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Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “S. 1009 the Chemical Safety Improvement Act of 2013”
Subcommittee on Environment and the Economy
November 13, 2013

Today, the Subcommittee considers a proposal introduced in the Senate to reform the Toxic Substances Control Act. While there are some positive elements in this legislation, there are also major deficiencies. I could not support it in its current form.

Four years ago, there was widespread agreement among industry, labor, and nongovernmental organizations that TSCA needs to be reformed.

The EPA Administrator said that TSCA had proven to be “an inadequate tool for providing the protection against chemical risks that the public rightfully expects.”

The American Chemistry Council said it wanted to work with “stakeholders, Congress, and the Administration to make reform a reality.”

And a coalition of public interest groups said that “[b]y updating TSCA, Congress can create the foundation for a sound and comprehensive chemicals policy that protects public health and the environment, while restoring the luster of safety to U.S. goods in the world market.”

When I was Chairman, the Committee put considerable effort into building on this consensus and modernizing TSCA. In 2009 and 2010, we held numerous hearings and convened a robust, bipartisan stakeholder process.

At that time, there was widespread support for the creation of an effective federal program, based on giving EPA the data necessary to understand chemical risks and the ability to regulate chemicals found to be dangerous. There was an understanding that an effective federal program would make preemption unnecessary by addressing the serious risks that have motivated states to take action themselves.

Unfortunately, the legislation we will consider today is radically different in several key respects.

Instead of ensuring that EPA has all of the data it needs, this bill blocks EPA from requiring testing of new chemicals.

Instead of empowering EPA to act to regulate dangerous chemicals, this bill imposes numerous new procedural requirements on the Agency, creating potential for significant litigation delays.

Instead of promoting consumer confidence by increasing transparency, this bill allows chemical companies to conceal information about chemical risks from the public. And instead of protecting state authority, this bill has sweeping preemption provisions.

I cannot support legislation that would undermine the few protections that are in current law or that would preempt successful state efforts to protect the public from exposure to toxic chemicals.

While I cannot support this bill as currently drafted, I continue to be in favor of TSCA reform. I hope the Chairman will engage in a bipartisan effort to draft TSCA reform legislation that both Republicans and Democrats can support.

Consensus between industry and its allies is not consensus, just as consensus among environmental groups is not consensus. I want the Chairman to know that if he wants to sit down and build consensus on legislation among all the stakeholders, I am ready to work with him.

I thank all of the witnesses for being here today and look forward to hearing their testimony.