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1 {York Stenographic Services, Inc.}

2 RPTS BROWN

3 HIF134.180

4 MARKUP ON H.R. _____, THE TSCA MODERNIZATION ACT OF 2015

5 THURSDAY, MAY 14, 2015

6 House of Representatives,

7 Subcommittee on Environment and Economy

8 Committee on Energy and Commerce

9 Washington, D.C.

10 The Subcommittee met, pursuant to call, at 12:15 p.m.,
11 in Room 2123 of the Rayburn House Office Building, Hon. John
12 Shimkus [Chairman of the Subcommittee] presiding.

13 Members present: Representatives Shimkus, Harper,
14 Whitfield, Pitts, Latta, McKinley, Johnson, Bucshon, Flores,
15 Hudson, Cramer, Upton (ex officio), Tonko, Schrader, Green,
16 DeGette, McNerney, Cardenas, and Pallone (ex officio).

17 Staff present: Gary Andres, Staff Director; Karen
18 Christian, General Counsel; Peter Spencer, Professional Staff

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19 Member; Jen Berenholz, Democratic Chief Clerk; Christine
20 Brennan, Democratic Press Secretary; Jeff Carroll, Democratic
21 Staff Director; Jacqueline Cohen, Democratic Senior Counsel;
22 Elizabeth Ertel, Democratic Deputy Clerk; Tiffany Guarascio,
23 Democratic Deputy Staff Director and Chief Health Advisor;
24 Caitlin Haberman, Democratic Professional Staff Member;
25 Ashley Jones, Democratic Director, Outreach and Member
26 Services; Rick Kessler, Democratic Senior Advisor and Staff
27 Director, Energy and Environment; Tim Robinson, Democratic
28 Chief Counsel; and Ryan Schmit, Democratic EPA Detailee.

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|
29 Mr. {Shimkus.} The Subcommittee will come to order, and
30 the checker--Chair recognizes himself for an opening
31 statement.

32 We have a lot of progress to report. For today's
33 markup, we have made some changes to the TSCA Modernization
34 Act draft, but our basic approach remains the same. The
35 focus is still on creating a system by which the EPA can
36 scrutinize chemicals on the market, and make science-based
37 decisions about whether they pose an unreasonable risk of
38 injury to human health or the environment. Current law makes
39 the risk determination, and the decision about how to
40 regulate, if regulation is warranted, part of the same
41 process.

42 We break this out as two distinct steps. First the
43 agency will evaluate whether the combination of hazard and
44 exposure warrants any regulation at all. This decision is
45 based on science, not economics. The second step is choosing
46 how to regulate, if regulation is needed. This decision
47 brings in the economic factors, including benefits of the
48 chemical, economic consequences of the rule, whether the rule
49 is cost-effective, and whether alternatives are available.
50 And whatever the rule is, it must allow a reasonable

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51 transition period.

52 Once EPA decides on a chemical, and on whatever uses for
53 it are known or intended, the decision applies coast to
54 coast. The bill preserves certain state laws that are not in
55 conflict with TSCA, and private rights of action in tort or
56 contract law. We added language on user fees that was
57 requested by both the EPA and the industry. The concern is
58 fees paid into EPA for a specific purpose are used just for
59 that purpose, and the fees are set at a level that is not
60 higher than necessary to carry out the purpose for which they
61 are paid. The fees will be paid into a special account,
62 which will be audited on a regular basis.

63 There is another important change we must address.
64 Language in the original draft require that EPA update the
65 inventory of chemicals that is maintained under TSCA Section
66 8 is deleted. The draft before us now has no language
67 amending Section 8. Many have expressed desire to make
68 improvements under Section 8 of TSCA. In fact, members on
69 both sides are poised to engage with one another of--on these
70 concerns. Most of them have two things in common. One, they
71 involve either concerning implementation issues, or what
72 appears to be paperwork and reporting requirements that the
73 stakeholders consider unneeded, duplicative, or expensive

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74 bureaucratic red tape. Or, two, the EPA has authority to fix
75 them all.

