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HOUSE OF REPRESENTATIVES
REPORT
114–216

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1599) TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT WITH RESPECT TO FOOD PRODUCED FROM, CONTAINING, OR CONSISTING OF A BIOENGINEERED ORGANISM, THE LABELING OF NATURAL FOODS, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1734) TO AMEND SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT TO ENCOURAGE RECOVERY AND BENEFICIAL USE OF COAL COMBUSTION RESIDUALS AND ESTABLISH REQUIREMENTS FOR THE PROPER MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS THAT ARE PROTECTIVE OF HUMAN HEALTH AND THE ENVIRONMENT

JULY 21, 2015.—Referred to the House Calendar and ordered to be printed.

Mr. BYRNE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 369]

The Committee on Rules, having had under consideration House Resolution 369, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1599, the Safe and Accurate Food Labeling Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–24, modified by the amendment printed in part A of this report, and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question

in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments to H.R. 1599 printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in part C of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments to H.R. 1734 printed in part C of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 1599 includes a waiver of clause 3(e)(1) of rule XIII (Ramseyer), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 1599 made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 1599 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 1734 includes a waiver of clause 3(e)(1) of rule XIII (Ramseyer), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected.

Although the resolution waives all points of order against provisions in H.R. 1734, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 1734 printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waivers of clause 3(e)(1) of rule XIII (known as the "Ramseyer" rule) are provided for both measures because the submissions provided by the committees were insufficient to meet the standards established by the rule in its current form. The Com-

mittee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 88

Motion by Ms. Slaughter to report open rules for H.R. 1599 and H.R. 1734. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 89

Motion by Ms. Foxx to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 1599 IN PART A CONSIDERED AS ADOPTED

Pompeo (KS): MANAGER'S Makes technical and conforming changes to text of the legislation and includes revisions to the operative sections of the bill to make it abundantly clear that the preemption applies only to the sale of GE plants for use in food. Further clarifies that it is not the intent that livestock fed GE feed are themselves GE, that the due process rights of GE/Non-GE marketing program participants are included for clarification, and further clarifies that the marketing program is designed to be voluntary and that funding for the bill is subject to appropriations.

SUMMARY OF THE AMENDMENTS TO H.R. 1599 IN PART B MADE IN ORDER

1. DeFazio (OR): Establishes that if a U.S. company or their subsidiary labels their product as containing GMOs in any foreign country they must label the equivalent product the same way in the U.S. (10 minutes)

2. Huffman (CA), Polis (CO), McCollum (MN), Grijalva (AZ), Ruiz (CA): Ensures tribal sovereignty to prohibit or restrict the cultivation of genetically engineered plants on tribal lands. (10 minutes)

3. DeLauro (CT): Prohibits the use of the term "natural" on food when a food consists of a genetically engineered plant. (10 minutes)

4. Pingree (ME), DeFazio (OR), Polis (CO): SUBSTITUTE Strikes the entire bill and adds back the section that creates a non-GMO certification program and label at USDA. (20 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 1734 IN PART C MADE IN ORDER

1. Shimkus (IL): MANAGER'S Updates the reference to the final rule and instead of referencing the date it was signed by the Administrator it inserts the date the final rule was published in the Federal Register. (10 minutes)

2. Pallone (NJ): Preserves transparency requirements in EPA's final coal ash rule to ensure public access to information and accountability. (10 minutes)

3. Castor (FL): Preserves cleanup requirements in EPA's final coal ash rule to protect public health and ensure that air and groundwater pollution is addressed quickly and effectively. (10 minutes)

4. Connolly (VA): Requires all inactive surface impoundments follow post-closure groundwater monitoring standards pursuant to section 257.104 subsections (b) and (c) of title 40, Code of Federal Regulations. (10 minutes)

5. Adams (NC): Requires the owner or operator of a coal combustion residuals surface impoundment to survey all drinking water supply wells that are within a half mile and down-gradient of the established waste boundary. Also requires the owner or operator of a coal combustion residuals surface impoundment to supply an alternative source of safe drinking water within 24 hours if well water sampling exceeds groundwater standards. (10 minutes)

6. Butterfield (NC), Rush (IL), Clarke (NY), Price, David (NC), Adams (NC): Allows the Administrator of the Environmental Protection Agency to prevent the legislation from going into effect if it is determined to have a negative impact on vulnerable populations. Vulnerable populations include infants, children, adolescents, pregnant women, the elderly, individuals with preexisting medical conditions, individuals who work at coal combustion residuals treatment or disposal facilities, members of any other appropriate population identified by the Administrator based on consideration of socioeconomic status, racial or ethnic background, or other similar factors identified by the Administrator. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1599 CONSIDERED AS ADOPTED

Page 4, line 16, strike "introduce or deliver for introduction into" and insert "sell or offer for sale in".

