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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
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February 12, 2025

Mr. Geoff Moody
Senior Vice President, Government Relations & Policy
American Fuel and Petrochemical Manufacturers
1800 M Street, NW
Ninth Floor North
Washington, DC 20036

Dear Mr. Moody:

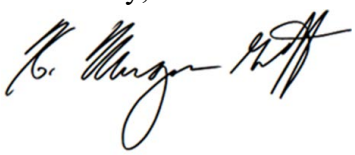
Thank you for appearing before the Subcommittee on Environment on Wednesday, January 22, 2025, to testify at the hearing entitled "A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Thursday, February 27, 2025. Your responses should be mailed to Calvin Huggins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed to Calvin.Huggins1@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



H. Morgan Griffith
Chairman
Subcommittee on Environment

cc: Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Additional Questions for the Record

The Honorable H. Morgan Griffith

1. Could you briefly summarize an example of a new or existing chemical review application, involving one of your members, and dating from the beginning of 2016 to the present day, where the applicant believed that the EPA overly relied upon a single study when making its risk assessment? You do not have to name the specific applicant, a specific chemical, or a specific chemical use.

2. How would you suggest the EPA weigh evaluation studies of new and existing chemicals?

    a. Should evaluation studies and statistical models with different methodologies be used for new chemicals and new conditions of use as opposed to other types of studies for existing chemicals?

The Honorable Brett Guthrie

1. What challenges have applicants faced when attempting to communicate with the Environmental Protection Agency (EPA) during the new chemical review process?

2. On January 22, 2025, as some of my colleagues mentioned at the hearing, the Government Accountability Office (GAO) released a report on EPA's New Chemicals Program, concluding that EPA does not follow most key management practices for assessing the results of this programs.[1]

    Most manufacturers GAO interviewed reported a need for increased transparency in new chemicals reviews. Several manufacturers recommended that EPA clarify requirements for the new chemicals review process. One suggestion included establishing updated, publicly accessible protocols on minimum likely testing requirements. Do you feel that manufacturers have a clear picture of what information will be required of them and what they will need to provide to EPA during the new chemicals review process? If not, do you have any suggestions for how EPA could address this concern or provide more helpful guidance?

3. During the hearing there was discussion about whether the Toxic Substances Control Act (TSCA) should be "opened up." Your written testimony states that American Fuel & Petrochemical Manufacturers (AFPM) supports a combination of administrative and regulatory actions and statutory changes to TSCA.

    a. Is implementation the only problem with the current regulatory framework?

[1] https://www.gao.gov/products/gao-25-106839

b. Why does your organization support a multi-pronged strategy, and can you please provide some examples of statutory changes you believe are needed?

c. Do you support a regime for TSCA like that of the Pesticide Registration Improvement Act?

4. Please discuss the scope of the regulated entities covered by TSCA and describe which entities make up the larger chemical industry.

5. Some argue that without TSCA there is no workplace safety with chemicals, that the areas around chemical facilities will not be protected, and people will be exposed to unreasonable risks. Do you agree that it is "TSCA or bust" for these concerns?

6. Do you believe courts place more emphasis on statutory language or legislative intent when deciding cases?

7. Some have argued that an affirmative "safety" finding is required under TSCA. Would you agree that this is the case?

8. Do you believe that the source of data provided to EPA should prejudice EPA's use of it, or should the high quality and relevance of the information be the driving factor?

9. You discussed minimal risks from closed loop systems and intermediates. Could you please explain again why that is a critical point for the Committee to consider?

10. The Occupational Safety and Health Safety and Health Administration (OSHA) has not regulated industry as stringently as some of my colleagues would like.

    a. Should EPA use TSCA to compensate for OSHA's perceived lack of more stringent activity?

    b. If TSCA does not regulate workplace exposures, would there be no effort to control risks in this area?

    c. Should TSCA function as an omnibus law to cover every conceivable circumstance that might involve a chemical? Why or why not?

11. There has been discussion about the definition of "unreasonable risk of injury," or the lack thereof in TSCA. Should the statute clarify that risk transfer should be an acceptable consideration in a risk evaluation?

12. The issue of red dye came up in the hearing and its impact as a food ingredient.

    a. Are food ingredients regulated under TSCA?

b. If a chemical may present risks as a food ingredient, should it be prohibited from being used in any other application, such as industrial uses?

13. Given the ongoing concerns around delays, lack of transparency, and the need for more stakeholder engagement, what effects have you seen these issues have on jobs, innovation, and the economy? How might improving the New Chemicals Program help foster growth in these areas?