

(d) Assistance to States

To the extent practicable, the Administrator shall assist States in monitoring waters in such States for the presence of organotin and in analyzing samples taken during such monitoring.

(e) Five-year report

At the end of the 5-year period beginning on June 16, 1988, the Administrator shall submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate providing an assessment of—

(1) the effectiveness of existing laws and rules concerning organotin compounds in ensuring protection of human health and the environment;

(2) compliance with water quality criteria established pursuant to section 2408 of this title and any applicable water quality standards; and

(3) recommendations for additional measures to protect human health and the environment.

(Pub. L. 100-333, §7, June 16, 1988, 102 Stat. 607; Pub. L. 104-106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445.)

AMENDMENTS

1996—Subsecs. (d) to (f). Pub. L. 104-106 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out heading and text of former subsec. (d). Text read as follows: “The Secretary shall submit a report annually to the Administrator and to the Governor of each State in which a home port for the Navy is monitored under subsection (b) of this section detailing the results of such monitoring in the State. Such reports shall be included in the annual report required to be submitted under subsection (a) of this section.”

NAVY PROGRAM TO MONITOR ECOLOGICAL EFFECTS OF ORGANOTIN

Pub. L. 104-201, div. A, title III, §333, Sept. 23, 1996, 110 Stat. 2485, as amended by Pub. L. 106-65, div. A, title X, §1067(5), Oct. 5, 1999, 113 Stat. 774, provided that:

“(a) **MONITORING REQUIREMENT.**—The Secretary of the Navy shall, in consultation with the Administrator of the Environmental Protection Agency, develop and implement a program to monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries and near-coastal waters in the United States, as described in section 7(a) of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406(a)). The program shall be designed to produce high-quality data to enable the Environmental Protection Agency to develop water quality criteria concerning organotin compounds.

“(b) **FUNDING.**—The Administrator of the Environmental Protection Agency shall provide, in advance, such sums as are necessary to the Secretary of the Navy for the costs of developing and implementing the program under subsection (a).

“(c) **WRITTEN AGREEMENT.**—The Secretary of the Navy and the Administrator of the Environmental Protection Agency shall enter into a written agreement setting forth the actions that the Secretary plans to take under subsection (a) and the funding that the Administrator agrees to provide under subsection (b). If the Secretary determines that the Administrator will not enter into such an agreement, the Secretary shall notify the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate not later than 30 days after such determination.

“(d) **NONIMPAIRMENT OF MISSION.**—Compliance with subsection (a) shall be conducted in such a manner so as not to impair the ability of the Department of the Navy to meet its operational requirements.

“(e) **REPORT.**—Not later than June 1, 1997, the Secretary of the Navy shall submit to Congress a report containing the following:

“(1) A description of the monitoring program developed pursuant to subsection (a).

“(2) An analysis of the results of the monitoring program as of the date of the submission of the report.

“(3) Information about the progress of Navy programs, referred to in section 7(c) of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406(c)), for evaluating the laboratory toxicity and environmental risks associated with the use of anti-fouling paints containing organotin.

“(4) An assessment, developed in consultation with the Administrator of the Environmental Protection Agency, of the effectiveness of existing laws and rules concerning organotin compounds in ensuring protection of human health and the environment.

“(f) **SENSE OF CONGRESS.**—(1) It is the sense of Congress that the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Navy, should develop, for purposes of the national pollutant discharge elimination system, a model permit for the discharge of organotin compounds at shipbuilding and ship repair facilities.

“(2) For purposes of this subsection, the term ‘organotin’ has the meaning provided in section 3 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2402).

“(g) **TERMINATION.**—The program required by subsection (a) shall terminate five years after the date of the enactment of this Act [Sept. 23, 1996].”

§ 2407. Alternative antifouling research**(a) Research**

The Secretary and the Administrator shall conduct research into chemical and nonchemical alternatives to antifouling paints containing organotin.

(b) Report

At the end of the 4-year period beginning on June 16, 1988, the Administrator, in consultation with the Secretary, shall submit a report to the Speaker of the House of Representatives and to the President pro tempore of the Senate detailing the results of the research conducted pursuant to subsection (a) of this section.

(Pub. L. 100-333, §8, June 16, 1988, 102 Stat. 608.)

§ 2408. Water quality criteria document

Not later than March 30, 1989, the Administrator shall issue a final water quality criteria document concerning organotin compounds pursuant to section 1314(a) of this title.

(Pub. L. 100-333, §9, June 16, 1988, 102 Stat. 608.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2406 of this title.

