

[DISCUSSION DRAFT]

114TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To modernize the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To modernize the Toxic Substances Control Act, and for  
other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “TSCA Modernization Act of 2015”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Testing of chemical substances and mixtures.
- Sec. 4. Regulation of hazardous chemical substances and mixtures.
- Sec. 5. Reporting and retention of information.

Sec. 6. Relationship to other Federal laws.

Sec. 7. Disclosure of data.

Sec. 8. Effect on State law.

Sec. 9. Administration of the Act.

Sec. 10. Conforming amendments.

1 **SEC. 2. DEFINITIONS.**

2 Section 3 of the Toxic Substances Control Act (15  
3 U.S.C. 2602) is amended—

4 (1) by redesignating paragraphs (7) through  
5 (14) as paragraphs (8) through (10) and (12)  
6 through (16), respectively;

7 (2) by inserting after paragraph (6) the fol-  
8 lowing:

9 “(7) The term ‘intended conditions of use’ means the  
10 circumstances under which a chemical substance is in-  
11 tended, known, or reasonably foreseen to be manufac-  
12 tured, processed, distributed in commerce, used, and dis-  
13 posed of.”;

14 (3) by inserting after paragraph (10), as so re-  
15 designated, the following:

16 “(11) The term ‘potentially exposed subpopulation’  
17 means a group of individuals within the general population  
18 who, due to either greater susceptibility or greater poten-  
19 tial exposure, are at greater risk than the general popu-  
20 lation of adverse health effects from exposure to a chem-  
21 ical substance.”; and

22 (4) by adding at the end the following:

1       “(17) The term ‘weight of the scientific evidence’  
2 means the results of an approach that gives appropriate  
3 weight to all relevant information in an integrative and  
4 objective manner that takes into account the strengths  
5 and limitations associated with each type of information.”.

6 **SEC. 3. TESTING OF CHEMICAL SUBSTANCES AND MIX-**  
7 **TURES.**

8       Section 4 of the Toxic Substances Control Act (15  
9 U.S.C. 2603) is amended—

10           (1) in subsection (a)(1)—

11                   (A) in subparagraph (A)(iii), by striking “;  
12                   or” and inserting a semicolon;

13                   (B) in subparagraph (B)(iii), by striking “;  
14                   and” and inserting “; or”; and

15                   (C) by adding at the end the following:

16                   “(C) testing of a chemical substance is nec-  
17                   essary to conduct a risk evaluation under section  
18                   6(b); and”; and

19           (2) in the matter following subsection (a)(2), by  
20           inserting “, order, or consent agreement” after “by  
21           rule”.

1 **SEC. 4. REGULATION OF HAZARDOUS CHEMICAL SUB-**  
2 **STANCES AND MIXTURES.**

3 (a) SCOPE OF REGULATION.—Section 6(a) of the  
4 Toxic Substances Control Act (15 U.S.C. 2605(a)) is  
5 amended—

6 (1) by striking “finds that there is a reasonable  
7 basis to conclude” and inserting “determines under  
8 subsection (b)”;

9 (2) by striking “using the least burdensome re-  
10 quirements”.

11 (b) RISK EVALUATIONS.—Section 6(b) of the Toxic  
12 Substances Control Act (15 U.S.C. 2605(b)) is amended  
13 to read as follows:

14 “(b) RISK EVALUATIONS.—

15 “(1) IN GENERAL.—The Administrator shall  
16 conduct risk evaluations pursuant to this subsection  
17 to determine whether or not a chemical substance  
18 presents or will present, in the absence of require-  
19 ments under subsection (a), an unreasonable risk of  
20 injury to health or the environment as described in  
21 subsection (a).

22 “(2) APPLYING REQUIREMENTS.—The Adminis-  
23 trator shall apply requirements with respect to a  
24 chemical substance through a rule under subsection  
25 (a) only if the Administrator determines through a  
26 risk evaluation under this subsection that the chem-

1        ical substance presents or will present, in the ab-  
2        sence of such requirements, an unreasonable risk of  
3        injury to health or the environment as described in  
4        subsection (a).