76 These all sound like legitimate concerns. For my
77 colleagues interested in fixing certain aspects of Section 8,
78 I encourage them to work in a bipartisan manner as we move to
79 full committee. We can then look to address these concerns
80 through the amendment process, with support from both sides
81 of the aisle. And I would just say to my colleagues, we
82 would like these changes to come in a bipartisan manner, and
83 brought forward so that we can--like we have done on this
84 process of the full mark.

85 We have come a long way toward TSCA reform in the past
86 few years. Today marks another step in the process, but we
87 still have a long way to go. That said, I am more encouraged
88 now than ever that we can get through this--to the finish
89 line. With the continued effort of members from both parties
90 and both chambers, I urge my colleagues to vote yes to move
91 the draft to the full Committee for consideration.

92 With that, I yield back the balance of my time, and I
93 recognize the Ranking Member of the Subcommittee, Mr. Tonko,
94 for 5 minutes.

95 [The prepared statement of Mr. Shimkus follows:]

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96 ***** COMMITTEE INSERT *****

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|

97 Mr. {Tonko.} Thank you, Chair, and we are here today to
98 mark up a discussion draft that amends the Toxic Substances
99 Control Act. And I want to begin by thanking you, as Chair
100 of the Subcommittee, and Chairman Upton for working with both
101 Ranking Member Pallone and myself on this legislation. I
102 would also want to single out some of the most involved
103 individuals in the process, David McCarthy and Jerry Couri
104 for their work with Subcommittee staff, and thank them very
105 much, along with Jackie Cohen, who I know has put forth a
106 great deal of effort from our side with the Subcommittee
107 Staff. And Chris Sarley from your personal staff, thank you.
108 And to our personal staff member, Jean Frutchie, thank you,
109 Jean, for your outstanding work.

110 This draft represents a lot of hard work and willingness
111 to compromise. The draft reflects the concerns and the input
112 we received from witnesses at our hearings, and from the wide
113 array of stakeholders who have an interest, a deep rooted
114 interest, in this law. We have found common ground on many
115 difficult issues. We truly have been partners in this
116 effort, and I appreciate the constructive process that has
117 brought us to this point.

118 Since its enactment in 1976, TSCA has never met the

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119 public's expectation, that this Federal program would ensure
120 that chemicals in the products they use every day are indeed
121 safe. TSCA does not provide the Environmental Protection
122 Agency sufficient authority to act, even in cases where harm
123 is clearly evident. This situation is unacceptable. I think
124 40 years of a failed policy is time enough.

125 The public deserves a chemical regulatory program that
126 protects public health and the environment. This bill will
127 provide that protection. Industry also needs a better law.
128 Public confidence is essential to the success of any company
129 that wants consumers to buy its products. In effective
130 Federal policy does not inspire consumer confidence, and the
131 United States chemical industry is in a better position
132 globally if its product claims are backed by a credible
133 Federal regulatory system.

134 At the start of our Committee's work on this, I knew the
135 Subcommittee could produce a bill. I truly believed it. It
136 was less certain whether we could produce a bill that could
137 become a law. That draft, this draft before us, puts us on
138 the path to a law. It is a good bill, and I support it.
139 There are a number of important features of this draft that
140 make it a significant improvement over current law, and as
141 compared to the bill under consideration in the U.S. Senate.

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142 This bill will protect human health and the environment. The
143 EPA will evaluate chemicals, and, if a risk is identified,
144 the agency has a clear mandate to reduce that risk. That is
145 what should happen.