§ 2409. Penalties**(a) Civil penalties**

(1) Any person violating section 2403 or 2404 of this title shall be assessed a civil penalty of not more than \$5,000 for each offense.

(2) After notice and an opportunity for a hearing, a person found by the Administrator to have violated section 2403 or 2404 of this title is liable to the United States Government for the civil penalty assessed under subsection (a) of this section. The amount of the civil penalty shall be assessed by the Administrator by writ-

ten notice. In determining the amount of the penalty, the Administrator shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(3) The Administrator may compromise, modify, or remit, with or without consideration, a civil penalty assessed under this section until the assessment is referred to the Attorney General.

(4) If a person fails to pay an assessment of a civil penalty after it has become final, the Administrator may refer the matter to the Attorney General for collection in the appropriate United States district court.

(b) Criminal penalties

Any person knowingly violating section 2403 or 2404 of this title shall be fined not more than \$25,000, or imprisoned for not more than one year, or both.

(Pub. L. 100-333, §10, June 16, 1988, 102 Stat. 608.)

§ 2410. Other authorities; State laws

(a) Other authorities of Administrator

Nothing in this chapter shall limit or prevent the Administrator from establishing a lower permissible release rate for organotin under authorities other than this chapter.

(b) State laws

Nothing in this chapter shall preclude or deny any State or political subdivision thereof the right to adopt or enforce any requirement regarding antifouling paint or any other substance containing organotin. Compliance with the requirements of any State or political subdivision thereof respecting antifouling paint or any other substance containing organotin shall not relieve any person of the obligation to comply with the provisions of this chapter.

(Pub. L. 100-333, §11, June 16, 1988, 102 Stat. 608.)

CHAPTER 38—DUMPING OF MEDICAL WASTE BY PUBLIC VESSELS

Sec.	
2501.	Findings.
2502.	Definitions.
2503.	Prohibition.
2504.	Guidance.

§ 2501. Findings

The Congress finds the following:

(1) The washing ashore of potentially infectious medical wastes from public vessels of the United States may pose serious and widespread risks to public health and to the welfare of coastal communities.

(2) Current Federal law provides inadequate protections against the disposal of such wastes from such vessels into ocean waters.

(3) Operators of such vessels must take immediate action to stop disposing of such wastes into ocean waters.

(Pub. L. 100-688, title III, §3102, Nov. 18, 1988, 102 Stat. 4152.)

SHORT TITLE

Section 3101 of subtitle A [§§3101-3105] of title III of Pub. L. 100-688 provided that: "This subtitle [enacting

this chapter] may be cited as the 'United States Public Vessel Medical Waste Anti-Dumping Act of 1988'."

§ 2502. Definitions

For the purposes of this chapter:

(1) Potentially infectious medical waste

The term "potentially infectious medical waste" includes isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes; and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.

(2) Public vessel

The term "public vessel" means a vessel of any type whatsoever (including hydrofoils, air-cushion vehicles, submersibles, floating craft whether propelled or not, and fixed or floating platforms) that is owned, or demise chartered, and operated by the United States Government, and is not engaged in commercial service.

(Pub. L. 100-688, title III, §3103, Nov. 18, 1988, 102 Stat. 4152.)

§ 2503. Prohibition

After 6 months after November 18, 1988, no public vessel shall dispose of potentially infectious medical waste into ocean waters unless—

(1)(A) the health or safety of individuals on board the vessel is threatened; or

(B) during time of war or a declared national emergency;

(2) the waste is disposed of beyond 50 nautical miles from the nearest land; and

(3)(A) in the case of a public vessel which is not a submersible, the waste is sterilized, properly packaged, and sufficiently weighted to prevent the waste from coming ashore after disposal; and

(B) in the case of a public vessel which is a submersible, the waste is properly packaged and sufficiently weighted to prevent the waste from coming ashore after disposal.

(Pub. L. 100-688, title III, §3104, Nov. 18, 1988, 102 Stat. 4152.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2504 of this title.

§ 2504. Guidance

Not later than 3 months after November 18, 1988, the Secretary of Defense and the head of each affected agency, in consultation with the Administrator of the Environmental Protection Agency, shall each issue guidance for public vessels under the jurisdiction of their agency regarding implementation of section 2503 of this title.

(Pub. L. 100-688, title III, §3105, Nov. 18, 1988, 102 Stat. 4153.)

CHAPTER 39—SHORE PROTECTION FROM MUNICIPAL OR COMMERCIAL WASTE

SUBCHAPTER I—SHORE PROTECTION

Sec.	
2601.	Definitions.