5            “(3) CONDUCTING RISK EVALUATION.—The  
6        Administrator shall conduct and publish the results  
7        of a risk evaluation under this subsection for a  
8        chemical substance if—

9            “(A) the Administrator finds a reasonable  
10        basis for concluding that the combination of  
11        hazard from and exposure to the chemical sub-  
12        stance under the intended conditions of use has  
13        the potential to be high enough to present an  
14        unreasonable risk of injury to health or the en-  
15        vironment; or

16            “(B) the manufacturer of a chemical sub-  
17        stance requests such a risk evaluation.

18            “(4) REQUIREMENTS.—In conducting a risk  
19        evaluation under this subsection, the Administrator  
20        shall—

21            “(A) integrate and assess information on  
22        hazards and exposures for the intended condi-  
23        tions of use of the chemical substance, includ-  
24        ing information that is relevant to specific risks  
25        of injury to health or the environment and in-

1 formation on potentially exposed subpopula-  
2 tions, but not including information on cost and  
3 other factors not directly related to health or  
4 the environment;

5 “(B) take into account, where relevant, the  
6 likely duration, intensity, frequency, and num-  
7 ber of exposures under the intended conditions  
8 of use of the chemical substance;

9 “(C) describe the weight of the scientific  
10 evidence for identified hazard and exposure;

11 “(D) consider whether the weight of the  
12 scientific evidence supports the identification of  
13 threshold doses of the chemical substance below  
14 which no adverse effects can be expected to  
15 occur; and

16 “(E) in the case of a risk evaluation re-  
17 quested by a manufacturer under paragraph  
18 (3)(B), ensure that the costs to the Environ-  
19 mental Protection Agency, including contractor  
20 costs, of conducting the risk evaluation are paid  
21 for by the manufacturer.

22 “(5) DEADLINES.—

23 “(A) RISK EVALUATIONS.—The Adminis-  
24 trator shall conduct and publish a risk evalua-

1           tion under this subsection for a chemical sub-  
2           stance not later than—

3                   “(i) 3 years after the date on which  
4                   the Administrator makes a finding under  
5                   paragraph (3)(A); or

6                   “(ii) 180 days after the date on which  
7                   a manufacturer requests the risk evalua-  
8                   tion under paragraph (3)(B).

9                   “(B) SUBSECTION (a) RULES.—If, based  
10                  on a risk evaluation conducted under this sub-  
11                  section, the Administrator determines that a  
12                  chemical substance presents or will present, in  
13                  the absence of a rule under subsection (a), an  
14                  unreasonable risk of injury to health or the en-  
15                  vironment as described in subsection (a), the  
16                  Administrator shall—

17                   “(i) propose a rule under subsection  
18                   (a) for the chemical substance not later  
19                   than 90 days after the date on which the  
20                   risk evaluation regarding such chemical  
21                   substance is published under subparagraph  
22                   (A); and

23                   “(ii) publish in the Federal Register a  
24                   final rule not later than 180 days after  
25                   such publication date.

1           “(C) EXTENSION.—If the Administrator  
2 determines that additional information is nec-  
3 essary to make a risk evaluation determination  
4 under this subsection, the Administrator may  
5 extend deadlines under subparagraph (B) ac-  
6 cordingly, except that the deadline under sub-  
7 paragraph (B)(i) may not be extended to a date  
8 that is later than—

9                   “(i) 90 days after receipt of such ad-  
10                   ditional information; or

11                   “(ii) 2 years after the original dead-  
12                   line.

13           “(6) DETERMINATIONS OF NO UNREASONABLE  
14 RISK.—

15           “(A) NOTICE AND COMMENT.—Not later  
16 than 30 days before publishing a final deter-  
17 mination under this subsection that a chemical  
18 substance will not present an unreasonable risk  
19 of injury to health or the environment, the Ad-  
20 ministrator shall make a preliminary determina-  
21 tion to such effect and provide public notice of,  
22 and an opportunity for comment regarding,  
23 such preliminary determination.