Page 5, line 7, strike "as safe" and insert "safe".

Page 5, beginning on line 8, strike "as one or more comparable foods" and insert "and lawful under the Federal Food, Drug, and Cosmetic Act".

Page 6, lines 8 and 9, strike "the introduction or delivery for introduction into" and insert "the sale or offering for sale in".

Page 6, line 17, strike "research involving".

Page 7, lines 5 and 6, strike "the introduction or delivery for introduction into" and insert "the sale or offering for sale in".

Page 7, lines 19 and 20, strike "introduced or delivered for introduction" and insert "sold or offered for sale".

Page 8, line 20, strike "introduced" and insert "sold".

Page 10, lines 9 and 10, strike "genetically engineered plants for use or application in food" and insert "the sale or offering for sale in interstate commerce of a genetically engineered plant for use or application in food".

Page 14, line 9, strike "plant that is a".

Page 15, line 5, insert "to ensure that producers or handlers seeking to make claims under section 291B or 291C are certified to make such claims" after "program".

Page 15, line 14, insert "for covered products certified under this title" after "appropriate".

Page 17, line 8, strike "produced with" and insert "manufactured or processed using".

Page 18, after line 11, insert the following new subsection:

"(d) TREATMENT OF LIVESTOCK.—In the case of a covered product derived from livestock that is marketed in the United States for human consumption, the covered product shall not be considered to be genetically engineered solely because the livestock consumed feed produced from containing, or consisting of a genetically engineered plant.".

Page 22, line 11, insert "with or" before "without".

Page 22, beginning on line 12, strike "or with the use of" and all that follows through "plant" on line 13.

Page 24, line 9, strike "UNLAWFUL ACT" and insert "FAILURE TO PROVIDE INFORMATION".

Page 24, line 15, strike "subject to" and insert "assessed".

Page 24, beginning on line 18, strike "who knowingly sells or labels" and insert "who, after notice and an opportunity to be heard, is found by the Secretary to have knowingly sold or labeled".

Page 24, line 20, insert "with or" before "without".

Page 24, beginning on line 21, strike "or with the use of" and all that follows through "plant" on line 23.

Page 24, line 24, strike "subject to" and insert "assessed".

Page 25, line 21, insert "with or" before "without".

Page 25, beginning on line 22, strike "or with the use of" and all that follows through "plant" on line 24.

Page 26, line 21, strike "requiring" and insert "require".

Page 27, line 1, insert "with or" before "without".

Page 27, beginning on line 2, strike "or as having been produced" and all that follows through "plant" on line 4.

Page 29, line 1, insert "certification" after "food".

Page 29, beginning on line 13, strike "without further appropriation" and insert "subject to appropriation".

Page 30, line 25, strike "No State" and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), no State

Page 31, beginning on line 10, strike "plant unless the State" and all that follows through "such claims:" and insert "plant.".

Page 31, after line 12, insert the following:

(2) EXCEPTION.—Notwithstanding paragraph (1), a State (or a political subdivision thereof) may establish either of the fol-

lowing voluntary programs for the regulation of claims described in such paragraph:

Page 31, line 13, strike "(1)" and insert "(A)" and adjust the margins accordingly.

Page 31, line 16, strike "(2)" and insert "(B)" and adjust the margins accordingly.

Page 31, line 17, strike "(A)" and insert "(i)" and adjust the margins accordingly.

Page 31, line 18, strike "(B)" and insert "(ii)" and adjust the margins accordingly.

Page 31, line 22, strike "(C)" and insert "(iii)" and adjust the margins accordingly.

Page 32, after line 2, add the following new subsection:

(c) RULE OF CONSTRUCTION.—For the sole purpose of subsection (b)(1), a covered product derived from livestock that consumed genetically engineered plants shall be deemed as having been produced from, containing, or consisting of a genetically engineered plant.

PART B—TEXT OF AMENDMENTS TO H.R. 1599 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFAZIO OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 5, insert the following:

"(3) LABELING OF PRODUCTS THAT ARE REQUIRED TO BE LABELED ABROAD.—

"(A) REQUIREMENT.—The Secretary shall require that food produced from, containing, or consisting of a genetically engineered plant and intended for sale in interstate commerce be labeled as such if—

"(i) the person producing or manufacturing the food, or any affiliate thereof, produces or manufactures an equivalent food intended for consumption in a foreign country; and

"(ii) the person or affiliate is required by such foreign country to indicate in the labeling of such food that it is produced from, contains, or consists of a genetically engineered plant.

