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A DECADE LATER: ASSESSING LEGACY AND IMPACT OF THE FRANK LAUTENBERG CHEMICAL SAFETY FOR THE 21ST CENTURY ACT

WEDNESDAY, JANUARY 22, 2025

House of Representatives,

Subcommittee on Environment,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:30 a.m., Room 2123, Rayburn House Office Building, Hon. Morgan Griffith [chairman of the subcommittee], presiding.

Present: Representatives Griffith, Crenshaw, Latta, Carter, Palmer, Joyce, Weber, Pfluger, Miller-Meeks, Lee, Langworthy, Evans, Fedorchak, Guthrie (ex-officio); Tonko, Schakowsky, Ruiz, Peters, Barragan, Soto, Auchincloss, Carter, Menendez, Landsman, and Pallone (ex-officio).

Also present: Representative Harshbarger.

Staff Present: Ansley Boylan Director of Operations; Marjorie Connell, Director of Archives; Jessica Donlon,

General Counsel; Sydney Greene, Director of Finance & Logistics; Christen Harsha, Senior Counsel; Calvin Huggins, Clerk; Megan Jackson, Staff Director; Adam Joseph, Digital Director; Daniel Kelly, Press Secretary; Sophie Khanahmadi, Deputy Staff Director; Chris Krepich, Senior Communication Advisor; Brayden Lacefield, Special Assistant; Joel Miller, Chief Counsel; Ben Mullaney, Press Secretary; Kaitlyn Peterson, Policy Analyst; Seth Ricketts, Special Assistant; Jackson Rudden, Staff Assistant; Chris Sarley, Member Services/Stakeholder Director; Dray Thorne, Director of Information Technology; Jake Tyner, Chief Counsel; Timia Crisp, Minority Professional Staff Member; Waverly Gordon, Minority Deputy Staff Director and General Counsel; Tiffany Guarascio, Minority Staff Director; Anthony Gutierrez, Minority Professional Staff Member; Caitlin Haberman, Minority Staff Director, Environment; Perry Hamilton, Minority Member Services and Outreach Manager; Mackenzie Kuhl, Minority Digital Manager; Caroline Rinker, Minority Press Assistant; Emma Roehrig, Minority Staff Assistant; and Kylea Rogers, Minority Policy Analyst.

*Mr. Griffith. The subcommittee will come to order, and I recognize myself for an opening statement.

Welcome. I am really looking forward to working with you, Ranking Member Tonko, as we start this adventure. I am hopeful we can work together on some bipartisan legislation going through the subcommittee.

Today is not only my first hearing as chair of this subcommittee, but it is the first subcommittee hearing of the Energy and Commerce Committee for the start of the 119th Congress.

The American people have spoken loud and clear. They have had enough of rising prices and the regulatory burden that threatens energy reliability, reduces American competitiveness, and in some cases makes for a stagnant economy.

In general, I have long believed Congress needs to get back into the practice of passing regular authorizations. As chair of this subcommittee it is my goal to modernize some of our major environmental laws and enable predictable, common-sense regulation. I am glad we have hit the ground running with this hearing, and hope that we have signaled our commitment to dig into the statutory language to find out where we can make the law work better for all interested parties.

To that end, today's hearing will examine the Frank

Lautenberg Chemical Safety for the 21st Century Act, or the Lautenberg Act. Nearly 10 years ago members of this committee worked tirelessly to develop the Lautenberg Act, the Reform the Toxic Substances Control Act, often referred to as TSCA. TSCA governs the Environmental Protection Agency, or EPA's regulation of new and existing chemicals in the chain of commerce for products containing those chemicals. This was no easy task.

The Lautenberg Act made the most significant changes to TSCA since it became law in 1976. The Lautenberg Act enjoyed strong bipartisan support in this committee before becoming law in 2016, and I was proud to be a part of that process. However, nearly 10 years have passed since the Lautenberg Act's passage. Both Democrat and Republican administrations at EPA have had the opportunity to implement the Act's procedures for collecting new information on chemicals, reviewing new chemicals, and for regulating those that the EPA determines pose an unreasonable risk. And each administration, as we will hear today, has encountered a number of challenges in implementing the Act.

In 2023 the Government Accountability Office found that between 2017 and 2022 EPA completed only 10 percent of the pre-manufactured chemical reviews within the time limit laid out in the Lautenberg Act. With the 10-year anniversary of the Lautenberg Act's passage quickly approaching, today's

hearing will provide us an opportunity to learn more about what is working and what is not working at the EPA's Office of Pollution Prevention and Toxics.

And it is important that we make the most of this opportunity to create that record. Among other things, TSCA, as amended by the Lautenberg Act, governs the EPA's process for reviewing new chemicals or in allowing new uses for existing chemicals before those products can be sold to consumers in the United States.

Chemicals are part of manufacturing and methods and products that we depend on for our everyday life. New chemicals utilized in a safe manner not only lead to new products that enhance our quality of life, but are also necessary for addressing crucial challenges like harnessing energy resources and treating disease.

Similarly, our economic competitiveness and national security depend on our ability to innovate and bring new technologies to market safely and efficiently. As chemicals are part of nearly every product, and new chemistries are essential to develop better products, the TSCA regulatory scheme has profound impact across nearly every sector of our economy. New chemicals and new uses for existing chemicals must undergo EPA review. If these reviews don't take place in a timely manner, our international competitors could gain an edge, and more production would likely shift overseas.

We are fortunate to have a panel of experts joining us to help pinpoint shortcomings with our current regulatory mechanisms and to discuss potential opportunities for reform.

Today we will hear from Mr. Chris Jahn, president and CEO of the American Chemistry Council, also known as the ACC -- of course, where I come from that is the Atlantic Coast Conference. The ACC serves as an organization of chemical companies who often engage in EPA's regulatory process, including new chemical reviews.

Also joining us is Mr. Geoff Moody, the vice president of government relations for the American Fuel and Petrochemical Manufacturers. He will share the experiences of refiners and manufacturers that comply with TSCA to make the products we depend on every day.

We are also glad to have Dr. Richard Engler. Prior to his current role as director of chemistry at the Acta Group, Dr. Engler served at the Environmental Protection Agency for 17 years, and will be able to share more about the agency's staff experience in implementing the Act.

Additionally, Dr. Maria Doa, the senior director of chemical policy at the Environmental Defense Fund, will offer testimony. Before joining the Environmental Defense Fund in 2021, Dr. Doa served at the Environmental Protection Agency for 30 years, working on chemicals -- working on chemical safety and TSCA.

[The prepared statement of Mr. Griffith follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. So with that I will yield back and now recognize the ranking member of this committee for his first time this Congress as ranking member, Mr. Tonko, for his five-minute opening statement.

*Mr. Tonko. Well, I appreciate that, Mr. Chair, and let me start by congratulating you on becoming chair of this subcommittee. I look forward to a sound working relationship and being productive as a partnership here to move forward good legislation that will be speaking to the needs of the American public.

*Mr. Griffith. Yes, sir.

*Mr. Tonko. This subcommittee has awesome responsibilities protecting Americans from air pollution, from drinking water contaminants, and dangerous chemicals. It is critical to both our quality of life and our economy, and I look forward to working together in the 119th Congress. Similarly, I would like to congratulate full committee Chair Guthrie.

The Toxic Substances Control Act, or TSCA, is a law that most Members of Congress, let alone most Americans, do not spend much time thinking about. So I appreciate the opportunity at the beginning of this Congress for us to come together and learn.

And I do believe that the reason this law is off people's radars is because for the first 40 years of its

history it was fundamentally broken. America had a very limited and largely ineffective national chemical safety program, which is why there was a bipartisan impetus to restore the public's trust by reforming TSCA to better protect people from both new and existing chemicals that pose an unreasonable risk.

Ranking Member Pallone and I were directly involved in the negotiations that led to the Lautenberg Act being enacted eight-and-a-half years ago, and I hope that our perspectives on that experience may help inform the committee's re-examination of the law today.

Let me start by saying that the effort to reform TSCA was a long and difficult process, beginning many years prior to the enactment of the Lautenberg Act in 2016. It required a considerable amount of member time, of staff time, and committee resources. And despite my opposition to the final agreement and retaining some lingering concerns from those negotiations, I truly believe that everyone entered into that process in good faith, which resulted in a law that has been an improvement over the previous status quo.

One of the reasons that the Lautenberg process was possible was because it started with a consensus amongst industry and environmental groups that TSCA was in desperate need of reform, and I am curious whether we will hear a similar consensus today. I am anticipating that everyone

will agree that implementation of the law has not been perfect, a view that I share. However, depending on who you ask, I suspect there will be very different examples of how EPA is failing to administer the law consistent with the statute.

I believe the root of many of these implementation challenges can be traced back to the first Trump Administration, which sought to deny EPA the resources and personnel needed to make the expanded requirements of the law work during those critical early days of implementation. Both industry and public health stakeholders will likely agree that EPA's Office of Chemical Safety must be provided with adequate resources and staff for this law to be successful. And frankly, some of the early actions of the new Trump Administration are not encouraging on this front either.

But despite some implementation challenges, I fully admit that TSCA has had achievements that would not have happened absent the Lautenberg Act. Among the five risk management rules finalized during the Biden Administration, the American people are now significantly better protected from exposure to asbestos, methylene chloride, and TCE. These are some of the worst of the worst chemicals which are known to pose high risks. And yet for decades they had remained in commerce with few restrictions. In fact, it was

not that long ago that any of us could have gone to a local hardware store and purchased a paint stripper containing methylene chloride, and dozens of Americans died because of it, including people who took all the recommended precautions and worked in well-ventilated spaces.

I will not deny that many chemicals play an important role in our modern American life. I suspect we might hear about how new, innovative chemicals are essential to semiconductor and battery manufacturing and industries that I believe are critically important to the future competitiveness of the American economy. But I also believe that the people who are literally closest to these cutting-edge industries, whether it is the workers doing the manufacturing or the people living next to these facilities, deserve adequate protections. No chemical, no matter how essential it is perceived to be, should be given a free pass from proper review.

So, Mr. Chair, I want to stress that I am always open to examining how we can improve our nation's environmental laws on a bipartisan basis. However, having lived through the last TSCA reform effort, I can say that no one should expect such a big legislative task to be easy. The Lautenberg Act required significant member-level commitment and trust building over several years to get over the finish line, and it required consensus and a willingness to compromise amongst

industry and environmental advocates. I look forward to hearing from our witnesses whether such a consensus exists today, because I expect that any effort to significantly reform TSCA will truly need it.

[The prepared statement of Mr. Tonko follows:]

**********COMMITTEE INSERT**********

*Mr. Tonko. So thank you, Mr. Chair, and with that I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize officially for the first time the chairman of the full committee, Mr. Guthrie, for five minutes for his opening statement.

*The Chair. Thank you, Mr. Chairman, and Ranking Member Tonko, Ranking Member Pallone. I really look forward to working with you guys in this area of the jurisdiction of this subcommittee as we review regulations and respond to them in a responsible manner. And this will be a busy subcommittee this Congress, and I am really excited about it.

And so welcome, our witnesses, for being here today, and my colleagues.

In this morning's hearing we will examine the implementation and impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act. This bipartisan legislation, which became law in 2016, provided for the only major amendments to the Toxic Substances Control Act, or TSCA, since the law was enacted in 1976. TSCA is a unique statute. It provides the U.S. Environmental Agency -- Protection Agency, EPA -- with broad authority to regulate the entire chain of commerce if it finds that a chemical substance poses an unreasonable risk. But it isn't working.

So nearly a decade ago this committee worked together to

pass the bipartisan Lautenberg Act. Unfortunately, it is still not working, at least not how Congress intended. The EPA's flawed decision-making process has consequently inhibited American innovation and our ability to complete -- compete in the global market.

This morning's hearing is also timely. Today the committee will receive a report from the Government Accountability Office requested last Congress by former Chair McMorris Rodgers and Senator Capito, now chair of the Senate Environmental and Public Works Committee, that assesses the EPA's new chemical review process.

In addition, section 26 of the Lautenberg Act, EPA's authority to collect fees from chemical manufacturing and processors to defray certain costs of administrating -- administering the TSCA programs will expire June of 2026. With that in mind, both today's discussion and the GAO report will provide this committee yet again with the opportunity to develop a bipartisan solution to unleash American innovation.

[The prepared statement of The Chair follows:]

**********COMMITTEE INSERT**********

*The Chair. I look forward to hearing from the witnesses, and I will yield the balance of my time to the vice chair of the committee, Mr. Crenshaw of Texas.

*Mr. Crenshaw. Thank you, Chairman Guthrie. Thank you, Chairman Griffith, for holding this important hearing. And thank you to all our witnesses for being here.

I just want to start off by noting how important chemicals are to a strong economy, essential in making all of the products that are necessary for our modern life in the 21st century. Yet even the word "chemicals'' elicits a pretty visceral negative reaction from many. But we have to remember that we have to put emotions aside and actually acknowledge that chemicals play an indispensable role in creating everything from lifesaving medical devices to computers and smart phones and cutting-edge military platforms.

The domestic chemical industry supports hundreds of thousands of high-paying jobs. It generates hundreds of billions of dollars in economic activity. And unfortunately, the prior administration poorly implemented chemical regulations under the Toxic Substances Control Act, putting all of this at risk. Impractical, duplicative, or over-burdensome regulations for existing chemicals threaten critical supply chains for the products that we all know and rely upon every single day.

Additionally, the program that allows companies to bring innovative, safer, and greener chemicals to market has been utterly mismanaged over the past four years. Nobody opposes pragmatic regulations. But the EPA, under the previous administration, regularly delayed approval for new chemicals beyond when they were legally obligated to do so. And these delays, well, they threaten American leadership on chemical research and development, and they impose massive costs on the American economy.

Luckily, we have an incredible opportunity on this committee to address these issues and work with the new administration to ensure America continues to be a thriving economic powerhouse and a leader in industrial innovation.

[The prepared statement of Mr. Crenshaw follows:]

**********COMMITTEE INSERT**********

*Mr. Crenshaw. I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize the ranking member of the full committee, Mr. Pallone, for his five-minute opening statement.

*Mr. Pallone. Thank you, Mr. Chairman.

Today the committee is holding its first hearing of the Congress, two days after President Trump was inaugurated.

On day one, Trump announced his intention to withdraw the United States from the Paris Climate Accord, signed an order that directly questions the existence of climate change, and illegally directed Federal agencies to bypass the law and withhold critical infrastructure and climate investments that people across the country are counting on. And ultimately, the American people will be left to foot the bill for all these executive orders with higher energy bills, dirtier air, sicker communities, lost jobs, a weakened economy, and a worse-off climate to pass on to future generations.

Now, today we are actually examining the legacy of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, and the law received strong bipartisan support back in 2016 and was named after New Jersey's late Senator Lautenberg. He was a champion of the right to know, the idea that if you give people information, then they are empowered themselves to protect their own safety. And the law updated and

modernized the Toxic Substances Control Act, otherwise known as TSCA, for the first time in 40 years.

Since its passage, I have worked to ensure that TSCA lives up to Senator Lautenberg's commitment to protecting Americans from dangerous chemicals, particularly children, pregnant women, workers, and environmental justice communities. And a key goal of the Lautenberg Act was to finally give the Environmental Protection Agency the ability to address the threats of harmful chemicals on the market. The original TSCA simply did not give EPA the tools it needed to address risks, even though we had a long -- we had long known of the dangers of chemicals like asbestos. After decades of a broken chemical safety law and years of negotiation, Congress enacted the Lautenberg Act.

Now, thanks to the updated law, EPA is required to make an affirmative determination that a chemical is safe before it can enter commerce, and this action stems the flow of toxic chemicals into people's homes. EPA is also required to review and manage harmful chemicals already on the market, finally providing EPA the ability to ban dangerous chemicals that have harmed far too many people.

Now, despite the overwhelming bipartisan support and clear direction from Congress, it quickly became clear that the first Trump EPA was not interested in implementing a strong Federal chemical program. The Trump EPA's actions

under-estimated chemical risks, especially for workers and overburdened communities; delayed health protective rules; and exerted undue political influence on the regulatory process.

But fortunately, over the last four years the EPA has worked to get back on track. The Biden EPA recommended to -- went back to scientific integrity as a basis for its actions and its critical mission to protect public health and the environment. And the Biden EPA conducted a second look at the flawed risk evaluations of the Trump Administration, implementing TSCA as intended and addressing disproportionate risks for vulnerable populations. Under Biden's leadership, EPA was finally able to ban the use of known dangerous chemicals like new uses of asbestos, methylene chloride, and TCE. And EPA is also well on its way to properly addressing legacy uses of asbestos.

Now, the EPA's TSCA office has also played a critical role in addressing the rampant PFAS contamination across the nation, and I was pleased to see EPA take actions to require more testing and reporting -- eliminating exemptions and restricting certain legacy PFAS. But despite these significant improvements during the Biden Administration, the TSCA office still faces its fair share of challenges. And I am concerned that this hard-fraught -- this progress that we had under the Biden Administration is going to be stifled

under the new Trump Administration which did not have a great record four years ago, and has already shown itself to be more interested in special corporate interests than the health of American families, workers, and communities.

Now, we have seen how vulnerable communities bear the brunt of a weak chemical safety office. We have heard the tragic stories of Americans gone too soon because of lax or non-existent chemical regulations. And we cannot afford to go back. If my Republican colleagues want to explore the possibility of a reauthorization of TSCA, we must work to strengthen it to ensure that we protect the health of all Americans, especially our most vulnerable, and at the same time fostering innovation.

But as we examine the implementation of the Lautenberg Act today, it is important. It is important to me and all of us that this law live up to the government -- to its environmental legacy. That is what Senator Lautenberg left behind, this idea -- and I repeat it again -- that one of the most important things we can do with environmental protection is give people the right to know, give them information, give them data so they know what is necessary to protect their own health and safety.

[The prepared statement of Mr. Pallone follows:]

**********COMMITTEE INSERT**********

*Mr. Pallone. So I look forward to today's hearing, Mr. Chairman, and I yield back.