24           “(B) POTENTIALLY EXPOSED SUBPOPULA-  
25 TIONS.—The Administrator shall not make a

1           determination under this subsection that a  
2           chemical substance will not present an unrea-  
3           sonable risk of injury to health or the environ-  
4           ment if the Administrator determines that the  
5           chemical substance, under the intended condi-  
6           tions of use, poses an unreasonable risk of in-  
7           jury to 1 or more potentially exposed sub-  
8           populations.

9           “(C) FINAL ACTION.—A final determina-  
10          tion under this subsection that a chemical sub-  
11          stance will not present an unreasonable risk of  
12          injury to health or the environment shall be  
13          considered a final agency action.”.

14          (c) PROMULGATION OF SUBSECTION (a) RULES.—  
15          Section 6(c) of the Toxic Substances Control Act (15  
16          U.S.C. 2605(c)) is amended—

17               (1) by amending paragraph (1) to read as fol-  
18          lows:

19               “(1) REQUIREMENTS FOR RULE.—In promul-  
20          gating any rule under subsection (a) with respect to  
21          a chemical substance or mixture, the Administrator  
22          shall—

23                       “(A) consider and publish a statement with  
24          respect to—

1 “(i) the effects of the chemical sub-  
2 stance or mixture on health and the mag-  
3 nitude of the exposure of human beings to  
4 the chemical substance or mixture;

5 “(ii) the effects of the chemical sub-  
6 stance or mixture on the environment and  
7 the magnitude of the exposure of the envi-  
8 ronment to the chemical substance or mix-  
9 ture;

10 “(iii) the benefits of the chemical sub-  
11 stance or mixture for various uses; and

12 “(iv) the reasonably ascertainable eco-  
13 nomic consequences of the rule, including  
14 consideration of the likely effect of the rule  
15 on the national economy, small business,  
16 technological innovation, the environment,  
17 and public health;

18 “(B) impose requirements under the rule  
19 that the Administrator determines, consistent  
20 with the information published under subpara-  
21 graph (A), are cost-effective;

22 “(C) based on the information published  
23 under subparagraph (A), in deciding whether to  
24 prohibit or restrict in a manner that substan-  
25 tially prevents a specific use of a chemical sub-

1           stance or mixture and in setting an appropriate  
2           transition period for such action, determine  
3           whether technically and economically feasible al-  
4           ternatives that benefit health or the environ-  
5           ment, compared to the use so proposed to be  
6           prohibited or restricted, will be reasonably  
7           available as a substitute when the proposed pro-  
8           hibition or restriction takes effect;

9           “(D) exempt replacement parts that are  
10          manufactured prior to the effective date of the  
11          rule for articles that are first manufactured  
12          prior to the date of publication in the Federal  
13          Register of the rule unless the Administrator  
14          finds such replacement parts contribute signifi-  
15          cantly to the identified risk; and

16          “(E) in selecting among prohibitions and  
17          restrictions to address an identified risk, apply  
18          prohibitions or restrictions to articles on the  
19          basis of a chemical substance or mixture con-  
20          tained in the article only to the extent necessary  
21          to mitigate the identified risk.”;

22          (2) in paragraph (2)—

23                 (A) by inserting “PROCEDURES.—” before  
24                 “When prescribing a rule”;

1 (B) by striking “provide an opportunity for  
2 an informal hearing in accordance with para-  
3 graph (3); (D)”;

4 (C) by striking “, and (E)” and inserting  
5 “; and (D)”;

6 (D) by moving such paragraph 2 ems to  
7 the right;

8 (3) by striking paragraphs (3) and (4) and re-  
9 designating paragraph (5) as paragraph (3); and  
10 (4) in paragraph (3) (as so redesignated)—

11 (A) by striking “Paragraphs (1), (2), (3),  
12 and (4)” and inserting “APPLICATION.—Para-  
13 graphs (1) and (2)”;

14 (B) by moving such paragraph 2 ems to  
15 the right.

