## Attachment 1

## Authorizing Legislation

### Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and Superfund Amendments and Reauthorization Act of 1986 (SARA)

Available: <http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=42USCC103>

TITLE 42--THE PUBLIC HEALTH AND WELFARE

CHAPTER 103--COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY

[42 U.S.C. 9604(i)(1), (4), (6)(A)(B)(C)(D)(E)(F)(G)(H), (b) (1)]

**Section 9604.** (i) Agency for Toxic Substances and Disease Registry; establishment, functions, etc.

1. **Agency for Toxic Substances and Disease Registry; establishment, functions, etc.**

**(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 of 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.

**(4)** The Administrator of the ATSDR shall provide consultations upon request on health issues

relating to exposure to hazardous or toxic substances, on the basis of available information, to the

Administrator of EPA, State officials, and local officials. Such consultations to individuals may

be provided by States under cooperative agreements established under this chapter.

**(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 October 17, 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.

**(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.

**(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.

**(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.

**(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.

**(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.

**(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.

**(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.

**(b) Investigations, monitoring, coordination, etc., by President**

**(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.