146 The law should prevent people from being exposed to
147 harmful chemicals that will impact their health. And, when
148 EPA acts, the agency will address risks to both the general
149 population and to specific groups that need--be at greater
150 risk. That is about delivering hope. That is the incentive
151 that inspires us. The bill also creates a fast track for EPA
152 to deal with the worst chemicals, those that are not only
153 toxic, but that persist in the environment for long periods,
154 and that can become concentrated in animal and human tissue.
155 And the bill preserves the important roles that states play
156 in co-enforcing Federal law, and acting on behalf of its
157 citizens through state laws and when no Federal action is
158 taken.

159 As I said earlier, this draft bill represents
160 compromise. It is not a perfect bill, but it is a good bill.
161 It would replace an ineffective law with one that offers real
162 public health protections. That is a very important
163 accomplishment. The complete new draft has been publicly
164 available only for a few days. We still have additional work

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165 to do on some issues. We need to hear from the
166 Administration, and I know that they have a few remaining
167 items they would like to see clarified. There are still some
168 important constituencies that may have concerns.

169 I hope we will be able to resolve some of these issues
170 before the bill's consideration by the full Committee. And I
171 remain confident that we can reach agreement on these
172 remaining issues and continue to move forward. I urge my
173 colleagues to support this bill. And again I thank you, Mr.
174 Chair. Your leadership has delivered a good product from
175 this Subcommittee. And I thank our two leaders, both
176 Chairman Upton and our Ranker--Representative Pallone. I
177 look forward to continuing our work together on this very
178 important issue. And, with that, I yield back.

179 [The prepared statement of Mr. Tonko follows:]

180 ***** COMMITTEE INSERT *****

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|
181 Mr. {Shimkus.} Thank you. Chair--gentleman yields back
182 his time. Chair now recognizes the Chairman of the full
183 Committee, Mr. Upton, for 5 minutes.

184 The {Chairman.} Well, thank you, Mr. Chairman, and I
185 echo your comments and Mr. Tonko's comments relating to being
186 very grateful for the staff working not only this year, but
187 last year too. And I think that we have got a very good
188 product here that clearly is the effort of bipartisan work,
189 and we look forward to working to get this bill to the finish
190 line, certainly through our Committee, and on to the House
191 floor. But it is really because of the commitment of Mr.
192 Tonko and Mr. Shimkus, who have really partnered to get this
193 thing done, and credit to both of you for sure.

194 Today is an important milestone in our multi-Congress,
195 multi-year effort to modernize our nation's chemical safety
196 law for the 21st century. This Subcommittee has also
197 accomplished a lot working together since the hearings on the
198 original draft of the bill. The bill before us today is a
199 model of how we can roll up our sleeves and write bipartisan
200 legislation that is good for human health and the
201 environment, and certainly good for the economy too.

202 This bill will give a mom in Kalamazoo confidence that

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203 the product that she buys with American made chemicals are
204 safe for all of her family. And it will provide a clear
205 regulatory road map, giving the auto industry in Michigan,
206 and every other manufacturer across the country, the
207 certainty that they need to continue to grow our economy, and
208 create the jobs that we all want.

209 This draft continues to focus on the essential elements
210 of TSCA reform, while incorporating some refinements to the
211 original draft. The heart of the bill is how it deals with
212 chemicals that are already on the market. It requires
213 evaluation of both hazard and exposure for a chemical
214 substance before EPA starts regulating. If EPA determines
215 that a chemical needs regulation, it must consider economic
216 consequences of the rule, including effects on the economy,
217 small business innovation, cost-effectiveness, and
218 availability of substitutes before it settles on the
219 regulation. And, as was noted, it must provide a reasonable
220 transition rule for compliance.

221 The bipartisan bill continues to strike a fair balance
222 between facilitating interstate and international commerce,
223 and the role of the states in protecting both human health
224 and the environment, and a citizen's right to seek private
225 remedies under tort and contract law. It also improves upon

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226 protection of confidential business information, which is so
227 vital to innovation and economic growth. At the same time,
228 it allows access to information to state officials and health
229 care professionals who need it.

