

Table 17. Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
Occupational Safety and Health Act of 1970	Public Law 91-596	[29 U.S.C. § 651 & Seq.]	<p>§ 651 Congressional Statement of Findings and Declaration of Purpose and Policy The Congress declares it to be its purpose and policy . . . to assure so far as possible every working man and women in the Nation safe and healthful working conditions . . .</p> <p>Note 9. This chapter was created for the sole purpose of protecting health and safety of workers and improving physical working conditions on employment premises C.A. 5, 1979F. 2d622.</p> <p>Note 16. This chapter covers only housing that is a condition of employment and does not apply to housing which is work related but which is not conditions of employment C.A. 11, 1983, 696F. 2d1325, rehearing denied 704F. 2d1253.</p> <p>§ 654 Duties of Employers and Employees Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.</p> <p>Note 84. This chapter does not create duties between employers and invitees, only between employers and their employees. C.A. Tex. 1981, 633F. 2d915, rehearing denied 661F. 2d931.</p> <p>Note 86. Secretary should be able to extend coverage of this chapter to certain employer-provided means of transportation and certain employer-provided housing even though such extension exceeds plain language of this chapter. C.A. 11, 1983, 696F. 2d1325, rehearing denied 704F. 2d1253.</p> <p>§ 669 Research and Related Activities § 669(a)(4) The Secretary of Health and Human Services shall also conduct special research, experiments, an demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this chapter.</p> <p>§ 669(a)(6) The Secretary of Health and Human Services . . . shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance found in the place of employment has potentially toxic effects in such concentrations as used or found . . .</p> <p>§ 669(e) The functions of the Secretary of Health and Human Services under this chapter shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by Section 671 of this title.</p> <p>§ 671 The Institute is authorized to - (1) develop and establish recommended occupational safety and health standards.</p>

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Federal Mine Safety and Health Act of 1977	Public Law 91-173 Public Law 95-164	[30 U.S.C. § 801 & Seq.]	<p>§ 802 Definitions (g) "Miner" means any individual working in a coal or other mine; (h)(1) "coal or other mine" means (A) an area of land from which minerals are extracted in non-liquid form or, if in liquid form, are extracted with workers underground, (B) private ways and roads appurtenant to such area, and (C) lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such minerals from their natural deposits in non-liquid form, or if in liquid form, with workers underground, or used in, or to be used in, the milling of such minerals, or the work of preparing coal or other minerals, and includes custom coal preparation facilities. In making a determination of what constitutes mineral milling for purposes of this chapter, the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment;</p> <p>Note 3. Coal or other mine Definition of "coal mine" under subsection (h) of this section includes a commercial purpose requirement. C.A. 3, 1984, 748F. 2d176.</p> <p>Note 5. Miner Owner operators who work the mines are "miners" within this chapter and fall within the category of persons whose safety Congress desired to protect. D.C. PA. 1980, 491F Supp. 1123. This chapter's broad definition of "miner" as any individual working in a coal mine rebuts any inference that a miner cannot also be an owner or operator. D.C. PA. 1978, 465F. Supp. 838.</p> <p>§ 803 Mines subject to coverage Each coal or other mine, the products of which enters commerce, or the operations or products of which affect commerce, and each operator of such mine and every miner in such mine shall be subject to provisions of this chapter.</p> <p>Note 5. One man, owner operated coal mine the products of which were sold totally intra state, was not subject to requirements of this chapter. D.C. PA. 1973, 373F. Supp. 797.</p> <p>Note 7. This chapter applied to small coal mine even though only miners working therein were four brothers who owned and operated the mine. C.A. PA. 1979, 604F, 2d231.</p> <p>Provisions of this chapter are applicable even though owner operators work the mine. D.C. PA. 1980, 491F, Supp. 1123.</p> <p>Owner-operated mine is not outside provisions of this chapter. D.C. PA. 1980, 487F, Supp. 1376.</p> <p>This chapter covers mines that are totally owned and operated by the same persons, that is, those mines where the only persons working therein are the owners themselves. D.C.</p>