"(B) DEFINITION.—In this paragraph, the term 'affiliate' means any entity that controls, is controlled by, or is under common control with another entity.".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUFFMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 10, line 12, at the end of section 113 of the bill insert the following: "Nothing in this title or the amendments made thereby shall be construed to limit the authority of a State or tribe (or a political subdivision thereof) to prohibit or restrict the cultivation of genetically engineered plants on or near tribal lands.".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, lines 13 through 17, amend paragraph (2) to read as follows:

"(2) A claim described in subparagraph (1) may be made only if—

"(A) the claim uses terms that have been defined by, and the food meets the requirements that have been established in, regulations promulgated to carry out this paragraph; and

"(B) the food is not produced using, does not contain, and does not consist of a genetically engineered plant.".

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PINGREE OF MAINE OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 1, strike line 1 and all that follows through the end of the bill, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Non-GMO Disclosure Act of 2015".

SEC. 2. NON-GMO FOOD CERTIFICATION PROGRAM.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Non-GMO Food Certification Program

"SEC. 291. CERTIFICATION OF NON-GMO FOODS.

"(a) IN GENERAL.—The Secretary shall establish a voluntary certification program for food produced without the use of genetic engineering to be known as the Non-GMO Food Certification Program.

"(b) CONSULTATION.—The Secretary shall consult with other relevant parties to develop the Non-GMO Food Certification Program.

"(c) CERTIFICATION.—The Secretary shall implement the Non-GMO Food Certification Program through certifying agents. Certifying agents may certify that products were not produced with the use of genetic engineering or a genetically engineered plant, in accordance with this subtitle.

"(d) SEAL.—The Secretary shall establish a seal to identify products that were not produced with the use of genetic engineering or a genetically engineered plant in interstate commerce using terminology the Secretary considers appropriate, including terminology commonly used in interstate commerce or established by the Secretary in regulations.

"SEC. 292. DEFINITIONS.

"In this subtitle:

"(1) GENETICALLY ENGINEERED.—The term 'genetically engineered', used with respect to a food, means a material intended for human consumption that is—

"(A) an organism that is produced through the intentional use of genetic engineering; or

"(B) the progeny of intended sexual or asexual reproduction (or both) of 1 or more organisms that is the product of genetic engineering.

"(2) GENETIC ENGINEERING.—The term 'genetic engineering' means a process—

"(A) involving the application of in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles;

"(B) involving the application of fusion of cells beyond the taxonomic family; or

"(C) that overcomes natural physiological, reproductive, or recombinant barriers and that is not a process used in traditional breeding and selection.".

SEC. 3. REGULATIONS.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the Non-GMO Food Certification Program in accordance with section 291 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), as added by section 2.

SEC. 4. SAVINGS CLAUSE.

Nothing in this Act (or the amendments made by this Act) is intended to alter or affect the authorities or regulatory programs, policies, and procedures otherwise available to, or the definitions used by, the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Animal and Plant Health Inspection Service under the Plant Protection Act (7 U.S.C. 7701 et seq.).

PART C—TEXT OF AMENDMENTS TO H.R. 1734 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHIMKUS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 7, line 13, strike "subsection (l)(5)" and insert "subsection (l)(4)".

Page 45, beginning on line 5, strike "signed by the Administrator on December 19, 2014" and insert "and published in the Federal Register on April 17, 2015 (80 Fed. Reg. 21302)".

Page 45, strike lines 15 through 20.

Page 45, line 21, through page 47, line 5, redesignate paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALLONE, JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike page 9, line 1, through page 10, line 4, and insert the following:

"(B) PUBLIC AVAILABILITY OF INFORMATION.—The implementing agency shall ensure compliance with sections 257.106 and 257.107 of title 40, Code of Federal Regulations.

Page 47, strike lines 1 through 5.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTOR OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, strike lines 3 through 21.

Page 14, line 22, through page 16, line 10, redesignate subclauses (V) and (VI) as subclauses (IV) and (V), respectively.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, line 19, strike "FINANCIAL ASSURANCE" and insert "POST-CLOSURE CARE AND FINANCIAL ASSURANCE".

Page 27, line 24, strike "section 257.104(b)(1)" and insert "subsections (b) and (c) of section 257.104".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADAMS OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 29, after line 16, insert the following:

"(5) DRINKING WATER SUPPLY WELL SURVEY AND PROVISION OF ALTERNATE WATER SUPPLY.—

"(A) SURVEY.—Not later than 7 months after the date of enactment of this section, each owner or operator of a surface impoundment shall conduct a survey that identifies all drinking water supply wells within one-half mile downgradient from the established waste boundary of the surface impoundment and shall submit the survey to—

"(i) the Administrator; and

"(ii) the implementing State, if applicable.

"(B) INCLUSIONS.—Each survey conducted pursuant to subparagraph (A) shall include well locations, the nature of water uses, available well construction details, and information regarding ownership of the wells.