230 EPA's Assistant Administrator, Jim Jones, was very
231 helpful in our legislative hearing, providing both
232 encouragement and constructive suggestions, and many of his
233 suggestions appear in the draft before us. We also
234 appreciate the technical assistance that EPA has given us all
235 along the way. While the bill is a little bit longer than it
236 was in April for sure, it is still clear and workable for the
237 agency that must administer it, for the industry that must
238 live with it, and for the public at large.

239 So, Mr. Chairman, this is a bill that we can all be
240 proud of. I look forward to further milestones, moving it
241 through the full Committee, and ultimately to the President's
242 desk. After nearly 40 years on the books, we are making the
243 improvements necessary to bring TSCA into the 21st century.
244 Yield back.

245 [The prepared statement of Chairman Upton follows:]

246 ***** COMMITTEE INSERT *****

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|

247 Mr. {Shimkus.} Gentleman yields back his time. Chair
248 now recognizes the Ranking Member of the full Committee, Mr.
249 Pallone, for 5 minutes.

250 Mr. {Pallone.} Thank you, Mr. Chairman. I want to
251 start by thanking the Chairman of the Subcommittee and the
252 Chairman of the full Committee for working with Mr. Tonko,
253 and other Democrats on the new discussion draft of the TSCA
254 Modernization Act. And, of course, all the staff that worked
255 so hard. This new draft includes significant improvements
256 sought by Committee Democrats in response to the concerns we
257 heard at the hearing last month.

258 Chairman Shimkus and Chairman Upton, you deserve credit
259 for a robust, collaborative process, and for a strong
260 product, and I am happy to support this bill, and I hope my
261 colleagues will join me in doing so. This is not a finished
262 product, and more work remains to be done. I look forward to
263 continuing to work with the Chair as we move to full
264 Committee consideration. But already this draft is more
265 protective, less pre-emptive, and better written than any
266 other recent TSCA reform proposal.

267 Improving the Federal Government's ability to identify
268 and manage risks from the chemicals manufactured and

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269 processed in this country is critical. For 40 years TSCA has
270 failed to protect human health, and the environment, from
271 dangerous chemicals, including lead, asbestos, benzene, and
272 BPA. Without an effective Federal program, the American
273 public has relied on state action, consumer awareness
274 campaigns, and, when harm is not prevented, the civil justice
275 system, and people want and deserve more.

276 For 6 years now there has been widespread agreement
277 among industry, labor, and non-governmental organizations
278 that TSCA needs to be reformed. There is even been
279 bipartisan agreement on that point, although a bipartisan
280 package long eluded us. This draft brings us closer to
281 reform than we have ever been before.

282 The risks from toxic chemicals in our environment, and
283 the products we use every day, are serious and pressing. It
284 is time to act. Although this bill will not be the end of
285 our work to address toxic chemicals, it is a strong
286 beginning, and will offer significant protections. Under
287 this draft, the EPA will have better tools to get information
288 about potentially dangerous chemicals, they will have more
289 resources to review those chemicals, and they will face fewer
290 obstacles when they move to regulate those chemicals and
291 address risks. The most dangerous chemicals, those that are

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292 persistent, bio-accumulative, and toxic, will receive
293 expedited action so that we can start getting those chemicals
294 out of our environment as soon as possible.

295 Decisions about what chemicals need to be regulated will
296 be made without consideration of cost, and risk to vulnerable
297 populations will have to be addressed. The public will have
298 more information about chemical risks because of greater
299 transparency. And, with time, EPA will approve chemicals
300 that they know do not present, and will not present, a
301 reasonable risk, providing consumers with safe choices.

302 The draft also avoids some of the significant concerns
303 that have been raised about past proposals, such as limits on
304 the ability of EPA to regulate articles, and limits on the
305 ability of states to be partners in enforcement. The pre-
306 emptation provisions in this draft are even better than the
307 last draft, explicitly preserving state laws for air and
308 water quality, and existing state chemical laws.