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Federal Mine Safety and Health Act of 1977	Public Law 91-173 Public Law 95-164	[30 U.S.C. § 801 & Seq.]	<p>§ 813 Inspections, investigations, and recordkeeping</p> <p>Note 14. Refusal of owner-operators to permit an authorized representative of the Secretary of Labor to enter upon and to conduct an inspection of their mine constituted a continuing threat to the health and safety of miners and interfered with, hindered and delayed the Secretary and his authorized representatives in carrying out the provisions of this chapter. D.C. PA 1980, 491F, Supp. 1123.</p> <p>Note 15. Where operator of small, family-owned rock quarry and his wife excavated rock and marketed their product without the assistance of any employees and in view of fact that the excavation of decorative rock was not subject to the type of license and reporting requirements which place some business proprietors on notice of extensive federal oversight, circumstances did not permit conclusion that the operator of the quarry implicitly consented to warrantless inspections of his quarry by representatives of the Secretary of Labor pursuant to this chapter. C.A. Cal. 1980, 628F, 2d1255.</p> <p>§ 877(l) The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, to provide for the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities.</p> <p>§ 951 Studies and research</p> <p>(a) [The Secretary of Health and Human Services shall conduct studies]</p> <p>(11) to determine upon written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds upon which such request is made, whether any substance normally found in a coal or other mine . . . has potentially hazardous effects, and shall submit such determinations to both the operators and the miners as soon as possible[.]</p> <p>(12) for such other purposes as . . . deem[ed] necessary to carry out the purposes of this chapter.</p> <p>(b) Activities under this section in the field of coal or other mine health shall be carried out by the Secretary of Health and Human Services through the National Institute of Occupational Safety and Health . . .</p> <p>(d) The Secretary of Health and Human Services shall also conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with, or around the products of coal or other mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.</p>

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Toxic Substances Control Act	Public Law 94-499	[15 U.S.C. § 2601 & Seq]	<p>§ 2602 Definitions</p> <p>(2)(A) Except as provided in subparagraph (B), the term "chemical substance" means any organic or inorganic substance of a particular molecular identity, including —</p> <ul style="list-style-type: none"> (i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature and (ii) any element or uncombined radical. <p>(B) Such term does not include—</p> <ul style="list-style-type: none"> (i) any mixture, (ii) any pesticide (as defined in the Federal Insecticide, Fungicide and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide, (iii) tobacco or any tobacco product, (iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act), (v) any article the sale of which is subject to the tax imposed by section 4181 of Title 26 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of Title 26), and (vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 321 of Title 21) when manufactured, processed or distributed in commerce for use as a food, food additive, drug, cosmetic, or device. <p>(5) The term "environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.</p> <p>(7) The term "manufacture" means to import into the customs territory of the United States (as defined in general headnote 2 of the Tariff Schedules of the United States), produce, or manufacture.</p> <p>(8) The term "mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.</p> <p>(10) The term "process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce—</p> <ul style="list-style-type: none"> (A) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or (B) as part of an article containing the chemical substance or mixture. <p>(11) The term "processor" means any person who processes a chemical substance or mixture.</p>

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<p>Toxic Substances Control Act</p>	<p>Public Law 94-499</p>	<p>[15 U.S.C. § 2601 & Seq.]</p>	<p>§ 2605. Regulation of hazardous chemical substances and mixtures</p> <p>(a) Scope of regulation.—If the Administrator finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or that any combination of such activities, presents or will present an unreasonable risk of injury to health or the environment, the Administrator shall by rule apply one or more of the following requirements to such substance or mixture to the extent necessary to protect adequately against such risk using the least burdensome requirements:</p> <p>(6)(A) A requirement prohibiting or otherwise regulating any manner or method of disposal of such substance or mixture, or of any article containing such substance or mixture, by its manufacturer or processor or by any other person who uses, or disposes of, it for commercial purposes.</p> <p>(7) A requirement directing manufacturers or processors of such substance or mixture</p> <p>(A) to give notice of such unreasonable risk of injury to distributors in commerce of such substance or mixture and, to the extent reasonably ascertainable, to other persons in possession of such substance or mixture or exposed to such substance or mixture,</p> <p>(B) to give public notice of such risk of injury, and</p> <p>(C) to replace or repurchase such substance or mixture as elected by the person to which the requirement is directed.</p> <p>§ 2607 Reporting and Retention of Information</p> <p>(c) Records.—Any person who manufactures, processes, or distributes in commerce any chemical substance or mixture shall maintain records of significant adverse reactions to health or the environment, as determined by the Administrator by rule, alleged to have been caused by the substance or mixture. Records of such adverse reactions to the health of employees shall be retained for a period of 30 years from the date such reactions were first reported to or known by the person maintaining such records. Any other record of such adverse reactions shall be retained for a period of five years from the date the information contained in the record was first reported to or known by the person maintaining the record. Records required to be maintained under this subsection shall include records of consumer allegations of personal injury or harm to health, reports of occupational disease or injury, and reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce from any source. Upon request of any duly designated representative of the Administrator each person who is required to maintain records under this subsection shall permit the inspection of such records and shall submit copies of such records.</p> <p>(e) Notice to Administrator of substantial risks.—Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.</p>

