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ONE HUNDRED NINETEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

#### MEMORANDUM

JANUARY 17, 2025

**TO:** Members of the Subcommittee on Environment  
**FROM:** Committee Majority Staff  
**RE:** Hearing entitled, “A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act”

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#### I. INTRODUCTION

On Wednesday, January 22, 2025, at 10:30 a.m., the Subcommittee on Environment will hold a hearing in 2123 Rayburn House Office Building, entitled, “A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.”

#### II. WITNESSES

- **Chris Jahn**, President & Chief Executive Officer, American Chemistry Council
- **Geoff Moody**, Senior Vice President, Government Relations & Policy, American Fuel and Petrochemical Manufacturers
- **Dr. Richard Engler, Ph.D.**, Director of Chemistry, The Acta Group
- **Dr. Maria Doa**, Senior Director, Chemicals Policy, Environmental Defense Fund (*Minority*)

#### III. BACKGROUND

##### A. Overview of the Law’s Framework

TSCA directs the EPA to identify and regulate chemicals in commerce that present an “unreasonable risk of injury to health or the environment.” Its regulatory scheme governs “chemical substances” and “mixtures”; the statute excludes other items such as food, pesticides, and certain chemicals specifically addressed by other statutes.

Once EPA determines that a chemical poses an unreasonable risk, it must regulate that chemical, to remove this risk. TSCA grants the EPA broad authority to regulate the manufacture (including importation), processing, distribution, sale, use, and disposal of chemical substances, chemical mixtures, and articles containing chemical substances. EPA must review existing

chemicals to determine whether they present an unreasonable risk by conducting a risk evaluation.

TSCA also prescribes how EPA must prioritize chemicals for risk evaluations. TSCA also establishes a process under which EPA must review requests by manufacturers to manufacture a new chemical substance, or a significant and new use of an existing substance. EPA may also use its authority under TSCA to require manufacturers or processors to conduct testing and produce new information about a chemical.

TSCA also requires EPA to issue regulations mandating that chemical manufacturers and processors maintain and provide to EPA certain information about their use of chemicals. Using this information, EPA must also compile and publish a list of all chemical substances manufactured or produced in the United States.

Finally, TSCA authorizes the EPA to collect fees, referred to as “user fees,” from manufacturers and processors to help defray the cost of administering the regulatory program.

## **B. Historical Context**

In 1971, the Council on Environmental Quality proposed federal legislation to identify and regulate potentially harmful chemicals not sufficiently addressed by other laws. President Ford signed TSCA into law on October 11, 1976.

The original act is known as Title I, but Congress has since added five additional titles to address specific chemicals. As EPA administered TSCA, questions arose over whether the agency had sufficient information to evaluate chemicals and whether it could demonstrate that chemicals met the threshold for EPA to regulate them. As such, Members of Congress introduced various legislation to amend TSCA throughout the early and mid-2000’s.

## **C. The Frank R. Lautenberg Chemical Safety for the 21st Century Act**

After years of discussion in Congress around reform, President Obama signed the Frank Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act into law June 22, 2016. The legislation marked the first major overhaul of TSCA since its passage, and it enjoyed bipartisan support. It included many significant changes to the EPA’s regulation of new and existing chemicals and collection of information:

- Directed EPA to use a “best available science” standard when evaluating chemicals and specified how EPA could use scientific and technical information.
- Prevented new chemicals from going to market unless the EPA issues a safety finding.
- Required EPA to systematically review existing chemicals and established a framework for prioritizing chemicals for evaluation.
- Modified the treatment of confidential business information submitted to EPA.
- Prohibited EPA from considering cost factors when evaluating risk.
- Expands EPA authority to require testing to inform risk evaluations.

#### **D. Implementation**

The Office of Pollution Prevention and Toxics within EPA's Office of Chemical Safety and Pollution Prevention manages EPA's TSCA responsibilities. Despite these reforms, the EPA has reported difficulty implementing the Lautenberg Act and has struggled to meet statutorily mandated timeframes for both new chemical reviews and risk evaluations for existing chemicals. Manufacturers and processors have also expressed frustration with EPA's approach to risk evaluations, new requirements governing data manufacturers must submit to EPA, and increased user fees, among other issues.

#### **IV. STAFF CONTACTS**

If you have any questions regarding this hearing, please contact Jake Tyner or Christi Harsha of the Committee staff at (202) 225-3641.