

Statement of Chair Paul Tonko (as prepared for delivery)
Hearing on “Mismanaging Chemical Risks: EPA’s Failure to Protect Workers”
E&C Subcommittee on Environment and Climate Change

March 13, 2019

One of the great recent achievements in federal environmental policy was the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act to reform the Toxic Substances Control Act in 2016.

I had concerns with that final product, but I would be the first to admit it had important provisions to help fix EPA’s long-broken TSCA program. And I commend Mr. Shimkus and Mr. Pallone for their work on that historic law to make real bipartisan progress that gave EPA the tools necessary to protect Americans from toxic exposure risks.

Unfortunately, EPA has chosen to ignore those tools, and has, in my view, failed to implement the law as Congress intended.

One of those important provisions I mentioned was a requirement that EPA consider potentially exposed or susceptible subpopulations. The law explicitly identifies infants, children, pregnant women, workers, and the elderly as high-risk groups.

I have many criticisms of this Administration’s failure to properly implement the law, but its failure to protect these groups is near the top of my list.

Today, we will hear from witnesses representing workers on the front lines of toxic exposure risks, including firefighters, farm workers, teachers, and industrial workers.

We will also hear about specific toxic chemicals that put working Americans at unnecessary risk on the job.

Asbestos is killing thousands of Americans each year, and yet somehow U.S. imports of the substance continue to rise. EPA has deliberately excluded exposure from legacy asbestos and its disposal from the scope of its risk evaluation, leaving workers at risk of dangerous exposure.

PV-29 was chosen as the very first risk evaluation under the Lautenberg Act. Last year, EPA released its draft risk evaluation and found it presented no unreasonable risk. Consideration of worker exposures were excluded from its evaluation.

And methylene chloride is a paint stripper which has killed dozens of Americans. Safer alternatives exist, but EPA still refuses to ban this toxic killer. At least four people have died since a proposed rule was published in January 2017. At that time, EPA proposed restricting its commercial and consumer uses, but as of December 2018, EPA appears to have abandoned the ban for commercial use, which will leave workers at risk.

These are just a few substances that we will hear about today, and they are not isolated cases.

If not corrected, I suspect we will see even more examples in the future because the TSCA framework rules, which were issued by the Trump Administration, enable systematic exclusion of risks to workers on the job.

These framework rules include the risk prioritization rule, used to identify high priority chemicals, which allows EPA to exclude commercial uses and workplace exposures.

And the risk evaluation rule, used to scope and conduct an evaluation to determine whether a chemical presents an unreasonable risk, which leaves out legacy uses and leaves open the possibility of ignoring worker exposure.

This dangerous approach is not limited to the TSCA office. EPA's treatment of the Risk Management Plan rule under the Clean Air Act and the decision to allow the continued use of chlorpyrifos, a pesticide tied to impairment in children's brain development, raise serious concerns about EPA's broader efforts to protect workers.

Make no mistake, we are seeing a clear pattern: The systematic failure of our Environmental Protection Agency to protect workers under TSCA and other EPA programs, against the spirit and letter of the Lautenberg Act and the fundamental mission of the Agency.

I have met with families that have lost loved ones from exposure to methylene chloride and asbestos. Strong EPA action will not bring them back, but it can save others. That is the very least we should do for these victims.

TSCA reform was not easy, but at its core, I believe those families are why we did it. EPA needed better tools to protect Americans, but today those new tools are being squandered, and workers will suffer the consequences the worst.

I hope we can continue to conduct oversight to ensure that EPA is protecting workers as was envisioned— and required— by the bipartisan TSCA reform effort. I look forward to hearing from our witnesses today, and I yield back.

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