

**TESTIMONY OF**  
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**NATIONAL LEGISLATIVE DIRECTOR**  
**SMART – TRANSPORTATION DIVISION**

**BEFORE THE**  
**SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY**  
**COMMITTEE ON ENERGY AND COMMERCE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

**HEARING ON**  
**THE CHEMICALS IN COMMERCE ACT**

**March 12, 2014**



SMART - Transportation Division  
National Legislative Office  
304 Pennsylvania Avenue, SE  
Washington, DC 20003

## **Summary of Testimony of James Stem: March 12, 2014 – TSCA**

### **Reform:**

Modernizing TSCA takes on new urgency as our American chemical industry prepares to make major investments in U.S. production facilities in the wake of the natural gas boom. The industry has announced over \$100 billion in planned U.S. investments that will use domestic natural gas to make products and put our people to work.

Exporting thousands of tons of chemical products manufactured in this country by American workers is not a dream, but a realistic appraisal of the opportunities on the table today.

Moving the needed chemical products that our U.S. manufacturing sector requires from the chemical production facilities to the final destination by rail is the safest form of transportation. Railroads have the capacity and the experienced workforce to move these products safely and efficiently without putting thousands of tanker trucks on our highways.

We support reform that will achieve the following goals: strengthen our chemical safety law to protect human health and the environment; restore public confidence about the safety of chemicals in commerce; and help the U.S. chemical industry innovate and grow, providing good jobs.

For the first time, EPA will be required to systematically evaluate all chemicals in commerce – including TSCA’s “grandfathered” chemicals – and label them as either “high” or “low” priority based on potential health and environmental risks. Chemicals requiring the most immediate attention from regulators should be successfully identified for action by this process. This ranking system must be carefully crafted as the proposals move forward so that confidence in its dependability is high.

EPA will be able to take timely action against chemicals found to be harmful to human health and the environment, including restrictions and phase outs.

Chairman Shimkus, Ranking Member Tonko and members of the subcommittee:

Thank you for inviting me to testify at the hearing today on the Chemicals in Commerce Act, the CICA. Currently the CICA is a discussion draft and we appreciate this opportunity to offer input at this stage of the process.

My name is James Stem. I serve here in Washington as the National Legislative Director of the Transportation Division of the Sheet Metal, Air, Rail, Transportation Workers. We were formerly the United Transportation Union before we completed our merger with the Sheet Metal Workers in 2011. We represent the thousands of men and women that are working as railroad employees today safely moving thousands of tons of a variety of chemical products requested by local businesses and local government bodies throughout our country.

I wish to commend the Subcommittee for its work on CICA, which aims to modernize and strengthen the Toxic Substances Control Act of 1976 (TSCA) as you continue to refine this draft. As you know, our union and others have already voiced support for the Senate's effort to modernize and strengthen TSCA through S. 1009, the Chemical Safety Improvement Act. We commend the balanced, bipartisan approach taken by the Senate, and will support that approach in the House as you work to formally introduce the CICA. We will work with you to help pass bipartisan TSCA reform in 2014. Since this is a discussion draft and not a bill, my testimony will address the needed reforms to the TSCA of 1976, which is the goal of all of us gathered in this room.

Modernizing TSCA takes on new urgency as our American chemical industry prepares to make major investments in U.S. production facilities in the wake of the natural gas boom. The industry has announced over \$100 billion in planned U.S. investments that will use domestic natural gas to make products and put our people to work. The U.S. chemical industry will generate tens of thousands of new American jobs in manufacturing, construction, energy infrastructure, technology, transportation and additional research and development. The industry already provides 800,000 well paid U.S. jobs and indirectly supports millions more. The

substantial tonnage of chemical shipments on the nation's freight railroads helps to support good railroad jobs. Exporting thousands of tons of chemical products manufactured in this country by American workers is not a dream, but a realistic appraisal of the opportunities on the table today.

Moving the needed chemical products that our U.S. manufacturing sector requires from the chemical production facilities to the final destination by rail is the safest form of transportation. Railroads have the capacity and the experienced workforce to move these products safely and efficiently without putting thousands of tanker trucks on our highways.

We support reform that will achieve the following goals: strengthen our chemical safety law to protect human health and the environment; restore public confidence about the safety of chemicals in commerce; and help the U.S. chemical industry innovate and grow, providing good jobs. Directly and indirectly, TSCA impacts chemical safety, our economy, and the health and well-being of many workers and families. Americans in every state need to be confident in their homes, workplaces and communities that our nation's chemical regulations are robust and working to protect them.

The CICA in its final version will provide improvements to fix significant problems that have been encountered with TSCA:

- For the first time, EPA will be required to systematically evaluate all chemicals in commerce – including TSCA's "grandfathered" chemicals – and label them as either "high" or "low" priority based on potential health and environmental risks. Chemicals requiring the most immediate attention from regulators should be successfully identified for action by this process. This ranking system must be carefully crafted as the proposals move forward so that confidence in its dependability is high.
- High priority chemicals will require EPA to perform a safety-based risk assessment. EPA must determine whether a high priority substance will result in unreasonable risk of harm to human health or the environment under its intended condition of use. Low priority chemicals can be reclassified as high priority when necessary.

- EPA will be able to demand more health and safety information from chemical producers and require more testing by producers.
- EPA will be able to take timely action against chemicals found to be harmful to human health and the environment, including restrictions and phase outs.
- EPA will delineate which chemicals are in active use and which are not, ending confusion about the actual number in use.

These improvements will make TSCA more effective. However, we recognize that the drafting process must address additional significant issues. We support bipartisan cooperation to find solutions to the outstanding issues. For example:

- All of us here today are aware of the state preemption controversy with regard to reforming TSCA. As a practical matter, we agree that effective national regulation of chemicals in commerce is generally preferable to state by state regulation; at the same time, states must be able to successfully address local issues and concerns in this process. A strong, uniform, and workable national law is preferable to 50 States regulating independently. This aspect will require more work and bipartisan compromise to get the needed support.
- Additional issues raised include the need to improve protection of vulnerable populations, provide more definite timelines for action by EPA and chemical manufacturers, and ensure that confidential business information is protected but not in a way that prevents EPA from acting to fulfill its mission. Finally, as a separate but related matter, EPA must be given the resources needed to carry out the reforms.

In closing, we thank you again for your work on this important issue and look forward to assisting your efforts to craft effective, bipartisan reform of our nation's chemical safety law. We look forward to working with the committee to offer additional input as this process continues.