16 (d) EFFECTIVE DATE.—Section 6(d)(2)(B) of the  
17 Toxic Substances Control Act (15 U.S.C. 2605(d)(2)(B))  
18 is amended by adding at the end the following: “Any rule  
19 promulgated under subsection (a) shall provide for a rea-  
20 sonable transition period.”.

21 **SEC. 5. REPORTING AND RETENTION OF INFORMATION.**

22 Section 8(b) of the Toxic Substances Control Act (15  
23 U.S.C. 2607(b)) is amended by adding at the end the fol-  
24 lowing:

1 “(3) The Administrator shall periodically collect in-  
2 formation under this subsection as necessary to remove  
3 from the list any chemical substance that is no longer  
4 manufactured or processed in the United States, and re-  
5 vise the list accordingly.”.

6 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL LAWS.**

7 Section 9(b) of the Toxic Substances Control Act (15  
8 U.S.C. 2608(b)) is amended—

9 (1) by striking “The Administrator shall coordi-  
10 nate” and inserting “(1) The Administrator shall co-  
11 ordinate”; and

12 (2) by adding at the end the following:

13 “(2) In making a determination under paragraph (1)  
14 that it is in the public interest for the Administrator to  
15 take an action under this title rather than under another  
16 law administered in whole or in part by the Administrator,  
17 the Administrator shall compare the relative risks, esti-  
18 mated costs, and efficiencies of the action to be taken  
19 under this title and an action to be taken under such other  
20 law to protect against such risk.”.

21 **SEC. 7. DISCLOSURE OF DATA.**

22 Section 14 of the Toxic Substances Control Act (15  
23 U.S.C. 2613) is amended—

24 (1) in subsection (a)—

1 (A) by striking “or” at the end of para-  
2 graph (3);

3 (B) by striking the period at the end of  
4 paragraph (4) and inserting a semicolon; and

5 (C) by adding after paragraph (4) the fol-  
6 lowing new paragraphs:

7 “(5) may be disclosed to a State, local, or tribal  
8 government official upon request of the official for  
9 the purpose of administration or enforcement of a  
10 law; and

11 “(6) shall be disclosed upon request—

12 “(A) to a health or environmental profes-  
13 sional employed by a Federal or State agency in  
14 response to an environmental release; or

15 “(B) to a treating physician or other  
16 health care professional to assist in the diag-  
17 nosis or treatment of 1 or more individuals.”;

18 (2) in subsection (b)(1), in the matter following  
19 subparagraph (B), by striking “discloses processes”  
20 and inserting “discloses formulas or processes”;

21 (3) by amending subsection (c)(1) to read as  
22 follows:

23 “(c) DESIGNATING AND SUBSTANTIATING CON-  
24 FIDENTIALITY.—(1)(A) In submitting information under  
25 this Act after date of enactment of the TSCA Moderniza-

1 tion Act of 2015, a manufacturer, processor, or distributor  
2 in commerce shall designate the information which such  
3 person believes is entitled to protection under this section,  
4 and submit such designated information separately from  
5 other information submitted under this Act. A designation  
6 under this subparagraph shall be made in writing and in  
7 such manner as the Administrator may prescribe, and  
8 shall include—

9           “(i) justification for each designation of  
10           confidentiality;

11           “(ii) a certification that the information is  
12           not otherwise publicly available; and

13           “(iii) separate copies of all submitted infor-  
14           mation, with 1 copy containing and 1 copy ex-  
15           cluding the information to which the request  
16           applies.

17           “(B) Designations made under subparagraph (A)  
18 after the date of enactment of the TSCA Modernization  
19 Act of 2015 shall expire after 10 years, at which time the  
20 information shall be made public unless the manufacturer,  
21 processor, or distributor in commerce has submitted a re-  
22 quest for renewal, made in writing and in such manner  
23 as the Administrator may prescribe, including all of the  
24 elements required for the initial submission.”; and

1 (4) by adding at the end the following new sub-  
2 section:

3 “(f) PROHIBITION.—No person who receives informa-  
4 tion as permitted under subsection (a) or (b) may use such  
5 information for any purpose not specified in such sub-  
6 section, nor disclose such information to any person not  
7 authorized to receive such information.”.

