

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Environment Ranking Member Paul D. Tonko

***Hearing on “A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg
Chemical Safety for the 21st Century Act”***

January 22, 2025

Thank you, Mr. Chair.

I want to start by congratulating you on becoming Chairman of the Subcommittee. This Subcommittee has awesome responsibilities protecting Americans from air pollution, 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 Chairman 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 believe 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 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, 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 among 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. 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 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 modern American life.

I suspect we might hear about how new, innovative chemicals are essential to semiconductor and battery manufacturing— 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 a proper review. Mr. Chairman, 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 among 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 need it.

Thank you. I yield back.