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HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

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

Mr. Cal Dooley
President and CEO
American Chemistry Council
700 2nd Street, N.E.
Washington, D.C. 20002

Dear Mr. Dooley:

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 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

We heard testimony from the EPA that implementing a reformed TSCA will require significant resources. EPA was not the only stakeholder to include resources requirements in their 2009 principles for TSCA reform – ACC did as well, along with many public interest groups.

1. Does ACC still support providing EPA with sufficient resources to implement the requirements of TSCA?
2. Are ACC members willing to provide a portion of those resources through fees?
3. ACC has expressed support for S. 1009, but the bill falls short of your principle on resources – do you think the bill should be amended to ensure that EPA has sufficient resources?

We heard at the hearing that the Confidential Business Information (CBI) provisions in this bill fall short of EPA's principles for TSCA reform. They also fall short of the principles for reform announced by ACC and other stakeholders, by exempting large categories of information from substantiation requirements. That means that information in those categories will be protected from disclosure without the submitter of that information demonstrating that it qualifies as CBI. Information could be readily available to the public, and still receive protection under this bill. Stakeholders have also raised the concern that the bill could grandfather existing CBI claims, without requiring substantiation.

4. ACC's 2009 principle for TSCA reform called for requiring upfront substantiation, and periodic resubstantiation, of CBI claims, without an exception for existing CBI claims or certain types of information. Does ACC still support those requirements?

During the hearing, you testified that costs should be considered in the safety determination to be made under S. 1009, which is a determination of whether or not a chemical meets the safety standard. According to ACC's 2009 principles, "Consideration of the benefits of chemicals being evaluated, the cost of methods to control their risks, and the benefits and costs of alternatives should be part of EPA's risk management decision-making, but should not be part of its safe use determinations."

5. Does ACC continue to support its principle that cost should not be a part of safety determinations?