8 **SEC. 8. EFFECT ON STATE LAW.**

9 Section 18(a)(2) of the Toxic Substances Control Act  
10 (15 U.S.C. 2617(a)(2)) is amended—

11 (1) in subparagraph (A), by striking “; and”  
12 and inserting a semicolon; and

13 (2) by striking subparagraph (B) and inserting  
14 the following:

15 “(B) if the Administrator makes a final deter-  
16 mination under section 6(b) that a chemical sub-  
17 stance will not present an unreasonable risk of in-  
18 jury to health or the environment under the intended  
19 condition of use, no State or political subdivision  
20 may, after the date of publication of such determina-  
21 tion, establish or continue in effect any requirement  
22 that applies to such chemical substance under the  
23 intended conditions of use and is designed to protect  
24 against exposure to such chemical substance under  
25 the intended conditions of use; and

1           “(C) if the Administrator imposes a require-  
2           ment, through a rule or order under section 5 or 6,  
3           that applies to a chemical substance or mixture  
4           (other than a requirement described in section  
5           6(a)(5)), no State or political subdivision may, after  
6           the effective date of such requirement, establish or  
7           continue in effect any requirement that applies to  
8           such chemical substance or mixture (including a re-  
9           quirement that applies to an article because the arti-  
10          cle contains the chemical substance or mixture) and  
11          is designed to protect against exposure to the chem-  
12          ical substance or mixture, unless the requirement of  
13          the State or political subdivision—

14                   “(i) is identical to the requirement imposed  
15                   by the Administrator; or

16                   “(ii) is adopted under the authority of a  
17                   Federal law.”.

18 **SEC. 9. ADMINISTRATION OF THE ACT.**

19          Section 26 of the Toxic Substances Control Act (15  
20 U.S.C. 2625) is amended—

21                   (1) in subsection (b)(1)—

22                           (A) by inserting “, or who requests a risk  
23                           evaluation under section 6(b)(3)(B),” before “to  
24                           defray the cost”; and

1 (B) by striking “Such rules shall not pro-  
2 vide for any fee in excess of \$2,500 or, in the  
3 case of a small business concern, any fee in ex-  
4 cess of \$100.” and inserting “Such rules shall  
5 provide for lower fees for small business con-  
6 cerns.”; and

7 (2) by adding at the end the following:

8 “(h) SCIENTIFIC STANDARDS.—In evaluating infor-  
9 mation from studies and tests, and in carrying out sec-  
10 tions 4, 5, and 6 to the extent that the Administrator  
11 makes a decision based on science, the Administrator shall  
12 consider, among other applicable factors—

13 “(1) the extent to which the scientific and tech-  
14 nical procedures, measures, methods, or models em-  
15 ployed to generate the information are reasonable  
16 for and consistent with the intended use of the infor-  
17 mation;

18 “(2) the extent to which the information is rel-  
19 evant for the Administrator’s intended use;

20 “(3) the degree of clarity and completeness with  
21 which the data, assumptions, methods, quality assur-  
22 ance, sponsoring organizations, and analyses em-  
23 ployed to generate the information are documented;

24 “(4) the extent to which the variability and un-  
25 certainty in the information, or in the procedures,

1 measures, methods, or models, are evaluated and  
2 characterized; and

3 “(5) the extent of independent verification, vali-  
4 dation, and peer review of the information or of the  
5 procedures, measures, methods, or models.

6 “(i) WEIGHT OF SCIENTIFIC EVIDENCE.—The Ad-  
7 ministrator shall make decisions under sections 4, 5, and  
8 6 based on the weight of the scientific evidence.

9 “(j) AVAILABILITY OF INFORMATION.—Subject to  
10 section 14, the Administrator shall make available to the  
11 public all notices, determinations, findings, rules, and or-  
12 ders of the Administrator under this title.

