Committee on Energy and Commerce

Opening Statement as Prepared for Delivery
of
Subcommittee on Environment Ranking Member Paul Tonko

Hearing on "Chemicals in Commerce: Legislative Proposal to Modernize America's Chemical Safety Law, Strengthen Critical Supply Chains, and Grow Domestic Manufacturing"

January 22, 2026

Thank you, Mr. Chair.

I don't think it will surprise anyone to hear that I have serious concerns with the majority's proposed discussion draft. Having been part of a major TSCA overhaul once before, I can tell you that it wasn't easy. That effort included years of bipartisan meetings and roundtables, which included all interested stakeholders in the process, before we were able to produce a bill and move it through the House.

At that time, there was a consensus that the original law was broken. And I am happy to admit that the Lautenberg Act, despite my concerns with the final agreement, has made some important improvements to the previous status quo. With that said, I also believe it's likely that every stakeholder— regardless of your views on the majority's proposal— would agree that since 2016 the law has had implementation challenges.

I want to be clear that I am not opposed to reevaluating and seeking to improve our environmental laws, but the majority's proposal cannot be considered targeted in its reforms. It would fundamentally weaken the core public health protections provided by our nation's chemical safety regulatory program. It would make it harder for EPA to test, evaluate, and restrict new and existing dangerous chemicals. It creates numerous new opportunities for litigation against the agency. And it guts protections for workers. More specifically, on testing, the draft makes it more difficult for EPA to be able to access the science necessary to make well-informed regulatory decisions.

We have seen other attempts by the Trump EPA to weaken scientific integrity protections, diminish scientific evidence, and eliminate industry reporting requirements, and I believe these changes are part of this EPA's strategy of raising barriers to inhibit future Administrations from pursuing science-based public health protections.

Under this draft, EPA's New Chemicals Program would also be diminished. This program is our first line of defense against preventing costly Superfund cleanups and drinking water treatments in the future. We need to keep dangerous chemicals out of our environment in the first place. And as we heard at our PFAS hearing in December, supposedly safer alternatives

to dangerous existing chemicals can still be incredibly dangerous, as has been the case with Gen X.

Yes, the New Chemicals Program has had backlogs, but many delays have occurred because EPA has had to wait for more information from the submitting manufacturer. The discussion draft would have EPA rely more on manufacturers' self-identification of conditions of uses, weaken EPA's ability to take initiative to demand more testing, and raise the standard for regulation from "may present an unreasonable risk" to "more likely than not to present an unreasonable risk." The draft also makes it more difficult to restrict existing chemicals.

In 2016, the Lautenberg Act required EPA to determine the first 10 existing chemicals to be evaluated. These are known-to-be-dangerous substances. Now, nearly a decade later, only five of the 10 have finalized risk management rules, which are still subject to ongoing litigation. I don't want to be dismissive of EPA's important work to ban asbestos and TCE. But I don't believe anyone can look at EPA's track record over the last decade and reach the conclusion that the agency has been too successful at regulating existing chemicals. And yet this discussion draft limits EPA to regulating risks that are reasonably feasible to address rather than seeking to eliminate those risks.

Despite my criticism of the draft, I do support reauthorizing EPA's fee authority. I suspect almost every stakeholder does. I would also be supportive of greater transparency in the status of reviews and finding more opportunities for pre-submission consultations to ensure the right information is provided early in the process. But what I don't support is the suggestion that fee authority is a political chit to be traded for enacting the major program reforms sought by industry.

I will not start the precedent that every 10 years we chip away at public health protections in the law at industry's behest in order to extend fee authority. I look forward to today's discussion, but I don't believe that the sweeping overhaul proposed is putting us on the right track to enacting a bipartisan bill that will improve the administration of our nation's chemical safety program.

Thank you. I yield back.