*Mr. Griffith. I thank the gentleman for yielding back. That now concludes members' opening statements.

The chair would like to remind all members that, pursuant to committee rules, their members' opening statements will be made a part of the record. I would caution you, however, do so -- file those opening statements that you wish to have -- be made part of the record in a timely fashion. If it shows up six months later, it is probably not going to make the record.

That said, we want to thank all of our witnesses for taking the time to testify before the subcommittee. You will have the opportunity to give an opening statement followed by questions from our members, and we do appreciate it. I introduced the witnesses previously, so I am going to skip reintroducing them so we can get everybody time to ask their questions and then move along.

So, Mr. Jahn, you are going to be recognized for a five-minute opening statement. Thank you.

STATEMENT OF CHRIS JAHN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN CHEMISTRY COUNCIL; GEOFF MOODY, SENIOR VICE PRESIDENT, GOVERNMENT RELATIONS AND POLICY, AMERICAN FUEL AND PETROCHEMICAL MANUFACTURERS; RICHARD ENGLER, PH.D., DIRECTOR OF CHEMISTRY, THE ACTA GROUP; AND MARIA DOA, SENIOR DIRECTOR, CHEMICALS POLICY, ENVIRONMENTAL DEFENSE FUND

STATEMENT OF CHRIS JAHN

*Mr. Jahn. Thank you, Chairman Griffith and Ranking Member Tonko, Vice Chairman Crenshaw, Chairman Guthrie, Ranking Member Pallone. I appreciate the opportunity to have this hearing this morning and the ability to testify.

I last appeared before this committee in October of 2023 based on one central theme, that American success relies on American chemistry, and that is even more true today. Americans want a stronger and more affordable nation. America's chemicals manufacturers can help. Not only are we the driving force behind the entire manufacturing economy that produces everyday products that businesses and families rely upon, but our members are safer and cleaner than they have ever been before.

But to provide what Americans are asking for, we need practical policy that protects the environment and human health without sacrificing manufacturing jobs and America's

competitive edge.

Nearly 10 years ago Congress passed TSCA and updated it for the first time in decades. It included in that a 10-year expiration of the fees that our members pay to the EPA to conduct chemical reviews. Like any other user fee program, this gives Congress the ability to assess whether improvements to the law are necessary.

If you remember nothing else about what I say to you today, there are requirements -- there -- we need to improve TSCA. The improvements are necessary.

So the delays and the lack of sound science are jeopardizing chemical manufacturing here in the United States. I want to be clear, though, in what I am saying here today. I am not talking about opening up TSCA. What I am saying is I would like Congress to utilize the built-in oversight through the fees reauthorization process to assess the program and make necessary improvements. Dr. Michal Freedhoff, who ran the chemicals office in the Biden Administration, recently suggested that this approach was healthy and reasonable, so we have bipartisan support for that effort.

We have a unique opportunity to reform our regulatory environment to help U.S. manufacturing and allow us to out-compete other countries for years to come. To accomplish this, ACC is guided by principles that we ask Congress and

the Trump Administration to consider: number one, to put science first, drive predictable, transparent, and facts-based policies; number two, create a sensible regulatory environment that fosters innovation here in the United States, instead of offshoring it to other countries; and number three, safeguard our communities and protect our environment.

Our industry is safer and cleaner than ever before because of ACC's mandatory third-party audited program, called Responsible Care, focused on our members environmental health, safety, and security performance. American innovation relies on new chemicals that enter commerce in a timely and predictable manner.

Unfortunately, the new chemical program at EPA is broken. New chemicals cannot be manufactured, imported, or placed on the market without EPA approval. The statute requires a determination within 90 days. However, the EPA has consistently missed that mark, hindering innovation and ceding our nation's competitive advantage to manufacturers overseas. Based on the EPA's updated public data in January, there were 394 chemicals in the queue under review: 93 percent of them were past the statutory deadline; 63 percent of them had been under review for more than a year. This is a permitting reform issue that urgently needs to be addressed.

So what do these delays mean to our industry and U.S. competitiveness?

First, delays mean that -- create uncertainty for manufacturers, and they are less likely to invest in R&D that brings new, innovative, and more sustainable chemistries to market. Their customers, whether they are producing autos, semiconductors, or anything else cannot wait.

Second, delays and uncertainty make it more likely that manufacturers will bring products to market overseas. In fact, we conducted a survey of our members, and 70 percent of them reported choosing to introduce new products outside of the United States due to problems with the new chemical program. So the new Trump Administration can make some changes, make things more efficient, but we still need changes to the law so that EPA is held accountable to the 90-day deadline.

In addition to the changes in the 2016 law and the new chemical program, it also directed EPA to assess the risk of chemicals already in commerce. But however, due to unrealistic assumptions about exposures to chemicals, the EPA's approach has resulted in unnecessary regulation that is out of step with the rest of the world. So Congress needs to take a look at updating and providing common-sense regulation to the law, and strengthen the requirements for the best-available science and interagency coordination.

So I appreciate the committee holding this hearing today. A healthy nation, a secure nation, an economically vibrant nation relies on chemistry. Thank you.

[The prepared statement of Mr. Jahn follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. The gentleman yields back. I now recognize Dr. Engler for his five-minute opening statement.

STATEMENT OF RICHARD ENGLER

*Dr. Engler. Good morning, Chairman Griffith, Ranking Member Tonko, Chairman Guthrie, Ranking Member Pallone, and members of the Subcommittee on Environment. I thank the subcommittee for inviting me today.

I have extensive experience with TSCA from my 17 years at EPA, where I participated in the review of thousands of pre-manufactured notices and low-volume exemptions, PMNs and LVEs. I participated in all aspects of those reviews, from the initial chemistry review to regulatory decision-making. I also ran the green chemistry program for many years. I left EPA in 2015 to join Acta, a firm that helps clients with global chemical registrations. But my views today are based on my knowledge and experience as a chemist and a TSCA expert. And while I will focus on the TSCA new chemicals program, I can respond to questions on any aspect of TSCA.

The new chemicals program is not working as it should. Since 2016 the program is stifling innovation, impeding commercialization of new chemistry, and driving sustainable chemistries out of the U.S. in part because since 2016 EPA is taking a hazard-based approach to chemicals, rather than the risk-based approach that TSCA envisions. The expiration of TSCA user fees in 2026 provides Congress with an opportunity to make TSCA work better.

It is important to understand the difference between risk and hazard, and so let me offer an example. A shark is a hazard to swimmers, but it is not a risk if a swimmer is not near the shark. We do not bar swimming in the ocean just because a shark is also in the ocean. We consider the likelihood and aggressiveness of local sharks to be near the beach. As practiced, EPA is effectively barring swimming unless you ask EPA if you can swim on the beach on that day. This is not how Congress intended TSCA to work.

Under section five, EPA must review each PMN and make one of several determinations on that substance: is the substance not likely to present unreasonable risk to health or the environment, including a risk to sub-populations under the intended, known, and reasonably foreseen conditions of use; or that it may present unreasonable risk; or that it will present unreasonable risk. If EPA finds that the substance is not likely to present risk, that substance can proceed to market without restriction. Otherwise, EPA is required to implement some restrictions. Currently, EPA reviews a PMN and, if EPA finds any hazard above its low hazard thresholds, EPA concludes that the chemical may present a risk. Any uncertainty precludes a "not likely'' finding.

If vinegar were to be submitted in a PMN, I expect that EPA would bar its use by consumers. Vinegar has hazards. It

is irritating, and if it is left on the skin it causes chemical burns. If inhaled, it will damage the respiratory tract. EPA's current policy is that a corrosive substance may not be in a consumer product above three percent. Acetic acid, the key ingredient in vinegar, is corrosive, and vinegar contains about five percent acetic acid. So EPA would prohibit consumer use. You may wonder. Don't we want EPA to protect against all hazards? And in my view, no. Some hazards are familiar and routine, and do not require EPA to issue restrictions, as with vinegar.

There are also other statutes that protect workers, consumers, and the environment. EPA simply assumes that none of these has any protective effect. EPA has issued -- as a result, EPA has issued restrictions on about 85 percent of PMNs since 2016. Recently, that percentage is over 90 percent. Over eight-and-a-half years and three administrations later, we have seen essentially no change. EPA clearly thinks it is implementing TSCA section five correctly.

You might ask, the restrictions allow you to do what you want to do, so what is the big deal? The big deal is the effect on the supply chain. Each company in the supply chain must follow the restrictions, and document compliance and meet other reporting requirements. Consider another analogy. If the new chemical is a car, EPA would review it and find

that performing routine maintenance reduces the risk of accidents. And then EPA requires that routine maintenance be done and that you keep records. Your current car does not have these requirements. You do routine maintenance, but you question whether you can document every oil change, or be sure that you will never go over the mileage limit. Either would be viewed as a violation. In addition, the police, when they see that model car, are more likely to pull it over to review the records. Wouldn't you hesitate to buy that car? This is the bias against new chemicals with restrictions, and this is what is happening now.

Some PMNs need to be restricted, but others do not. Take, for example, PMNs for chemicals that are on or nearly identical to chemicals on EPA's safer chemical ingredient list -- safer choice ingredient list, a list of the best of the best chemicals for household products. In several cases, EPA found that these chemicals were too hazardous to be allowed in consumer products. This makes no sense. How can it be safer, but also too hazardous to be allowed?

Great products are being restricted in ways that offer no protective benefit because the potential harm is just not likely to occur. Cleaning products, chips, cars, buildings, defense and other industries are all starved of innovations. Congress needs to change TSCA to give clear direction and set performance expectations so that EPA is making decisions

based on the best available science and reasonable predictions and assumptions.

I look forward to your questions.

[The prepared statement of Dr. Engler follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. Thank you very much, I appreciate it.

Mr. Moody, you are now recognized for your five-minute opening statement.

STATEMENT OF GEOFF MOODY

*Mr. Moody. Good morning, Chairs Griffith and Guthrie, Ranking Members Tonko and Pallone, and members of the committee. My name is Geoff Moody. I am the senior vice president for government relations and policy at the American Fuel and Petrochemical Manufacturers.

AFPM proudly represents the petrochemical, refining, and midstream industries. It is a privilege to testify this morning about our experience with the TSCA implementation over the past 10 years. Our members manufacture and transport petrochemicals that support a higher quality of life for people around the world, and the fuels that are the backbone of U.S. energy security and the economy.

Our industries live the dual challenge every day of producing the petrochemicals and fuels needed for a modern and growing society and the need to do so evermore safely, responsibly, and sustainably. We therefore support a balanced and workable TSCA. I would like to spend my limited time today summarizing a few key points from my written testimony.

First, TSCA must remain a risk-based statute grounded in reality and underpinned by sound science, the best available science. Unfortunately, EPA has strayed from this bedrock principle in recent years. The administration of this

program will benefit by refocusing agency resources on the highest-risk chemicals based on exposure. Finally, if changes aren't made through a combination of better program management and targeted statutory changes, U.S. manufacturing and innovation will suffer. My testimony contains additional details, but I would like to briefly discuss a few key points about TSCA's new and existing programs.

Starting with the existing chemical program, section six, the 2016 amendments require EPA to prioritize existing chemicals based on their risk, and to designate them as high or low priority for further evaluation. They must utilize the best available science and weight of evidence to make reasonable risk determinations and, if needed, to promulgate mitigation measures.

EPA has not been adhering to this. In fact, they have been largely regulating in a vacuum, disregarding other agencies' overlapping regulations, industry-wide safety practices, and real-world data. One glaring example is in the risk modeling, which uses unrealistic default assumptions ignoring OSHA's requirements and jurisdiction over workplace protections. To highlight just one aspect of this, EPA's modeling assumes our industry does not use personal protective equipment when handling chemicals at our facilities. To be clear, this does not happen. Another --

in another example, AFPM, in its engagement with the agency, provided real-world data about how chemical is actually managed at our facilities. And rather than accepting real-world data, EPA relied on its own model assumptions, which resulted in a miscalculation of risk. And now chemicals are being prioritized incorrectly.

Of the five chemicals just finalized for risk evaluation and the next five that EPA is currently taking comment on, all but two are intermediates, meaning they are primarily or only used in closed loop systems where they are consumed during the manufacturing process. So the general public is not likely to ever come into contact with them. However, this approach requires AFPM members to go through a lengthy and uncertain process of seeking use exemptions, even though the agency knows that our uses -- again, in those highly-regulated, closed-loop systems -- are well managed.

As for section five, the new chemicals program, it is no secret that it faces some significant challenges. The agency routinely misses deadlines for timely review of new chemicals and new chemical uses, and faces no real accountability for these delays which can leave companies waiting for years before they can bring products to new -- or new uses to the market because manufacturing can't happen without that approval.

We have members that have been waiting for new use

approvals that will keep plastic waste out of the environment -- help keep plastic waste out of the environment, and to build new chemistries for things like electric vehicles and solar panels. Many of those products are held up in the current section five review process with no end in sight. EPA's delays and unpredictability are not reducing global demand for these products. What they are doing is sending manufacturing opportunities overseas.

Just closing where I started, we support a TSCA program that determines risk based on sound science and real-world information and impacts. We believe the experience of the past decade has shown that a combination of implementation improvements and targeted -- I say "targeted'' -- statutory changes are needed to restore U.S. manufacturing confidence and to promote innovation under the statute. AFPM is looking forward -- looks forward to working with the committee and other stakeholders to find those solutions.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Moody follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. I thank the gentleman. I now recognize Dr. Doa for her five-minute opening statement.

STATEMENT OF MARIA DOA

*Dr. Doa. Thank you, Chairman Griffith, Ranking Member Tonko, Chairman Guthrie, Ranking Member Pallone, and members of the subcommittee for the opportunity to testify today on the implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act. My name is Maria Doa. I am the senior director for chemical policy for the Environmental Defense Fund.

EDF works to advance transformational solutions to the most serious environmental problems. Before joining EDF, I worked at the Environmental Protection Agency, where for the last 22 years I held various leadership positions focused on the regulation of toxic chemicals including the Toxic Substances Control Act.

For nearly 40 years after TSCA was first enacted in 1976, it became clear that the original law fell short. Too many chemicals entered the market without adequate assessment, and the risks for many highly toxic chemicals remained unaddressed. In 2016, after a decade of legislative debate, Congress took decisive action and passed the Lautenberg Act with broad bipartisan support. The Lautenberg Act transformed what was once a largely ineffective law into one that set a clear directive to protect human health and the environment.

I would like to address two of the significant improvements in the law: the first is the requirement for an affirmative safety determination before a new chemical can enter U.S. commerce; and the second is how the risks of existing chemicals are evaluated based on real-world exposures.

Prior to the Lautenberg Act, it was up to EPA to determine whether a new chemical may present an unreasonable risk of injury to health or the environment, not whether the new chemical was safe to enter the U.S. market. This meant that many chemicals, particularly those with little or no toxicity information, made it onto the market without any restrictions. The Lautenberg Act requires an affirmative safety determination for market entry, yet a new chemical notice is only required to include information that is known or reasonably ascertainable.

EPA has approved thousands of chemicals since the Lautenberg Act passed, yet there have been claims that EPA's new chemical reviews take too long and thus impede innovation. However, the delays in new chemical reviews are often caused by the new chemical submitters themselves when they fail to provide sufficient information up front. This results in the submission of additional information later in the process that requires reassessment and slows down the review.

Innovation by itself should not be the determining factor for entry onto the market. We have learned expensive, damaging lessons from toxic, innovative chemicals of the past like PCBs and the forever chemicals, PFAS, that have resulted in hundreds of millions of dollars in clean-up costs. TSCA explicitly recognizes that innovation cannot occur at the expense of health and the environment. It is the industry that pits innovation against chemical safety. This is not a valid dichotomy.

We support true innovation that embraces functionality and health and safety. EPA must be given sufficient information up front to make adequate, efficient, and expeditious reviews and, where necessary, allow for restrictions to protect health and the environment while supporting innovation.

Another significant improvement is for how existing chemicals are managed. Under the Lautenberg Act, EPA took the first meaningful action in 25 years to address the unreasonable risks of some of the worst chemicals, including asbestos, trichloroethylene -- or TCE -- and methylene chloride. These chemicals cause harmful effects on our health, including cancer, birth defects, and even death. In the last two years EPA finalized five new risk management rules for these harmful chemicals, banning many unsafe uses, dramatically strengthening worker protections, and providing

greater protections for families and children. In developing these regulations, EPA used the best available science to determine the risks presented by the real-world exposure to the chemical, rather than examining the risk of exposure to an individual use.

The Lautenberg Act fundamentally improved our nation's approach to chemical safety, and is the driver in reducing unreasonable risks from toxic chemicals. Maintaining these aspects of the law is essential for safeguarding public health and supporting smart innovation. Reopening the Lautenberg Act would undermine these critical achievements.

Thank you for your time, and I look forward to your questions.

[The prepared statement of Dr. Doa follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. I thank the gentlelady. We will now begin questioning, and I recognize myself for five minutes.

Dr. Engler, in your testimony today you talked about new chemical -- the new chemicals program, and you implied that EPA misinterpreted the TSCA risk-based standard. For my constituents watching at home, could you explain how exactly chemical exposure is defined, how it relates to risk, and how you feel the EPA misinterpreted TSCA?

*Dr. Engler. So when EPA reviews a new chemical, they look at all the hazards. They also -- they look at the information provided by the submitter. If the submitter provides or has information about releases and exposures, they will review that. If that information is not provided, EPA will predict releases and exposures using its own models and worst case assumptions.

And so this has been routine, and this has been done for as long as I have been working on TSCA, which is 27 years now. What happens now is, regardless of the outcome of EPA's models, even if EPA does not find risk using its worst case assumptions, if there is a hazard above EPA's low hazard threshold EPA issues a restriction of one form or another. So the risk is gone from the equation. If there is a hazard there, EPA views that there must be a restriction. Any uncertainty leads to a restriction.