309 Of course, this is a compromise bill, and still just a
310 draft. We are aware of some small technical edits that will
311 be needed, as well as some larger outstanding issues,
312 including the protections for private rights of action. But
313 I have confidence that we will continue to work to ensure
314 that the language is clear, and does what it is intended to

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315 do.

316 Again, Mr. Chairman, I thank you for working with
317 Democrats on this package. I support this bill because it
318 will empower EPA to identify and manage risks from dangerous
319 chemicals, protecting health and the environment, and
320 preventing harm. And I look forward to advancing this draft,
321 and continuing to work as we move to full Committee, and to
322 the floor. But I really can't thank everyone enough.

323 I don't want to prolong the time here, but I have said
324 to many of you, I remember 6 years ago, when the President
325 was first elected, and when the EPA Administrator was--had a
326 meeting with some of us, and not everyone was here there,
327 because not everybody was here 6 years ago. And Lisa
328 Jackson, who was the Administrator from New Jersey, said that
329 if we didn't address this issue, you know, we were missing
330 one of the major environmental concerns and causes for harm
331 that we face in the country, and that was 6 years ago.

332 But through the efforts of this Committee, and the
333 leadership of the Committee, we have managed to get to this
334 point, and I think it is significant progress on a very
335 important area of the environment. So thank you again, Mr.
336 Chairman. I yield back.

337 [The prepared statement of Mr. Pallone follows:]

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338 ***** COMMITTEE INSERT *****

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339 Mr. {Shimkus.} Gentleman yields back his time, and
340 thank you. Chair now recognizes the gentleman from Ohio, Mr.
341 Latta.

342 Mr. {Latta.} Thank you, Mr. Chairman, and I would like
343 to ask unanimous consent that my opening statement be
344 submitted for the record.

345 [The prepared statement of Mr. Latta follows:]

346 ***** COMMITTEE INSERT *****

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347 Mr. {Shimkus.} Without objection, and all members will
348 have their opening statement submitted in the record if they
349 so desire.

350 Chair recognizes the--we will just go to Mr.--I have Mr.
351 Green.

352 Mr. {Green.} Thank you Chairman, and Ranking Member of
353 the--of both the full Committee and our Subcommittee for the
354 leadership and hard work on this bipartisan discussion draft.
355 Our Committee has tried to reauthorize TSCA for the past
356 three Congresses. It is a very complicated law, with lots of
357 moving parts that touches every American consumer in a wide
358 range of sectors in our nation's economy. This is especially
359 the case in my district, in East Harris County, Texas, home
360 to the chemical facilities, the workers who make the
361 products, the fence line communities next to these
362 facilities, and the working families that use the products
363 made from these chemicals every day.

364 I am happy with many of the changes made in the
365 discussion draft since our last hearing that directly
366 responds to most of the concerns we heard, and testimony from
367 EPA and stakeholders, including lowering the bar to initial a
368 risk--to initiate a risk evaluation, create a dedicated trust

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369 fund, ensuring an identified risk to the vulnerable sub-
370 populations, such as children, women, pregnant women, and
371 workers will be addressed in risk management. I also would
372 like to thank both sides for their work on the amendment that
373 will be considered shortly, considering the limited
374 definition of requirements under TSCA. It is an important
375 addition to the draft, and I ask for your support.

376 It is important to remember that this is not a finished
377 product. It is a discussion draft, and improvements will be
378 made before our full Committee markup. But this is a very
379 good product, and a really good effort and compromise between
380 Republicans and Democrats, and will give EPA clear authority
381 to assess, and, if necessary, manage chemicals that will
382 improve the health and safety of the American people, and
383 bring much needed regulatory clarity to the industry.

384 It is clear improvement over the current TSCA, and has a
385 real chance of becoming law, and finally reauthorizing this
386 critical statute after 39 years now. I yield back the time--
387 balance of my time.

