

Public Law 95-155
95th Congress

An Act

To authorize appropriations for activities of the Environmental Protection Agency, and for other purposes.

Nov. 8, 1977

[H.R. 5101]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1978".

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for fiscal year 1978—

(1) \$92,500,000 for water quality activities authorized under the Federal Water Pollution Control Act of which—

(A) \$25,200,000 is for the Health and Ecological Effects program;

(B) \$9,300,000 is for the Industrial Processes program;

(C) \$6,069,000 is for the Monitoring and Technical Support program;

(D) \$22,300,000 is for the Public Sector Activities program; and

(E) \$29,631,000 is for the Energy program.

(2) \$10,800,000 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act, in the Health and Ecological Effects program.

(3) \$16,000,000 for water supply activities authorized under the Safe Drinking Water Act, in the Public Sector program.

(4) \$8,200,000 for toxic substance control activities authorized under the Toxic Substances Control Act, in the Health and Ecological Effects program.

(5) \$830,000 for radiation activities authorized under the Public Health Act, in the Health and Ecological Effects program.

(6) \$35,000,000 for air quality activities authorized under the Clean Air Act, which shall be in addition to funds previously authorized in the Clean Air Act Amendments of 1977 (Public Law 95-95), so that the total amount authorized for such activities in fiscal year 1978 is \$155,000,000, of which—

(A) \$36,000,000 is for the Health and Ecological Effects program;

(B) \$11,000,000 is for the Monitoring and Technical Support program;

(C) \$7,000,000 is for the Industrial Processes program; and

(D) \$101,000,000 is for the Energy program.

(7) \$31,273,000 for interdisciplinary activities, of which—

(A) \$9,230,000 is for the Health and Ecological Effects program;

(B) \$6,066,000 is for the Industrial Processes program;

(C) \$1,599,000 is for the Public Sector Activities program; and

(D) \$14,378,000 is for the Monitoring and Technical Support program.

Environmental Research, Development, and Demonstration Authorization Act of 1978.

33 USC 1251 note.

7 USC 136 note.

42 USC 300f note.

15 USC 2601 note.

42 USC 201 note.

42 USC 1857 note.

Ante, p. 685.

(b) In addition to any other sums authorized by this section or by other provisions of law—

(1) there are authorized to be appropriated to the Administrator of the Environmental Protection Agency for fiscal year 1978, \$10,000,000 for long-term research and development in accordance with section 6 of this Act;

(2) there are authorized to be appropriated to the Administrator, for fiscal year 1978, \$2,000,000 for training of health scientists needed for environmental research and development in fields where there are national shortages of trained personnel; and

(3) there are authorized to be appropriated to the Administrator, for fiscal year 1978, \$3,000,000 to implement the study authorized in section 103(d) of the Clean Air Act Amendments of 1977 (Public Law 95-95).

(c) There is authorized to be appropriated to the Administrator \$19,000,000 for fiscal year 1978 for program management and support related to environmental research and development.

(d) No funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in either such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in either such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 3. Appropriations made pursuant to the authority provided in section 2 of this Act shall remain available for obligation for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

SEC. 4. The Administrator of the Environmental Protection Agency, in each annual revision of the five-year plan transmitted to the Congress under section 5 of Public Law 94-475, shall include budget projections for a "no-growth" budget, for a "moderate-growth" budget, and for a "high-growth" budget. In addition, each such annual revision shall include a detailed explanation of the relationship of each budget projection to the existing laws which authorize the Administration's environmental research, development, and demonstration programs.

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall offer grants to public sector agencies for the purposes of—

(1) assisting in the development and demonstration (including construction) of any project which will demonstrate a new or improved method, approach, or technology for providing a dependably safe supply of drinking water to the public; and

Ante, p. 687.

Appropriation authorization.

Transfer of funds, restriction.

Budget projections.
42 USC 4361a.
42 USC 4361.

Public sector agencies, grants.
42 USC 300j-3a.

(2) assisting in the development and demonstration (including construction) of any project which will investigate and demonstrate health and conservation implications involved in the reclamation, recycling, and reuse of wastewaters for drinking and the processes and methods for the preparation of safe and acceptable drinking water.

(b) Grants made by the Administrator under this section shall be subject to the following limitations:

Grants,
limitations.

(1) Grants under this section shall not exceed 66 $\frac{2}{3}$ per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator.

(2) Grants under this section shall not be made for any project involving the construction or modification of any facilities for any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water (or if there is no such agency in a State, by the State health authority).

(3) Grants under this section shall not be made for any project unless the Administrator determines, after consultation, that such project will serve a useful purpose relating to the development and demonstration of new or improved techniques, methods, or technologies for the provision of safe water to the public for drinking.

(c) There are authorized to be appropriated for the purposes of this section \$25,000,000 for fiscal year 1978.

