intervals;

13 “(C) general safe handling and usage di-
14 rections;

15 “(D) storage and disposal instructions; and

16 “(E) other appropriate directions to pre-
17 vent environmental contamination.”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) IN GENERAL.—Section 3(c)(1)(C) of
20 the Federal Insecticide, Fungicide, and Rodent-
21 icide Act (7 U.S.C. 136a(c)(1)(C)) is amended
22 by inserting “(including a translation into
23 Spanish and any other appropriate language of
24 certain information, in accordance with section
25 30(b))” before the semicolon at the end.

(B) UNLAWFUL ACTS.—Section 12(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136j(a)(2)) is amended—

(i) in subparagraph (R), by striking “or” at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(T) to violate section 30(b).”.

SEC. 102. INCLUSION OF CERTAIN CHEMICALS IN SAFER CHOICE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law (including regulations), not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(1) include on the Safer Chemical Ingredients List published under the Safer Choice program of the Environmental Protection Agency Safer Choice alternatives for each chemical substance described in subsection (b) as functionally used in nail salon products, hair salon products, and other cosmetics;

1 (2) modify the Safer Choice and Design for the
2 Environment labels under the Safer Choice program,
3 as applicable, in accordance with paragraph (1) for
4 the purpose of supporting healthier nail salons and
5 nail salon products; and

6 (3) provide to manufacturers and researchers
7 appropriate incentives to develop safer, affordable
8 nail salon products, including disinfectants.

9 (b) DESCRIPTION OF CHEMICAL SUBSTANCES.—The
10 chemical substances referred to in subsection (a)(1) are
11 each of the following:

12 (1) Toluene.

13 (2) Formaldehyde.

14 (3) Triphenyl phosphate.

15 (4) Dibutyl phthalate.

16 (5) Methacrylates.

17 **TITLE II—HEALTH AND SAFETY**
18 **IN THE WORKPLACE**

19 **SEC. 201. DEFINITIONS.**

20 In this title:

21 (1) COSMETIC.—The term “cosmetic” has the
22 meaning given such term in section 201 of the Fed-
23 eral Food, Drug, and Cosmetic Act (21 U.S.C. 321).

24 (2) SAFETY DATA SHEET.—The term “safety
25 data sheet” means the safety data sheets required

1 under section 1910.1200 of title 29, Code of Federal
 2 Regulations, or a successor regulation.

3 (3) SECRETARY.—The term “Secretary” means
 4 the Secretary of Labor.

5 **SEC. 202. OCCUPATIONAL SAFETY AND HEALTH STANDARD**
 6 **FOR NAIL AND HAIR SALONS.**

7 (a) IN GENERAL.—Not later than 1 year after the
 8 date of enactment of this Act, the Secretary shall promul-
 9 gate under section 6 of the Occupational Safety and
 10 Health Act of 1970 (29 U.S.C. 655) an occupational safe-
 11 ty and health standard to improve ventilation in nail and
 12 hair salons.

13 (b) SAFETY DATA SHEETS.—

14 (1) STANDARD.—The standard described in
 15 subsection (a) shall—

16 (A) require that safety data sheets of any
 17 cosmetic used by nail, hair, barber, and other
 18 beauty professionals be available on the website
 19 of the manufacturer of the cosmetic and ensure
 20 that such safety data sheets are easily accessed
 21 via the name of the specific product line;

22 (B) require that all such safety data sheets
 23 available on such websites be translated into
 24 languages spoken by a significant number of

1 professionals, including Spanish, Vietnamese,
 2 Korean, Chinese, and Nepali; and

3 (C) require manufacturers of all cosmetics
 4 to create and provide, for use on small sec-
 5 ondary containers, small labels with the name
 6 of the product and its ingredients as listed on
 7 the safety data sheet.

8 (2) QUICK CARD.—The Secretary shall trans-
 9 late its “Quick Card” publication regarding require-
 10 ments for safety data sheets into Vietnamese, Ko-
 11 rean, Chinese, and Nepali.

