



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

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CONTACT

Christine Brennan — (202) 225-5735

**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery
Committee on Energy and Commerce
Full Committee Markup of “H.R. 2576, TSCA Modernization Act of 2015 and H.R.
2583, FCC Process Reform Act of 2015”**

I want to thank Mr. Shimkus and Mr. Upton for working with democrats on this Committee on what I think is a strong compromise TSCA bill that will empower EPA and significantly improve the status quo. The bill that was introduced last week includes important clarifications and strengthening changes, and I am happy to support it.

This bill represents progress. It will remove many of the major obstacles EPA has faced in implementing TSCA, including the least burdensome test, the cost-benefit standard for risk management, and limitations on testing authority.

It will remove outdated caps on user fees, providing more resources to the Agency to implement this important program.

It will ensure expedited action on the worst of the worst chemicals, those that are persistent, bioaccumulative, and toxic.

And it will preserve the role of states to regulate chemicals and uses EPA has not examined and to coenforce EPA rules.

It is also written clearly and without some of the internal contradictions plaguing other proposals, meaning EPA will be able to spend more time regulating and less time litigating.

Of course, the bill is a compromise.

I started working on the issue of TSCA reform 6 years ago, with a goal of ensuring that all chemicals in commerce in the United States would be subject to minimum testing and systematically reviewed for safety. I still hope to reach that goal one day. But we must face practical realities and make progress where we can. TSCA reform is extremely important to my home state of New Jersey. No one knew that more than my friend Frank Lautenberg. I know he would have been proud of the work we’ve done.

Now, let me say, I have heard from stakeholders, and many of my colleagues on the Committee, who want to strengthen the bill further.

Stakeholders in the environmental and public health communities have suggested a limit on the number of risk evaluations manufacturers can request every year. There is a concern that industry requests could overrun the program, even preventing EPA from initiating their own evaluations on top priority chemicals.

The introduced bill includes some language on this issue, to acknowledge that EPA will not have unlimited capacity to respond to manufacturer requests, particularly in the early years of the program, and to stress that the funding streams for EPA initiated and manufacturer initiated reviews are distinct.

No one on this Committee intends to create an unworkable program, or expects EPA to be able to respond to a thousand risk evaluation requests at one time. I appreciate the Chairs' willingness to include language on this issue and I expect that we will work together to clarify it further in report language. It is critical that manufacturer initiated risk evaluations do not overwhelm the Agency, preventing them from evaluating their top priorities or diminishing confidence in the program.

I have also heard concerns about the language in the bill regarding cost effective regulation. These concerns may have arisen because of ambiguities in previous versions of the draft. I appreciate the Chairs' willingness to work with us to clarify that language, which now clearly states that identified risks must be addressed even if cost-effective options are not available.

This bill has come a long way to address these concerns and others, it's a stronger product because of the bipartisan collaboration and it deserves the support of the Committee and the Democratic Caucus. Human health and the environment deserve the highest level of protection, but the status quo of almost no protection is unacceptable.

Unfortunately, in contrast to the bipartisan compromise we've achieved on TSCA, our efforts on FCC process reform have come up short.

Two weeks ago, the Communications and Technology subcommittee considered legislation aimed at improving FCC transparency. We engaged in a substantive debate on the ideas put forth from both sides of the aisle. Democrats ultimately opposed three bills offered by our Republican colleagues. And bills from Ms. Clarke, Ms. Matsui, and Mr. Loeb sack passed with unanimous support.

My views and those of my colleagues today should not be a surprise. While I support H.R. 2853 in its current form, I have been clear that I cannot support the other Republican drafts I anticipate will be added as amendments during markup. Experts have said, quite simply, that it would result in confusion, litigation, and delay. So I will oppose those bills and any final bill that includes its provisions.

But rather than just give up, we offer another option. The Democratic bills that passed in Subcommittee, in contrast, keep the FCC fast, efficient, and transparent, but without the risk of litigation. We are grateful that our Republican colleagues saw the benefits of this approach and supported these ideas at the subcommittee mark up. But the benefits of passing our bills cannot come at the expense of adding new limitations on the FCC's ability to remain as nimble as the industries it regulates. The cost is just too high.

Finally, the Committee's work on transparency is incomplete without consideration of Mr. Yarmuth's bill that would unmask the donors behind political ads on our airwaves. As I have said before, transparency should not stop at the doors of the FCC. Thank you.

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