Chair Bill Johnson
Opening Statement – Subcommittee on Environment, Manufacturing, and Critical Materials:
"Exposing EPA Efforts to Limit Chemicals Used in Life-Saving Medical Devices and Other Essential Products"
October 18, 2023

As prepared for delivery

Welcome to today's hearing, and thank you to my colleagues and our witnesses for being with us.

Chemicals are the building blocks of our modern economy. Everything around us in this hearing room, including our clothes, our cell phones, our transportation to get here, all of this is only made possible because of innovators in the chemical sector.

Friends, chemicals quite literally make modern life possible.

Now, I don't take issue with EPA taking necessary steps to reduce risks or to regulate responsibly, but the scope, timing, and breadth of EPA's recent activities gives me pause.

Especially, when the Biden administration constantly claims to have a robust industrial policy! You see the EPA, the Commerce Department, the White House, touting the new semiconductor facilities, the battery plants, the electric vehicles. These shiny, new finished products. Made in America, they say.

But at the same time, they pull the permits, slow the approvals, and bring their own regulatory hammer down on all the **CHEMICALS**, the plastics, and the critical materials in the supply chain for the finished products they continuously brag about.

Make it make sense!

To give an example, EPA is working through more than a dozen simultaneous actions that will directly impact the chemical manufacturing sector.

In April 2023 alone, the EPA proposed:

- New Source Performance Standards and National Emission Standards for the Synthetic Organic Chemical Manufacturing Industry that condensed six unique rulemakings into one proposal,

- An Advanced Notice of Proposed Rulemaking to solicit public input on designating PFAS chemicals as hazardous substances under CERCLA, and
- National Emission Standards for Ethylene Oxide (EtO) emissions that would severely threaten patient safety and disrupt our nation's healthcare system.

On EtO specifically, Chair Rodgers and Health Subcommittee Chair Guthrie joined me in a letter to the Biden administration raising questions about the impact of EPA's proposals on the availability of sterile medical devices and on patient care.

EtO is used to sterilize half of all medical devices and 95 percent of surgical kits in the United States.

I hope that my colleagues on both sides of the aisle with medical backgrounds share my concerns with the potential adverse health impacts of EPA's proposal.

On top of medical applications, because chemicals are required to manufacture the vast majority of everyday products, the impact of these rulemakings across the supply chain is staggering.

Additionally, EPA's actions contradict its stated desire to follow the best available science.

In a recent review of EPA's Integrated Risk Information System (IRIS) work on formaldehyde, the National Academies of Sciences, Engineering, and Medicine emphasized that EPA did not follow specific recommendations for problem formulation and protocol development.

Despite questions around the validity of IRIS values, the EPA surprisingly continues to use IRIS assessments in all rulemakings.

EPA's actions have also been unpredictable, because the Agency has failed to meet statutory deadlines under the Toxic Substances Control Act (TSCA).

TSCA section 5 requires EPA to make a risk determination about a new chemical or a new use of an existing chemical within 90 days, or 180 days if the Agency needs an extension.

However, the Government Accountability Office indicated that 90 percent of new chemical applications did not receive a decision from EPA within the extended 180 days.

How are companies supposed to innovate if EPA cannot make a decision in a timely manner?

EPA's seeming lack of objectivity in regulating chemical manufacturing, whether for operating permits or risk determinations and management, highlights the need for congressional engagement and the importance of our hearing today.

I look forward to hearing from our witnesses about the practical, real-life impacts of EPA's regulatory regime in the chemical sector and the consequences for manufacturing across the board.

The federal government should wield its authority to foster innovation, not stifle progress across industries.

We all want clean air, clean water, and clean products; but there must be a consideration of the balances of regulating critical, life-saving chemical building blocks to the point that we are dependent on ***even more*** critical materials from overseas.

I yield back.