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Asbestos Hazard Emergency Response Act of 1986	Public Law 99-519	[15 U.S.C. § 2642 & Seq.]	<p>§ 2646 Contractor and laboratory accreditation</p> <p>(b) Accreditation by State</p> <p>(1) Model plan</p> <p>(B) Plan requirements</p> <p>(xi) Housekeeping and personal hygiene practices, including the necessity of showers, and procedures to prevent asbestos exposure to an employee's family.</p>
Residential Lead-Based Paint Hazard Reduction Act of 1992	PL 102-550 Title X Subtitle B	[15 U.S.C. § 2681 & Seq.]	<p>§ 2681 Definitions</p> <p>For the purposes of this subchapter:</p> <p>(1) Abatement</p> <p>The term "abatement" means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Administrator under this subchapter. Such term includes-</p> <p>(A) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and</p> <p>(B) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.</p> <p>(11) Lead-contaminated dust</p> <p>The term "lead-contaminated dust" means surface dust in residential dwellings that contains an area or mass concentration of lead in excess of levels determined by the Administrator under this subchapter to pose a threat of adverse health effects in pregnant women or young children.</p> <p>(12) Lead-contaminated soil</p> <p>The term "lead-contaminated soil" means bare soil on residential real property that contains lead at or in excess of the levels determined to be hazardous to human health by the Administrator under this subchapter.</p> <p>§ 2683 Identification of dangerous levels of lead</p> <p>Within 18 months after October 28, 1992, the Administrator shall promulgate regulations which shall identify, for purposes of this subchapter, and the Residential Lead-Based Paint Hazard Reduction Act of 1992 [42 U.S.C.A. § 4851 et seq.], lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil.</p>

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Residential Lead-Based Paint Hazard Reduction Act of 1992	PL 102-550 Title X Subtitle B	[15 U.S.C. § 2681 & Seq.]	<p>§ 2685</p> <p>(a) Program to promote lead exposure abatement The Administrator, in cooperation with other appropriate Federal departments and agencies, shall conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection, and abatement of lead-based paint and other lead exposure hazards.</p> <p>(c) Exposure studies (1) The Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary"), acting through the Director of the Centers for Disease Control (CDC), and the Director of the National Institute of Environmental Health Sciences, shall jointly conduct a study of the sources of lead exposure in children who have elevated blood lead levels (or other indicators of elevated lead body burden), as defined by the Director of the Centers for Disease Control.</p> <p>(3) The studies described in paragraphs (1) and (2) shall, as appropriate, examine the relative contributions to elevated lead body burden from each of the following: (A) Drinking water (B) Food (C) Lead-based paint and dust from lead-based paint (D) Exterior sources such as ambient air and lead in soil (E) Occupational exposures, and other exposures that the Secretary determines to be appropriate.</p>
Federal Insecticide Fungicide, Rodenticide Act	Public Law 92-516	[7 U.S.C. § 136]	<p>§ 136q. Storage, disposal, transportation, and recall</p> <p>(a) Storage, disposal, and transportation (1) Data requirements and registration of pesticides The Administrator may require under section 136(a) or 136(d) of this title that- (A) the registrant or applicant for registration of a pesticide submit or cite data or information regarding methods for the safe storage and disposal of excess quantities of the pesticide to support the registration or continued registration of a pesticide; (B) the labeling of a pesticide contain requirements and procedures for the transportation, storage, and disposal of the pesticide, any container of the pesticide, any rinsate containing the pesticide, or any other material used to contain or collect excess or spilled quantities of the pesticide; and</p> <p>(e) Container design (1) Procedures (A) Not later than 3 years after the effective date of this subsection, the Administrator shall, in consultation with the heads of other interested Federal agencies, promulgate regulations for the design of pesticide containers that will promote the safe storage and disposal of pesticides.</p>

