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ONE HUNDRED NINETEENTH CONGRESS

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February 12, 2025

Mr. Chris Jahn
President & CEO
American Chemistry Council
700 2nd Street, NE
Washington, DC 20002

Dear Mr. Jahn:

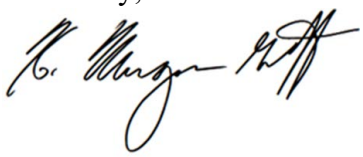
Thank you for appearing before the Subcommittee on Environment on Wednesday, January 22, 2025, to testify at the hearing entitled "A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act."

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 Brett Guthrie

1. As discussed at the hearing, innovators who want to bring new chemicals or new uses of chemicals to the market have encountered major delays in receiving a decision from the Environmental Protection Agency (EPA) on whether and how they can proceed. The Lautenberg Act changed what must happen before an applicant who submits a new chemical or new use to EPA for review may proceed with processing or manufacturing that chemical. Previously, if EPA did not act within a specified time, the chemical could proceed to market. Now, applicants cannot proceed until they receive a determination from EPA.

   Currently, EPA has 90 days to issue a determination on an application. In 2023, the Government Accountability Office (GAO) concluded that of all pre-manufacture reviews that EPA completed from 2017 through 2022, the agency typically completed less than ten percent of those reviews within statutory 90-day period.[1]

   As of January 17, 2025, of the 407 new chemicals under review, only 22 are still within that 90-day review period.[2]

   a. What happens if EPA does not issue a determination within the statutory timeframe? What recourse does an applicant have realistically?

   b. The prior Administration has blamed lack of resources and an increased workload under the Lautenberg Act for this delay.[3] Your organization has tracked the pace of new chemical reviews and collected data on this. Does this explain the backlog, or are there other factors to consider?

2. On January 22, 2025, as some of my colleagues mentioned at the hearing, 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.[4]

   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

[1] https://www.gao.gov/products/gao-23-105728
[2] https://www.americanchemistry.com/better-policy-regulation/chemical-management/toxic-substances-control-act-tsca/tsca-new-chemicals-review-tracking
[3] https://www.epw.senate.gov/public/_cache/files/e/8/e8243202-117c-456d-952f-53bf141c839a/A85CC5D777091F336DA7CF40A1D4F7435629BC032E64BAF26F388B96A6BE55D6.01-24-2024-freedhoff-testimony.pdf
[4] https://www.gao.gov/products/gao-25-106839

address strategic goals in August 2024 but did not consult with stakeholders in doing so. Do you believe that EPA could more effectively engage manufacturers and other stakeholders in developing improvements to the New Chemicals

Program to try to address some of the delays and concerns discussed at the hearing?

b. As part of this review, GAO interviewed 19 manufacturers, and, unsurprisingly, 16 of the 19 reported that they experienced review delays. Of these manufacturers several reported frustrations about not knowing where their submissions stood in the review process. Is this an issue some of your members have experienced as well?

c. 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. 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?