*Mr. Griffith. And so you are not talking about

unreasonable risk. You are just talking about --

*Dr. Engler. Any possible risk.

*Mr. Griffith. Any possible risk.

*Dr. Engler. Yes. So the -- I mean, EPA uses thresholds, they compare numerically, they compare exposures to the hazard thresholds. So they look and compare, this is what -- this is the concern level. Where is the exposure level? If the exposure level is below the concern level, there is no unreasonable risk. Even when EPA finds that the exposure is below the concern, they still issue a restriction.

*Mr. Griffith. So thus your shark analogy, which I loved, and your vinegar analogy. And I think in your written testimony you mentioned lemon juice might not make the cut.

*Dr. Engler. Lemon juice would also probably be banned from consumer use, yes.

*Mr. Griffith. And I got to ask because I eat too much of it, I am sure, but how about my sodium chloride that I love?

*Dr. Engler. I will leave that to you and your doctor.

*Mr. Griffith. All right, so you don't think TSCA would get involved in that if it were a new chemical, suddenly?

*Dr. Engler. Sodium chloride might pass.

*Mr. Griffith. It might pass? All right, well, that is good to know.

Dr. Engler, do you believe EPA's new chemicals division follows basic evidentiary procedure in its decision-making process, yes or no?

*Dr. Engler. Generally -- we have had mixed results, and it depends a lot on the -- on who is reviewing the case, which is one of the problems we have. It should -- your -- a review of a particular case should not depend on the reviewer. The system should be predictable and consistent.

*Mr. Griffith. Yes.

*Dr. Engler. In some cases we provide data, we provide measured data, and EPA will use that data and assess the risk. And they will still issue a restriction if it is above the low hazard threshold. In other cases we provide data and the assessors ignore the data or they dismiss the data. They don't necessarily explain why, and they just use whatever conservative assumption. And again, we end up with a restriction.

*Mr. Griffith. As Chairman Guthrie alluded to in his opening remarks, we have just received an additional report from the GAO this morning. While we haven't had time to fully review all of its implications, the GAO does make it clear that the new chemicals division does not follow most key practices for managing and assessing the results of its new chemicals program, and does not make use of evidence to learn or uses practices that would allow "apply learning to

decision-making'' at the division. I am sure that has to do with different people making different decisions.

Based on reading the testimony, I am not surprised by this and I look forward to working with all of our witnesses to improve the new chemicals program. But it just goes to show that we probably ought to open it up, as Congress often ought to do with a lot of different bills every now and then, and say, is it working? Check the engine, so to speak.

*Dr. Engler. Yes.

*Mr. Griffith. Mr. Jahn, could you expound some on what, in your opinion, should be considered the best available science for evaluating new chemicals?

*Mr. Jahn. So, as you just said the GAO report, I found out about that on the way over. I am not surprised --

*Mr. Griffith. So did I.

*Mr. Jahn. -- were interviewed in that process. And, you know, they provide science, for example, for the EPA to use that they request. However, very often what EPA ends up doing is doing its own modeling and using that data rather than the real-world data that our members provide to EPA for the assessment. That is one of the reasons that the new chemicals program takes so long.

*Mr. Griffith. All right. I appreciate that.

Dr. Engler, again, could you explain just briefly the advantages and disadvantages of statistical modeling for

chemical releases?

*Dr. Engler. Well, statistical modeling can be used to see what a worst case is. So EPA frequently uses ninety-fifth percentile. They don't look at the absolute worst case, they look at sort of a reasonable worst case. And so you are not looking at the very end when you talk about a statistical analysis. You -- they don't look all the way at the very end of the tail, they look for that ninety-fifth percentile as a worst case.

*Mr. Griffith. All right, I appreciate that.

My time is up, so I now yield back and recognize Mr. Tonko for five minutes of questioning.

*Mr. Tonko. Thank you, Mr. Chair.

I appreciate that Congress will need to reauthorize TSCA's fee authority to help provide the program with the resources it needs to function and function effectively. But I am also curious what EPA can be doing without congressional action to strengthen the program. So Dr. Doa, obviously, as of Monday, we have a new administration. Do you have any recommendations for how the incoming leadership at EPA can use its existing statutory authorities to better protect health and effectively administer TSCA?

*Dr. Doa. Thank you. There are a number of ways that EPA can protect health more rigorously. One would be the consideration of the multiple chemicals that communities that

are around facilities are exposed to. Many companies will specialize in a type of chemical such as PFAS or brominated flame retardants. And while they will send a new chemical to EPA for that, and EPA will look at it individually, the communities are exposed to not only that chemical, but previous PFAS that the company submitted to EPA as a new chemical -- previous brominated flame retardant.

So I think, given that TSCA specifically requires that EPA considers -- that EPA consider exposures and risks to more highly exposed and susceptible populations such as those surrounding communities, and also consumers who are using multiple chemicals or the workers who will be using multiple similar chemicals, they have the tools, they have the knowledge, and they have the experience to be able to do that. EPA has really dedicated scientists and engineers who are committed to the program and who do their best in new chemicals to use the best available science.

*Mr. Tonko. Thank you. And TSCA requires EPA to make its regulatory decisions based on the best available science. So is it just simply what the manufacturer initially or willingly provides to the agency in terms of data, or does EPA have a responsibility to also seek out additional data to make well-informed regulatory decisions?

*Dr. Doa. It is up to EPA to -- and they do seek out data and models and develop these data and models that they

use in the new chemicals. But they should not just be taking the industry data at face value. They need to look at the validity of the data, the applicability of the data for a particular use. Just because the industry says, "We don't think there are going to be releases from this use'' is not sufficient. EPA -- it is their role to be independent and assess the information and use the sum of the information to determine whether there are unreasonable risks.

*Mr. Tonko. And I heard some expression of concern about timeliness and thoroughness on behalf of the industry as it applies its efforts to EPA. Can you expand upon that, please?

*Dr. Doa. Oh, yes, and I do have personal experience with this from when I was at EPA. What will happen is a company will submit information. And because they are only required to submit what is reasonably known or ascertainable, they may tell EPA that they have a chemical and they are using it in a certain way, and without much information beyond that. EPA will use its models, its vetted models, its experience, and they will do estimates. They -- if they identify preliminarily an unreasonable risk and they tell the company, the company will often come back and say, no, I have more data. And then EPA will need to go back and redo its risk assessment again. If it still finds preliminarily unreasonable risk, then they go to the company. Then more

data is submitted and it turns out, oh, no, you were concerned about worker inhalation, but we have this equipment that controls it. They never mentioned that in the initial submission.

So EPA goes back and forth with them, sometimes up to five times redoing the risk assessment. That takes resources. That takes time because part of that is waiting for the company to go back and check and come back to EPA. So a lot of it is due to the industry, and it is not the 90-day clock that just goes. EPA must make an affirmative determination on the safety of the chemical.

*Mr. Tonko. Thank you. I had other questions, but I will submit those to the subcommittee to get to our witnesses.

[The information follows:]

**********COMMITTEE INSERT**********

*Mr. Tonko. Thank you, and with that I yield back.

*Mr. Griffith. I now recognize the chairman of the full committee, Mr. Guthrie, for his five minutes of questioning.

*The Chair. Thank you very much. Thank you, Mr. Chairman, and thanks for our witnesses for being here today. And as I said in my opening statement, we are looking to review regulations and do what is reasonable. And so I just have a question.

So EPA's current policy is that a corrosive substance may not be present in a consumer product above three percent. As Dr. Engler pointed out in your testimony, the active ingredient in vinegar is acetic acid, which is an irritant and may cause chemical burns, and most vinegar contains about five percent of acetic acid. So around Christmas time my family was in town, and our coffee pot turned off because it needed to be de-scaled. In the old days you thought coffee pots just powered through. You got a lot of steam, and you -- it took you a little longer. But now the coffee pot turns off and says I am not going to work until you descale me. Well, who has descaling stuff sitting around?

So that very day my wife made her North Alabama white sauce, which we ate and enjoyed. But according to EPA, if I used that vinegar to descale my coffee pot, then it would be a toxic substance?

*Dr. Engler. Effectively, yes.

*The Chair. And so --

*Dr. Engler. The EPA would prohibit the sale of vinegar as a coffee descaler.

*The Chair. So I just want to go from Dr. Jahn across -- does that -- I mean, Mr. Jahn, I am sorry. Does that seem reasonable?

*Mr. Jahn. That does not seem reasonable to me. And unfortunately, this is too often the experience that our members have when they are bringing new chemistries to market, whether they are more sustainable, they have better performance, and they go into medical devices, automobiles, fighter jets, you name it. It isn't reasonable, and it needs to be addressed.

*The Chair. We will just go down, all the way down the list of -- answer that. Do you think that is reasonable, Dr. Engler?

*Dr. Engler. No, I think it is -- I think EPA is over-interpreting what is reasonably foreseen.

So the statute requires EPA to consider whether or not a substance is not likely to present unreasonable risk under the reasonably foreseen conditions of use. And the assumption is, over three percent of acetic acid in vinegar, somebody might harm themselves with it because they have no certainty that someone will not misuse or misapply.

*The Chair. But you can eat it; you can't pour it

through your coffee pot. That is what --

*Dr. Engler. Yes.

*The Chair. Okay. That is what I want to make -- that doesn't seem reasonable.

Mr. Moody?

*Mr. Moody. I concur.

*The Chair. Okay. Dr. Doa?

*Dr. Doa. I think the issue is not acetic acid. The issue is, if you are using a corrosive chemical in an industrial process it might be fine, but the restriction that EPA would put on it would be you can't use it in a consumer product.

*The Chair. But the issue is acetic acid.

*Dr. Doa. Because it would be sprayed, the concentration could be higher. It could be much higher.

*The Chair. This is just the same -- I took the bottle and -- she made the sauce, and I took the bottle and put it into the -- so that is the issue. I mean, that is -- we can't just dismiss that is not the issue.

*Dr. Doa. Respectfully, sir, I think that EPA would not restrict that. It would restrict it, the percentage, because it gets much more corrosive at a higher percent, if it is used at a higher percent. I think that is -- and so maybe they would say, no, it can't be used to descale at 15 percent because, one, it -- functionally, it doesn't need to be above

3 percent.

*The Chair. Right.

*Dr. Doa. And it would be harmful at 15 percent.

*The Chair. Okay. I think it says anything above three, but we can look at that. So thanks.

So just being in reasonableness as well, in TSCA another area of bipartisan discussion in this subcommittee has been the topics of advanced recycling. In your testimony, Mr. Moody, you discuss EPA's proposed regulation on pyrolysis oil, which has been pending at EPA since 2023. Pyrolysis oil allows manufacturers to break down waste plastics and return them to useful seed stock -- feedstock that can be put into new plastics, and this is a key function in recycling.

And so, Mr. Moody, do you think it makes sense to impede our ability to scale advanced recycling to meet our sustainability goals?

*Mr. Moody. Advanced recycling is a critical technology if we are going to effectively address the issue of plastic waste in the environment. So we agree that things should go through review, we should be assessing the risk and mitigating risk. But at the end of the day, the output of this process is chemically identical to other things on the inventory, as naphtha, as this other thing.

So what we would say is let's look at the data, but, you know, we shouldn't be impeding that technology because we

need it to address --

*The Chair. What do you think has been so difficult to get it approved?

*Mr. Moody. That is a great question. You know, I -- there -- I think there is probably different points of view on that and on how to best address the plastic waste issue. And I think that people come at that in good faith. From our perspective, this is critical and you can't dismiss it.

*The Chair. All right, thanks.

Well, my time has expired and I will yield back. Thanks, Mr. Chair.

*Mr. Griffith. The gentleman yields back. I now recognize the chairman -- or the ranking member of the full committee, Mr. Pallone, for his five minutes of questioning.

*Mr. Pallone. Thank you, Mr. Chairman. TSCA, as we know, is our nation's chemical safety law under which EPA reviews and manages chemicals to protect the health of Americans. And EPA is tasked with ensuring the safety of chemicals that consumers interact with every day, items like winter coats, workout clothes, bedding, mattress pads, computers, and cell phones.

Now, the TSCA office has been underfunded, despite the significant increase in work requiring -- required under the Lautenberg Act. And without the appropriate staff and resources, we can't expect the Act to fulfill its mission and

EPA's mission to protect health, safety, and complete timely chemical reviews. So I know we are not the Appropriations Committee, but I do think I have to make a pitch that we need more money for the office. But let me go to Dr. Doa.

Why is it important for EPA to conduct a pre-market review of all new chemicals and make an affirmative determination on safety before a chemical is manufactured, if you will?

*Dr. Doa. Thank you for your question.

One very important reason why new chemical reviews are so important is so that we don't have more chemicals like PFAS or PCBs, or carcinogenic dyes, or brominated flame retardants on the market. These chemicals are harmful. And once they are on the market and companies are invested in them, it is very difficult to limit or decrease the amounts used, and it is difficult to get them off the market, even when they are shown to be extremely toxic.

And then these reviews are important so we don't have to spend hundreds of millions of dollars as we are for PFAS, cleaning them up, or take the multi-year process of regulating it as an existing chemical.

*Mr. Pallone. Well, thank you. Now, have the changes included in the Lautenberg Act provided EPA with the ability to address existing chemicals that have long been known to cause harm?

*Dr. Doa. Well, most importantly, the Lautenberg Act gave EPA the tools and the directive to take action. Before the Lautenberg Act, EPA had not taken action in 25 years, despite the many people who died from methylene chloride, both consumers and users, despite the many people harmed from trichloroethylene which causes three types of cancer, birth defects, affects multiple parts of the system, or asbestos, the poster child, causing cancer. So Lautenberg was crucial for being able to protect human health.

*Mr. Pallone. Well, thank you. And I also think it is important to remember that the chemicals regulated under TSCA are used in a range of applications, from manufacturing to consumer products found in the home every day. You know, TVs, microwaves, other electronics, household cleaners, all types of clothing.

But a final question, Dr. Doa, what does a strong TSCA program mean for the health of Americans and the confidence consumers have in the safety of chemicals used in all aspects of their lives?

*Dr. Doa. It is crucial because what led to the Lautenberg Act was the widespread belief by consumers that they could not trust a lot of products, that they were being exposed routinely to toxic chemicals. And I think this is a way to ensure more confidence that what we use every day won't harm us, and that we will be protected from the most

harmful chemicals.

*Mr. Pallone. I appreciate that. You know, I go back to the -- I know I sound repetitive, but I just can't help -- you know, Senator Lautenberg, in so many areas of life, was a champion for what I call the right to know. And, you know, you just got to that.

In other words, you know, people want information and data. I mean, how many times does somebody call my office and say, well, what is the data? What is the information? What can I rely on? And I think that when you have a strong TSCA program, you are giving people information so they can, you know, make decisions and know what is bad for the health, know what is not good for their safety.

You know, I can't emphasize enough why a -- the -- a strong TSCA program really empowers people and gives them, as you say, the feeling that they can have the confidence in these products. People are just so convinced that, you know, that whatever they use has already been approved, has already been safe. But more and more, they don't believe that anymore. So that is just another reason why I think we need a strong TSCA. Thank you so much.

Thank you, Mr. Chairman.

*Mr. Griffith. The gentleman yields back. I now recognize the vice chairman of the subcommittee, Mr. Crenshaw, for his five minutes of questioning.

*Mr. Crenshaw. Thank you, Mr. Chairman.

I will start with you, Mr. Jahn. TSCA requires that the EPA make a determination within 90 days. Are there any consequences if the agency fails to make a determination within the statutorily-mandated review period?

*Mr. Jahn. The short version is no. The EPA is supposed to give the fees back to the private company that applied. But that does not happen in practice. And so right now we are left in a situation where, again, as I said in my opening statement, 63 percent of the submissions are a year old when the deadline is 90 days.

*Mr. Crenshaw. Yes.

*Mr. Jahn. And so, as we look at the authorization process for those fees, we need to find some guardrails and some accountability for EPA to meet its deadlines.

*Mr. Crenshaw. I mean, it was said by Ms. Doa that a lot of the fault lies on the industry itself for not putting in the right paperwork or right information. How much of that is true, in your opinion?

*Mr. Jahn. So EPA has a challenge in clearly communicating with industry in regards to what it is looking for, and it is notorious for coming to the industry on the 89th day and saying, "This is the additional information we would like. You have a couple of choices here. You can either suspend your application and we work on that, or we

can deny it, or you can get your money back and go to the end of the queue.'` And we already know how long that queue takes.

So I would respectfully submit that EPA needs to do a much better job in communicating with the industry in terms of what it needs, what it will use.

*Mr. Crenshaw. Mr. Engler, do you have something to add to that?

*Dr. Engler. Yes. So we work very closely with our clients to prepare very robust PMNs, and we are very good at predicting what EPA -- the sort of information that EPA is looking for. But even when we do that, we find that EPA comes up with questions that we could never have predicted. Or during EPA's review they have made some errors, or they have missed some key information that is in the case. And so some of the rework is just the necessary communication between the submitter and EPA to make sure there is a shared understanding.

*Mr. Crenshaw. Right. Mr. Jahn you might be limited in what you can say about this, but are you aware of instances where new chemical applications for safer and greener chemicals or -- and chemistries were delayed as a result of this kind of mismanagement under the TSCA program?

*Mr. Jahn. Yes, so I hear about this from members all the time. I could give you a couple of examples.

One is an application for chemicals that goes into electric vehicle batteries. Despite providing all the information the EPA has requested, that application has been pending now for almost five years. Okay? So that is number one.

Number two, in the semiconductor space we have a member who just got a Department of Energy grant. They were going to build the facility with union labor, and they have been waiting for over a year from [sic] EPA to approve their PMNs.

So there is at least a couple of examples, and there are many more.

We have also had EPA tell our members that, well, you know, you need to notify us and put it on the cover page when you submit your proposal. That is how bad it has gotten at this point. And we have said, look, we do that. It is throughout the proposal. Is anybody actually reading this? That is where we are right now.

