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NATURAL RESOURCES AND
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Congress of the United States
House of Representatives
Washington, D.C. 20515

March 26, 1980

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Mr. Joseph M. Hendrie
Chairman
Nuclear Regulatory Comm.
Washington, D.C. 20555

Dear Mr. Hendrie:

This past week I sent to Albert Kenneke of your office a letter describing my bill H.R. 4939 on Comparative Risk. This bill would direct the Office of Science and Technology Policy to prepare a report to the Congress on a series of questions related to the use of Comparative Risk in making technological decisions.

This bill, a copy of which is enclosed, is an initial step in the use of comparing risks in attempting to bring some logical order to the number of Federal Regulations directed towards the control of risk to the public. Hearings for this bill are scheduled for May before the House Subcommittee on Science, Research and Technology.

I hope that upon review you will be able to support my efforts to bring some order and logic to the consideration of risk in the regulatory process.

Sincerely,

DON RITTER
Member of Congress

DR/vs.

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96TH CONGRESS
1ST SESSION

H. R. 4939

To provide for a Federal mechanism within the Office of Science and Technology Policy for assessing the comparative risks involved in actions in scientific, technological, and related fields.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1979

Mr. RITTER introduced the following bill; which was referred to the Committee on Science and Technology

A BILL

To provide for a Federal mechanism within the Office of Science and Technology Policy for assessing the comparative risks involved in actions in scientific, technological, and related fields.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) the Congress hereby finds and declares that—

4 (1) the taking of a particular scientific or techno-
5 logical action or course of action, under a Federal law
6 or program often involves risks of various kinds, in-

1 including risks to human health and life; institutions or
2 values, or detriment to the public welfare generally;

3 (2) these risks are often not fully understood,
4 either by the persons who are affected by the risks, or
5 the agencies involved, or by the public;

6 (3) simply refusing to take a particular scientific
7 or technological action, thereby avoiding the risks asso-
8 ciated with that action, usually involves other risks;
9 while taking different actions to avoid known risks may
10 have the effect of adding new and different risks which
11 are not readily recognized;

12 (4) between any two or more alternative scientific
13 or technological options which are intended to achieve
14 a given objective, there is inevitably required a trade-
15 off in risks—a balancing of the risks involved under
16 each option against its probable effectiveness in achiev-
17 ing the desired objective; but, too often there is insuffi-
18 cient objective basis for the required comparison and
19 consequently the effort is not made;

20 (5) despite occasional isolated efforts to deal with
21 permissible levels of risk in narrow areas, there exists
22 today no effective mechanism which is generally avail-
23 able to the Government or to the public for assessing
24 and evaluating the comparative risks involved in taking
25 one scientific or technological action or course of action

1 instead of another, or in taking a particular scientific or
2 technological action or course of action as opposed to
3 taking no action at all; and

4 (6) there is a growing body of general information
5 and expertise which can have a positive impact on risk
6 comparisons.

7 (b) It is therefore the purpose of this Act to provide for
8 the establishment of a Federal mechanism to apply and pro-
9 mote the understanding and appreciation of comparative risks
10 in scientific, technological, and related matters and to assist
11 Federal, State, and local governments, private industry, and
12 the public in making intelligent comparisons and evaluations
13 of those risks.

14 SEC. 2. (a) The Office of Science and Technology Policy
15 (hereinafter in this Act referred to as the "Office"), acting
16 through an identifiable part created within the Office for this
17 purpose and in consultation with the National Science Foun-
18 dation, the Department of Energy, the Environmental Pro-
19 tection Agency, the Food and Drug Administration, and
20 other appropriate Federal agencies and offices, shall have ini-
21 tial responsibility on behalf of the Federal Government for
22 carrying out the purpose of this Act.

23 (b) In carrying out its mission under subsection (a), the
24 Office shall—

1 (1) review the mechanisms which the Federal
2 Government now uses, or has heretofore used, for
3 comparing risks as between alternative actions and
4 courses of action in scientific, technological, and relat-
5 ed areas, and to the maximum extent possible develop
6 and implement procedures to be used in making such
7 comparisons in the future;

8 (2) develop a plan for investigations and for public
9 education in the field of comparative risks; for encour-
10 agement by contracts and grants; and for meetings of
11 professional groups, associations, and societies to fur-
12 ther discussion and research for comparing risks as be-
13 tween alternative scientific, technological, and related
14 actions;

15 (3) lay the groundwork for the inclusion of scien-
16 tific and technological risk comparisons in environmen-
17 tal impact considerations and in all pertinent Federal
18 decisionmaking processes and Government planning;

19 (4) provide suggestions for assisting science writ-
20 ing and news dissemination to promote a fuller under-
21 standing by the public and the Government of com-
22 parative risks deriving from scientific, technological,
23 and related applications;

24 (5) promote an appreciation by the public and the
25 Government of the extent to which perceptions of com-

1 parative risks have influenced or should influence the
2 American people's physical health and well-being as
3 well as the Nation's productivity and inventiveness;
4 and

5 (6) take such further steps as in its judgment will
6 most effectively contribute to the early achievement of
7 the objectives of this Act.