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<p>Federal Insecticide Fungicide, Rodenticide Act</p>	<p>Public Law 92-516</p>	<p>[7 U.S.C. § 136]</p>	<p>(B) The regulations shall ensure, to the fullest extent practicable, that the containers-</p> <ul style="list-style-type: none"> (i) accommodate procedures used for the removal of pesticides from the containers and the rinsing of the containers; (ii) facilitate the safe use of the containers, including elimination of splash and leakage of pesticides from the containers; (iii) facilitate the safe disposal of the containers; and (iv) facilitate the safe refill and reuse of the containers. <p>(2) Compliance The Administrator shall require compliance with the regulations referred to in paragraph (1) not later than 5 years after the effective date of this subsection.</p> <p>(f) Pesticide residue removal</p> <p>(1) Procedures</p> <p>(A) Not later than 3 years after the effective date of this subsection, the Administrator shall, in consultation with the heads of other interested Federal agencies, promulgate regulations prescribing procedures and standards for the removal of pesticides from containers prior to disposal.</p> <p>(B) The regulations may-</p> <ul style="list-style-type: none"> (i) specify, for each major type of pesticide container, procedures and standards providing for, at a minimum, triple rinsing or the equivalent degree of pesticide removal; (ii) specify procedures that can be implemented promptly and easily in various circumstances and conditions; (iii) provide for reuse, whenever practicable, or disposal of rinse water and residue; and (iv) be coordinated with requirements for the rinsing of containers imposed under the Solid Waste Disposal Act (42 U.S.C. § 6901 et seq.). <p>(C) The Administrator may, at the discretion of the Administrator, exempt products intended solely for household use from the requirements of this subsection.</p> <p>(2) Compliance Effective beginning 5 years after the effective date of this subsection, a State may not exercise primary enforcement responsibility under section 136w-1 of this title or certify an applicator under section 136i of this title, unless the Administrator determines that the State is carrying out an adequate program to ensure compliance with this subsection.</p>

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Federal Insecticide Fungicide, Rodenticide Act	Public Law 92-516	[7 U.S.C. § 136]	<p>(3) Solid Waste Disposal Act Nothing in the subsection shall affect the authorities or requirements concerning pesticide containers under the Solid Waste Disposal Act (42 U.S.C. § 6901).</p> <p>(g) Pesticide container study (1) Study (A) The Administrator shall conduct a study of options to encourage or require- (i) the return, refill, and reuse of pesticides containers; (ii) the development and use of pesticide formulations that facilitate the removal of pesticide residues from containers; and (iii) the use of bulk storage facilities to reduce the number of pesticide containers requiring disposal. (B) In conducting the study, the Administrator shall- (i) consult with the heads of other interested Federal agencies, State agencies, industry groups, and environmental organizations; and (ii) assess the feasibility, costs, and environmental benefits of encouraging or requiring various measures of actions.</p>

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<p>Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)</p> <p>Superfund Amendments and Reauthorized Act of 1986 (SARA)</p>	<p>Public Law 96-510</p> <p>Public Law 99-499</p>	<p>[42 U.S.C. § 9601 et seq.]</p>	<p>§ 9601 Definitions</p> <p>(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act [16 U.S.C.A. § 1801 et seq.], and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;</p> <p>(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipe line (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;</p> <p>(14) "hazardous substance" means (A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act [42 U.S.C.A. § 6921] (but not including any waste the regulation of which under the Solid Waste Disposal Act [42 U.S.C.A. § 6901 et seq.] has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317 (a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act [42 U.S.C.A. § 7412], and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).</p> <p>(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;</p> <p>(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipe line pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 [42 U.S.C.A. § 2011 et seq.], if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act [42 U.S.C.A. § 2210], or, for the purposes of section 9604 of this title of any other response action, any release of source byproduct, or special nuclear</p>

