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CHEMICALS IN COMMERCE: LEGISLATIVE PROPOSAL TO MODERNIZE AMERICA'S CHEMICAL SAFETY LAW, STRENGTHEN CRITICAL SUPPLY CHAINS, AND GROW DOMESTIC MANUFACTURING

THURSDAY, JANUARY 22, 2026

House of Representatives,

Subcommittee on Environment,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 2:00 p.m., in Room 2123, Rayburn House Office Building, Hon. H. Morgan Griffith [chairman of the subcommittee] presiding.

Present: Representatives Palmer, Crenshaw, Latta, Griffith, Carter of Georgia, Joyce, Weber, Pfluger, Miller-Meeks, Evans, Fedorchak, Guthrie (ex officio), Tonko, Schakowsky, Ruiz, Peters, Barragan, Soto, Auchincloss, Carter of Louisiana, Menendez, Landsman, and Pallone (ex officio).

Staff Present: Byron Brown, Chief Counsel; Christian Calvert, Press Assistant; Jessica Donlon, General Counsel; Sydney Greene, Director, Finance and Logistics; Christen Harsha, Senior Counsel, Environment; Megan Jackson, Staff Director; AT Johnson, Special Advisor; Patrick Kelly, Staff Assistant; Sophie Khanahmadi, Deputy Staff Director; Giulia Leganski, Chief Counsel, Commerce, Manufacturing, and Trade; Mary Martin, Chief Counsel, Energy; Sarah Meier, Counsel and

Parliamentarian; Joel Miller, Chief Counsel; Ben Mullaney, Press Secretary; Lillian Noland, Staff Assistant; Seth Ricketts, Special Assistant; Jake Riith, Staff Assistant; Jackson Rudden, Clerk, Environment; Chris Sarley, Member Services/Stakeholder Director; Timothy Trimble, Staff Assistant; Matt VanHyfte, Communications Director; Katie West, Press Secretary; Katharine Willey, Senior Counsel, Environment; Giancarlo Ceja, Minority Staff Assistant; Timia Crisp, Minority Professional Staff Member; Ava Digre, Minority Intern; Hannah Fitzgibbons, Minority Intern; Devon Gorbley, Minority Environment Fellow; Waverly Gordon, Minority Deputy Staff Director and General Counsel; Caitlin Haberman, Minority Staff Director, Environment; Emma Roehrig, Minority Staff Assistant; Kylea Rogers, Minority Policy Analyst; Andrew Souvall, Minority Director of Communications Outreach and Member Services; and Kyle Wolf, Minority Press Intern.

Mr. Palmer. The Subcommittee on Environment will now come to order. The chair recognizes himself for 5 minutes for an opening statement.

Good afternoon. Welcome to the Ranking Members Pallone and Tonko, my colleagues, and to our witnesses for this hearing on the subcommittee on the environment. Today we will be examining a legislative proposal to modernize the Toxic Substance Control Act, or TSCA.

First enacted into law in 1976 with broad bipartisan support, TSCA provides the U.S. Environmental Protection Agency with broad authority to regulate chemicals that pose an unreasonable risk to human health and the environment.

Forty years later, Congress made several improvements to TSCA with passage of the bipartisan Lautenberg amendments in 2016.

As we heard at our hearing last January, chemicals are central to many aspects of modern life, and a strong U.S. chemical industry is key to our economic prosperity and national security.

The 2016 law authorized EPA to collect user fees to help provide resources and funding, but in the decade since the Lautenberg amendments were passed, it has become clear that this important law is still not working as Congress intended and that further changes are needed to ensure chemicals are reviewed in a predictable and efficient process without undermining safety.

The process for reviewing new chemicals, which was a significant focus of the 2016 effort, is broken. As we heard in January, and we will hear again from witnesses today, EPA does not meet the 90-day review deadline for the vast majority of all new chemicals submitted for EPA review.

This regulatory uncertainty makes it difficult for the chemical industry to bring safer alternatives or new technologies to the market in the U.S. and impacts human health and the environment, slowing the transition to safer alternatives.

To be clear, the draft would not scrap the safety and protections enacted in the 2016 amendments and is not reopening up TSCA as a whole.

The bill would reauthorize the fee provision for another 10 years and require increased

transparency and accountability in how fees are used by EPA.

The draft also makes targeted changes to modernize section 5 and section 6, concerning the review and regulations of new and existing chemicals, including requiring increased coordination between the EPA and other agencies, and prioritizing chemicals that are essential to critical manufacturing supply chains.

Our witnesses today are Dimitrios Karakitsos, a partner in the law firm Holland & Knight, who worked on the 2016 amendments as a Senate staffer; Dr. Kimberly Wise White of the American Chemistry Council; John Carey of DSM-Firmenich, an international chemical manufacturer with significant operations in the U.S.; and Professor Tracey Woodruff of the University of California San Francisco.

The legislation we are considering today is a discussion draft. It reflects input the subcommittee received at our January hearing and in the months since.

Majority staff also met with their counterparts on the minority staff half a dozen times to discuss ideas and language for this proposal, and several changes were made to the text based on input from the minority staff.

We look forward to getting additional feedback in the weeks after this hearing and hope to continue discussions with the minority on areas for bipartisan cooperation as we work on an updated draft, prepare legislation for introduction, and plan for a future markup to advance this important legislation.

The chair now recognizes the ranking member of the subcommittee, the gentleman from New York, for 5 minutes for an opening statement.

[The prepared statement of Mr. Palmer follows:]

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Mr. Tonko. Well, thank you, Mr. Chair. I don't think it will surprise anyone to hear that I have serious concerns with the majority's proposed discussion draft. Having been part of a major TSCA overhaul once before, I can tell you that that chore wasn't easy. That effort included years of bipartisan meetings and roundtables, which included all interested stakeholders in the process, before we were able to produce a bill and move it through the House.