SEC. 6. (a) The Administrator of the Environmental Protection Agency shall establish a separately identified program to conduct continuing and long-term environmental research and development. Unless otherwise specified by law, at least 15 per centum of any funds appropriated to the Administrator for environmental research and development under section 2(a) of this Act or under any other Act shall be allocated for long-term environmental research and development under this section.

Research and
development
program.
42 USC 4363.

(b) The Administrator, after consultation with the Science Advisory Board, shall submit to the President and the Congress a report concerning the desirability and feasibility of establishing a national environmental laboratory, or a system of such laboratories, to assume or supplement the long-term environmental research functions created by subsection (a) of this section. Such report shall be submitted on or before March 31, 1978, and shall include findings and recommendations concerning—

Report to
President and
Congress.

(1) specific types of research to be carried out by such laboratory or laboratories;

(2) the coordination and integration of research to be conducted by such laboratory or laboratories with research conducted by existing Federal or other research facilities;

(3) methods for assuring continuing long-range funding for such laboratory or laboratories; and

(4) other administrative or legislative actions necessary to facilitate the establishment of such laboratory or laboratories.

SEC. 7. (a) The Administrator of the Environmental Protection Agency shall assure that the expenditure of any funds appropriated pursuant to this Act or any other provision of law for environmental research and development related to regulatory program activities shall be coordinated with and reflect the research needs and priorities

Contents.

42 USC 4364.

of the program offices, as well as the overall research needs and priorities of the Agency, including those defined in the five-year research plan.

Program offices.

(b) For purposes of subsection (a), the appropriate program offices are—

- (1) the Office of Air and Waste Management, for air quality activities;
 - (2) the Office of Water and Hazardous Materials, for water quality activities and water supply activities;
 - (3) the Office of Pesticides, for environmental effects of pesticides;
 - (4) the Office of Solid Waste, for solid waste activities;
 - (5) the Office of Toxic Substances, for toxic substance activities;
 - (6) the Office of Radiation Programs, for radiation activities;
- and
- (7) the Office of Noise Abatement and Control, for noise activities.

Report to President and Congress.

(c) The Administrator shall submit to the President and the Congress a report concerning the most appropriate means of assuring, on a continuing basis, that the research efforts of the Agency reflect the needs and priorities of the regulatory program offices, while maintaining a high level of scientific quality. Such report shall be submitted on or before March 31, 1978.

Science Advisory Board.
Establishment.
42 USC 4365.
Membership.

SEC. 8. (a) The Administrator of the Environmental Protection Agency shall establish a Science Advisory Board which shall provide such scientific advice as the Administrator requests.

(b) Such Board shall be composed of at least nine members, one of whom shall be designated Chairman, and shall meet at such times and places as may be designated by the Chairman of the Board in consultation with the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

42 USC 4361.

(c) In addition to providing scientific advice when requested by the Administrator under subsection (a), the Board shall review and comment on the Administration's five-year plan for environmental research, development, and demonstration provided for by section 5 of Public Law 94-475 and on each annual revision thereof. Such review and comment shall be transmitted to the Congress by the Administrator, together with his comments thereon, at the time of the transmission to the Congress of the annual revision involved.

Report to Administrator, President, and Congress.

(d) The Board shall conduct a review of and submit a report to the Administrator, the President, and the Congress, not later than October 1, 1978, concerning—

- (1) the health effects research authorized by this Act and other laws;
- (2) the procedures generally used in the conduct of such research;
- (3) the internal and external reporting of the results of such research;
- (4) the review procedures for such research and results;
- (5) the procedures by which such results are used in internal and external recommendations on policy, regulations, and legislation; and
- (6) the findings and recommendations of the report to the House Committee on Science and Technology entitled "The

Environmental Protection Agency's Research Program with primary emphasis on the Community Health and Environmental Surveillance System (CHESS): An Investigative Report".

The review shall focus special attention on the procedural safeguards required to preserve the scientific integrity of such research and to insure reporting and use of the results of such research in subsequent recommendations. The report shall include specific recommendations on the results of the review to ensure scientific integrity throughout the Agency's health effects research, review, reporting, and recommendation process.

(c) (1) The Administrator, at the time any proposed criteria document, standard, limitation, or regulation under the Clean Air Act, the Federal Water Pollution Control Act, the Resource, Conservation and Recovery Act of 1976, the Noise Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act, or under any other authority of the Administrator, is provided to any other Federal agency for formal review and comment, shall make available to the Board such proposed criteria document, standard, limitation, or regulation, together with relevant scientific and technical information in the possession of the Environmental Protection Agency on which the proposed action is based.

(2) The Board may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed criteria document, standard, limitation, or regulation, together with any pertinent information in the Board's possession.

(f) In preparing such advice and comments, the Board shall avail itself of the technical and scientific capabilities of any Federal agency, including the Environmental Protection Agency and any national environmental laboratories.