13 “(k) POLICIES, PROCEDURES, AND GUIDANCE.—

14 “(1) DEVELOPMENT.—Not later than 2 years  
15 after the date of enactment of the TSCA Moderniza-  
16 tion Act of 2015, the Administrator shall develop  
17 any policies, procedures, and guidance the Adminis-  
18 trator determines are necessary to carry out the  
19 amendments to this Act made by the TSCA Mod-  
20 ernization Act of 2015.

21 “(2) REVIEW.—Not later than 5 years after the  
22 date of enactment of the TSCA Modernization Act  
23 of 2015, and not less frequently than once every 5  
24 years thereafter, the Administrator shall—

1           “(A) review the adequacy of the policies,  
2           procedures, and guidance developed under para-  
3           graph (1), including with respect to animal,  
4           nonanimal, and epidemiological test methods  
5           and procedures for assessing and determining  
6           risk under this title; and

7           “(B) revise such policies, procedures, and  
8           guidance as the Administrator determines nec-  
9           essary to reflect new scientific developments or  
10          understandings.

11          “(1) SAVINGS.—Nothing in this title shall be con-  
12          strued to affect either the tort law or the law governing  
13          the interpretation of contracts of any State.”.

14          **SEC. 10. CONFORMING AMENDMENTS.**

15          (a) SECTION 4.—Section 4 of the Toxic Substances  
16          Control Act (15 U.S.C. 2603) is amended—

17                  (1) in subsection (b)—

18                          (A) in paragraph (1), by striking “rule”  
19                          each place it appears and inserting “rule, order,  
20                          or consent agreement”;

21                          (B) in paragraph (2)(B), by striking  
22                          “rules” and inserting “rules, orders, and con-  
23                          sent agreements”;

1 (C) in paragraph (3), by striking “rule”  
2 each place it appears and inserting “rule, order,  
3 or consent agreement”; and

4 (D) in paragraph (4)—

5 (i) by striking “rule under subsection  
6 (a)” each place it appears and inserting  
7 “rule, order, or consent agreement under  
8 subsection (a)”;

9 (ii) by striking “repeals the rule” each  
10 place it appears and inserting “repeals the  
11 rule or order or modifies the consent  
12 agreement to terminate the requirement”;  
13 and

14 (iii) by striking “repeals the applica-  
15 tion of the rule” and inserting “repeals or  
16 modifies the application of the rule, order,  
17 or consent agreement”;

18 (2) in subsection (c)—

19 (A) in paragraph (1), by striking “rule”  
20 and inserting “rule or order”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (A), by striking  
23 “a rule under subsection (a) or for which  
24 data is being developed pursuant to such a  
25 rule” and inserting “a rule, order, or con-

1 sent agreement under subsection (a) or for  
2 which data is being developed pursuant to  
3 such a rule, order, or consent agreement”;

4 (ii) in subparagraph (B), by striking  
5 “such rule or which is being developed pur-  
6 suant to such rule” and inserting “such  
7 rule, order, or consent agreement or which  
8 is being developed pursuant to such rule,  
9 order, or consent agreement”; and

10 (iii) in the matter following subpara-  
11 graph (B), by striking “the rule” and in-  
12 serting “the rule or order”;

13 (C) in paragraph (3)(B)(i), by striking  
14 “rule promulgated” and inserting “rule, order,  
15 or consent agreement”; and

16 (D) in paragraph (4)—

17 (i) by striking “rule promulgated”  
18 each place it appears and inserting “rule,  
19 order, or consent agreement”;

20 (ii) by striking “such rule” each place  
21 it appears and inserting “such rule, order,  
22 or consent agreement”; and

23 (iii) in subparagraph (B), by striking  
24 “the rule” and inserting “the rule, order,  
25 or consent agreement”;

1           (3) in subsection (d), by striking “rule” and in-  
2           serting “rule, order, or consent agreement”; and

3           (4) in subsection (g), by striking “rule” and in-  
4           serting “rule, order, or consent agreement”.

