

**Opening Statement of the Honorable Fred Upton  
Subcommittee on Environment and the Economy  
Hearing on “Regulation of New Chemicals, Protection of Confidential Business  
Information, and Innovation”  
July 11, 2013**

*(As Prepared for Delivery)*

The Toxic Substances Control Act (TSCA) is one of the more important and complex bodies of law in the jurisdiction of our committee. It covers chemicals throughout their lifecycle, starting even before they are first introduced into commerce. TSCA deals with chemical testing, protection against imminent hazards, worker exposure, and a host of other specific issues.

This subcommittee held a hearing last month to build a foundation for members to understand TSCA from the point of view of experts in the field, each of whom brought a unique perspective on the law. We had a thoughtful dialogue between members and witnesses – a valuable exchange that helped create a foundation to broaden our perspective moving forward.

Today we follow up on that hearing by selecting two key areas of the law to explore: regulation of new chemicals and protection of proprietary business information. Both issues have a direct effect on American innovation, which is crucial to restoring our economy and creating job opportunities here at home.

EPA cannot do the job we've given them to evaluate new chemicals for introduction into commerce, or to evaluate new uses of previously approved chemicals, unless chemical makers provide EPA some specific and sensitive information about how the chemical is made and how its developers expect to use it.

At the same time, EPA must be careful to not disclose that information. Without information protection there is no incentive to innovate. Without innovation, the economy can't grow and we can't create new jobs.

Beyond protecting information, there are other issues with new chemicals. For example, at our June hearing, one witness commented that new chemicals are often safer and “greener” than the ones they replace. We all benefit when good, new chemicals are cleared for market and ones that aren't ready are held back.

Today we'll be asking our witnesses to help us better understand specific chemical regulations under TSCA as they tackle the following questions, among others:

- How do TSCA regulations for new chemicals and new uses and TSCA provisions on the protection of confidential business information affect your ability to innovate?
- Does EPA have the tools to make informed decisions about new chemicals?
- Is the protection provided to confidential business information under TSCA appropriate?
- Has TSCA implementation been consistent with the original statutory purpose?
- How do other countries treat new chemical production and information protection?

Mr. Chairman, I welcome our witnesses and thank them for helping us to better understand the interplay between EPA and chemical developers.

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