"(C) DETERMINATION OF SAMPLING.—

"(i) IN GENERAL.—Not later than 4 months after an owner or operator submits a survey under subparagraph (A), the Administrator or the implementing State, as applicable, shall determine which wells identified in the survey the owner or operator will be required to conduct sampling and water quality analysis for, and how frequently and for what period sampling is required.

"(ii) REQUIRED SAMPLING.—The Administrator or the implementing State, as applicable, shall require sampling and water quality analysis described in clause (i) where data regarding groundwater quality and flow and depth in the area of the surveyed well provide a reasonable basis to predict that the quality of water from the surveyed well may be adversely impacted by coal combustion residuals.

"(D) SAMPLING.—

"(i) INITIATION.—Not later than 5 months after an owner or operator submits a survey under subpara-

graph (A), the owner or operator shall initiate any sampling and water quality analysis required pursuant to subparagraph (C) for constituents associated with coal combustion residuals, including, at a minimum, arsenic, lead, hexavalent chromium, vanadium, boron, thallium, molybdenum, and selenium.

"(ii) INDEPENDENT SAMPLING.—A property owner whose well has been selected for sampling and analysis may elect to have an independent third party selected from a laboratory certified by the Administrator or the implementing State, as applicable, conduct the sampling and analysis required under this paragraph in lieu of such sampling and analysis being conducted by the owner or operator of the surface impoundment.

"(iii) COSTS.—The owner or operator of the surface impoundment shall pay for the reasonable costs of any sampling and analysis conducted pursuant to this paragraph.

"(iv) RIGHT TO REFUSE SAMPLING.—Nothing in this paragraph shall be construed to preclude or impair the right of any property owner whose well has been selected for sampling and analysis to refuse such sampling and analysis.

"(E) ALTERNATE SUPPLIES OF DRINKING WATER.—If sampling and water quality analysis conducted pursuant to this paragraph indicates that water from a drinking water supply well exceeds groundwater quality standards for constituents associated with the presence of coal combustion residuals, the owner or operator of the surface impoundment, in addition to any other applicable requirement, shall replace such water—

"(i) with an alternate supply of potable drinking water, as appropriate, not later than 24 hours after the Administrator or the implementing State, as applicable, determines that there is such an exceedance; and

"(ii) with an alternate supply of water that is safe for other household uses, as appropriate, not later than 30 days after the Administrator or the implementing State, as applicable, determines that there is such an exceedance.

"(F) ANNUAL GROUNDWATER PROTECTION AND RESTORATION REPORT.—

"(i) IN GENERAL.—Not later than one year after the date of enactment of this section, and each year thereafter, each owner or operator of a surface impoundment required to conduct sampling and water quality analysis pursuant to this paragraph shall submit a report to the Administrator or the implementing State, as applicable, that includes a summary of all groundwater monitoring, protection, and restoration activities related to the surface impoundment for the preceding year, including any replacement of contaminated drinking water pursuant to this paragraph.

"(ii) PUBLICLY ACCESSIBLE INTERNET WEBSITE REQUIREMENT.—Not later than 30 days after submitting a report under clause (i), an owner or operator shall post the report on a publicly accessible Internet website established by the owner or operator in accordance with section 257.107 of title 40, Code of Federal Regulations.

"(G) RELATIONSHIP TO OTHER GROUNDWATER MONITORING REQUIREMENTS.—To the extent that any requirement of this paragraph conflicts with a provision of paragraph (2)(B), the requirement of this paragraph shall control.

Page 49, after line 7, insert the following:

"(6) IMPLEMENTING STATE.—The term 'implementing State' means—

"(A) a State that has notified the Administrator under subsection (b)(1) that it will adopt and implement a coal combustion residuals permit program; or

"(B) if a lead State implementing agency has been identified under subsection (b)(2)(C)(i) for such a State, such implementing agency.

Page 49, line 8, through page 50, line 17, redesignate paragraphs (6) through (8) as paragraphs (7) through (9), respectively.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUTTERFIELD OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 47, after line 5, insert the following:

"(m) EFFECT ON VULNERABLE POPULATIONS.—If the Administrator determines that implementation of this section would diminish protections for vulnerable populations, the requirements of this section shall have no force or effect.

Page 47, line 6, redesignate subsection (m) as subsection (n).

Page 50, line 17, strike the closed quotation mark and the final period.

Page 50, after line 17, insert the following:

"(9) VULNERABLE POPULATION.—The term 'vulnerable population' means a population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, coal combustion residuals, including—

"(A) infants, children, and adolescents;

"(B) pregnant women (including effects on fetal development);

"(C) the elderly;

"(D) individuals with preexisting medical conditions;

"(E) individuals who work at coal combustion residuals treatment or disposal facilities; and

"(F) members of any other appropriate population identified by the Administrator based on consideration of—

"(i) socioeconomic status;

"(ii) racial or ethnic background; or

"(iii) other similar factors identified by the Administrator.".

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