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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

Dr. Richard E. Engler, Ph.D.
Director of Chemistry
The Acta Group
2200 Pennsylvania Avenue, NW
Suite 100W
Washington, DC 20037-1701

Dear Dr. Engler:

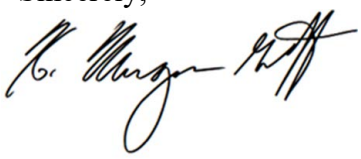
Thank you for appearing before the Subcommittee on Environment on Wednesday, January 22, 2025, to testify at the hearing entitled "A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act."

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. Under TSCA, do you believe that EPA should determine separately whether each "condition of use" of a chemical presents an "unreasonable risk"?

2. Could you please summarize EPA's history of determining "unreasonable risks" under the chemical risk assessment procedures and "unreasonable risks" for each chemical "condition of use"?

The Honorable Brett Guthrie

1. The Biden Administration has blamed delays of new chemical reviews on a lack of resources and an increased workload under the Lautenberg Act.[1]

    a. Based on your experience across multiple Administrations, do you think that explains the delays?

2. In your written testimony, you describe some of the compliance challenges faced by companies seeking to use or produce new chemicals.

    a. For example, you note that once the Environmental Protection Agency (EPA) decides to regulate a chemical and require specified protection, that triggers others Toxic Substances Control Act (TSCA) requirements. What can these requirements include?

    b. Once a company elects to use a new chemical, even if it complies with all of EPA's use restrictions regarding that chemical, what kind of enforcement actions from EPA could it still face? What are the penalties or consequences of these actions?

    c. Can the threat of these enforcement actions deter development and use of new chemicals, even in situations where a company is able to comply with all the use restrictions EPA imposes?

3. 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

[1] https://www.epw.senate.gov/public/_cache/files/e/8/e8243202-117c-456d-952f-53bf141c839a/A85CC5D777091F336DA7CF40A1D4F7435629BC032E64BAF26F388B96A6BE55D6.01-24-2024-freedhoff-testimony.pdf

Program, concluding that EPA does not follow most key management practices for assessing the results of this programs.[2]

a. GAO has developed key practices that can help federal agencies better manage and evaluate their programs. One key practice is to involve stakeholders, which, in this case, includes manufacturers and organizations that address environmental protection. GAO notes that the New Chemicals Division at EPA drafted a plan to address strategic goals in August 2024 but did not consult with stakeholders in doing so. Based on your experience with the new chemicals division, do you have any recommendations for how EPA could improve their stakeholder engagement efforts?
b. 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 for 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?

c. Some manufacturers GAO interviewed also indicated that improved communication could help manufacturers address the underlying causes of delays with their submissions. In your experience, have manufacturers faced delays in finding out what is holding up their applications or learning that EPA needs more information from them?

d. One manufacturer recommended that EPA specify how it utilizes the information manufacturers submit, to help them better substantiate their submissions. Do you think this would be helpful?

4. 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?

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