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Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “Regulation of New Chemicals, Protection of Confidential Business
Information, and Innovation”
Subcommittee on Environment and the Economy
July 11, 2013

Today the Committee continues to examine the Toxic Substances Control Act (TSCA). TSCA is an important law because of its role in protecting the American public from dangerous chemicals – and it is long overdue for strengthening.

I understand that the Chairman intends to hold a series of hearings to examine each of TSCA’s sections in turn.

Today’s hearing focuses on two sections of TSCA, section 5, which provides for EPA’s new chemicals program, and section 14, which establishes protections for confidential business information.

Both of these sections are in need of reform, and I welcome the panel and their testimony. Today, we will learn that section 5 has allowed chemicals onto the market that shouldn’t have been. And, we’ll learn that section 14 has provided a veil of secrecy for the chemical industry.

In recent years, EPA has undertaken a serious effort to address the weaknesses in these and other sections. They have audited thousands of confidential business information claims, and have found that nearly 900 chemical identities that had been claimed as confidential business information should have been made publicly available. This information empowers families, researchers, and consumer advocates who wish to educate or understand the chemicals we are exposed to. But this audit is resource intensive and is unlikely to be replicated under today’s funding levels.

That’s why, over the years, everyone from the EPA Administrator to the Society of Chemical Manufacturers and Affiliates have agreed that unjustified claims of confidential business information must be addressed.

EPA has also developed action plans for some of the most dangerous and ubiquitous chemicals on the market. Some of these dangerous chemicals were initially brought into production under section 5 of TSCA. We now know that these chemicals pose serious risks, but

those risks were not uncovered by the new chemicals program. This is another area that is in vital need of reform.

Four years ago, there was widespread agreement among industry, labor, and nongovernmental organizations that TSCA needs to be reformed. It's good that we are now turning back to this issue.

Recently, there have been suggestions that a new legislative proposal in the Senate will be the vehicle for us to reform TSCA. But I have heard significant concerns about that proposal from a variety of stakeholders, including federal and state agencies, environmental and public health groups, and other stakeholders. That is why this hearing and the future ones to come are so important.

I want to thank the witnesses for appearing today, and I look forward to hearing from them.