*Mr. Crenshaw. Yes, okay. They don't like where the information is on the packet.

*Mr. Jahn. Correct.

*Mr. Crenshaw. That is very annoying.

Mr. Moody, this is kind of related because in your testimony you say that they fail to differentiate between the risks posed by a chemical and a consumer product, which is -- of course, there is a wide amount of exposure there -- versus

the risk posed in a closed-loop industrial process. How can we promulgate better and more pragmatic regulations for existing chemicals, differentiating between these different conditions of use?

*Mr. Moody. So risk is a combination of hazard and exposure, and we have talked about that. Where you have something -- where you have a chemical in a closed-loop system, there is no exposure. And so there should be -- it should be a lower risk assessment at the end of the day because there is no exposure.

We have seen multiple incidents over the last few years of EPA assessing an unreasonable risk on a chemical as a whole, but then intermediate processes get wrapped into that. And, you know, one example -- and TCE has come up a couple of times today, but it is an impurity as part of a refining catalyst process, all closed loop. But were EPA to ban that use, we would have put half the gasoline supply in the U.S. at risk because it is used as a refining catalyst.

So thankfully, we caught that and we engaged the agency. And, you know, we -- there is a de minimis exemption in there. But starting with this premise that all uses, regardless of exposure, can create an unreasonable risk and then you are living by exemption is no way to run a program, from our point of view.

*Mr. Crenshaw. Right. That is not a proper holistic

risk assessment.

Thank you, I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Ms. Schakowsky for her five minutes of questioning.

*Ms. Schakowsky. Thank you, Mr. Chairman, and thank you to our witnesses today. I really appreciate this.

There is overwhelming evidence that we are all subjected, in some way or another, with chemicals that may not -- that may hurt us, that children and, of course, workers are vulnerable. And I think we have to find out what is a danger to us, and then to proceed in the -- making the most important thing our health and safety.

I was a proud cosponsor of the Frank Lautenberg Act years ago, and I think that this is so incredibly important, and deals with the issues of chemical toxins that are there. And I saw that you mentioned, Doctor -- where are you? Hold on one second.

[Pause.]

*Ms. Schakowsky. Okay, no, I still don't see it. Hang on.

Yes, Dr. Doa, there we go, I am sorry. My vision is not so great. But I wanted to thank you for mentioning that methylene chloride is dangerous, and it is -- can be cancer-causing, and I was so happy that during the Biden Administration the EPA did actually take off the methylene

chloride, and that is my understanding. Is that right?

*Dr. Doa. Yes, ma'am. It prohibited certain uses and required protections for -- worker protections for other uses.

*Ms. Schakowsky. So I wanted to ask you, how important is the -- that legislation important -- why is it important, and how has it proceeded to make our environment safer, Lautenberg?

*Dr. Doa. Thank you. Yes, it is important because, as you noted, with methylene chloride and with other chemicals it is protecting people, children, families, workers from these toxic chemicals which cause a range of harm, cancer, and birth defects, and even death. So even though we knew about many of the deaths from methylene chloride over years, both consumers and workers, workers at small businesses, EPA was unable to take action under TSCA before Lautenberg.

So this really turned the tide, and has actually -- will save lives in the future because methylene chloride cannot be used for certain uses. And where people have died in the past, fortunately they won't in the future.

*Ms. Schakowsky. I want to thank you for your 30 years of service --

*Dr. Doa. Thank you.

*Ms. Schakowsky. -- at the Environmental Protection Agency, and now with the private sector, continuing in your

work.

But I wanted to ask you. I have heard that those in the chemical industry want to take away some of the benefits that I see for the country, for the -- for consumers from the Lautenberg bill. I wanted you to comment on that.

*Dr. Doa. Thank you for the question.

If we were to take away some of the protections to go back to TSCA before Lautenberg, we would be going back to a time in new chemicals where, if there wasn't sufficient information, chemicals just went onto the market. They were called drops because EPA couldn't make a determination, and so many chemicals were -- went onto the market that were toxic, that were risky, very risky. So I think that would be one thing we would lose, the protections for chemicals going on to the market.

And also for the existing chemicals, as I noted -- and I was there when we tried to regulate existing chemicals, and there just weren't the tools -- we would go back to a time where things that we know are extremely harmful to large parts of the U.S., we could do nothing about it.

*Ms. Schakowsky. Thank you. I realize my time is up. Is that right?

*Mr. Crenshaw. [Presiding.] Yes.

*Ms. Schakowsky. And I yield back. Thank you, thank you.

*Mr. Crenshaw. The gentlelady yields back. I now -- the chair right now recognizes Mr. Latta from Ohio.

*Mr. Latta. Well, thank you very much, Mr. Chairman, and thanks to our witnesses for being with us today.

If I could start, you know, my district, I have over 80,000 manufacturing jobs, and some of those are chemical companies, and they produce a lot of different things that we have to use for our everyday lives. And Mr. Jahn, if I could start my questions with you, you know, I think it is interesting, you know, when you -- in your testimony you were talking about we have to have a sensible regulatory environment, safeguard our communities, protect the environment, put supply chains behind us, and unlock the full capability of our transportation network. You also state that our chemical program is broken, and you also mentioned the length of time. You just mentioned it again for one of our members, how long it is taking to get things done.

But, you know, one of the questions I think is -- I would like to ask is this. When you say 63 percent have been under review for more than a year, the question then becomes -- is, are they approved? Are they denied, or are they just put out there for a longer wait period?

*Mr. Jahn. So it is a very good question. And so yes, there is no guarantee that these get approved. And so some of the testimony that you have heard earlier today talks

about the thousands of chemicals that have gone through the process.

And I want to be really clear. It has only been -- since the revised law passed it is about 1,700 chemicals that have gone through the process and been approved. So we have heard much larger numbers. That does not mean those are going into commerce. And you can go find that directly on the EPA's website.

*Mr. Latta. Thank you. And going back to your earlier statement about the -- our supply chain, you know, during COVID we all know how broken we found that our supply chain became. But you also raised -- talked about the supply chain and also that likely our manufacturer will bring products to overseas markets. What is that going to do to our supply chain?

I think that is really important here in the United States because if we don't have the necessary chemicals to make something, you are going to have to go offshore. But what is that going to do to, you know, the American manufacturing that we have to do right here for our own national security?

*Mr. Jahn. Right. So again, as a reminder, chemistry is at the beginning of the manufacturing supply chain. Literally, everything starts with us. And so therefore, there is a direct correlation between smart chemical

management policy and the ability to maintain a robust and resilient supply chain.

I'll give you one example: semiconductors. So it takes 500 chemistries to manufacture one computer chip. So Congress has worked very hard to try to make sure that we are onshoring the manufacture of computer chips. We need to take equal care in chemical management policy to ensure that the inputs that make that possible are also made here to protect our national and economic security.

*Mr. Latta. And just real briefly, what are our foreign competitors doing?

*Mr. Jahn. Our foreign competitors --

*Mr. Latta. Right.

*Mr. Jahn. -- in terms of --

*Mr. Latta. In the chemical side.

*Mr. Jahn. -- approving new chemistries --

*Mr. Latta. On the chemical side.

*Mr. Jahn. You know, if you look at Canada, you look at Korea, you look at the EU, typically you are looking at one to three months to get their chemistries approved. At the outside, about six months. So we are well, well behind. And if you look at the manufacturing space as a whole, China is nearly four times our size in terms of their production of chemistry. That lead is growing.

*Mr. Latta. Thank you.

Mr. -- Dr. Engler, you mentioned about, you know, we have got reduced innovation, hampered the adoption of sustainable chemistry. One of the questions I would like to ask, do we need reform or more money in the whole system?

*Dr. Engler. I am sorry, can --

*Mr. Latta. Do we need to have reform, or do we have to have more money in the system?

*Dr. Engler. I am not sure what the correct funding level is. I think there is -- because of staff turnover, there have been a lot of new hires, there have been changes. I think the program is still getting its feet under itself. So I think there is some inefficiencies built in there.

I would like to see some more maturity before I say yes, the program needs a lot more resources, but it may. It may need more people. I think it certainly needs more resources to help with its IT systems.

*Mr. Latta. But, you know, we have been seeing and hearing from the testimony, you know, about what is happening with this reduced innovation and, as you've talked about, unsustainable chemistry. You know, the concern again is we have got to move things to market. Are things moving to market quickly or not?

*Dr. Engler. Oh, no, things are delayed, literally, for years.

*Mr. Latta. Okay. Let me ask this question. Again,

you know, we are falling behind is what it sounds like in this country. And also, you know, your question about vinegar -- vinegar is found on every -- I would like to go to any grocery store in the United States and not find a vinegar product. You can even drink the stuff if you dilute it. So today, just out of curiosity, would you think that, you know, if the EPA went out there and said we are not going to even have EPA (sic) on grocery shelves, do you think that would happen if they would say we are going to look at vinegar once more?

*Dr. Engler. Well, I think if EPA looked at a lot of products, they would -- a lot of current consumer products, they would probably ban them because of the potential that somebody might misuse it.

*Mr. Latta. Well, thank you very much, Mr. Chairman. My time has expired, and I yield back.

*Mr. Griffith. [Presiding.] The gentleman yields back. I now recognize Dr. Ruiz for his five minutes of questioning.

*Mr. Ruiz. Thank you so much. You know, I just -- we updated the amendment to make it reflect a real-life situation. So all these hypothetical situations that you guys are talking about and bringing up with vinegar is just complete nonsense, and not real life.

You know, Dr. Doa just explained that, indeed, no, there is no EPA banning of household vinegar to scrub your pots.

And, you know, I want you to all know, as a scientist and as a physician, we have known for many years by Dr. Virchow who said that any substance in the right quantity can be toxic to your health.

So, you know, let's just put aside these different hypotheticals, and let's talk about TSCA because it is an important piece of legislation. It provides the EPA the authority to determine the safety of both new chemicals before they enter the market and existing chemicals already in use.

And as we have heard throughout this hearing, the Toxic Substances Control Act is vital to protecting Americans from dangerous chemicals like asbestos, methylene chloride, trichloroethylene that can cause cancers, severe heart, liver, renal diseases to people. And for decades the former TSCA law failed to safeguard our safeguard our communities, allowing people to be exposed to harmful chemicals in their homes and workplaces. And this failure disproportionately impacted vulnerable populations, especially our children who are particularly susceptible due to their size, physiology, developmentally growing brain, and certain behaviors.

And as an emergency physician, I have treated kids from the devastating effects of inhaling or ingesting these toxic chemicals. And exposures during critical development stages can lead to severe lifelong health consequences. That is why

the 2016 Lautenberg Act was so important. You see, it strengthened TSCA by, among other changes, requiring the EPA to protect susceptible populations, including children, and said, hey, these are the ones that can be affected the most if ingested or inhaled accidentally.

So, you know, we need to evaluate these chemicals. And unfortunately, the first Trump Administration failed to properly implement the law, including by assuming certain exposures were addressed by other statutes and therefore discounting risks. The Biden Administration has since adopted a more comprehensive or whole-chemical approach to provide more safety and protection. So these methods examine all exposures' pathways in real life, real-life scenarios. So it is important step forward to safeguarding the health of all Americans.

Dr. Doa, you know, why is it important that EPA move to a whole-chemical approach when assessing the risks of a chemical substance, especially for vulnerable populations? And what does the whole-chemical approach mean?

*Dr. Doa. Thank you for your question.

Starting off with what does the whole-chemical approach mean, it means all of your exposures to a chemical, whether from the air, water -- including drinking water -- from soil, from consumer products. Because that -- looking at all of the things you are exposed to prevents [sic] an accurate

assessment of the risks that you will encounter.

And I look at it as analogous to your diet. When you think about calories, you take -- let's say you have a goal of 2,000 -- what you ate for breakfast, what you had for lunch. You just don't compare to your goal what you had for breakfast, and then say that is fine. You look at everything you have compared to your goal.

And it is particularly important for children, because children's bodies don't distinguish whether they are exposed to something from a consumer product, from the air, from the water, from dust. Kids put things in their --

*Mr. Ruiz. Yes.

*Dr. Doa. -- mouth all the time. And if you were to look at one use of a chemical that a child is exposed to, let's say in a consumer product --

*Mr. Ruiz. I have 30 seconds left.

*Dr. Doa. Okay.

*Mr. Ruiz. I have one last question.

*Dr. Doa. Sure.

*Mr. Ruiz. The EPA considers susceptible populations such as children in its chemical reviews. How does it go about doing that? What additional protections do they have for children?

*Dr. Doa. So it looks at multiple steps. It looks at the total whole chemical. It looks at the fact that children

metabolize chemicals different, are exposed a little bit different, a lot of hand to mouth. It focuses on the harms that are more important for children. And it should also be looking at filling data gaps on children's exposure.

*Mr. Ruiz. Thank you, I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mr. Palmer for his five minutes of questions.

*Mr. Palmer. Okay, I thank you, Mr. Chairman. I appreciate the witnesses. If you will give me very brief answers, I have got a lot of material to cover.

Mr. Moody, you made points about the unnecessary delays. Have these delays harmed American people by keeping innovative chemicals from coming to the marketplace that would include chemicals to be used to reduce emissions of greenhouse gases or mitigate other environmental issues?

*Mr. Moody. Yes, sir.

*Mr. Palmer. I am looking --

*Mr. Moody. Yes, sir. From our members, they have multiple applications that have been pending for EPA in front of -- for years.

*Mr. Palmer. So it could improve -- and Mr. -- Dr. Engler, you made a point about the pre-manufacturing notifications have declined by over two-thirds, and from about 600 per year to less than 200 per year. Is that problematic for Americans in terms of access to chemicals

being available for medical technology, food production, energy generation, and other uses to improve quality of life and lower the cost of living?

*Dr. Engler. Absolutely. Many of our clients are commercializing overseas.

*Mr. Palmer. Let me point out some things. I ran a think tank for years, and we used to publish environmental indicators that covered emissions, water quality, land use, toxic release, including the Toxic Release Inventory. So I started looking at the EPA's Toxic Release Inventory, and it is remarkable how much we have improved in that area. Just from 2012 to 2022 we have decreased the amount of toxic release inventory by 21 percent. And since 2000 it is over 50 percent.

Is that -- does that indicate the commitment of the industry to improving environmental quality?

*Dr. Engler. It is an indication of the commitment to the industry, it is also an indication of the innovations that are coming in to replace the more harmful things.

*Mr. Palmer. But that also includes risk screening, environmental indicators, which has gone down to 22 percent?

*Dr. Engler. Yes. Actually, I worked on the Risk Screening Environmental Indicators while I was at EPA, as well. And the RSEI scores have improved significantly.

*Mr. Palmer. When we talk about the toxic release

inventory, that includes some uses that my colleagues across the aisle are very high on, particularly in terms of renewable energy production. It -- you require toxic chemicals used in wind turbines. Would that be true, Dr. -- Mr. Jahn?

*Mr. Jahn. Yes it is. And in addition to that, I would say there is also 10 tons of plastic in a wind turbine, as well.

*Mr. Palmer. Right. And then, if you really want to get into toxic chemicals for renewables, you got to talk about solar panels. And by the way, the -- we can't recycle the blades, there is very little of the -- in terms of solar panel production that can be recycled. Solar panels contain cadmium, lead, arsenic, silver, copper, selenium. They use PFAS chemicals.

Now, this -- my colleagues across the aisle, when they were in the majority, moved legislation to ban PFAS. They want to completely eliminate it. But according to a couple articles I have here, Mr. Chairman, that I think we should introduce into the record, "The Truth About Dangerous Chemicals in Solar Panels,'' and "PFAS Waste From Solar Panels,'' Mr. Chairman, I would like to introduce those into the record if there is no objection.

*Mr. Griffith. What we will do is we will put that on to the list, assuming that there is no objection from the

Democrat side, and we will take it up at the end of the hearing.

*Mr. Palmer. Well, I am sure they won't object to science.

*Mr. Griffith. I am sure they won't, either, but I -- it is courtesy for me to give them an opportunity to at least review it.

*Mr. Palmer. Well, you are a very courteous, Chairman. Thank you.

*Mr. Griffith. Thank you.

*Mr. Palmer. In 2022 the market share for PFAS materials and the -- which are used in the outer layers of solar panels was close to 80 percent. And as I said, most of the solar panels have no characteristics for recycling. Is that problematic, Dr. Engler?

*Dr. Engler. Well, it is -- only from a --

*Mr. Palmer. Well, let me restate it.

*Dr. Engler. Okay.

*Mr. Palmer. Is it hypocritical? Because there are legitimate uses for PFAS. And I would say that solar panels using PFAS to harden the outer layer to make them more durable would be a legitimate use. Would you agree with that?

*Dr. Engler. Yes, I would.

*Mr. Palmer. Would you agree that it is hypocritical to

eliminate all PFAS, or to support PFAS for certain uses that they favor as opposed to other uses?

*Dr. Engler. Well, I think an evaluation of PFAS should depend on the specific PFAS. It is an extraordinarily broad category.

*Mr. Palmer. But there is --

*Dr. Engler. And they have very --

*Mr. Palmer. -- a legitimate use for PFAS.

*Dr. Engler. -- different characteristics.

*Mr. Palmer. You would agree with that?

*Dr. Engler. Yes, categorically, I would --

*Mr. Palmer. Now, I would support alternatives if there are alternatives, and I think the technology is catching up.

So with that, Mr. Chairman, I happily yield back.

*Mr. Griffith. I thank the gentleman for yielding back and now recognize Mr. Peters for his five minutes of questions.

*Mr. Peters. Thank you, Mr. Chairman, and thanks to the witnesses, and thanks for holding this hearing today.

I have to acknowledge up front that my first job out of college was in the Office of Toxic Substances, whereas what is sometimes called a faceless, unelected bureaucrat -- but the acronyms CBI and PMN are seared into my memory and will never, never leave.