5           (b) SECTION 5.—Section 5 of the Toxic Substances  
6 Control Act (15 U.S.C. 2604) is amended—

7           (1) in subsection (b)—

8           (A) in paragraph (1)(A)—

9           (i) by striking “rule promulgated”  
10           and inserting “rule, order, or consent  
11           agreement”; and

12           (ii) by striking “such rule” and insert-  
13           ing “such rule, order, or consent agree-  
14           ment”;

15           (B) in paragraph (1)(B)—

16           (i) by striking “rule promulgated”  
17           and inserting “rule or order”; and

18           (ii) by striking “the date of the sub-  
19           mission in accordance with such rule” and  
20           inserting “the required date of submis-  
21           sion”; and

22           (C) in paragraph (2)(A)(ii), by striking  
23           “rule promulgated” and inserting “rule, order,  
24           or consent agreement”; and

1           (2) in subsection (d)(2)(C), by striking “rule”  
2           and inserting “rule, order, or consent agreement”.

3           (c) SECTION 7.—Section 7(a)(1) of the Toxic Sub-  
4           stances Control Act (15 U.S.C. 2606(a)(1)) is amended,  
5           in the matter following subparagraph (C), by striking “a  
6           rule under section 4, 5, 6, or title IV or an order under  
7           section 5 or title IV” and inserting “a rule under section  
8           4, 5, or 6 or title IV, an order under section 4 or 5 or  
9           title IV, or a consent agreement under section 4”.

10          (d) SECTION 8.—Section 8(a)(3)(A)(ii)(I) of the  
11          Toxic Substances Control Act (15 U.S.C.  
12          2607(a)(3)(A)(ii)(I)) is amended by striking “or an order  
13          in effect under section 5(e)” and inserting “, an order in  
14          effect under section 4 or 5(e), or a consent agreement  
15          under section 4”.

16          (e) SECTION 9.—Section 9(a) of the Toxic Sub-  
17          stances Control Act (15 U.S.C. 2608(a)) is amended by  
18          striking “section 6” each place it appears and inserting  
19          “section 6(a)”.

20          (f) SECTION 11.—Section 11(b)(2)(E) of the Toxic  
21          Substances Control Act (15 U.S.C. 2610(b)(2)(E)) is  
22          amended by striking “rule promulgated” and inserting  
23          “rule promulgated, order issued, or consent agreement en-  
24          tered into”.

1 (g) SECTION 15.—Section 15(1) (15 U.S.C. 2614(1))  
2 is amended by striking “(A) any rule” and all that follows  
3 through “or (D)” and inserting “any requirement of this  
4 title or any rule promulgated, order issued, or consent  
5 agreement entered into under this title, or”.

6 (h) SECTION 18.—Section 18(a)(2)(A) of the Toxic  
7 Substances Control Act (15 U.S.C. 2617(a)(2)(A)) is  
8 amended—

9 (1) by striking “rule promulgated” and insert-  
10 ing “rule, order, or consent agreement”; and

11 (2) by striking “such rule” each place it ap-  
12 pears and inserting “such rule, order, or consent  
13 agreement”.

14 (i) SECTION 19.—Section 19 of the Toxic Substances  
15 Control Act (15 U.S.C. 2618) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)(A)—

18 (i) by striking “(A) Not later than 60  
19 days after the date of the promulgation of  
20 a rule” and inserting “Not later than 60  
21 days after the date on which a rule is pro-  
22 mulgated”;

23 (ii) by inserting “or the date on which  
24 an order is issued under section 4,” before  
25 “any person”;

1 (iii) by striking “such rule” and in-  
2 serting “such rule or order”; and

3 (iv) by striking “such a rule” and in-  
4 serting “such a rule or order”;

5 (B) by striking paragraph (1)(B);

6 (C) in paragraph (2), by striking “the  
7 rule” and inserting “the rule or order”; and

