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ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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February 28, 2014

Dr. Richard A. Denison  
Senior Scientist  
Environmental Defense Fund  
1875 Connecticut Avenue, N.W.  
Suite 600  
Washington, D.C. 20009

Dear Dr. Denison:

Thank you for appearing before the Subcommittee on Environment and the Economy on Wednesday, November 13, 2013, to testify at the hearing entitled "S. 1009, The Chemical Safety Improvement Act."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Friday, March 14, 2014. Your responses should be e-mailed to the Legislative Clerk in Word format at [Nick.Abraham@mail.house.gov](mailto:Nick.Abraham@mail.house.gov) and mailed to Nick Abraham, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus  
Chairman

Subcommittee on Environment and the Economy

cc: The Honorable Paul Tonko, Ranking Member,  
Subcommittee on Environment and the Economy

Attachment

## The Honorable Henry A. Waxman

S. 1009 would not require new chemical applications to be accompanied by data and would not require testing of all existing chemicals. Instead, testing would continue to be required on a chemical specific basis under section 4. In fact, the bill explicitly authorizes EPA to allow new chemicals into commerce after determining that testing is needed and before receiving the results of that testing.

1. Should a reformed TSCA ensure that EPA gets more information about new chemicals at the pre-manufacture notice (PMN) stage?

S. 1009 would change the determination that EPA must make before requiring testing under section 4, replacing the risk determination with a determination that the new data is needed to perform a safety assessment, to make a safety determination, or to meet information needs under other statutes. The bill does not provide authority to require testing for the review of new chemicals or in order to inform prioritization screening.

2. Should a reformed TSCA provide EPA with authority to require testing of new chemicals?
3. Should a reformed TSCA, if it requires a prioritization screening, provide testing authority to inform that screen?

S. 1009 fails to require protection of vulnerable populations in safety determinations for chemicals and in risk management decisions. This fundamental flaw could put women, children, the elderly, the disabled, workers, and residents of hot spot communities at grave risk.

4. Do you think that a chemical that poses a serious or substantial risk to a vulnerable population should be able to pass the safety standard under a reformed TSCA?
5. Do you think that risk management decisions must ensure that significant or substantial risks to vulnerable populations are addressed?

One of the significant obstacles we have seen to implementation of TSCA, like other environmental laws, is the lack of resources afforded to EPA to carry out its essential public health mission. Yet S. 1009 creates significant new procedural requirements and hurdles to agency action without providing additional resources.

6. Should EPA have the resources necessary to effectively administer a reformed TSCA?
7. Should industry contribute a portion of those resources through user fees?