And look, I know the chemical industry plays a vital

role in innovation, including development of safer alternatives to replace hazardous substances. I know these advancements are crucial to the transition to clean energy for public health, as Mr. Palmer was suggesting. And I do understand that a TSCA review can feel like a massive roadblock. And I do remember the paperwork, particularly when companies are introducing newer, safer chemicals that align with our regulatory goals.

I also know that there are significant delays in review and uncertainty about approvals that can hinder innovation, increases the cost for manufacturing, slows the transition to greener, safer, and more sustainable technologies, and can discourage risk-taking, which is important in this field.

But TSCA was designed to prioritize the protection of human health and the environment above all else. The requirement to determine unreasonable risk without considering cost is a cornerstone of the 2016 Lautenberg amendments which this committee worked on, as well. And the idea is to ensure that decisions are based on science and public safety, not economic pressures.

We can create a regulatory regime that supports innovation, protects health and the environment, and maintains public confidence in chemical safety, and I would like to look forward to work with this community to uphold the principles of TSCA while addressing the challenges and

opportunities ahead, many of which you have identified.

Dr. Engler, in your opinion, are there changes to TSCA or its administration that would both bolster critical innovation and maintain protections? Can you give me two or three ideas?

*Dr. Engler. Yes, absolutely. So I think EPA needs clear guidance from Congress on what level of uncertainty is acceptable. Does EPA need to be certain under all circumstances that there wouldn't be an unreasonable risk? Or is there some threshold, a not-likely threshold? What is that not-likely threshold?

*Mr. Peters. So a more objective metric against which to decide that?

*Dr. Engler. Yes, something to differentiate not-likely from may-present.

*Mr. Peters. Okay. Have you proposed a particular kind of way to adjudicate that?

*Dr. Engler. Well, the -- I mean, as I was thinking about it, the -- intellectually, the threshold that I would propose is not-likely and more-likely-than-not, because --

*Mr. Peters. Okay.

*Dr. Engler. -- more-likely-than-not gives some clarity that there doesn't need to be certainty, and that -- not-likely, that there is allowed to be some uncertainty that there won't be an unreasonable risk because we can never be

certain about the future.

*Mr. Peters. Dr. Doa, outside of a ban, what are the range of options available to EPA when we address the chemicals risks?

*Dr. Doa. There are a wide range of options, and they are in TSCA also, including changes to the production processes, limits on concentration of the use of the chemical. It could be labeling, there could be record-keeping.

And I would note, you know, these -- this menu is explicit for existing chemicals. And this gets to the conversation you had where the finding there is with a high degree of certainty for existing chemicals, and that is why it is a multi-year process as opposed to new chemicals, where more uncertainty was foreseen by Congress with the may-present, and particularly given the lack of information that is usually included with the submissions.

*Mr. Peters. Yes. I mean, I wish I had been on the committee for the redo of it. It happened just before I was on. But I do remember, specifically in the area of dyes, that even small changes in the formulation with basically the same chemical group would come under this tremendous review. And whether they were new or not, I guess they were technically new, but often they were basically the same.

And so what -- did you hear Dr. Engler's proposal for

sorting out risk?

*Dr. Doa. I think he was talking --

*Mr. Peters. Did you understand what he said?

*Dr. Doa. I think the issue was on, like, the level of certainty. And I think there is quite a bit of that that is already in the statutory language. But I would like to comment on the issue of --

*Mr. Peters. Let me just ask him.

What in the statutory language would you think needs to be changed?

*Dr. Engler. For me, the key threshold for new chemicals is how much certainty does EPA need to not make a decision of may-present? So if there is any uncertainty -- what happens now is, if they have uncertainty, it may present unreasonable risk.

*Mr. Peters. Right, and there is always uncertainty.

*Dr. Engler. And there is always --

*Mr. Peters. Particularly in places where people are risk-averse about making decisions. So I would just say maybe we can work on tightening that up again so we can get what we want, and we can also do it in a way that is constructive.

Mr. Chairman, I look forward to working on this issue and I yield back.

*Mr. Griffith. Thank you very much, and I now recognize

Dr. Joyce for his five minutes of questioning.

*Mr. Joyce. First, I want to thank you, Chairman Griffith and Ranking Member Tonko, for holding this hearing, and for our witnesses for being here with us today.

The American chemical industry is a large and robust part of our economy. With revenues of over $600 billion, it provides over half-a-million highly skilled jobs for Americans. Just as important, American chemical industry produces a large share of the critical materials that we have discussed in this committee many times, chemicals like ethylene oxide, which has been used to sterilize medical equipment that is being used throughout surgical suites in America each and every day, and trichloroethylene, which is used to manufacture each and every battery, batteries that have brought us here in our vehicles today.

While China has invested heavily to dominate the global rare earth mineral market, our domestic chemical industry has stayed strong. This is because of the affordable and reliable energy that we have in this country, the energy that is under the feet of my constituents in Pennsylvania. This energy, whether used in the production process or as feedstocks, has given our nation a competitive advantage against the geopolitical competitors that we face. And we cannot afford to fumble this lead because of bad regulations.

This is a heavily regulated industry, and we must keep

workers and the public safe. But it should be with a science-grounded, risk-based approach, rather than hazard-focused, broad regulations. And sadly, over the past four years we have seen TSCA weaponized by the previous administration. Fortunately, on Monday, President Trump said we are back in the golden age of America, where we are going to bring back manufacturing jobs and unleash American industries that are critical to our economic and national security.

Mr. Moody, as I mentioned in my comments, why does it matter to our domestic chemical industry for the U.S. to unleash energy production, and how does that affect global competitiveness?

*Mr. Moody. Well, thank you for the question, Congressman.

I would just say at the outset we have the world's most competitive refining and petrochemical industry, hands down. This is due to a combination of factors. You mentioned natural gas. We have cost advantaged feedstocks here. We have an unsurpassed workforce, structural advantages throughout. So these are economic drivers of our communities and national security assets that we shouldn't be taking for granted.

I would say affordable energy in general makes it easier to ship goods, to manufacture goods through power generation,

and it provides consumers with more disposable income at the end of the day to spend in other parts of the economy. So affordable, reliable energy is critical to everything we do.

In the U.S. -- you mentioned natural gas. That is both a transportation fuel, it can also be used as a feedstock. We are cost-advantaged there. Most of the world uses a chemical called naphtha, which is more expensive. Our petrochemical manufacturers have a tremendous advantage here in the U.S.

Implementation of TSCA and what we are talking about today is critical to make sure that we can take advantage of that, and that we are taking advantage of these national security assets. So --

*Mr. Joyce. Thank you.

Mr. Jahn, OSHA sets enforceable Permissible Exposure Limits, PELs, to protect workers who might be exposed to hazardous substances. And this includes limits on the airborne concentrations of hazardous chemicals in the workplace. Yet the Biden EPA established ECELs in several TSCA section six rules, and in most cases surpassing OSHA's set PEL limits. Do you believe that the EPA has overstepped their statutory authority and infringed upon OSHA's PEL authority by creating the ECELs?

And how can the EPA utilize the best available science to set feasible, reasonable, and scientific limits?

*Mr. Jahn. Absolutely. So EPA has gone beyond its statutory mandate, and it is now in OSHA's territory. OSHA is responsible for workplace safety. EPA has seen fit to regulate there, as well, and it creates a situation where not only are we not using the best available science, it is creating duplication. If we are really focused on making things more efficient in government, we can't have a standard that is set by EPA that is also set by OSHA, and industry is required to comply with both. I don't think that makes any sense, from the standpoint of trying to be competitive on a global scale.

So we would like to see EPA to focus on -- rightly focus on everything we have talked about this morning, on its area of expertise, and have OSHA focus on it.

*Mr. Joyce. Thank you, Mr. Chairman. My time is expiring, and I yield back.

*Mr. Griffith. I appreciate that. Thank you for yielding back. I now recognize Ms. Barragan for her five minutes of questioning.

*Ms. Barragan. Thank you, Mr. Chairman. I am sitting here in my -- and hearing this hearing. And in my preparation I was thinking we were going to have a greater conversation about chemicals and what we are going to actually do to protect children and families across the country from chemicals that cause lethal or life-altering

health harms. And that is what I thought this -- where this hearing was going to go. Instead, I keep hearing about the chemical industry, the chemical industry companies, and so on and so forth.

And I think about those that wake up every day in neighborhoods where the air carries the persistent smell of industrial chemicals, where the water that flows from the tap has a metallic taste, where the soils where children play is laced with invisible toxins. And this is the harsh reality for many disadvantaged communities that face chemical pollution.

When Congress updated our nation's chemical safety law in 2016, it empowered the EPA to protect -- to better protect communities from this exposure to dangerous chemicals. So for me, this is really about public health and protecting our children.

And I want to just recognize EcoMadres for a moment, who is here today, for all the work that they do in our communities to make sure that toxic chemicals are not in their neighborhoods because we do need to protect our children.

Dr. Doa, we have heard a lot today about delays on these new chemicals. I have also heard from public health and environmental groups about delays by the EPA to regulate existing chemicals that were approved before 2016 that likely

pose a threat to human health. Do you think EPA should move faster to initiate the risk evaluations for these potentially dangerous chemicals?

*Dr. Doa. Yes. I think it is important for EPA to move as expeditiously as possible. And I think, in doing so, EPA should look at the chemicals that are released together in communities that cause the same harms such as liver cancer or birth defects, because they can do the assessments more efficiently and result in a better picture of the real-life exposures and risks these communities face, and take risk management to address these risks.

And this will also -- by looking at them together, it would also result in not going towards a regrettable substitution.

*Ms. Barragan. Well, thank you. So I -- you know, there was a -- all the conversation was about the new chemicals and the delay that has been happening. I pulled up the EPA website from January 6, you know, of this year, and I think it showed about a quarter of the delay was waiting on the submitter to submit something or to sign something.

In this case, you know, my question is related to all of these chemicals that are already out there that have been pre-2016, where there is a delay and our children are being exposed to it day in and day out. And I think that is where we have definitely failed our communities.

Dr. Doa, for the fiscal year 2025, my House Republicans and colleagues have proposed a 20 percent cut to EPA's budget. Can you talk about how this cut would cause further delays for chemical reviews and risk evaluations?

*Dr. Doa. Thank you. Well, this cut would affect the expertise and experience of the folks who would be doing the assessments. These are scientists and engineers. And if there is not the right expertise, trying to get that expertise will slow things down.

And, you know, all the analysis that they must do to estimate the risk, the data that they must gather so that they have better estimates, this will slow down and affect the integrity, to some extent, of the assessments.

*Ms. Barragan. Great, thank you. Dr. Doa, in 2024 the EPA updated its review process to consider the impact of chemicals on communities already affected by pollution. Why is it important for the EPA to consider overburdened communities when they assess chemical health risk?

*Dr. Doa. It is extremely important because overburdened communities often have higher exposures, they are exposed to more chemicals, including chemicals that cause the same harms. And not assessing them just leaves them at greater risk for a longer period of time.

*Ms. Barragan. Well, great. Thank you.

I just want to say I think the previous administration,

you know, made progress in helping protect our communities and our children and public health, whereas this incoming administration and my colleagues are focused on making cuts and taking away those protections. That is very harmful.

Thank you, and with that I yield back.

*Mr. Griffith. The gentlelady yields back. I now recognize Mr. Pfluger for his five minutes of questions.

*Mr. Pfluger. Thank you, Mr. Chairman. I think this administration is focused on innovation, which is the competitive advantage this country has. And instead of doing things in a rudimentary and out-of-date way, why don't we do it in an expeditious and at-the-speed-of-commerce-and-technology kind of way?

Mr. Jahn, it is good to see you again. Before I ask any questions, can you just look around the room and tell us the things that are sitting in front of us, surrounding us that involve chemicals, and just the daily use thing? Just give us three or four examples in the room.

*Mr. Jahn. Absolutely. So the clothes you are wearing, the phone that you are using, the microphone I am talking to, the chair you are sitting in. Everything starts with the chemical industry.

*Mr. Pfluger. The -- and, you know, you can look around in our daily lives -- and this is something that we -- we are not going backwards, we are not going to abandon this, but we

have to do this so that we lower costs, and we use innovation to keep us safe, and to be able to continue to develop products.

So TSCA's definition of unreasonable risk is broad. It is open to interpretation, leading to regulatory uncertainty. And my question for you, Mr. Jahn, is, how has this lack of specificity impacted the chemical industry's ability to actually innovate?

*Mr. Jahn. Yes. So again, we see that challenge in the new chemicals program. We had a nice discussion about what that threshold would be, what is EPA looking for, and how can they make decisions more quickly. And I think the important part to understand too, going back to the previous conversation, is that EPA has been doing less with more. They have had higher congressional appropriations and they have had additional fees from industry, double the -- twice the fees on new chemical submissions and triple the fees on existing chemicals. So they have had more resources and they have been less productive over this administration.

So that impacts our industry in a couple of ways. You look at innovation, as you said, and the ability to bring new chemistries to market that perform better. And either that can be done here in the United States or it will be done somewhere else. Our industry has not stopped innovating, but 70 percent of our members have made the rational business

decision to go somewhere else. If it is made here, you have just made it more costly. Coming off a period of high inflation, price is up 23 percent over the past few years, we are either killing jobs, killing innovation, and harming consumers. It is a bad combination.

*Mr. Pfluger. I can't wait to see what Mr. Zeldin is going to do with that to make sure that government is not an impediment.

Mr. Moody, when it comes to the analysis, the economic factors, especially during the initial stages of risk evaluation under TSCA, you know, can you provide examples of industries or products significantly affected by the shift since the 2016 amendment was put in place?

*Mr. Moody. So look, we -- there is kind of two parts of the program. So we have the existing chemicals program and the new chemicals program. In the existing chemicals program, which is really at this point dealing with a lot of the things at the top of the supply chain, we are looking at -- our risk evaluation is under review now that will literally impact thousands and thousands of thousands of iterations. So, you know, it is hard to quantify that cost, but it is significant.

On the new chemical program, it is not only the existing -- kind of the existing costs and loss, but it is also the opportunity cost, right? And there are things that we could

be doing that we are not doing. Companies are not choosing to take the risk in -- you know, of going through a lengthy R&D process in order to get to something at -- the day. So there just has to be a better balance that we strike at the end of the day.

*Mr. Pfluger. Dr. Engler, I will end with you in the last minute. The EPA's authority under TSCA extends to regulating the full life cycle of chemical substances, including disposal. And in your experience, has the EPA managed this responsibility well in those areas?

And where is its approach needing improvement? Give us some examples of this full kind of life cycle regulatory idea.

*Dr. Engler. So EPA routinely looks at end-of-life disposal for new chemicals. They look at potential exposures from landfill, water releases, air, and they predict potential dose to anyone who is nearby.

But when the EPA -- even when EPA, using their worst case assumptions, does not find any exceedances, even if it is, you know, orders of magnitude below their concern level, they are still issuing some restriction to make sure that that would never, ever exceed that level. So we see it most acutely in water releases.

*Mr. Pfluger. Very good.

Mr. Chairman, great hearing. Thank you for this.

Thanks to the witnesses for your testimony. I yield back.

*Mr. Griffith. I thank the gentleman and now recognize Mr. Auchincloss for his five minutes of questioning.

*Mr. Auchincloss. Thank you, Chairman. I have learned a lot in this hearing through the written testimony. Thank you.

The hazard times exposure framework is useful to me. What I am hearing and reading is that, you know, industry seems frustrated that maybe EPA is not thinking about exposure the way that it fully could, whether it is intermediate closed-loop systems or protections that your workers are taking on. It seems like EPA is very skeptical that industry is fully accounting for the hazards that actually exist in these chemicals because there is a financial incentive to downplay those hazards. And both sides, I think, have merits behind those arguments.

What I am not hearing is industry seeking to unravel high standards that were put in place by TSCA or by the Lautenberg amendments. I mean, Mr. Jahn, Mr. Moody are either of you arguing that we should undo the Lautenberg amendments?

*Mr. Jahn. I appreciate the opportunity to make that clarification. I will be very clear that we are not looking to undo, roll back TSCA reform.

*Mr. Auchincloss. Good.

*Mr. Jahn. And we are looking to get common-sense, science-based regulation.

*Mr. Auchincloss. Yes, I think both sides are -- want high standards. And I am sure, you know, the GAO report has indicated this probably, some process management improvements that EPA could do. But we want very high standards here.

My concern is the Trump Administration is not going to come in and make process improvements. The Trump Administration is going to come in and just unravel the regulatory regime. And it is actually not going to be in the interest of innovators, because innovators rely upon the ability to make long-term investments, confident in the rule of law and a stable regulatory regime, and that is not what it is going to be like. It is going to reward the worst actors who are externalizing all the negative costs to society.

I am not going to expect you to respond to that. I will put that out there. Let me move in, though, to PFAS, because this is an area of particular concern for Massachusetts.

We have PFAS in our soil and in our water, and I applaud and appreciate the muscular steps that EPA under the Biden Administration has taken to have higher standards for PFAS in drinking water. As we all know, though, this is probably the hardest place to tackle the PFAS problem, and it is at its absolute most diluted and the most expensive for municipal

water supplies to remediate. It strikes me that we have really got to try to remediate PFAS at the point of production.

Now, I have heard, Dr. Engler -- I think it was you -- say that we may not be able to treat PFAS as a class. I would respectfully disagree. There is scientific merit behind treating PFAS as a class. And if you do so, you can start to lean in to how we tackled CFCs 40 years ago through an essentiality framework, where you divide it up into non-essential, substitutable, and essential categories. For example, non-essential would be things like dental floss or water-repellent ski surfaces. Substitutable might be kind of textiles, like for jackets that people wear. And then essential would be for medical devices or for occupational protective clothing.

And I want to open it up for our witnesses here just to comment on what you think about moving towards a pretty near complete ban of PFAS in production using an essentiality framework of non-essential, substitutable, and essential. I will start with you, Dr. Doa.

*Dr. Doa. Thank you for the question. Most of the uses on the market of PFAS are for what would be characterized as non-essential uses --

*Mr. Auchincloss. Yes.