8 SEC. 3. For purposes of this Act, any comparison of the
9 risks involved in alternative scientific, technological, or relat-
10 ed actions or courses of action, whether such actions or
11 courses of action are legislative, administrative, or regulatory
12 in nature or take some other form, shall at a minimum in-
13 clude (with respect to each such action or course of action)—

14 (1) an evaluation of the risks to human health and
15 life which would be incurred or increased by the pro-
16 posed action or course of action in comparison with the
17 risks which would be reduced or eliminated thereby;
18 and

19 (2) an evaluation of the risks to human health and
20 life which would be incurred, increased, reduced, or
21 eliminated as a consequence of the proposed action in
22 comparison with the corresponding risks associated
23 with the alternative action or actions.

24 SEC. 4. The Office shall submit to the Congress no later
25 than September 30, 1980, a full and complete report on its

1 activities under this Act and on the progress made toward
2 the achievement of the objectives of this Act, along with such
3 recommendations as it may deem appropriate. Such report
4 shall specifically include—

5 (1) a detailed statement of the findings made by
6 the Office in the performance of its functions under
7 section 2, with an evaluation of such findings and their
8 significance;

9 (2) an identification of all Federal laws and regu-
10 lations where changes involving comparative risk as-
11 sessment are needed in order to achieve such objec-
12 tives and otherwise to fulfill overall national goals, to-
13 gether with its recommendations for accomplishing
14 those changes;

15 (3) detailed recommendations for changes which
16 ought to be made in the organizational structure of the
17 various Federal agencies to assure the effective imple-
18 mentation of the procedures described in section 2(1);

19 (4) appropriate consideration of methods by which
20 public understanding and appreciation of comparative
21 risk assessment in scientific, technological, and related
22 areas can be increased; and

23 (5) such other matters as in its judgment will
24 assure continuing progress toward achievement of the
25 objectives of this Act.

1 SEC. 5. There are authorized to be appropriated for the
2 fiscal year 1980 such sums, not exceeding \$2,000,000, as
3 may be necessary to carry out this Act.

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***** 96TH CONG. STATUS PROFILE FOR H.R.4939

SPONSOR..... Ritter
DATE INTRODUCED... July 24, 1979
HOUSE COMMITTEE... Science and Technology
OFFICIAL TITLE.... A bill to provide for a Federal mechanism within
the Office of Science and Technology Policy for
assessing the comparative risks involved in
actions in scientific, technological, and related
fields.

CO-SPONSORS..... 5 CURRENT COSPONSORS --
Jul 24, 79 Referred to House Committee on Science and Technology.
Jul 31, 79 Referred to Subcommittee on Science Research
Technology.

CO-SPONSORS..... 5 CURRENT COSPONSORS --
Oct 30, 79 McCormack, Forsythe.
Dec 4, 79 Ottinger, Brown (OH), Ambro.

BILL DIGEST Jul 24, 79. Directs the Office of Science and
Technology Policy, in consultation with appropriate Federal
agencies and offices, to establish a Federal mechanism within such
Office to apply and promote the understanding and appreciation of
comparative risks in scientific, technological, and related matters
and to assist Federal, State, and local governments, private
industry, and the public in making intelligent comparisons and
evaluations of those risks.

Requires any comparison, made for the purposes of this Act, of
the risks involved in alternative scientific, technological, or
related actions to include: (1) an evaluation of the risks to
human health and life which would be incurred or increased by the
proposed action or course of action in comparison with the risks
which would be reduced or eliminated thereby; and (2) an evaluation
of the risks to human health and life which would be incurred,
increased, reduced, or eliminated as a consequence of the proposed
action in comparison with the corresponding risks associated with
the alternative action or actions.

Requires the Office to submit to Congress, no later than
September 30, 1980, a report on its activities and progress which
shall specifically include: (1) a detailed statement of the
findings and an evaluation of such findings and their significance;
(2) an identification of all Federal laws and regulations where
changes involving comparative risk assessments are needed; (3)
recommendations for changes which ought to be made in the
organizational structure of the various Federal agencies; (4)
appropriate consideration of methods by which public understanding
and appreciation of comparative risk assessments can be increased;
and (5) such other matters as in its judgment will assure
continuing progress toward achievement of the objectives of this
Act.

Proposed Format for Hearing on H.R. 4939

- A. Comparative risk evaluation as a valid method of arriving at judgements between technological alternatives.

Purpose: To provide information on the methodology of comparative risk evaluation and establish it as a valid method of arriving at judgements between alternatives.

Witnesses: Representatives of the academic community.

- B. Research on comparative risk.

Purpose: To provide information on the direction of present and future work on risk analysis that will help answer many of the questions on utilization of relative risk in science policy.

Witnesses: Representatives of the National Academy of Sciences study group on risk and decision making.

- C. Comparative risk analysis as it is now used and could be used in the Federal regulatory process.

Purpose: To show how relative risk could aid in regulatory decisions.

Witnesses: Panel consisting of representatives from the regulatory agencies dealing with mitigation and control of risk.

- D. Comparative risk as viewed from the private and public sectors.

Purpose: To have representatives of both industry and public interest groups comment on their views of comparative risk as a means of making regulatory decisions.

Witnesses: Panel from industries interested in comparative risk as an instrument for regulatory reform.

Panel from groups who may be concerned in the implications of comparative risk as it may affect the public.

- E. Implementation of the bill.

Purpose: Testimony of Office of Science and Technology Policy on the provisions of the bill.

- F. Public perception of comparative risk and steps required to increase public awareness and acceptance of relative risks.

Purpose: Recognizing that the use of risk as a policy tool requires public education about risk, this section will emphasize how the public views risk and what steps need be taken toward public education.

Witnesses: Researchers on risk perception and representatives of the science media on public awareness and education.