



Testimony of

The Honorable Cal Dooley
President and CEO

American Chemistry Council
700 Second Street NE
Washington, DC 20002

Before the

United States House of Representatives
Subcommittee on Environment and the Economy of the
Committee on Energy and Commerce

"S. 1009 – The Chemical Safety Improvement Act"

November 13, 2013



Chairman Shimkus, Ranking member Tonko, thank you for the opportunity to testify on behalf of the American Chemistry Council, our member companies, both large and small, and the nearly 800,000 men and women who work every day in the business of chemistry. ACC and our members are committed to modernizing TSCA to enhance public confidence in the safety of chemicals and to allow our industry to continue to deliver the innovations that improve the quality of our everyday lives.

My last appearance before this committee to discuss TSCA in 2010 had left me with little hope that the common ground needed to make reform a reality could emerge.

But what a difference a few years can make.

The bipartisan Chemical Safety Improvement Act (CSIA), introduced by the late Senator Frank Lautenberg and Senator David Vitter, supported by equal numbers of Republican and Democrat co-sponsors, has kick-started a sincere and serious effort to reform chemical regulation. Senators Lautenberg and Vitter deserve enormous credit for their ability to secure concessions from all stakeholders in the development of this compromise legislation, and I commend this committee for advancing the important work they started last May.

Support for TSCA reform has grown dramatically. For many years, TSCA received little attention from anyone other than chemical manufacturers. But today, industries from electronics producers, big box retailers, auto makers, toy manufacturers and nearly 100 others, all understand that more effective chemical regulation is good for their customers, and therefore, good for them. They are urging passage of the CSIA.



Organized labor including the Electrical Workers, the Building Trades Unions, the Machinists and Aerospace Workers, the Transportation Division of SMART-Union, and Iron Workers have weighed in supporting the CSIA. They are joined by local chapters of various unions in Maryland, Montana, Missouri, New Mexico, New York, Pennsylvania and Virginia, each with the message that the CSIA is good for America's workers.

Mainstream environmental groups like the Environmental Defense Fund have acknowledged that the CSIA represents our very best chance for reform. Even EPA Administrator Gina McCarthy has said that we have a window of opportunity that we should not allow to close.

The CSIA has attracted support from such disparate quarters because this delicately crafted compromise will enhance public safety while preserving the ability of American manufacturers to develop new, life-changing innovations, compete in the global marketplace and create new opportunities in communities across the country. This much needed balance has eluded us in past reform proposals.

The CSIA will address numerous long-standing concerns about chemical regulation, including:

- Requiring a systematic evaluation of grandfathered chemicals for the first time;
- Prioritizing chemicals for EPA review so chemicals with the greatest need get the first and greatest attention;
- Giving EPA more efficient authority to demand further testing and additional data from chemical manufacturers;
- Requiring EPA to make more information available to the public, a leading goal of environmental advocates and industry alike.



Despite the significant improvements embedded in the current version of the bill, I understand that the NGO community has five primary issues they would like addressed: attention to sensitive subpopulations; preserving state authority to regulate chemicals; EPA's ability to restrict chemicals; data requirements; and deadlines.

We believe that these concerns are manageable and may be based on misperception or misunderstanding.

For example, the CSIA makes clear that sensitive subpopulations must be considered in the safety assessment process and any intended use that would expose these groups would again be weighed during the final safety determination.

The CSIA *preserves* the majority of state authorities and chemical laws, including California's Proposition 65, and will have no effect whatsoever on state water or pollution programs. But it also creates a more coherent, unified national approach to chemical regulation, which is desperately needed.

The bill will make it *easier* for EPA to take action to manage chemical risks.

Incentives for manufacturers to provide sufficient health and safety information are baked in to prioritization process.

And deadlines *will* exist, but they will be established by *EPA* based on the task at hand rather than arbitrarily prescribed in the legislation.

We believe that with a true commitment to reform on both sides, these issues can be addressed. But, it's important to realize that the CSIA is already the product of extensive negotiation and compromise. We support efforts to find common ground, and believe it is achievable, but any



effort to continually move the goal posts will undermine the trust that has been established thus far and could prevent progress for years to come.

We are hopeful that with continued leadership from this committee and from bipartisan leaders in the Senate we can seize this truly unique opportunity to pass legislation that is important to the lives of American families and the success of American manufacturers.

With that, I'd be happy to take questions.