*Dr. Doa. -- where there are already really good

alternatives on the market. And even for some of the more essential uses -- solar panels were mentioned earlier, and PFAS is used for that -- but I think it is about 40 percent of the market is for -- uses non-PFAS.

So there are alternatives for hydrogen --

*Mr. Auchincloss. Yes.

*Dr. Doa. -- there are alternatives for hydrogen production for some uses there. There is a lot of research that is going into that.

And I think one important step is EPA has approvals that are still on the books for PFAS that were made 10 to 20 years ago.

*Mr. Auchincloss. The low-dose.

*Dr. Doa. Yes. Well, not just the low-dose, no. These are the -- for the full, and before we had the sense. And so EPA could go back and review those --

*Mr. Auchincloss. Okay.

*Dr. Doa. -- and revoke them, particularly for where the uses are not needed.

*Mr. Auchincloss. I want to give Dr. Engler the last word here. Could we adopt an essentiality framework like we did for CFCs and apply it to PFAS?

*Dr. Engler. Well, I think it really comes down to what is the potential risk because, respectfully, I disagree. This the science behind something that has a million

molecular weight and something that has 40 molecular weight is very different. The exposure to the humans is just vastly different. So the toxicity of the hazards are not at all similar across the entire category.

*Mr. Auchincloss. But do you think even the six PFAS that EPA has already said are carcinogenic, do you agree that those six PFAS, which we don't want in our drinking water but we still allow in production, should they at the very least be phased out of production?

*Dr. Engler. Largely, they have been. The most hazardous C8 PFAS have already been phased out of the vast majority of uses.

*Mr. Auchincloss. And there is a few hundred more that the EPA has indicated are potentially carcinogenic. Should those be phased out?

*Dr. Engler. And the EPA is moving forward with looking at those and possibly restricting those.

*Mr. Auchincloss. I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mr. Weber for his five minutes of questions.

*Mr. Weber. Thank you, Mr. Chairman.

Mr. Engler, I am going to come to you. I understand that under the Biden Administration EPA would sometimes provide Federal agencies like NASA, which -- a lot of those work in my district, about half of my -- north of my district

-- and DoD last-minute exemptions for critical uses based on a broken process where DoD, NASA, and other Federal agencies identify a problem and bring it to the EPA to plead for resolution.

It seems like this process makes our national security chemical supply chain vulnerable, and puts the burden on Federal agencies like NASA or DoD to know exactly where every chemical is used and how, which is just, in my view, not realistic. In fact, DoD recently issued a critical use report highlighting this very issue.

Further, if EPA is only allowing a few uses, then the likelihood that chemical continues to be manufactured solely for us is low, which leads to overseas competition. In your opinion, how has EPA managed the interagency process under TSCA, and what do you recommend moving forward?

How do we fix this coordination problem?

And does providing last-minute, critical-use exemptions for DoD and others simply exacerbate the problem? Your thoughts?

*Dr. Engler. Well, I think the -- my -- in my view, the primary problem is EPA's approach. If -- once they find that they can establish a safe level for workplace use, both for inhalation and a protection plan for dermal exposure, then they should set that as the standard, and not nitpick about specific uses. If NASA or DoD or one of their contractors

can meet the standard, there shouldn't be a ban for that use. And that is a question about what does "the extent necessary'' mean. It is one of the key terms in TSCA.

Coordination between and among Federal agencies has been a problem. It was a problem when I was at EPA. It continues to be a problem. And it is a real challenge. Everyone is very busy. But as you note, it is critically important that EPA speak with their sister agencies.

*Mr. Weber. Do we know, do we have a way of monitoring, measuring who is responsible for the timing in those responses? Do we know that in the EPA?

*Dr. Engler. Typically, that is done during the interagency review of rules. And I have heard -- I haven't experienced it because, you know, we don't represent other agencies, but I have heard from other Federal partners that EPA is giving other Federal agencies very short periods of time to review rules.

*Mr. Weber. Mr. Jahn, I see you are chomping at the bit over there, so I am actually coming to you.

Chemical manufacturers in my district have long expressed concerns about EPA's review of new chemicals. Now I am going to go back to something that happened, I don't know, about a month or so back. We are all aware that a lot of Federal employees are working from home, right? And we are hoping that Trump does something about that and gets them

back to you. I know you know you all heard this, something about this guy that actually was working from home and posted a video or a picture of him in the bathtub taking a bubble bath.

So in your view, would it be advantageous for us to get those Federal employees, including EPA, you know, back to work in the offices, minus the pictures of the bubble bath?

*Mr. Jahn. Yes, I am not interested in the bubble bath. But yes, it would be a great opportunity to create some more efficiency in the system and have people who are responsible for meeting the deadlines there to perform their duties.

I would also like to clarify, because we have heard a lot this morning about this idea that industry is withholding information, it is too slow. We went through this this morning. Eleven percent of the applications that are behind schedule are waiting for industry information. That means more than three-quarters that we are waiting on EPA to act. So I just want to be clear about that.

*Mr. Weber. That is great. Chemical manufacturers in my district long have expressed concerns about those reviews of new of new chemicals. And in fact, they are telling -- they are saying that these reviews should be completed within 90 days of the EPA receiving a submission. In reality, EPA falls significantly short of this meeting requirement, and there is probably a whole lot of factors involved.

Unfortunately, there is no avenue. As you all painfully know, there is no avenue for manufacturers to proceed with the development of these new chemicals or chemicals within -- with significant new uses. So is it feasible, in your opinion, for a -- what we are calling a 90-day shot clock for a temporary approval of the chemical to be granted while the EPA finishes that review?

*Mr. Jahn. Absolutely. I think that is fundamental to fixing the problems that we are having with TSCA, is having a shot clock and accountability for that deadline. We would be happy to work with anyone on the committee to help make that happen.

*Mr. Weber. Very quickly, what is the high -- likelihood that a temporary approval would still be too much uncertainty for chemical manufacturers?

*Mr. Jahn. Under the current process, very high.

*Mr. Weber. Well, thank you for that.

Mr. Chairman, I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mr. Carter of Louisiana for his five minutes of questioning.

*Mr. Carter of Louisiana. Thank you, Mr. Chairman, and thank the witnesses for being here. We greatly appreciate your time and expertise and interest in being with us.

I represent south Louisiana, New Orleans and the river

parishes, a district that encompasses the river parishes where, unfortunately, a term that we don't like but we are often assigned, and that is Cancer Alley, the heavily industrialized stretch along the Mississippi River between Baton Rouge and New Orleans, named for its high cancer rates among residents, which are believed to be linked to industrial pollution.

I am particularly interested in how the Toxic Substances Control Act incorporates the concerns and health of fence-line communities like those in this industrial corridor. A prime example of these dangerous chemicals being manufactured near homes and schools is methylene chloride, a carcinogen with a wide range of commercial and -- commercial uses.

We understand and have heard discussions today about, well, this is important and these are chemicals that are needed for everyday life. No one is questioning that. What we are talking about is how can we do it safer, how can we do it better. Just because there are practical uses for it doesn't mean that we should not constantly work on improving it, because people's lives matter. And people who live in the close proximity of chemical plants, they matter. And coexistence becomes the order of the day. How do we continue to improve on our day-to-day life while taking into consideration the necessity of having clean water for people to drink, clean air for people to breathe?

It is not about us against them. It is not industry against community, or vice versa. It is about making sure that we are taking care of our most important commodity: our earth, our people, human lives. Industry is important to all of the above, but you can't tell me we can't do better. You can't tell me that we cannot endeavor to find a better way to produce these necessities of life without killing people, right?

So I want to talk about how do we find a way to invest human capital, research and development to do better. So Dr. Doa, how did the Lautenberg Act empower EPA to address dangerous chemicals like methylene chloride?

*Dr. Doa. One important thing that the Lautenberg Act did is that it made communities a more important stakeholder. It gave them -- it moved away from just the industry to other stakeholders, including communities.

And one important step that Lautenberg did was what has been called the whole-chemical approach. It is doing a better job at looking at the range of exposures and risks that people in communities face not only from the facilities -- and often multiple facilities are near their community -- but the other uses of the chemical maybe for small businesses in their community if the chemical is used in consumer products.

So by having a better picture of what folks are exposed

to, this leads to more informed decisions on how to mitigate those unreasonable risks, which is key. They shouldn't be treated as second class to the profits for the use of these old-school chemicals. There should be innovation to get to safer substitutes, instead of using TCE and perchloroethylene and methylene chloride, all these that cause liver cancer and a range of other harms.

*Mr. Carter of Louisiana. And the notion that because we have always done it this way is not a good answer to why we continue doing it this way when we put it next to the startling, alarming rates of cancer deaths.

So Mr. Jahn, can you share with me from your perspective? What are we doing, what are you doing to work to combat the dangers of business as usual as we attempt to move forward to have a safer way of protecting lives while necessarily using chemicals that are important to everyday life?

*Mr. Jahn. I thank you for the opportunity to respond to that.

Number one, methylene chloride has been banned by EPA as a paint stripper. That is totally appropriate, and that is what they should do under TSCA.

Number two -- and you and I had -- did an event in Louisiana a couple of years ago, and we talked about this -- our members comply with a program called Responsible Care.

We are not your grandfather's chemical industry. Our members are cleaner and safer than they have ever been. So this is a mandatory, third-party-audited program. As a condition of membership --

*Mr. Carter of Louisiana. Okay, I am sorry, I got 22 -- I got just -- I got no time. Actually, can I just ask you real quickly? Can you in 10 seconds -- and that is probably more than I have -- tell me what -- what are -- what is your industry doing --

*Mr. Jahn. Yes.

*Mr. Carter of Louisiana. -- to proactively look at chemicals that have always been used, and finding ways to make them better so we can lessen the impact on communities?

*Mr. Jahn. Well, we have talked all today about new chemicals that we want to get into commerce that have better performance and environmental properties, but we are -- our air emissions are down, our greenhouse gas intensity is better, we are three times safer than non-members, we are four times safer than all of manufacturing --

*Mr. Carter of Louisiana. But those are outcomes. You are not talking about --

*Mr. Griffith. All right.

*Mr. Carter of Louisiana. -- what you have done to get there. So I am going to yield back.

My time is --

*Mr. Griffith. I appreciate the gentleman yielding --

*Mr. Carter of Louisiana. But I would love to spend some more time talking with you about that.

*Mr. Griffith. And I would remind all members that we do have the opportunity to ask questions for the record after the hearing is over. I know five minutes is limited, but we have got a lot of folks who want to ask questions.

Ms. Lee of Florida is now recognized for five minutes.

*Ms. Lee. Thank you, Mr. Chairman, and thank you to our witnesses for being here today.

So my home district in Florida has a very vibrant and important agriculture industry, principally specialty crops and livestock. Mr. Jahn, one of the things you touched on earlier was specifically semiconductors, and some of the consumer products, and the ways in which regulatory uncertainty and burdens affect real industry in those ways. I would like to focus on agriculture and hear your thoughts about how some of these same challenges affect our growers and producers.

*Mr. Jahn. Indeed. So a number of chemistries have been mentioned today, whether it is formaldehyde, ethylene oxide, and others have a significant role to play in agriculture of keeping crops safe, protecting them from harm. And, you know, from our perspective as an industry, food security is really national security, right? We have got 340

million Americans. They all want to eat.

Now, TSCA doesn't specifically get into ag chemicals. That is in the pesticides office, but we produce many of the chemicals that are used in precursors to manufacture pesticides. And I will say that that office has the same problems that we are -- the same problems in timeliness in regards to TSCA. Seventy percent of those chemistries are behind schedule, as well.

So what I am trying to say to the members of the committee is we have a cultural problem at EPA in not meeting deadlines, and not being accountable in making sure that, whether it is agriculture or any other industry, has the resources they need to be able to feed and protect America.

*Ms. Lee. And could you elaborate on whether there are particular executive orders or actions during the Biden Administration that you think this administration could consider modifying or undoing?

*Mr. Jahn. So we are the most heavily regulated sector in American manufacturing. That burden has doubled over the last 20 years. And the Biden Administration would have increased that by 50 percent, with no commensurate environmental and health benefits.

So there are a lot of things that I could point to. There are 13 different regulations targeted just at our industry, 7 of them economically significant, more than the

Trump, Obama, and Bush Administrations combined. But I would point you to two. One is the risk evaluation rule relevant to TSCA that doesn't actually focus on risk. And number two, the new chemicals rule does not fix the challenges that we are talking about here today, which is why we are asking for legislative solutions.

*Ms. Lee. Dr. Engler, your earlier testimony, one of the things that you commented was that the review, the outcome of the review, can be affected by the particular person or employee who is conducting it, and that the consequence of that is a lack of consistent or predictable decisions. Would you elaborate on why that lack of consistent and predictable decisions is important, and how you believe it affects industry?

*Dr. Engler. Well, I think it affects both industry and health and the environment, because if we are getting inconsistent decisions we don't know which one is right. So is EPA making decisions based on the best available science? Are they making decisions based on consistent policies, consistent practices?

It is economically important because you don't want to have different companies submitting products and one getting a competitive advantage or disadvantage because of the review team.

*Ms. Lee. And what are your thoughts on ways that we

might improve that process to ensure that we are receiving more consistent and predictable results?

*Dr. Engler. So it is critical that EPA have written policies and procedures, and that everybody at EPA and their contractors follow those policies and procedures.

*Ms. Lee. And how could that more efficient or improved review process specifically contribute to the development and use of green or more sustainable chemicals? That would go back to my earlier question about helping and supporting farmers and ranchers in developing those precursor chemicals that are so important to their operations.

*Dr. Engler. So if there is a clear standard that people can design to for greener, more sustainable chemicals, then industry can design to that standard and be confident that when they submit that for a new chemical it will be approved without regulation, and done so timely.

*Ms. Lee. Thank you, Dr. Engler.

And Mr. Moody, you mentioned in your testimony food packaging as an example of an everyday product that consumers use that is important for us in utilizing our everyday life and getting existing chemistries and products that they need to consumers. Would you discuss your thoughts on how we can ensure that the procedures and the regulatory review are productive, efficient?

And share with us, if packaging and the other products

you have discussed today aren't available in the U.S., where will we be going to source those items?

*Mr. Moody. Thank you for the question. I would just like to take a moment to associate myself with some comments Mr. Jahn said. And, you know, AFPM is not here calling for a rollback or an overhaul. We are looking for, I think, some very targeted changes. And that gets to your question.

The one thing I would point to is probably one of our biggest issues, is -- there is a term in TSCA called "conditions of use,'' and it deals with things that are known or reasonably foreseeable. And you are supposed to assess risk based on those conditions. From our perspective, when the EPA comes in and starts talking about or evaluating rare occurrences, accidents, closed-loop systems, those are not reasonably foreseeable exposures that should be a condition of use for that chemical.

And so one thing I would say is let's clarify that that -- the legislation does not encompass those types of things, and really focus it on the conditions of use that we really think about, which is the normal conditions of use where there would be an exposure. If you do that, and you are really focusing on where the pathways are, where consumers are actually going to come into contact with things, I think that is where the best use of resources are.

*Mr. Griffith. The gentlelady yields back. I now

recognize Mr. Landsman of Ohio for his five minutes of questioning.

*Mr. Landsman. Thank you, Mr. Chair, and thank you for this hearing, for the testimony. I appreciate everyone.

This is -- well, a big takeaway for me is that there is broad support for Lautenberg; that, you know, it has done some good things. I want to get into one particular piece which is really important to me -- I know it is important to everybody, but -- the asbestos work. So I have a question on that.

There also seems to be alignment on the fact that we all know that it is in our best interest to manage the risk of chemicals before they come to market. And the question is how best to do that. And instead of repealing anything, there is this question about improvement, and what needs to be improved, and how to do that so that we are keeping people safe and ensuring that we can bring things to market, you all can attract capital. And the 90-day piece is where I want to sort of focus, but first I want to ask Dr. Doa.

The asbestos piece, can you just talk a little bit about the health implications and why it was so important for Congress to improve the law to, you know, properly address the toxic chemicals associated with asbestos?

*Dr. Doa. Thank you for the question.

Well, asbestos is highly toxic, a carcinogen. And the

real-world implications are that 40,000 Americans die yearly from --

*Mr. Landsman. Yes.

*Dr. Doa. -- asbestos exposure. And this was something EPA tried to ban many years ago, unsuccessfully, which is why Lautenberg is so important. And the ban being -- phased out the uses, but there are still legacy uses that are in people's homes and business, and need to be handled properly because this is a potential longstanding source of exposure, similar to lead paint --

*Mr. Landsman. Yes.

*Dr. Doa. -- in homes.

*Mr. Landsman. Thank you for that. And it demonstrates the value of the law, the work, the update.

The question sort of moving forward -- and I know we are just getting started, which is good -- is -- one of them has to do with the process. And I am curious, and folks can answer or simply submit, or we can sort of take this up later. But if the majority of things coming through aren't hitting that 90-day mark -- and that is a big part of the issue here, because we want to make sure that we keep folks moving through the system while also ensuring that we are keeping people safe -- is there process improvement that is being done? Is this something that the EPA has money for, has invested in?

Do we have a sense as to what kind of improvement work happens, and what we could be doing in an updated piece of legislation to invest in improvement so that we don't take away safeguards, but we make the process -- and I think you have alluded to this, Mr. Jahn -- make the process smarter, more efficient, and the lines of communication just so much better that people are getting in and out and we are protecting people? I am curious.

And I will maybe start with you, Dr. Doa, and Mr. Jahn if we have some time.

*Dr. Doa. Thank you. I think one thing that is really important about this is a decision that is made on the new chemical is something we will live with for a long time.

*Mr. Landsman. Yes.

*Dr. Doa. And that the 90 days compared to the multi-year process for existing chemicals to address it later is key.

I think one thing that is important that EPA did, they did a rule recently where they were more explicit about what is called "known'' or "reasonably ascertainable,'' the information that should be included in the initial submission. This hopefully will cut down on the rework, redoing the risk assessment multiple times. So I think that is an important first step.