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<p>CERCLA & SARA</p>		<p>[42 U.S.C. § 9601 et seq.]</p>	<p>(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 9604(b) of this title, and any emergency assistance which may be provided under the Disaster Relief Act of 1974 [42 U.S.C.A. § 5121 et seq.];</p> <p>* So in original. Probably should be "necessarily".</p> <p>(25) "respond" or "response" means remove, removal, remedy, and remedial action;</p> <p>(33) The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipe line quality (or mixtures of natural gas and such synthetic gas).</p> <p>Note 3. Hazardous substances To be considered hazardous substance under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), substance need only be defined as hazardous under Solid Waste Disposal Act, Clean Air Act, Federal Water Pollution Control Act or Toxic Substances Control act or be so designated by Environmental Protection Agency pursuant to its authority under CERCLA. State of N.J., Dept. of Environmental Protection and Energy v. Gloucester Environmental Management Services, Inc., D.N.J. 1993, 821 F.Supp 999.</p> <p>Any compound of cadmium, chromium, and lead, a toxic pollutant under the Clean Water Act, is a hazardous substance under CERCLA. City of New York v. Exxon Corp., S.D.N.Y.1991, 766 F.Supp. 177.</p> <p>Hazardous substances under CERCLA include all substances so designated under other statutes pursuant to the grant of authority contained therein, in addition to substances so designated by the Environmental Protection Agency (EPA) pursuant to the grant of authority in CERCLA. U.S. v. Alcan Aluminum Corp., N.D.N.Y.1991, 755 F.Supp. 531,</p>

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CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>Note 3b. Hazardous substances criteria-Generally Amount of hazardous substance released is irrelevant for purposes of CERCLA. U.S. v. United Nuclear Corp., D.N.M.1992, 814 F.Supp. 1552.</p> <p>Note 3c. Concentration, quantity, volume Waste material that is not specifically listed as hazardous substance in Environmental Protection Agency's (EPA's) designation of CERCLA hazardous substances is hazardous if it contains hazardous substances, regardless of volume or concentration. State of Ariz. v. Motorola, Inc., D.Ariz.1991, 774 F.Supp. 566.</p> <p>§ 9602. Designation of additional hazardous substances and establishment of reportable released quantities; regulations (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 9601(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 9603 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released. For all hazardous substances for which proposed regulations establishing reportable quantities were published in the Federal Register under this subsection on or before March 1, 1986, the Administrator shall promulgate under the subsection final regulations establishing reportable quantities not later than December 31, 1986. For all hazardous substances for which proposed regulations establishing reportable quantities were not published in the Federal Register under this subsection on or before March 1, 1986, the Administrator shall publish under this subsection proposed regulations establishing reportable quantities not later than December 31, 1986, and promulgate final regulations under this subsection establishing reportable quantities not later than April 30, 1988.</p> <p>§ 9604. Response authorities (a) Removal and other remedial action by President; applicability of national contingency plan; response by potentially responsible parties; public health threats; limitations on response: exception (1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment. When the President determines that such action will be done</p>

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CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(b) Investigations, monitoring, etc., by President</p> <p>(1) Information; studies and investigations Whenever the President is authorized to act pursuant to subsection (a) of this section or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this chapter.</p> <p>(e) Information gathering and access; action authorized, access to information, entry, inspection and samples; authority and samples, compliance orders; issuance and compliance, other authority, confidentiality of information; basis for withholding</p> <p>(1) Action authorized Any officer, employee, or representative of the President, duly designated by the President, is authorized to take action under paragraph (2), (3), or (4) (or any combination thereof) at a vessel, facility, establishment, place, property, or location or, in the case of paragraph (3) or (4), at any vessel, facility, establishment, place, property, or location which is adjacent to the vessel, facility, establishment, place, property, or location referred to in such paragraph (3) or (4). Any duly designated officer, employee, or representative of a State or political subdivision under a contract or cooperative agreement under subsection (d)(1) of this section is also authorized to take such action. The authority of paragraphs (3) and (4) may be exercised only if there is a reasonable basis to believe there may be a release or threat of release of a hazardous substance or pollutant or contaminant. The authority of this subsection may be exercised only for the purposes of determining the need for response, or choosing or taking any response action under this subchapter, or otherwise enforcing the provisions of this subchapter.</p> <p>(2) Access to information Any officer, employee, or representative described in paragraph (1) may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:</p> <p>(A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.</p> <p>(B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.</p> <p>(C) Information relating to the ability of a person to pay for or to perform a cleanup. In addition, upon reasonable notice, such person either (i) shall grant any such officer, employee, or representative access at all reasonable times to any vessel, facility, establishment, place, property, or location to inspect and copy all documents or records</p>