(g) The Board is authorized to constitute such member committees and investigative panels as the Administrator and the Board find necessary to carry out this section. Each such member committee or investigative panel shall be chaired by a member of the Board.

(h) (1) Upon the recommendation of the Board, the Administrator shall appoint a secretary, and such other employees as deemed necessary to exercise and fulfill the Board's powers and responsibilities. The compensation of all employees appointed under this paragraph shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code.

(2) Members of the Board may be compensated at a rate to be fixed by the President but not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code.

(i) In carrying out the functions assigned by this section, the Board shall consult and coordinate its activities with the Scientific Advisory Panel established by the Administrator pursuant to section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

SEC. 9. (a) The Administrator of the Environmental Protection Agency, in consultation and cooperation with the heads of other Federal agencies, shall take such actions on a continuing basis as may be necessary or appropriate—

(1) to identify environmental research, development, and demonstration activities, within and outside the Federal Govern-

42 USC 1857
note.

33 USC 1251
note.

42 USC 6901
note.

42 USC 4901
note.

15 USC 2601
note.

42 USC 300f
note.

Member
committees and
investigative
panels.

Secretary,
appointment.

5 USC 5101,
5331.

5 USC 5332 note.

7 USC 136w.
42 USC 4366.

ment, which may need to be more effectively coordinated in order to minimize unnecessary duplication of programs, projects, and research facilities;

(2) to determine the steps which might be taken under existing law, by him and by the heads of such other agencies, to accomplish or promote such coordination, and to provide for or encourage the taking of such steps; and

(3) to determine the additional legislative actions which would be needed to assure such coordination to the maximum extent possible.

Report.
42 USC 4361.

The Administrator shall include in each annual revision of the five-year plan provided for by section 5 of Public Law 94-475 a full and complete report on the actions taken and determinations made during the preceding year under this subsection, and may submit interim reports on such actions and determinations at such other times as he deems appropriate.

(b) The Administrator of the Environmental Protection Agency shall coordinate environmental research, development, and demonstration programs of such Agency with the heads of other Federal agencies in order to minimize unnecessary duplication of programs, projects, and research facilities.

(c)(1) In order to promote the coordination of environmental research and development activities, and to assure that the action taken and methods used (under subsection (a) and otherwise) to bring about such coordination will be as effective as possible for that purpose, the Council on Environmental Quality in consultation with the Office of Science and Technology Policy shall promptly undertake and carry out a joint study of all aspects of the coordination of environmental research and development. The Chairman of the Council shall prepare a report on the results of such study, together with such recommendations (including legislative recommendations) as he deems appropriate, and shall submit such report to the President and the Congress not later than May 31, 1978.

(2) Not later than September 30, 1978, the President shall report to the Congress on steps he has taken to implement the recommendations included in the report under paragraph (1), including any recommendations he may have for legislation.

Report to
President and
Congress.
Legislative
recommendations.
Presidential
report to
Congress.

42 USC 4361b.

SEC. 10. The Administrator of the Environmental Protection Agency shall implement the recommendations of the report prepared for the House Committee on Science and Technology entitled "The Environmental Protection Agency Research Program with primary emphasis on the Community Health and Environmental Surveillance System (CHESS): An Investigative Report", unless for any specific recommendation he determines (1) that such recommendation has been implemented, (2) that implementation of such recommendation would not enhance the quality of the research, or (3) that implementation of such recommendation will require funding which is not available. Where such funding is not available, the Administrator shall request the required authorization or appropriation for such implementation. The Administrator shall report the status of such implementation in each annual revision of the five-year plan transmitted to the Congress under section 5 of Public Law 94-475.

SEC. 11. The Administrator of the Environmental Protection Agency shall increase the number of personnel positions in the Health and Ecological Effects program to 862 positions for fiscal year 1978.

Personnel
positions,
increase.

SEC. 12. (a) Each officer or employee of the Environmental Protection Agency who—

- (1) performs any function or duty under this Act; and
- (2) has any known financial interest in any person who applies for or receives grants, contracts, or other forms of financial assistance under this Act,

shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Administrator shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term “known financial interest” for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed under subsection (b) of this section, the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

SEC. 13. It is the national policy that to the maximum extent possible the procedures utilized for implementation of this Act shall encourage the drastic minimization of paperwork.

Annual statement, filing.
42 USC 4367.

Report to Congress.

Violation, penalty.

Paperwork minimization, encouragement.

Approved November 8, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-157 (Comm. on Science and Technology) and No. 95-722 (Comm. of Conference).

SENATE REPORT No. 95-188 accompanying S. 1417 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 19, considered and passed House.

May 27, considered and passed Senate, amended, in lieu of S. 1417.

Oct. 20, Senate agreed to conference report.

Oct. 25, House agreed to conference report.