*Mr. Landsman. Thank you.

*Mr. Jahn. Quickly, so better communication, accountability for the 90-day deadline. And then one thing that nobody has mentioned today so far is artificial intelligence.

*Mr. Landsman. Yes.

*Mr. Jahn. We are on the cusp of changing the world in regards to artificial intelligence, including in the advanced materials space. And EPA needs to be looking at how it can leverage that, how we invest in technology to make this process work more efficiently.

*Mr. Landsman. Thank you, I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mrs. Fedorchak for her five minutes of questioning.

*Mrs. Fedorchak. Good morning, Chair Griffin and Ranking Member Mr. Tonko. This is my first meeting of this subcommittee, and first hearing as a member of the E&C, and I am really excited to be here and get started. Thank you to our witnesses for your time this morning.

Chemistry and chemical products play a significant role in North Dakota's economy. In 2023 we exported $665 million worth of chemical products. Additionally, feedstock chemicals are essential to the production of fertilizers that fuel our $12 billion and growing agriculture sector. The farmers and ranchers in that sector produce the food that hopefully at some point today we will get to eat for lunch or

maybe dinner.

In 2024 the Biden Administration's EPA finalized changes to chemical risk evaluations, changing from a statutorily-mandated, risk-based approach to a zero-based -- hazard-based approach -- zero-risk, hazard-based approach. We have talked a lot about that this morning already.

We all want to make America safer for our children. And I agree with my colleagues that we should always be trying to do better. But let's be clear. This change in approach from the EPA is a sea change in approach, and it creates more regulatory uncertainty and makes Americans less safe, not more safe, by pushing manufacturing overseas, jeopardizing American jobs, threatening supply chains, exposing them to intrusion by foreign adversaries, driving up costs for North Dakota farmers and ranchers and thereby for everything that we purchase. These too are real impacts and real risks for American families.

And I appreciate that the EPA is taking a cumulative risk assessment of chemicals. We should also take a cumulative risk assessment of EPA regulations, because there are far-reaching impacts that go beyond just what we are talking about here this morning. So I want to just dig into that a little bit more, the change in the approach that the EPA is taking.

EPA has stated that it -- in its risk assessments it

believes it may need to develop a cumulative risk assessment and look at the combined health risks for multiple chemicals as part of its evaluations.

The agency has also claimed that it provides -- "TSCA provides the agency the authority to consider the combined risk for multiple chemical substances or a category of chemical substances.'' Mr. Jahn, does TSCA clearly give the EPA this authority, or is this a new interpretation of the statute?

*Mr. Jahn. We believe this to be a new interpretation of the statute. I mean, in the statute there is a requirement to use the best available science, there is a requirement to focus on the weight of scientific evidence, and to look at exposures in the real world and what that -- on those specific conditions of use. And we believe in a post-Loper Bright world it is not appropriate to extend and bend the existing legislation to that purpose.

*Mrs. Fedorchak. Okay, thank you.

Dr. Engler, would you agree with this characterization of what EPA is supposed to consider when conducting a risk evaluation for a particular chemical?

*Dr. Engler. Well, I think there are circumstances it is scientifically justified for EPA to look at potential cumulative risk, but it is -- the -- they simply can't say we have to look at every co-exposure of every possible thing.

*Mrs. Fedorchak. And Mr. Jahn, as the EPA looks at doing this and evaluating all possible ways people might be exposed to a chemical instead of focusing only on its primary use, as someone in industry how would you go about trying to determine that and helping to manage chemical exposure?

*Mr. Jahn. I think this is some of the challenges that we have run into with the implementation of TSCA. This hearing is appropriate to take a fresh look at this because this is a challenge we have going back with the EPA when they come back to us and say, well, you didn't look at this, this, and this. Well, nobody told us to look at it up front, and we are just guessing at what EPA wants in terms of information and potential exposures that they are looking at beyond the condition of use which the company is focused on.

*Mrs. Fedorchak. Are you ever asked to quantify, Mr. Jahn, the impacts of the delays in your not getting answers from the EPA in a timely manner?

*Mr. Jahn. Yes, so it is very difficult to quantify the exact impacts on that. But again, we are in a situation where the Chinese are the biggest producers in the world, nearly four times our size. That lead is growing, and 70 percent of new molecules we create are going somewhere else. The economic impact is significant.

*Mrs. Fedorchak. And Dr. Engler, from your perspective as someone with a scientific background, is this approach

consistent with scientific principles?

*Dr. Engler. I would argue no. I think EPA is taking a far too precautionary approach, not considering what is realistic.

*Mrs. Fedorchak. Okay.

*Mr. Griffith. The gentlelady yields back.

*Mrs. Fedorchak. Thank you.

*Mr. Griffith. I now recognize Mr. Soto for his five minutes of questioning.

*Mr. Soto. Thank you, Mr. Chairman.

When the Frank L. [sic] Lautenberg Chemical Safety for the 21st Century Act was passed, then-Republican Chair John Shimkus was quoted as saying, "This legislation on the floor today will mark the first consequential update of the Toxic Substances Control Act in 40 years. The end result of our work is a vast improvement over public law.'' These reforms were a bipartisan achievement. I think we could all agree on that, and we have to start from that going forward.

And we have three choices: we could strengthen; keep the same, perhaps make it more efficient; or weaken the laws. I was happy to hear that many of you, you are more looking at the paperwork than you are about lowering the standards. That would be egregious.

You know, we have heard about making America healthy again, but it hasn't really been defined, right? I mean,

folks were outraged about red dye recently, and there has been demonization of vaccines and fluoride. So I don't know how this would work coming right out of the gates in the first hearing, talking about potentially adjusting these toxic laws. If the 90-day review standard isn't being met, then we do have to find a way to fund more positions or improve it with technology, but just not simply make it easier for toxic chemicals to be approved.

Dr. Doa, you know, one of the top three causes of cancer, as you know, is toxic chemicals. And I think we all agree that Americans deserve the best information about the chemicals that they come into contact with and the risk of cancer. China, over the last 20 years, saw about 82 to 84 percent of their population exposed to carcinogens while we have seen a decline in the U.S. Should we really be looking at a China standard when we are coming to protecting our constituents against toxic chemicals?

*Dr. Doa. Excuse me? I think I missed part of what you said about China, their standard. Could -- do you mind repeating?

*Mr. Soto. So we have seen about 83, 84 percent of the Chinese population exposed to carcinogens over the last 20 years. And at that same time we have seen a decline in the United States. Should China really be the standard when we are looking at public health in these areas of toxic

chemicals?

*Dr. Doa. Oh, no. My goodness, we shouldn't approve chemicals and harm significant parts of our fellow -- of our population, harm our fellow citizens.

I believe American innovation can develop useful chemicals that embrace health and safety. They are not mutually exclusive, and certainly our lives are not an appropriate trade-off for chemicals.

*Mr. Soto. Thank you.

Dr. Engler, I really liked your vinegar example. You know, people know vinegar, though, right? They know not to rub it on their faces. They don't drink it straight. It is commonly known that it can be an irritant in those areas. But folks don't know polyfluoroalkyl, right, a chemical that has caused a cancer cluster in -- among firefighters in Florida. So how much of a heads up do we really need to give folks for all these chemicals, unlike vinegar that they would have no idea about?

*Dr. Engler. Well, I think there is an extraordinary range of hazards, from things that are minor, things that are knowable like vinegar but manageable, and things that are very hazardous. And so the same approach isn't applicable across that entire range.

So what EPA has done historically -- and in my view, should be doing -- is looking -- focusing on the particular

hazards of the particular chemical, and deciding does this particular chemistry need to have restrictions going forward. And there are definitely PMNs, and some of our clients' PMNs that are highly hazardous that EPA has restricted in entirely justified ways. And there are others that I think EPA is taking a far too precautionary approach, because these are hazards that don't need EPA to issue restrictions.

*Mr. Soto. Now, we saw a parallel of this with FDA with red dye recently being banned. How do you make a consistency between these two things?

*Dr. Engler. I am sorry, I didn't understand that.

*Mr. Soto. There was a ban recently on red dye. Perhaps, Dr. Doa, you are aware of it, as well. I see you nodding on it. How do we make these things consistent with -- even with this being -- with the FDA? Dr. Doa, do you have a reflection on that?

*Dr. Doa. Oh, the ban on red dye number three was hugely important. Carcinogens have no place in our food. And likewise, EPA should be consistent and protect against introducing new carcinogens onto the market. We already know the damage that carcinogens have caused. We have so much data on it in workers and people.

*Mr. Soto. True freedom and public health requires informed choices. So I am really concerned to make sure that we have those for our constituents.

And I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mr. Evans of Colorado for five minutes.

*Mr. Evans. Thank you, Mr. Chair. Thank you, Ranking Member, and thank you to our witnesses for coming today.

Whenever I have heard these conversations in the past, and even today, it seems like they are broadly framed in the economy versus health outcomes. And I guess I disagree a little bit with that characterization. I have a son that has special needs to include some breathing issues, and I want clean air, clean land, clean water as much as anyone does. But I know that I also need a job to be able to get him the health care that he needs, to be able to provide that health insurance. And I also need a robust chemical manufacturing capability here in the United States to be able to produce the medicines, the medical supplies that my son needs.

And this isn't just me. This is a massive part of my district. My district produces tens of billions of dollars of oil, gas, fuel, petrochemicals, agriculture, fertilizer, et cetera, and those are the jobs that allow these families to be able to provide for the health needs of their kids and of their families.

And finally, we know that financial stressors have a direct correlation to negative health outcomes, people either delaying seeking care until that problem becomes bigger and

more expensive, financial stressors causing negative mental health outcomes. And so really, a two-part question here.

Mr. Moody, I will start with you, a two-part question. Number one, any sort of ballpark estimate that you can provide in terms of either lost jobs, inability to create jobs stemming from how the EPA is interpreting TSCA?

And then part two, any insight into negative health impacts as a result of that either loss of jobs or loss of economic productivity in terms of either the job itself or the loss of manufacturing ability for medicines, medical supplies, things of that nature?

*Mr. Moody. Thank you for the question, Congressman. I don't have a good estimate on the economic impacts is the short answer.

The longer answer is very complicated, and it gets into a lot of opportunity costs. And most of these chemicals going through the new chemicals process are subject to CBI, and so we don't even know, really, what is on the list. Our members won't even share it with us. But they assure us that they could be game-changers.

One thing I would say, though -- and I want to pick up on something you said -- I agree that there is -- innovation and health are not mutually exclusive. So, you know, hear me say that very clearly. And actually, TSCA itself discusses these things in terms of reasonable risk, making it clear

that there are hazard considerations, exposure considerations. And then there is actually risk tolerance considerations in here because what you might consider risky somebody else might not, right? And so these are going to be some subjective judgments at the end of the day.

Our concern is that EPA has gotten away from the science here, and that they are making unreasonable assumptions about exposure, and that is driving decisions based not on sound science.

So not exactly an answer to your question, but if I ever get a better number I will make sure we convey it.

*Mr. Evans. Thank you.

And Dr. Engler. So hearing that EPA has gotten a little bit away from the science, do you have any insights into the negative health impacts that that might have in our ability to be able to either provide jobs or produce the manufacturing to provide medicines and medical supplies?

*Dr. Engler. I can't speak directly to that. But a group that we manage did a -- we had a couple dozen members and surveyed them and did an economic analysis. And the economic analysis -- they ran the results from the members through IMPLAN, the economic model. And the model predicted something on the order of billions of dollars a year of lost economic activity because of the issues with the new chemicals program.

*Mr. Evans. Thank you.

Mr. Jahn, it looked like you had something to add there.

*Mr. Jahn. Yes, I could speak directly to that in this case. So I have asthma, as well. And thankfully, I don't need to use an use an inhaler very often. But you actually need formaldehyde to make an inhaler work. And the EPA's evaluation of formaldehyde and the bad science that they used to reach their conclusions was such a low level -- below background levels -- that this room would have not been in compliance with their original proposal. That is the kind of science that we are talking about that is driving decisions that are not in our health interest or our economic interest.

*Mr. Evans. So can you just expound on that a little bit, the ability to get something as simple as an albuterol inhaler, which has formaldehyde as one of the precursors to manufacture, that could be potentially impacted by the current interpretation that the EPA is taking for TSCA?

*Mr. Jahn. Absolutely. Now, we have been successful in getting them to back off of that, but they are still times -- still three times lower than the level that was just determined by the EU, which did that in the last year or two. So we are --

*Mr. Evans. How --

*Mr. Jahn. -- orders of magnitude out of line with everywhere else in the world.

*Mr. Evans. Real quick, I know my time is short, how much time and effort did it take you to get the EPA to walk that back?

*Mr. Jahn. Well over a year.

*Mr. Evans. Thank you, I yield back.

*Mr. Griffith. The gentleman yields back. I now recognize Mr. Menendez for his five minutes.

*Mr. Menendez. Thank you, Mr. Chairman. I would like to take a moment to acknowledge the service of the late Senator Frank Lautenberg, the namesake of the legislation we are discussing here today. Senator Lautenberg led an extraordinary life, and fought tirelessly for the great Garden State every single day. I had the privilege of spending time with him and his family, got to know him, and he was an incredible individual. New Jersey is proud of his legacy, and I am glad for the opportunity to carry that work forward today.

In New Jersey the chemical industry is the largest manufacturing industry in the state, employing tens of thousands of people. It also means that tens of thousands of people in New Jersey are exposed to chemicals every day at work and in fence-line communities located near high-risk chemical facilities. Dr. Doa, can you share with all those who call New Jersey home how the Lautenberg Act has worked to protect workers and fence-line communities from the

potentially harmful effects of toxic chemicals?

*Dr. Doa. So TSCA has long considered the risk to workers for both new and existing chemicals. And under Lautenberg it has improved the protection of workers because a worker shouldn't have to trade their health for a paycheck.

And one thing it does is it sets standards for protection based on risks. And I have heard today OSHA PELs mentioned, that OSHA itself has said they are not protective for the most part, don't use them. And then OSHA also considers non-risk factors. So just taking into account the non-risk factors, their PELs, even if they weren't outdated would not be protective.

So EPA sets performance standards that people can meet either through changes in production -- EPA does not assume that every worker has a respirator strapped to them. And they can't because a respirator that is appropriate in -- at one facility may be totally inappropriate for the same use at a different facility. It might not be protective because of differences in the size of the room, how much chemical is in the air. So that is such an important thing that EPA recognizes that protecting workers is extremely important, and that there are multiple tools to do it, and not just to put the burden on workers by assuming that they are just going to -- on the assumption that they are going to wear a respirator.

*Mr. Menendez. Sure, I appreciate that.

Thanks to the Lautenberg Act, EPA is now required to review all new chemicals before they can enter commerce. Previously, EPA only reviewed about 20 percent of new chemicals. That is a significant increase in workload, but a necessary one to protect the health of all Americans.

Unfortunately, for much of the last eight years, EPA has not received additional resources due to the added work -- or to address the added work. A 2003 GAO report highlighted the office's resource constraints, and pointed to staffing issues as a cause for delays in chemical reviews. And while EPA does have the ability to collect fees from industry, these fees can only offset 25 percent of the implementation costs.

Dr. Doa, in your own words, what is the impact of an under-funded and under-staffed TSCA program?

*Dr. Doa. Thank you. An underfunded program affects the reviews, and so it affects the integrity of the reviews and the decision that gets made. And it is less protective.

Remember, before Lautenberg many chemicals just dropped from review because there was insufficient information. Now EPA is required to make an affirmative decision on each chemical. And cutting back resources cuts back on the expertise, the knowledge, the experience because people will leave, people will -- so there won't be the --

*Mr. Menendez. And you want to make sure of a balance

of resources on both sides, right?

Because it seems, Dr. Engler, that where Acta does partner with the folks who are submitting and provide services -- and I am running out of time, so I have to go back, but I will try to give you a chance.

Dr. Doa, just real quickly, while Congress considers reauthorization of the fees, yes or no, will that be enough, just the reauthorization of fees to do -- to support EPA in the capacity they --

*Dr. Doa. No.

*Mr. Menendez. -- they need to be?

*Dr. Doa. They need greater support overall.

*Mr. Menendez. So we should consider additional resources through --

*Dr. Doa. Yes.

*Mr. Menendez. -- the appropriations process. Thank you.

*Dr. Engler. Yes, I just want to challenge the 20 percent. I have heard this number bandied about. It was certainly on the record in 2016. When I -- I was 17 years at EPA. I reviewed literally thousands. We never let a case go through without somebody looking at it. We may have dropped things from taking action because that is what was required under the statute once we decided there wasn't a potential unreasonable risk, but that doesn't mean it wasn't reviewed.

*Mr. Menendez. Okay. I would like to ask more questions, but I am out of time so I will have to submit them to record, including schedule F under the Trump Administration because we would love your thoughts on that. But we will submit those after this committee hearing.

[The information follows:]

**********COMMITTEE INSERT**********

*Mr. Menendez. Thank you so much.

*Mr. Griffith. I thank the gentleman for yielding back and now recognize Dr. Miller-Meeks for her five minutes of questions.

*Mrs. Miller-Meeks. Thank you, Chairman Griffith and Ranking Member Tonko, for holding this hearing today. I want to also thank our witnesses for testifying before the subcommittee.

In Iowa's 1st district alone, the chemical industry provides over 2,000 direct jobs, pays over 100 million in million in wages, and is the second-largest manufacturing industry in the state. This subcommittee has the responsibility of addressing the aggressive over-regulation of the chemicals industry by the Biden Administration which has severely hindered American companies' ability to innovate, grow, and compete in the global market. I believe this hearing is a strong step in the right direction toward achieving that goal.

And Dr. Doa said that the EPA wouldn't restrict vinegar, but let me give you an example of aggressive over-regulation. I am both a former operating room nurse and a doctor, and when the EPA came out with its rules on ethylene oxide, which is the source for non-steam sterilization, with no alternative in place, what was the assessment of the best available science? What was the assessment and evaluation of

risks and the cost? Was it better to have people have non-sterilized equipment put in their bodies, risk infection, sepsis, and death? I would say that is an example of over-zealous regulation.