388 [The prepared statement of Mr. Green follows:]

389 ***** COMMITTEE INSERT *****

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390 Mr. {Shimkus.} Gentleman yields back his time. Chair
391 now recognizes the other gentleman from Ohio, Mr. Johnson,
392 for 5 minutes.

393 Mr. {Johnson.} Well, thank you, Mr. Chairman. I want
394 to first express my support for the TSCA Modernization Act of
395 2015. This legislation is the product of countless hours of
396 hard work, bipartisan negotiations, and, most importantly,
397 will help improve chemical safety, while supporting
398 innovation and economic growth. I also remain hopeful that
399 the Committee can come to an agreement on how best to address
400 certain cumbersome and duplicative reporting requirements
401 under Section 8 of TSCA. It is very unfortunate that current
402 requirements essentially create an incentive to landfill many
403 inorganic byproducts rich in valuable metals, like copper.

404 While leading printed circuit board manufacturers, for
405 instance, are choosing to recycle waste despite the
406 regulatory burden, others have opted to landfill byproducts
407 due to these requirements. In the interest of both
408 environmental protection and economic prosperity, these
409 byproducts should be recycled whenever feasible. The
410 opportunity to reform TSCA is now, and I believe that this
411 Committee can find a solution to ease the burden on many

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412 inorganic byproducts that are recycled, byproducts that were
413 not subject to reporting for the first 30 years of the
414 program because they posed such a low risk.

415 I know that many will say this is a relatively small
416 issue in the context of TSCA reform, and that probably is the
417 case. But is it not the goal of TSCA reform to tackle issues
418 like this one, so that the EPA and industry can focus on the
419 truly hazardous chemicals? I look forward to working with my
420 colleagues on both sides of the aisle to find an acceptable
421 solution, either legislatively or administratively.

422 I am encouraged and appreciative that Congressman Kurt
423 Schrader has also expressed a willingness to find a solution
424 to this problem, and I hope that both the Chairman and the
425 Ranking Member share that willingness. And, with that, Mr.
426 Chairman, I yield back.

427 [The prepared statement of Mr. Johnson follows:]

428 ***** COMMITTEE INSERT *****

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429 Mr. {Shimkus.} Gentleman yields back his time. I would
430 just say I want to encourage to keep working, and grab
431 somebody on the other side to help you push it as we move
432 forward.

433 Chair now recognize the gentleman from Oregon, Mr.
434 Schrader, for 5 minutes.

435 Mr. {Schrader.} Well, thank you very much, Mr.
436 Chairman. Like everyone else, would like to thank you, and
437 Ranking Member Tonko, and the staffs in particular for all
438 their hard work that has gone into crafting this, and the
439 years of work, actually, that has gone into this. It is nice
440 to be part of a committee that seems to want to work on a
441 bipartisan basis regularly, and I take that--not just these
442 members, but also Ranking Member Pallone and Chairman Upton.
443 I really, really appreciate that. Makes it great to be
444 serving in the Congress.

445 I just want to make--reiterate, frankly, what my good
446 friend Mr. Johnson has talked about. There is always some
447 more work to do, and I would look forward to working with the
448 Chairman and Ranking Members to highlight this area in
449 Section 8 where I think we could work together to re-
450 prioritize EPA's resources in a way that doesn't discourage

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451 companies from just recycling. That certainly is not, you
452 know, the intent.

453 But under the current chemical data reporting rule, just
454 to emphasize what Congressman Johnson talked about, these
455 byproducts that are sent for recycling must now be listed on
456 the TSCA inventory, and subject to new requirements,
457 including new use restrictions under Section 5, Section 6,
458 reporting obligations under 8(a), 8(d), 8(e), record keeping
459 under Section 8(c), reporting obligations under Section 12,
460 with associated penalties, and enforcement provisions. And
461 if they had just sent this to the landfill, they wouldn't
462 have to do any of that.