Table 17. (Continued) Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(B) Any vessel, facility, establishment, or other place or property from which or to which a hazardous substance or pollutant or contaminant has been or may have been released.</p> <p>(C) Any vessel, facility, establishment, or other place or property where such release is or may be threatened.</p> <p>(D) Any vessel, facility, establishment, or other place or property where entry is needed to determine the need for response or the appropriate response or to effectuate a response action under this subchapter.</p> <p>(4) Inspection and samples</p> <p>(A) Authority Any officer, employee or representative described in paragraph (1) is authorized to inspect and obtain samples from any vessel, facility, establishment, or other place or property referred to in paragraph (3) or from any location of any suspected hazardous substance or pollutant or contaminant. Any such officer, employee, or representative is authorized to inspect and obtain samples of any containers or labeling for suspected hazardous substances or pollutants or contaminants. Each such inspection shall be completed with reasonable promptness.</p> <p>(B) Samples If the officer, employee, or representative obtains any samples, before leaving the premises he shall give to the owner, operator, tenant, or other person in charge of the place from which the samples were obtained a receipt describing the sample obtained and, if requested, a portion of each such sample. A copy of the results of any analysis made of such samples shall be furnish promptly to the owner, operator, tenant, or other person in charge, if such person can be located.</p> <p>(i) Agency for Toxic Substances and Disease Registry; establishment, functions, etc.</p> <p>(1) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, the Administrator of the Occupational Safety and Health Administration, the Administrator of the Social Security Administration, the Secretary of Transportation, and appropriate State and local health officials, effectuate and implement the health related authorities of this chapter. In addition, said Administrator shall--</p> <p>(A) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances:</p> <p>(B) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;</p>

Table 17. (Continued) Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(C) In cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substances contamination;</p> <p>(D) In cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing where appropriate, epidemiological studies, or any other assistance appropriate under the circumstances; and</p> <p>(E) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.</p> <p>(2)(A) Within 6 months after October 17, 1986, the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and the Administrator of the Environmental Protection Agency (EPA) shall prepare a list, in order of priority, of at least 100 hazardous substances which are most commonly found at facilities on the National Priorities List and which, in their sole discretion, they determine are posing the most significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at facilities on the National Priorities List or at facilities to which a response to a release or a threatened release under this section is under consideration.</p> <p>(B) Within 24 months after October 17, 1986, the Administrator of ATSDR and the Administrator of EPA shall revise the list prepared under subparagraph (A). Such revision shall include, in order of priority, the addition of 100 or more such hazardous substances. In each of the 3 consecutive 12-months periods that follow, the Administrator of ATSDR and the Administrator of EPA shall revise, in the same manner as provided in the 2 preceding sentences, such list to include not fewer than 25 additional hazardous substances per revision. The Administrator of ATSDR and the Administrator of EPA shall not less often than once every year thereafter revise such list to include additional hazardous substances in accordance with the criteria in subparagraph (A).</p> <p>(6)(A) The Administrator of ATSDR shall perform a health assessment for each facility on the National Priorities List established under section 9605 of this title. Such health assessment shall be completed not later than December 10, 1988, for each facility proposed for inclusion on such list prior to the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986 or not later than one year after the date of proposal for inclusion on such list for each facility proposed for inclusion on such list after October 17, 1986.</p>

