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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

The Honorable Jim Jones
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Assistant Administrator Jones:

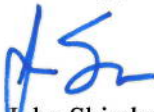
Thank you for appearing before the Subcommittee on Environment and the Economy on Wednesday, November 13, 2013, to testify at the hearing entitled "S. 1009, The Chemical Safety Improvement Act."

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

Transparency has been a significant problem under TSCA. Consumers, public health advocates, researchers, and state governments are often in the dark about chemical risks, even when EPA has data. This is because the statute prohibits EPA from sharing information that has been marked as Confidential Business Information, or CBI, but requires no substantiation of CBI claims. Current law includes no penalty for overclaiming CBI.

The result is a system where the public has no access to any information about approximately 20% of the 83,000 chemicals on the TSCA inventory, and the chemical identities of 66% of new chemicals covered by pre-manufacture notices (PMNs) are marked CBI. EPA has been working to check these CBI claims, and has made significant strides to make more chemical information public, but the process requires significant public resources.

1. Should TSCA reform legislation require upfront substantiation of CBI claims, and why is this important?

S. 1009 would require up front substantiation for some, but not all, CBI claims. The bill contains a long list of types of information that will be presumed to be CBI, without substantiation.

2. Does exempting large categories of information from the substantiation requirement comport with EPA's principles for TSCA reform?

One impact of EPA's review of CBI claims has been a significant decrease in the number of claims being made. For example, under the last Inventory Update Rule, manufacturers claimed that the use of a chemical in children's products was confidential 24% of the time. In the most recent version – the Chemical Data Reporting Rule, the rate of confidentiality claims for the use of a chemical in children's products dropped to 0.4%.

3. Why does EPA collect and publish information about what chemicals are used in children's products?

4. Are there other types of uses that might be particularly relevant and important for the public at large and vulnerable populations?