463 So I think we all understand there is a little bit more
464 work to do, and appreciate the Chairman and Ranking Member's
465 work to hopefully help us fix that when the time comes. And
466 with that, I yield back, and thank the Chair very much.

467 [The prepared statement of Mr. Schrader follows:]

468 ***** COMMITTEE INSERT *****

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469 Mr. {Shimkus.} Gentleman yields back his time. The--I
470 look to the majority side to see if anybody else wishes to
471 make an opening statement.

472 Seeing none, on the minority side, anyone else wishing
473 to make an opening statement? The gentleman from California
474 is recognized for 3 minutes.

475 Mr. {McNerney.} Well, you know, when the Chairman said
476 he wanted to work on a bipartisan basis, he actually meant
477 it, and I appreciate that. It was clearly a collaborative
478 work. Even until yesterday afternoon I was afraid that I
479 wouldn't be able to support it because the California
480 standards are pretty high. But it looks like we have worked
481 through the pre-emption, and I am willing to support it
482 conditionally at this point and see what the final product
483 looks like. So, Mr. Chairman, thank you very much, and I
484 yield back.

485 [The prepared statement of Mr. McNerney follows:]

486 ***** COMMITTEE INSERT *****

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487 H.R. _____

488 Mr. {Shimkus.} Gentleman yields back his time. Seeing
489 no one else wishing to make an opening statement, the Chair
490 calls up the TSCA Modernization Act of 2015, and asks the
491 Clerk to report.

492 The {Clerk.} Discussion draft, to modernize the Toxic
493 Substances Control Act, and for other purposes.

494 [The bill follows:]

495 ***** COMMITTEE INSERT *****

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496 Mr. {Shimkus.} Without objection, the first reading of
497 the bill is dispensed with, and the bill will be open for
498 amendment at any point, so ordered. For what purpose does
499 the gentleman from New York ask recognition?

500 Mr. {Tonko.} Mr. Chair, I have an amendment at the
501 desk.

502 Mr. {Shimkus.} The Clerk will report the amendment.

503 The {Clerk.} Amendment to the discussion draft, offered
504 by Mr. Tonko.

505 [The amendment of Mr. Tonko follows:]

506 ***** INSERT 1 *****

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507 Mr. {Shimkus.} The gentleman is recognized for 5
508 minutes in support of his amendment.

509 Mr. {Tonko.} Well, I will just take a few moments to
510 highlight that this amendment offers several technical
511 changes. We have been working in a bipartisan strategy here.
512 I understand that it has been worked out with our colleagues
513 in the majority, and offer these technical changes in the
514 form of this amendment. With that, I yield back.

515 Mr. {Shimkus.} Gentleman yields back his time, and I
516 will seek time to speak also on the amendment, in support of
517 the amendment. The amendment is a clarification that does
518 not change policy in the bill, but one which I understand is
519 important to many of my colleagues, consistent with another
520 savings clause that generally protects state tort and
521 contract actions for remedies. The language specifies that
522 the state requirements that the bill otherwise pre-empts do
523 not include state tort actions for damages. I urge my
524 colleagues to vote yes on this amendment, and I yield back my
525 time.

526 Is there anyone else seeking time to speak on the
527 amendment? Seeing none, there is no further discussion. The
528 vote occurs on the amendment.

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529 All those in favor shall signify by saying aye.
530 Those opposed, no.
531 The ayes have it, the amendment is agreed to.
532 Are there further amendments to the bill?
533 Seeing none, the question now occurs on forwarding the
534 TSCA Modernization Act of 2015, as amended, to the full
535 Committee. This would be a roll call vote, so the Clerk will
536 call the roll.
537 The {Clerk.} Mr. Harper?
538 Mr. {Harper.} Aye.
539 The {Clerk.} Mr. Harper votes aye.
540 Mr. Whitfield?
541 Mr. {Whitfield.} Aye.
542 The {Clerk.} Mr. Whitfield votes aye.
543 Mr. Pitts?
544 Mr. {Pitts.} Aye.
545 The {Clerk.} Mr. Pitts votes aye.
546 Mr. Murphy?
547 [No response.]
548 The {Clerk.} Mr. Latta?
549 Mr. {Latta.} Aye.
550 The {Clerk.} Mr. Latta votes aye.
551 Mr. McKinley?