12 **SEC. 203. NIOSH STUDY ON VENTILATION IN HAIR AND**
 13 **NAIL SALONS.**

14 Not later than 1 year after the date of enactment
 15 of this Act, the National Institute for Occupational Safety
 16 and Health shall conduct research on ventilation in nail
 17 and hair salons and report to Congress on each of the
 18 following:

19 (1) The level of ventilation necessary for health
 20 protective ambient air and breathing zone air quality
 21 for workers in nail and hair salons.

22 (2) Various ventilation methods and tech-
 23 nologies to improve air quality in such salons, such
 24 as source capture systems, ceiling vents, and hand

1 tools to vacuum dust during artificial nail applica-
 2 tion.

3 (3) Recommendations as to the relative effec-
 4 tiveness and practicality of various ventilation tech-
 5 nologies and methods.

6 (4) Practical “how to” information and advice
 7 for implementing effective ventilation, such as ap-
 8 proximate costs of structural changes or equipment
 9 and how to negotiate with a landlord to make such
 10 structural changes.

11 **SEC. 204. HEALTHY NAIL SALON RECOGNITION PROGRAMS.**

12 (a) IN GENERAL.—The Secretary may establish a
 13 program for States to apply for grants to—

14 (1) develop guidelines and criteria for State
 15 healthy nail salon recognition programs; and

16 (2) conduct outreach to local agencies to imple-
 17 ment those programs.

18 (b) CRITERIA.—The Secretary may establish min-
 19 imum protective criteria that a State healthy nail salon
 20 recognition program shall meet in order for the State to
 21 receive a grant under subsection (a). Such criteria may
 22 include—

23 (1) prohibiting nail salons from using toluene,
 24 dibutyl phthalate, formaldehyde, and methyl ethyl
 25 ketone;

1 (2) requiring nail salons to use source capture
2 systems of ventilation at all stations when any artifi-
3 cial nail service is provided; and

4 (3) requiring nail salons to mandate participa-
5 tion of employers and employees in training on best
6 practices for a less toxic workplace.

7 (c) OSHA TRAINING MATERIALS.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary, in
10 consultation with stakeholders implementing State
11 healthy nail salon recognition programs on such date
12 of enactment, shall develop—

13 (A) online training materials for employers
14 and employees of nail salons, the content of
15 which shall be similar to training materials used
16 by such programs on such date of enactment;
17 and

18 (B) certificates or window decals con-
19 taining the Occupational Safety and Health Ad-
20 ministration logo, which States receiving a
21 grant under subsection (a) may provide to em-
22 ployers and employees that complete training
23 pertaining to safe ventilation in nail salons as
24 proof of completing such training.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 205. IMPACT OF TOXIC COSMETICS ON WOMEN.**

5 Not later than 2 years after the date of enactment
6 of this Act—

7 (1) the Director of the National Institute of
8 Environmental Health Sciences of the National In-
9 stitutes of Health shall submit a report, to the Di-
10 rector of the Office of Minority Health and Con-
11 gress, on the long-term negative health effects of en-
12 docrine disrupting chemicals, carcinogens, neurotoxi-
13 cants, and asthmagens in cosmetics on the health of
14 women of color and women in other communities
15 that are highly impacted by such long-term negative
16 health effects; and

17 (2) the Director of the Office of Minority
18 Health shall submit a report to Congress, based on
19 the report under paragraph (1), on policy rec-
20 ommendations, including actions that Federal agen-
21 cies may take, to reduce or eliminate exposure of the
22 women described in such paragraph to endocrine dis-
23 rupting chemicals, carcinogens, neurotoxicants, and
24 asthmagens in cosmetics.

1 **SEC. 206. SUSAN HARWOOD TRAINING GRANTS.**

2 The Secretary shall, in awarding Susan Harwood
3 training grants under the Occupational Safety and Health
4 Act of 1970 (29 U.S.C. 651 et seq.), assure that hazards
5 facing nail and hair salon workers are included as a tar-
6 geted topic for training in any announcement for such
7 grants issued after the date of enactment of this Act.

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