Table 17. (Continued) Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(B) The Administrator of ATSDR may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator of ATSDR providing such information and requesting a health assessment. If such a petition is submitted and the Administrator of ATSDR does not initiate a health assessment, the Administrator of ATSDR shall provide a written explanation of why a health assessment is not appropriate.</p> <p>(C) In determining the priority in which to conduct health assessments under this subsection, the Administrator of ATSDR, in consultation with the Administrator of EPA, shall give priority to those facilities at which there is documented evidence of the release of hazardous substances, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of ATSDR existing health assessment data are inadequate to assess the potential risk to human health as provided in subparagraph (F). In determining the priorities for conducting health assessments under this subsection, the Administrator of ATSDR shall consider the National Priorities List Schedules and the needs of the Environmental Protection Agency and other Federal agencies pursuant to schedules for remedial investigation and feasibility studies.</p> <p>(D) Where a health assessment is done at a site on the National Priorities List, the Administrator of ATSDR shall complete such assessment promptly and, to the maximum extent practicable, before the completion of the remedial investigation and feasibility study at the facility concerned.</p> <p>(E) Any State or political subdivision carrying out a health assessment for a facility shall report the results of the assessment to the Administrator of ATSDR and the Administrator of EPA and shall include recommendations with respect to further activities which need to be carried out under this section. The Administrator of ATSDR shall state such recommendation in any report on the results of any assessment carried out directly by the Administrator of ATSDR for such facility and shall issue periodic reports which include the results of all the assessments carried out under this subsection.</p> <p>(F) For the purposes of this subsection and section 9611(c)(4) of this title the term "health assessments" shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified hazardous substances and any available recommended exposure or tolerance limits for such hazardous substances, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The Administrator of ATSDR shall use appropriate data, risk assessments, risk evaluations and studies available from the Administrator of EPA.</p>

Table 17. (Continued) Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(G) The purpose of health assessments under this subsection shall be to assist in determining whether actions under paragraph (11) of this subsection should be taken to reduce human exposure to hazardous substances from a facility and whether additional information on human exposure and associated health risks is needed and should be acquired by conducting epidemiological studies under paragraph (7), establishing a registry under paragraph (8), establishing a health surveillance program under paragraph (9), or through other means. In using the results of health assessments for determining additional actions to be taken under this section, the Administrator of ATSDR may consider additional information on the risks to the potentially affected population from all sources of such hazardous substances including known point or nonpoint sources other than those from the facility in question.</p> <p>(H) At the completion of each health assessment, the Administrator of ATSDR shall provide the Administrator of EPA and each affected State with the results of such assessment, together with any recommendations for further actions under this subsection or otherwise under this chapter. In addition, if the health assessment indicates that the release or threatened release concerned may pose a serious threat to human health or the environment, the Administrator of ATSDR shall so notify the Administrator of EPA who shall promptly evaluate such release or threatened release in accordance with the hazard ranking system referred to in section 9605(a)(8)(A) of this title to determine whether the site shall be placed on the National Priorities List or, if the site is already on the list, the Administrator of ATSDR may recommend to the Administrator of EPA that the site be accorded a higher priority.</p> <p>(7)(A) Whenever in the judgment of the Administrator of ATSDR it is appropriate on the basis of the results of a health assessment, the Administrator of ATSDR shall conduct a pilot study of health effects for selected groups of exposed individuals in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population.</p> <p>(B) Whenever in the judgment of the Administrator of ATSDR it is appropriate on the basis of the results of such pilot study or other study or health assessment, the Administrator of ATSDR shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects on the population exposed to hazardous substances from a release or threatened release. If a significant excess of disease in a population is identified, the letter of transmittal of such study shall include an assessment of other risk factors, other than a release, that may, in the judgment of the peer review group, be associated with such disease, if such risk factors were not taken into account in the design or conduct of the study.</p> <p>(8) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Administrator of ATSDR shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness of unique character of identified diseases or the likelihood of population migration from the affected area.</p>