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552 Mr. {McKinley.} Aye.

553 The {Clerk.} Mr. McKinley votes aye.

554 Mr. Johnson?

555 Mr. {Johnson.} Aye.

556 The {Clerk.} Mr. Johnson votes aye.

557 Mr. Bucshon?

558 Mr. {Bucshon.} Aye.

559 The {Clerk.} Mr. Bucshon votes aye.

560 Mr. Flores?

561 [No response.]

562 The {Clerk.} Mr. Hudson?

563 Mr. {Hudson.} Aye.

564 The {Clerk.} Mr. Hudson votes aye.

565 Mr. Cramer?

566 Mr. {Cramer.} Aye.

567 The {Clerk.} Mr. Cramer votes aye.

568 Chairman Upton?

569 The {Chairman.} Votes aye.

570 The {Clerk.} Chairman Upton votes aye.

571 Mr. Tonko?

572 Mr. {Tonko.} Aye.

573 The {Clerk.} Mr. Tonko votes aye.

574 Mr. Schrader?

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575 Mr. {Schrader.} Aye.

576 The {Clerk.} Mr. Schrader votes aye.

577 Mr. Green?

578 Mr. {Green.} Aye.

579 The {Clerk.} Mr. Green votes aye.

580 Ms. DeGette?

581 Ms. {DeGette.} Aye.

582 The {Clerk.} Ms. DeGette votes aye.

583 Ms. Capps?

584 [No response.]

585 The {Clerk.} Mr. Doyle?

586 Mr. {Doyle.} Yes.

587 The {Clerk.} Mr. Doyle votes aye.

588 Mr. McNerney?

589 Mr. {McNerney.} Aye.

590 The {Clerk.} Mr. McNerney votes aye.

591 Mr. Cardenas?

592 Mr. {Cardenas.} Aye.

593 The {Clerk.} Mr. Cardenas votes aye.

594 Mr. Pallone?

595 Mr. {Pallone.} Aye.

596 The {Clerk.} Mr. Pallone votes aye.

597 Chairman Shimkus? Chairman--

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598 Mr. {Shimkus.} Aye.

599 The {Clerk.} --Shimkus votes aye.

600 Mr. {Shimkus.} I am going to ask the Clerk to hold. I
601 promised some members, because we went back and forth on a
602 voice versus a roll call, to give them an opportunity to get
603 back. So I will ask her to report once that member returns.
604 So, if there are other members who have other things to do, I
605 am going to wait, if that is okay with the--you can leave.
606 The member is on the subway from Rayburn, so he will be here
607 in 2 or 3 minutes.

608 The Chair recognize the gentleman from Texas.

609 Mr. {Flores.} Aye.

610 The {Clerk.} Mr. Flores votes aye.

611 Mr. {Shimkus.} The--all right, okay. The Chair
612 recognizes the gentleman from Pennsylvania.

613 Mr. {Murphy.} Aye, please.

614 Mr. {Shimkus.} Gentleman votes--

615 The {Clerk.} Mr. Murphy votes aye.

616 Mr. {Shimkus.} The Clerk will report the vote.

617 The {Clerk.} Mr. Chairman, on that vote there were 21
618 ayes and zero nays.

619 Mr. {Shimkus.} 21 ayes and zero nays, the bill is
620 agreed to. Without objection, staff is authorized to make

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621 technical and conforming changes to the legislation approved
622 by the Subcommittee today. Without objection, so ordered.

623 Without objection, the Subcommittee stands adjourned.

624 [Whereupon, at 12:50 p.m., the Subcommittee was

625 adjourned.]