



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
RANKING MEMBER FRANK PALLONE, JR.

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**Statement of Ranking Member Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Environment and the Economy
Hearing on the “TSCA Modernization Act of 2015”**

April 14, 2015

I am pleased to be here today to continue this Subcommittee’s important work to reform the Toxic Substances Control Act. Chairman Shimkus’s new discussion draft, the TSCA Modernization Act of 2015, is a thoughtful and innovative approach that has the potential to move chemical regulation forward. The Chairman and the Majority staff have worked closely with Democratic members and staff to improve this draft, and I am happy to say that our work is ongoing.

I look forward to hearing from EPA, affected industries, and environmental stakeholders this morning to plot a course forward and begin to strengthen this draft.

Improving the federal government’s ability to identify and manage risks from the chemicals manufactured and processed in this country is critical. For six years now, there has been widespread agreement among industry, labor, and nongovernmental organizations that TSCA needs to be reformed.

In 2009, the EPA Administrator said that TSCA had proven to be “an inadequate tool for providing the protection against chemical risks that the public rightfully expects.”

The American Chemistry Council said it wanted to work with “stakeholders, Congress, and the Administration to make reform a reality.”

And a coalition of public interest groups said that “By updating TSCA, Congress can create the foundation for a sound and comprehensive chemicals policy that protects public health and the environment, while restoring the luster of safety to U.S. goods in the world market.”

At that time, stakeholders and policymakers pursued a vision of a fully reformed TSCA, ensuring that no chemical would go on the market without being found to be safe. All chemicals in commerce would be subject to minimum testing, and aggressive regulation would ensure to the American public a reasonable certainty of no harm from the chemicals they are unwittingly exposed to every day.

Six years later, that vision is still my goal. But the risks from toxic chemicals in our environment and the products we use every day are serious and pressing, and progress toward that vision has been elusive.

This new discussion draft does not attempt to realize the goal of a fully reformed TSCA with assurances that all chemicals in commerce are safe. But it will give EPA tools to reduce risk now, in a package that I think has the potential to become law. And it will give consumers the ability to choose chemicals and products that have been reviewed for safety against a purely risk-based standard.

Under this draft, EPA would have the ability to require testing through orders, rather than just rulemaking. That is an important step forward, although it won't fix all of the problems in Section 4 of the existing law.

The draft would also ensure that EPA's determinations of unreasonable risk under Section 6 of current law will be made without consideration of costs and with explicit protections for vulnerable populations. EPA would then be able to move forward with risk management without the paralyzing requirement to select the least burdensome option. These too are essential steps forward, although issues in Section 6 still remain.

Additionally, the draft would remove outdated limits on user fees to provide more resources for EPA's activities under TSCA, although it could do more to ensure that EPA actually receives those funds.

The draft also would direct EPA to update the TSCA inventory, providing better information to consumers and policy makers on the universe of chemicals in commerce in the United States.

And the draft would require substantiation of CBI claims in the future, preventing abuse of CBI claims and ensuring greater transparency.

These are all positive changes that would empower EPA to offer greater protections for human health and the environment.

Importantly, the draft also avoids some of the significant concerns that have been raised about past proposals, such as limits on the ability of EPA to regulate articles and limits on the ability of states to be partners in enforcement.

This bill reflects robust bipartisan outreach, which I hope to continue in the coming weeks. Mr. Chairman, you deserve credit for a strong process so far, and a strong product.

Some important issues remain to be worked out, such as setting yearly targets for EPA initiated risk evaluations, ensuring that private rights of action are protected, and targeting risks from the worst of the worst chemicals, PBTs.

I hope we can come together to strengthen this proposal and produce a law. I welcome the testimony from today's witnesses, which will point the way for further work.

Thank you.