

**MICHAEL P. WALLS**  
VICE PRESIDENT  
REGULATORY & TECHNICAL AFFAIRS



March 14, 2014

Mr. Nick Abraham  
Legislative Clerk  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Re: Questions for the Record to Mr. Cal Dooley Dated February 28, 2014

Dear Mr. Abraham:

Attached are the responses of Mr. Cal Dooley to the additional questions for the record following the Subcommittee on Environment and the Economy's hearing on November 13, 2013 on S. 1009, the Chemical Safety Improvement Act.

Please let me know if you have any questions.

Sincerely,



Michael P. Walls  
Vice President  
Regulatory and Technical Affairs

Attachment: Cal Dooley QFRS 20131111 draft 20140314



**Mr. Cal Dooley**  
**American Chemistry Council**  
**Responses to Questions for the Record Dated February 28, 2014**

The Honorable Henry A. Waxman

General Response: ACC stands by our 2009 Principles for TSCA Reform. We firmly reject any insinuation that ACC has departed from our 2009 Principles in advocating for an efficient, effective and robust national chemical regulatory program.

ACC's 2009 Principles were developed as a general guide to the issues and areas that were anticipated to be addressed in TSCA reform. These principles could not be reasonably expected to address every detail in a statute as complex as TSCA. We note that several other organizations – notably the Environmental Protection Agency – developed principles that mirror many of the same issues addressed in ACC's. The other organizations' statements of principle, like ACC's, lack much of the detail which some Members insist on reading into ACC's Principles.

**Q1. Does ACC still support providing EPA with sufficient resources to implement the requirements of TSCA?**

**Response:** The relevant element of ACC's 2009 Principles for TSCA Reform states, in its entirety:

EPA should have the staff, resources, and regulatory tools it needs to ensure the safety of chemicals.

- EPA's budget for TSCA activities should be commensurate with its chemical management responsibilities.

The ACC principle as stated is clearly focused on a general need for EPA to have sufficient resources to implement TSCA reform, and speaks only to EPA having sufficient budget resources for that purpose. ACC supports EPA's having sufficient resources to implement the requirements of TSCA as it might be reformed.

**Q2. Are ACC members willing to provide a portion of those resources through fees?**

**Response:** ACC's 2009 Principles for TSCA Reform do not address the specific question of fees. Section 26(b) (15 U.S.C. § 2625(b)) of TSCA as it exists today provides that the Administrator may require the payment of a fee to defray the cost of administering certain elements of the program. Neither S. 1009 nor Mr. Shimkus' discussion draft (published February 28, 2014, well after the November 13, 2013 hearing that is the subject of this question) amend the fee provisions in section 26. ACC's expectation is that EPA would continue to have authority to establish and collect fees to support implementation of TSCA.

**Q3. 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?**

**Response:** This question appears to imply that ACC should or could support TSCA reform only if each and every element of our 2009 Principles for TSCA Reform is included in a TSCA amendment, without exception. It is true that S. 1009 does not address the question of EPA resources. In our view, both S. 1009 and Mr. Shimkus' discussion draft (published on February 28, 2014, well after the November 13, 2013 hearing which is the subject of this question)

properly focus on getting the structure and parameters of necessary TSCA reform detailed first. In ACC's view, the resources made available to EPA to implement the program should be scaled to the scope of the program, rather than the amount of resources dictating the scope of the program.

**Q4. 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?**

**Response:** The relevant element of ACC's 2009 Principles for TSCA Reform stated, in its entirety:

Companies and EPA should work together to enhance public access to chemical health and safety information.

- EPA should make chemical hazard, use, and exposure information available to the public in electronic databases.
- Other governments should have access to confidential information submitted under TSCA, subject to appropriate and reliable protections.
- Companies claiming confidentiality in information submittals should have to justify those claims on a periodic basis.
- Reasonable protections for confidential as well as proprietary information should be provided.

We note that S. 1009, and Mr. Shimkus' discussion draft (published on February 28, 2014, well after the November 13, 2013, hearing which is the subject of this question) both provide that the submitter of a claim for protection against disclosure should justify the claim and indicate a period for which protection is necessary. Under both S. 1009 and the House discussion draft, EPA has the authority to approve and modify the claim. Under both S. 1009 and the House discussion draft, the submitter has an opportunity to extend the period for which protection against disclosure is required. ACC believes this is a reasonable approach for up front substantiation and periodic resubstantiation consistent with our stated Principle.

**Q5. Does ACC continue to support its principle that cost should not be a part of a safety determination?**

**Response:** Yes. Both S. 1009, and Mr. Shimkus' discussion draft (published on February 28, 2014, well after the November 13, 2013, hearing which is the subject of this question) clearly separate cost and benefit considerations from the application of the safety standard in EPA safety determinations.