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ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
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July 15, 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:

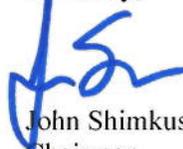
Thank you for appearing before the Subcommittee on Environment and the Economy on Tuesday, April 29, 2014, to testify at the hearing on the discussion draft entitled the "Chemicals in Commerce Act."

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 and requests with a transmittal letter by the close of business on Tuesday, July 29, 2014. Your responses should be mailed to Nick Abraham, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed to Nick.Abraham@mail.house.gov.

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

Despite testimony over the past seven hearings on TSCA that the new chemicals program under current law has largely been a success, the revised draft implements a number of substantial changes to this program.

These include new exemptions for articles and byproducts, as well as a new analytical standard under which EPA must determine whether or not regulation “is warranted.” The purpose and effects of these changes are not clear.

1. Do other laws implemented by EPA require determinations of whether regulation “is warranted?” If so, has that standard been interpreted in the past as requiring a cost-benefit analysis? Has the “is warranted” standard posed any difficulties for implementation?

In your written testimony, you suggested that these new changes would have an adverse effect on the new chemicals program, weakening current law.

For instance, you state that EPA’s risk management authorities for new chemicals under the discussion draft would be weaker than those in current TSCA.

2. Please explain this concern in detail.

The draft also weakens current law with respect to EPA’s ability to respond where there is insufficient information. Under current law, when EPA receives a PMN for a new chemical and finds that there is insufficient information to evaluate the chemical’s risks, EPA has a number of options, including requiring the development and submission of test data pursuant to section 4. The draft would curtail some of these authorities.

3. What steps would EPA have to take under the revised draft to obtain the information needed for new chemical reviews?
4. Would these steps take additional time and/or resources, compared to the current process, and if so, what effects could that have?

There has been consensus among a broad group of stakeholders that chemicals should be held to a risk-based safety standard under a reformed TSCA. This has been part of EPA’s principles for TSCA reform since 2009. You testified that the standard in the discussion draft is a “risk/cost balancing” standard similar to what exists under current law and that it “does not align with the approach delineated in [EPA’s] principles.”

At the same time, you testified that EPA needs to have the flexibility to consider costs in risk management.

5. In EPA’s view, should costs of risk management options play a role in determining whether or not a chemical meets a risk-based standard?
6. In EPA’s view, should the Agency have discretion to consider costs in choosing among available risk-management options that would be adequate to bring a chemical into compliance with a risk-based standard?

The Honorable John D. Dingell

1. In 1976 I submitted report language in regard to weaknesses that exist in the current Toxic Substances Controlled Act. I stated it was essential for the protection of public health and the environment that EPA

have a firm mandate for a comprehensive approach to protection from hazards due to chemical substances. And, that such a success could only be achieved through legislative directives and adequate funding support. Mr. Jones, you state in your testimony that, in order to be successful, EPA must have the resources it needs to protect the American people from exposure to harmful chemicals.

- a. Under CICA, does EPA have the appropriate resources to quickly and efficiently implement the various framework, process, criteria, and guidance provisions which must be in place prior to EPA beginning action on specific chemicals?
 - b. Under CICA, once EPA is able to take action on a specific chemical, does EPA have the resources needed to quickly and efficiently determine prioritizations, assessments, determinations, and risk managements?
2. EPA has over 84,000 chemicals listed on its TSCA inventory, and little over 200 have been acted on in 37 years. EPA has identified an initial work plan of chemicals for assessment which includes 83 substances, in addition to identifying several hundred chemicals on the Safer Chemicals Ingredients List.
- a. Under current TSCA, does EPA have the appropriate resources to complete more than 20 risk assessments per year on existing chemicals? Please answer yes or no.
 - b. What kind of resources would EPA need in order to perform 10 to 20 more additional risk assessments per year?
3. As you know, I have the privilege to live in the Great Lakes region, home to 20 percent of the world's fresh water supply as well as tremendous hunting and fishing areas. Many of my constituents have voiced concerns that CICA does not ensure adequate public health and safety standards needed for high-risk toxic chemical contamination found in this region.
- a. Would EPA be better able to regulate new and existing chemicals if they were granted the authority to set priorities for conducting safety reviews based on relevant risk and exposure conditions?
 - b. If both chemical manufacturers and EPA had the ability to asses and act on priority chemicals like those potentially found in the Great Lakes, would EPA be better able to regulate those chemicals in a timely manner?