Mr. Moody, as you know, Iowa is a leader in biofuels production. In your testimony you state that when renewable feedstocks are co-processed with petroleum feedstocks, even at low percentages, EPA considers these resulting fuel products to be new substances to TSCA review. Many believe this creates barriers and delays bringing renewables to the marketplace without improving safety or reducing cost or improving the environment. Can you explain more about why you believe fuels produced through co-processing should be considered -- should not be or should be considered new substances under TSCA?

*Mr. Moody. Thank you for the question. And I will just say AFPM's members, in addition to being refiners and petrochemical manufacturers, are some of the largest biofuel producers in the country. So we appreciate your advocacy.

You are correct. The EPA came out several years ago and said new biofuels are going to be subject to section five of TSCA, significant new use rules, and they have been pushing new fuels through that process.

From our perspective, whether it is a biofuel or a bio-based plastic -- so you have a, you know, bio feedstock going

into a plastic -- you are going to -- there is going to be things that are already on the inventory that we should be evaluating against.

So rather than going through an expensive, lengthy, seemingly endless process, let's look at whether there is something actually equivalent and whether there is actually any kind of real new risk there. And, you know, from our perspective, that would help conserve resources.

*Mrs. Miller-Meeks. So the current approach would, I think, hinder our farmers' ability to increase renewable fuel production and cede that marketplace to Brazil who doesn't have the same restrictions, and then we import it back to the United States.

*Mr. Moody. Correct.

*Mrs. Miller-Meeks. Thank you.

Mr. Jahn, in your testimony you expressed concern that in conducting TSCA risk evaluations EPA makes arbitrary assumptions about workplace exposures, such as assuming workers do not use personal protective equipment. You argue this is contrary to OSHA requirements and TSCA's directive for the EPA to defer to other agencies. As a general matter, if OSHA is already having regulations, do we need TSCA to tell us to avoid irritable chemicals getting in our eyes or on our skin? Isn't that kind of common sense and on the label?

*Mr. Jahn. Absolutely. So the Biden EPA assumed that they weren't wearing PPE. They assumed that they weren't doing that, even if they were required to do so by law, to be clear about that, and as well as the industrial hygiene protocols that our members put in place. This is not an accurate assessment of how our members operate and, you know, it is just ignoring reality and doesn't make sense. And it creates government duplication, which is part of the problem we are talking about here today.

*Mrs. Miller-Meeks. And it may be why they don't have enough time to focus on getting their reviews done within 90 days.

*Mr. Jahn. Exactly.

*Mrs. Miller-Meeks. The amended TSCA requires EPA to use the best available science, Dr. Engler, and when evaluating chemical risks. But the law does not define this term. Critics argue the EPA's recent risk evaluations have either overstated or understated risks. How do you think "best available science'' should be defined?

And what changes, if any, are needed to EPA's process to ensure it is using appropriate scientific standards?

*Dr. Engler. Well, the best available science is -- it has got to be based on quality experiments that are objective and reproducible. Good science is good science, regardless of who funds it, whether it is industry or academia or NGO or

the government.

What we have seen -- and we have seen uneven results in the existing chemicals risk evaluation. Some of them, in my view, have been based on sound science. Others, EPA is using the lowest number they can possibly find and using that to justify their existing chemical exposure limits, regardless of the departure from other regulatory agencies or other scientific bodies.

*Mrs. Miller-Meeks. Thank you. I have a question on formaldehyde risk, but my time has expired, so I will submit it to be answered for the record.

[The information follows:]

**********COMMITTEE INSERT**********

*Mrs. Miller-Meeks. Thank you, and I yield back.

*Mr. Griffith. Thank you very much for yielding back. I now I recognize Mr. Langworthy for his five minutes of questions.

*Mr. Langworthy. Well, thank you very much, Chairman Griffith.

The chemical industry is critical to New York State's economy. It ranks as our third-largest industry, and it generates $14.75 billion annually. Over the years I have spoken to many leaders in New York's chemistry industry, and one message has been consistent: robust and predictable chemical management policies, they are vital to driving American innovation and meeting our nation's needs in energy, national security, health care infrastructure, and many more areas.

Unfortunately, under the Biden years the industry has experienced anything but predictability. Section five of the Toxic Substances Control Act, TSCA, requires the EPA to review new chemical notifications. But approvals without restrictions have dropped sharply from 90 percent in previous years to just 10 to 20 percent under the Biden Administration. Under TSCA section five the EPA must review each pre-manufacture notice and determine whether a substance is not likely to present unreasonable risk, may present unreasonable risk, or will present an unreasonable risk to

health or the environment.

Dr. Engler, has the EPA actually defined "unreasonable risk'‘?

*Dr. Engler. Generally, there is a course of conduct where they establish a concern threshold, and then they compare exposures to that threshold. And that is -- that -- although they haven't defined it in practice, that is how they determine whether or not something is an --

*Mr. Langworthy. So they really haven't defined "unreasonable risk.'‘

*Dr. Engler. They haven't defined it.

*Mr. Langworthy. Okay.

*Dr. Engler. I can only tell you what they do.

*Mr. Langworthy. What are the consequences of not having clear definition?

*Dr. Engler. Well, it gives EPA -- or individuals at EPA -- a lot of latitude to make their own decision. And so we get the inconsistency that I have mentioned previously.

*Mr. Langworthy. So when evaluating a new chemical, should all hazards lead to an unreasonable risk? For example, you know, everyone is talking about vinegar here today, so an irritant such as household vinegar is subject to -- is that subject to an unreasonable risk determination?

*Dr. Engler. I mean, if -- again, I -- my prediction is that EPA would find -- if vinegar were submitted, EPA would

find that consumer use may be an unreasonable risk, and EPA would have to issue some sort of restriction. I don't think that is reasonable.

To Mr. Jahn's point earlier about -- people do take protective measures when they get something on their skin and it hurts. So I think there is --

*Mr. Langworthy. Right.

*Dr. Engler. -- there is some reasonableness to people saying, you know what? Corrosive or irritating substances, we don't need a regulation to force people to protect themselves for those.

*Mr. Langworthy. President Trump, in his inaugural address, said we are unleashing an era of a common-sense revolution, and I think common sense needs to prevail a little more here.

Dr. Doa, yes or no, when you say that over the last 8 years over 3,600 chemicals have been approved, does that mean that they have been commercialized too?

*Dr. Doa. For some of them, it is --

*Mr. Langworthy. Yes or no.

*Dr. Doa. Respectfully, sir, it is not a simple yes-or-no answer because, once EPA approves it, then it is up to the company to take the next step and commercialize it.

*Mr. Langworthy. So it was a no.

Dr. Engler, are you aware of any instances in which a

chemical has been approved but not gone to market because of EPA restrictions?

*Dr. Engler. Absolutely.

*Mr. Langworthy. So delays that stem from EPA's interpretation of the Toxic Substances Control Act extend beyond chemical producers. It ripples through the entire supply chain. Manufacturers across sectors rely on new chemical innovations to create essential products from medical devices to semiconductors to construction materials.

When approval processes stall, so does innovation, leaving businesses unable to upgrade to safer, more effective chemicals. This forces many industries to continue using older chemicals that hinders their ability to compete globally, especially against the Chinese, and expands -- you know, the Chinese are constantly expanding their own chemical production capabilities at a very rapid pace. To strengthen the supply chain and ensure that the U.S. remains competitive, we need predictability and clarity in chemical regulations, not roadblocks and delays in innovation.

Dr. Engler, given the ripple effects of regulatory delays on the entire supply chain, how can we ensure that EPA's chemical review processes are streamlined to allow American manufacturers to access safer, more effective chemicals in a timely manner so we don't fall behind global competitors like the Chinese?

*Dr. Engler. I think there are some critical, targeted changes that Congress can make to the statute that gives EPA clear guidance when -- for new chemicals -- when it should and should not be issuing restrictions.

*Mr. Langworthy. Excellent. As global competition, particularly from China, intensifies, we need more predictability in the chemical regulation space so American manufacturers can innovate and expand with confidence. And I am eager to work alongside, as a member of the Energy and Commerce Committee, along with the Trump Administration, our new EPA director-in-waiting, Lee Zeldin, to ensure that the American chemistry industry remains a global leader in safety, production, and innovation.

And Mr. Chairman, I yield back.

*Mr. Griffith. I thank the gentleman for yielding back. I now recognize Mr. Carter of Georgia for his five minutes of questions.

*Mr. Carter of Georgia. Thank you, Mr. Chairman. And let me begin by congratulating you, Mr. Chairman, as chair of this subcommittee. This is an extremely important committee, and this is an extremely important subject, issue that we are discussing today. And I appreciate you bringing it up as the first hearing that we are having this year.

Before I begin, Mr. Chairman, if you will, I would like to ask that -- submit a letter from the American Cleaning

Institute on the need of -- for a predictable and reliable chemical program for the record.

*Mr. Griffith. We will take that up at the end. We have a -- we put together a list. I need to let the minority party take a review of it, but it is --

*Mr. Carter of Georgia. Okay.

*Mr. Griffith. -- usually not objected to, but they will take a look at it and let me know.

*Mr. Carter of Georgia. Well, the ranking member is a good friend of mine, so he will make sure we get it taken care of.

[Laughter.]

*Mr. Carter of Georgia. Thank you again.

Folks, thank you all for being here. I know it has been a long hearing so far, but I want to talk specifically. I am a pharmacist by profession, so this is very important to me. Chemicals are, obviously, used in drugs and manufacturing, and one of the things that we say in health care is that, you know, does the benefit outweigh the risk. And that is something that we have to look carefully at. And it is certainly something with chemicals.

And I will tell you that I had some tribulation when I went to the golf course and was given some insect repellent, and they told me, "You can spray it on you, but don't get it on the grass because it will kill the grass.'' Well, wait a

minute here, you know? That brings me pause.

But at the same time, we have gotten to a situation now where we have seen unacceptable delays in the new chemicals program. It has almost stopped, and we can't have that. We have got to have research and development. We have got to have new chemicals coming into the market. And a lot of it is being pegged and blamed, if you will, on over-regulation. And we all, again, understand that there are risks involved in this, but we also understand that we can mitigate those risks effectively so that products can be used in commerce.

And one of the things that I think is important to note is that EPA's evaluation of chemicals is a fee-based service, and that it has increased significantly. And that doesn't seem to -- and it doesn't seem to be providing that service proficiently at all. So a key component of the bipartisan Lautenberg Act is section 26, as you all know, which authorizes the collection of fees from chemical manufacturers and processors so they can defray the cost of administering TSCA programs. This fee authority, however, is set to expire in June of this -- of next year, so we need to keep that in mind.

Now, prior to the Lautenberg Act, as I understand it, it was -- the fee was in statute. But now we have got a fee that -- the fee collections are 25 percent of EPA's annual cost of administering these activities, and it is capped at

$25 million a year. So when TSCA was amended, the fee for a pre-manufactured notice, PMN, was $2,500. In 2018 EPA increased that fee to $16,000. And just last year EPA again raised it to $37,000. That is an increase of 1,380 percent.

Mr. Jahn, yes or no, is that increase reasonable?

*Mr. Jahn. No. If this were a pay-for-performance system, EPA would be fired.

*Mr. Carter of Georgia. Dr. Engler, is it -- do you think that is reasonable?

*Dr. Engler. I didn't see the basis for EPA raising the fee the way they did in the fee rule.

*Mr. Carter of Georgia. Mr. Moody?

*Mr. Moody. No, it is not reasonable.

*Mr. Carter of Georgia. Dr. Doa?

*Dr. Doa. With all due respect, sir, EPA is not the consultant.

*Mr. Carter of Georgia. Yes or no. That is all I ask.

*Dr. Doa. The fee -- raising the fee is reasonable.

*Mr. Carter of Georgia. Raising the fee 1,380 percent is reasonable? Okay. That is fine, that is fine.

Okay, Mr. Jahn, let me ask you something. What do you think is a reasonable amount to pay for a PMN or any other review that is carried out under TSCA?

*Mr. Jahn. So, look, the EPA has legitimate expenses it needs to cover.

*Mr. Carter of Georgia. Sure, we all understand that.

*Mr. Jahn. And so we are happy to have a conversation about what that looks like. But I am more concerned about, frankly, whether or not the process works and we get to results from that process, rather than how much it costs.

*Mr. Carter of Georgia. Dr. Engler?

*Dr. Engler. As I said earlier, I don't know what the right level is because I don't think the process is working efficiently.

*Mr. Jahn. That is right.

*Mr. Carter of Georgia. Right.

Mr. Moody?

*Mr. Moody. I agree. I mean, I think what you would hear from our membership is they are -- if they are getting results, then, you know, a higher fee might be justified. But we are not getting results.

*Mr. Carter of Georgia. Okay. So, you know, we got a new administration now, and we have been talking about a number of different things. But one of the things is about permitting and about permitting reform and regulation reform. It starts right here, and this is extremely important. Thank you all for being here. This is an extremely important issue.

And Mr. Chairman, I yield back.

*Mr. Griffith. I thank the gentleman for yielding back.

And now, by unanimous consent, as we do in this committee on a regular basis, we allow members of the committee from other subs to waive on.

Having been here since we gaveled in --

*Mrs. Harshbarger. Yes.

*Mr. Griffith. -- I now recognize for five minutes of questioning Mrs. Harshbarger.

*Mrs. Harshbarger. Oh, you are so sweet. Thank you, Mr. Chairman and the ranking member, for allowing me to waive on.

You know, Mr. Jahn, you said yours was the most regulated sector, and my pharmacy is the most regulated profession, if you ask me. And as a compounding pharmacist, you know, I have dealt with bulk chemicals, APIs -- 90 percent of which originate outside this country, in China -- and you have to comply with USP 795, 797, now USP 800, have to deal with the NIOSH list with hazardous drugs, antineoplastics. It is just a regulated profession. And there is validity in dealing with these hazardous regulations, but it has to be based on common sense and scientific evidence. Do you agree?

And this issue is very important to me and to my district because we have a company, Microporous. It is a battery separator manufacturer in my district, which -- there is only two in the U.S. And it is currently facing an

existential threat due to a final rule the Biden Administration made related to trichloroethylene. The final rule would change the allowable amount of TCE in the workplace at Microporous a factor of 500 times, from a limit of 100 parts per million to 0.2 parts per million. And that is just not realistic, and it would be impossible to meet. And it would cost jobs in the district, not to mention these battery separators are critical and essential for national security and national economy and to maintain critical infrastructure. So today I am introducing a Congressional Review Act with Congresswoman Mariannette Miller-Meeks to scrap the Biden's TCE rule, just for your information.

My first question is to Dr. Engler: Would this change to the allowable amount of TCE represent a risk-based or a hazard-based approach?

*Dr. Engler. Well, actually, let me change the question here. The problem I have with the TCE rule is that EPA is basing their exposure limit on a study that hasn't been reproduced.

*Mrs. Harshbarger. Exactly.

*Dr. Engler. So I question whether what they are basing it on is the best available science.

*Mrs. Harshbarger. Well, it is a flaw. It is a flawed study. Just say it.

Okay, very good. Do you believe the -- TSCA, the way it

is written, would require an administration to make a drastic change to the particulate matter regulations surrounding TCE?

*Dr. Engler. I am sorry, ask that again.

*Mrs. Harshbarger. Do you believe the way TSCA is written would require an administration to make such a drastic change to the particulate matter regulations surrounding TCE?

*Dr. Engler. Not when it is based on such flimsy science.

*Mrs. Harshbarger. Yes, exactly. Thank you. Thank you for backing me up.

It is really unfortunate that the Biden-Harris Administration chose to take these drastic measures to harm the domestic production of battery separators. You know, it is ironic, considering that battery production was so integral to the Green New Deal that they wanted so badly. But we have a new administration, and we have the opportunity to clarify the TSCA's intent.

And with that objection, Chairman, I am including the testimony from the CEO of Microporous.

*Mr. Griffith. And again, if you can give us a copy of that --

*Mrs. Harshbarger. Yes.

*Mr. Griffith. -- so it can be reviewed.

*Mrs. Harshbarger. I will do it.

Many members have discussed in one way or the other the significant backlog in the review process for chemicals at EPA. So my question is for Dr. Doa.

In your testimony you note that more than 3,600 chemicals have been approved during the first 8 years of amended TSCA, but do you know the number of chemicals that weren't approved or are still waiting?

*Dr. Doa. The number? I don't know the exact number in the process right now, ma'am.

*Mrs. Harshbarger. Okay. Dr. Engler?

*Mr. Jahn. Ma'am, if I could --

*Mrs. Harshbarger. Yes.

*Mr. Jahn. -- comment on that, please.

*Mrs. Harshbarger. Go ahead.

*Mr. Jahn. So again, to be clear, 3,600 chemicals have not been approved since TSCA. The number is about half of that.

*Mrs. Harshbarger. Really?

*Mr. Jahn. That is based on -- go to EPA's website and you can find that there.

*Mrs. Harshbarger. Okay. That is what I need to know. I appreciate you all. Thanks for being here today.

And I yield back, Mr. Chairman.

*Mr. Griffith. All right. If you could give me that document so that we can get that -- that is our next -- yes.

[Pause.]

*Mr. Griffith. I am giving my colleagues an opportunity to look at the document that was presented for unanimous consent.

That will conclude our witness questions for the day.

I ask unanimous consent to insert in the record the documents included on the staff hearing document list. That would include Mrs. Harshbarger's, Mr. Palmer's, and Mr. Carter's documents that they wanted to have submitted under unanimous consent.

[The information follows:]

**********COMMITTEE INSERT**********

*Mr. Griffith. I remind members they have 10 business days to submit questions for the record, and I ask the witnesses to respond to the questions promptly.

Without objection, the subcommittee is adjourned.

[Whereupon, at 1:30 p.m., the subcommittee was adjourned.]