Table 17. (Continued) Federal Laws Relevant to Workers' Home Contamination

Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(9) Where the Administrator of ATSDR has determined that there is a significant increased risk of adverse health effects in humans from exposure to hazardous substances based on the results of a health assessment conducted under paragraph (6), an epidemiologic study conducted under paragraph (7), or an exposure registry that has been established under paragraph (8), and the Administrator of ATSDR has determined that such exposure is the result of a release from a facility, the Administrator of ATSDR shall initiate a health surveillance program for such population. This program shall include but not be limited to-</p> <p>(A) periodic medical testing where appropriate of population subgroups to screen for diseases for which the population or subgroup is at significant increased risk; and</p> <p>(B) a mechanism to refer for treatment those individuals within such population who are screened positive for such diseases.</p> <p>(11) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this chapter, including, but not limited to-</p> <p>(A) provision of alternative water supplies, and</p> <p>(B) permanent or temporary relocation of individuals.</p> <p>In any case in which information is insufficient, in the judgment of the Administrator of ATSDR or the President to determine a significant human exposure level with respect to a hazardous substance, the President may take such steps as may be necessary to reduce the exposure of any person to such hazardous substance to such level as the President deems necessary to protect human health.</p> <p>(12) In any case which is the subject of a petition, a health assessment or study, or a research program under this subsection, nothing in this subsection shall be construed to delay or otherwise affect or impair the authority of the President, the Administrator of ATSDR, or the Administrator of EPA to exercise any authority vested in the President, the Administrator of ATSDR or the Administrator of EPA under any other provision of law (including, but not limited to, the imminent hazard authority of section 7003 of the Solid Waste Disposal Act [42 U.S.C.A. § 6973]) or the response and abatement authorities of this chapter.</p> <p>(18) If the Administrator of ATSDR determines that it is appropriate for purposes of this section to treat a pollutant or contaminant as a hazardous substance, such pollutant shall be treated as a hazardous substance for such purpose.</p> <p>§ 9605 National contingency plan; preparation, contents, etc.</p> <p>(a) Revision and republication</p> <p>Within one hundred and eighty days after December 11, 1980, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous Title 33, to reflect and effectuate the responsibilities and powers created by this chapter, in addition to those matters specified in section 1321(c)(2) of Title 33. Such revision shall include a section of the plan to be</p>

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Popular Name	Public Law	U.S. Code	Sections Relevant to Workers' Family Protection
CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>(1) methods of discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;</p> <p>(2) methods of evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;</p> <p>(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this chapter;</p> <p>(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;</p> <p>(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;</p> <p>(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;</p> <p>(7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;</p> <p>(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystem, the damage to natural resources which may affect the human food chain and which is associated with any release or threatened release, the contamination or potential contamination of the air which is associated with the release or threatened release. State preparedness to assume State costs and responsibilities, and other appropriate factors;</p> <p>(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after December 11, 1980, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent</p>

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CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>priority facility only once. Other priority facilities or incidents may be listed singly or grouped for response priority purposes;</p> <p>(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor and including consideration of minority firms in accordance with subsection (f) of this section.</p> <p>The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 1321(c)(2) (F) and (G) and (j)(1) of Title 33. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.</p> <p>(b) Revision of plan Not later than 18 months after October 17, 1986, the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as "the National Hazardous Substance Response Plan" shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this chapter which are consistent with amendments made by the Superfund Amendments and Reauthorization Act of 1986 relating to the selection of remedial action.</p> <p>(c) Hazard ranking system (1) Revision Not later than 18 months after October 17, 1986, and after publication of notice and opportunity for submission of comments in accordance with section 553 of Title 5, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than 24 months after October 17, 1986. Such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priorities List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue in full force and effect.</p> <p>(d) Petition for assessment of release Any person who is, or may be, affected by a release or threatened release of a hazardous substance or pollutant or contaminant, may petition the President to conduct a preliminary assessment of the hazards to public health and the environment which are associated with such release or threatened release. If the President has not previously conducted a preliminary assessment of such release, the President shall, within 12 months after the receipt of any such petition, complete such assessment or provide an explanation of why the assessment is not appropriate. If the preliminary assessment indicates that the release or threatened release concerned may pose a threat to human health or the</p>

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CERCLA & SARA		[42 U.S.C. § 9601 et seq.]	<p>priority of such release or threatened release.</p> <p>§ 9611 Use of Fund</p> <p>(3) Subject to such amounts as are provided in appropriate Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances.</p> <p>(4) Any costs incurred in accordance with subsection (m) of this section (relating to ATSDR) and section 9604(l) of this title including the costs of epidemiologic and laboratory studies, health assessments, preparation of toxicologic profiles, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases.</p> <p>(6) Subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employee.</p>