8 (D) in paragraph (3)—

9 (i) in subparagraph (A), by striking  
10 “the rule” and inserting “the rule or  
11 order”;

12 (ii) in subparagraph (B), by striking  
13 “a rule under section 4(a)” and inserting  
14 “a rule or order under section 4(a)”;

15 (iii) in subparagraph (C), by striking  
16 “such rule” and inserting “such rule or  
17 order”;

18 (iv) in subparagraph (D), by striking  
19 “such rule” and inserting “such rule or  
20 order”; and

21 (v) in subparagraph (E)—

22 (I) by striking “such rule” and  
23 inserting “such rule or order”; and

24 (II) by striking “the date of the  
25 promulgation of such rule” and in-

1                   serting “the date on which such rule  
2                   is promulgated or such order is  
3                   issued”;

4                   (2) in subsection (b)—

5                   (A) by striking “review a rule” and insert-  
6                   ing “review a rule, or an order under section  
7                   4,”;

8                   (B) by striking “such rule” and inserting  
9                   “such rule or order”;

10                  (C) by striking “the rule” and inserting  
11                  “the rule or order”;

12                  (D) by striking “new rule” each place it  
13                  appears and inserting “new rule or order”; and

14                  (E) by striking “modified rule” and insert-  
15                  ing “modified rule or order”; and

16                  (3) in subsection (c)—

17                  (A) in paragraph (1)—

18                   (i) in subparagraph (A)—

19                   (I) by striking “a rule” and in-  
20                   serting “a rule, or an order under sec-  
21                   tion 4”; and

22                   (II) by striking “such rule” and  
23                   inserting “such rule or order”; and

24                   (ii) in subparagraph (B)—

1 (I) in the matter preceding clause  
2 (i), by striking “a rule” and inserting  
3 “a rule or order”; and

4 (II) in clause (i)—

5 (aa) by inserting “or an  
6 order under section 4,” before  
7 “the standard for review”;

8 (bb) by striking “such rule”  
9 inserting “such rule or order”;  
10 and

11 (cc) by striking “the rule”  
12 and inserting “the rule or order”;  
13 and

14 (B) in paragraph (2), by striking “any  
15 rule” and inserting “any rule or order”.

16 (j) SECTION 20.—Section 20(a)(1) of the Toxic Sub-  
17 stances Control Act (15 U.S.C. 2619(a)(1)) is amended  
18 by striking “order issued under section 5” and inserting  
19 “order issued under section 4 or 5”.

20 (k) SECTION 21.—Section 21 of the Toxic Substances  
21 Control Act (15 U.S.C. 2620) is amended—

22 (1) in subsection (a), by striking “order under  
23 section 5(e) or (6)(b)(2)” and inserting “order  
24 under section 4 or 5(e)”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking “order  
2 under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)”  
3 and inserting “order under section 4 or 5(e)”;

4 (B) in paragraph (4)(B)—

5 (i) in the matter preceding clause (i),  
6 by striking “order under section 5(e) or  
7 6(b)(2)” and inserting “order under sec-  
8 tion 4 or 5(e)”;

9 (ii) in clause (i), by striking “order  
10 under section 5(e)” and inserting “order  
11 under section 4 or 5(e)”;

12 (iii) in clause (ii), by striking “or an  
13 order under section 6(b)(2)”.

14 (l) SECTION 24.—Section 24(b)(2)(B) of the Toxic  
15 Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is  
16 amended—

17 (1) by inserting “and” at the end of clause (i);

18 (2) by striking clause (ii); and

19 (3) by redesignating clause (iii) as clause (ii).

20 (m) SECTION 27.—Section 27(a) of the Toxic Sub-  
21 stances Control Act (15 U.S.C. 2626(a)) is amended by  
22 striking “rules promulgated” and inserting “rules, orders,  
23 or consent agreements”.

24 (n) SECTION 30.—Section 30(2) of the Toxic Sub-  
25 stances Control Act (15 U.S.C. 2629(2)) is amended by

- 1 striking “rule” and inserting “rule, order, or consent
- 2 agreement”.