

**Committee on Energy and Commerce**

**Opening Statement as Prepared for Delivery  
of**

**Subcommittee on Environment, Manufacturing, and Critical Materials Ranking Member  
Paul D. Tonko**

***Hearing on “Exposing EPA Efforts To Limit Chemicals Needed For Life-Saving Medical  
Devices And Other Essential Products”***

**October 18, 2023**

Thank you, Mr. Chair.

I appreciate you holding this hearing. I am always supportive of the Subcommittee carrying out its responsibility to conduct oversight over the programs within our jurisdiction; however, I feel compelled to mention that as we continue to operate in a Speaker-less House, it disrupts and distracts from important work that needs to be done by Congress. It is delaying the enactment of assistance to our allies abroad. And rather than fully funding EPA for Fiscal Year 2024 to ensure that the agency has the resources and personnel needed to improve its chemical safety program, we are inching closer to another reckless and unnecessary government shutdown standoff.

But with that said, let me turn to the focus of today’s hearing before we must recess. And I’d like to begin by acknowledging that there certainly are chemicals that play an important role in modern American life. No one here would deny that. I also don’t think anyone would suggest that a chemical— no matter how essential it is perceived to be— should be given a free-pass from our environmental laws. No one would defend a chemical being allowed to be produced with unlimited air pollution or disposed of anywhere or in any manner that the producer liked. And no chemical is so important that we shouldn’t seek to protect workers and vulnerable people— such as pregnant women and children— with commonsense safeguards to reduce exposure risks.

So, I hope we can agree that this is really about finding a balance to implement a chemical safety regulatory regime that considers essential needs while also protecting public health and the environment. And from where I sit, I think it is obvious that we historically have not found that right balance. You need only look at how many millions of Americans are dealing with the consequences of PFAS in their drinking water. Because that is what can happen when we allow dangerous chemicals into commerce without proper consideration for how they will be produced, used, or disposed of.

I noticed that a couple of the witnesses’ testimonies mentioned methylene chloride. It wasn’t that long ago that any of us could have gone to a local hardware store and purchased a paint stripper containing methylene chloride. And you know what happened because of that? Dozens of Americans died, including people that did everything right. They took precautions and worked in well-ventilated spaces. I’ve met with some of their families.

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I've met with people that have suffered and died from asbestos-related diseases. And I've met with people who connect their rare forms of cancer to PFAS exposures. So, I appreciate that the chemical industry creates jobs and that there may be some high-risk chemicals needed for certain essential uses. But let's not pretend there isn't a cost to a lax chemical safety regulatory regime. And it's not measured in dollars. It's measured in lives.

So no, I don't believe EPA is overreaching today. The agency is responding to the reality that for most of our history, including the first forty years of TSCA ("*tosca*"), we had a very limited and ineffective chemical safety program. It is long past time to restore a semblance of balance. I know from firsthand experience that the effort to reform TSCA was a hard-fought negotiation. And while I did not support the final legislation at the time, I have never once sought to undermine that agreement.

And I would strongly caution everyone against thinking it will be easy to reopen any portion of those talks without reopening everything. But I do want to see EPA administer an effective and efficient program, and I am happy to work across the aisle in good faith efforts to improve those processes provided it does not compromise public health protections. But what I cannot tolerate is a suggestion that we return to a time when corporate bottom lines are held above all other regulatory considerations. Because I am not convinced that environmental protections are ultimately harmful to our economy or our competitiveness.

Setting aside the health benefits, regulations are often catalysts for innovation, driving industry to develop safer alternative chemistries, production methods, and pollution controls that they otherwise would not have been incentivized to pursue. I want to thank our witnesses for joining us. I look forward to your testimony. And I want to especially express my appreciation to Dr. Woodruff for her efforts to ensure EPA is using sound science to inform its risk evaluation methods.

Thank you, Mr. Chair. I yield back.