

111TH CONGRESS  
1ST SESSION

# H. R. 776

To amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. PALLONE (for himself, Mrs. CAPPS, Mr. PAYNE, Ms. SCHWARTZ, Mr. LEVIN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. SIRES, Mr. GRIJALVA, Mr. ACKERMAN, Mr. WEINER, Mr. MORAN of Virginia, Mr. FILNER, Ms. MCCOLLUM, Mr. DOYLE, Ms. HARMAN, Ms. SCHAKOWSKY, and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

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 “Toxic Right-to-Know  
5 Protection Act”.

1 **SEC. 2. MODIFICATIONS IN REPORTING FREQUENCY.**

2 Section 313 of the Emergency Planning and Commu-  
3 nity Right-to-Know Act of 1986 (42 U.S.C. 11023) is  
4 amended—

5 (1) by striking subsection (i); and

6 (2) by redesignating subsections (j) through (l)  
7 as subsections (i) through (k), respectively.

8 **SEC. 3. REQUIREMENTS RELATING TO TOXIC RELEASE IN-**  
9 **VENTORY.**

10 Notwithstanding any other provision of law—

11 (1) the Administrator of the Environmental  
12 Protection Agency (referred to in this section as the  
13 “Administrator”) shall establish the eligibility  
14 threshold regarding the use of a form A certification  
15 statement under the toxic release inventory program  
16 established under the Emergency Planning and  
17 Community Right-to-Know Act of 1986 (42 U.S.C.  
18 11001 et seq.) at not greater than 500 pounds for  
19 nonpersistent bioaccumulative and toxic chemicals;  
20 and

21 (2) the use of a form A certification statement  
22 described in paragraph (1), or any equivalent suc-  
23 cessor thereto, shall be prohibited with respect to  
24 any chemical identified by the Administrator as a  
25 chemical of special concern under section 372.28 of

- 1 title 40, Code of Federal Regulations (or a successor
- 2 regulation).