At that time, there was a consensus that the original law was broken, and I am happy to admit that the Lautenberg Act, despite my concerns with the final agreement, has made some important improvements to the previous status quo.

With that said, I also believe it is likely that every stakeholder, regardless of your views on the majority's proposal, would agree that, since 2016, the law has had implementation challenges.

I want to be clear that I am not opposed to reevaluating or seeking to improve our environmental laws, but the majority's proposal cannot be considered targeted in its reforms.

It would fundamentally weaken the core, public health protections provided by our Nation's chemical safety regulatory program.

It would make it harder for EPA to test, evaluate, and restrict new and existing dangerous chemicals, it creates numerous new opportunities for litigation against the Agency, and it guts protections for workers.

More specifically on testing, the draft makes it more difficult for EPA to be able to access the science necessary to make well-informed regulatory decisions.

We have seen other attempts by the Trump EPA to weaken scientific-integrity protections, diminish scientific evidence, and eliminate industry reporting requirements, and I do believe these changes are part of this EPA strategy of raising barriers to inhibit future administrations from pursuing science-based, public health protections.

Under this draft, EPA's new chemicals program would also be diminished. This program is our first line of defense against preventing costly Superfund cleanups and drinking-water treatments

in the future.

We need to keep dangerous chemicals out of our environment in the first place, and as we heard at our PFAS hearing in December, supposedly safer alternatives to dangerous, existing chemicals can still be incredibly dangerous, as has been the case with GenX.

Yes, the new chemicals program has had backlogs, but many delays have occurred because EPA has had to wait for more information from the submitting manufacturer.

The discussion draft would have EPA rely more on manufacturers' self-identification of conditions of uses, weaken EPA's ability to take initiative to demand more testing, and raise the standard for regulation from "may present an unreasonable risk" to "more likely than not to present an unreasonable risk."

The draft also makes it more difficult to restrict existing chemicals.

In 2016, the Lautenberg Act required EPA to determine the first 10 existing chemicals to be evaluated. These are known to be dangerous substances.

Now, nearly a decade later, only 5 of the 10 have finalized risk-management rules which are still subject to ongoing litigation.

I don't want to be dismissive of EPA's important work to ban asbestos and TCE, but I don't believe anyone can look at EPA's track record over the last decade and reach the conclusion that the Agency has been too successful at regulating existing chemicals.

And yet this discussion draft limits EPA to regulating risks that are reasonably feasible to address rather than seeking to eliminate those risks.

Despite my criticism of the draft, I do support reauthorizing EPA's fee authority. I suspect almost every stakeholder does. I would also be supportive of greater transparency in the status of reviews and finding more opportunities for presubmission consultations to ensure the right information is provided early in the process.

But what I don't support is the suggestion that fee authority is a political chip to be traded for

enacting the major program reforms sought by industry. I will not start the precedent that every 10 years we chip away at public health protections in the law, at industry's behest, in order to extend fee authority.

I look forward to today's discussion, but I don't believe that the sweeping overhaul proposed is putting us on that right track to enacting a bipartisan bill that will improve the administration of our Nation's chemical safety program.

Thank you, Mr. Chair, and I yield back.

[The prepared statement of Mr. Tonko follows:]

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Mr. Palmer. The gentleman yields.

The chair now recognizes the chairman from the full subcommittee, the gentleman from Kentucky, for 5 minutes for an opening statement.

The Chair. Thank you, Chairman Palmer, and thank you for holding this important hearing. And we have already had a productive 2026 at this committee. This week alone we have advanced commonsense Clean Air Act reforms, approved legislation and enhanced public safety communication, supported hydropower development, and examined barriers to more affordable healthcare, not to mention the creation of a novel energy council that will consider the renewable fuel standard.

At Energy and Commerce, we are working to ensure Americans have access to the essential products and services they need, strengthen our national security, and boost our international competitiveness.

Today, we are taking another step to further these goals by examining targeted updates to the Toxic Substances Control Act. Chemicals are necessary to produce some of the most crucial products we use every day, such as automobiles, electronics, batteries, construction materials, cleaning products, and appliances.

However, rather than leading the world in manufacturing innovative new products, the U.S. is being left behind by our international rivals as lengthy delays at EPA's new chemical review process drives manufacturing opportunities and jobs abroad.

Today we will discuss how focused statutory changes can facilitate more efficient chemical regulation while maintaining important health and safety protections.

This draft legislation encourages chemical regulation based on sound science, real-world conditions, and actual data.

It also focuses EPA's chemical safety reviews on the most significant exposures and risks, and facilities' improved coordination between EPA, manufacturers, and other fellow agencies with

relevant expertise.

I was proud to support the bipartisan reforms we passed in 2016. I believe these updates will support the existing TSCA framework and continue to build on that progress.

Also, we can collaborate in a bipartisan manner and look forward to working with my colleagues on both sides of the aisle to make sure our chemical regulatory system allows us to take advantage of new opportunities but also respond to any new threats.

I really appreciate all of our witnesses for being here today to help us continue to study this issue to make sure we get it right. Thank you for your time, we appreciate you being here, and I yield back.

[The prepared statement of The Chair follows:]

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Mr. Palmer. The gentleman yields.

The chair now recognizes the ranking member of the full committee, the gentleman from New Jersey, for 5 minutes for an opening statement.

Mr. Pallone. Thank you, Mr. Chairman. I have to say, though, I disagree with Chairman Guthrie that the discussion draft before us today is an update and supports -- or supports the TSCA framework.

I think it continues the Republican assault on the health and well-being of the American people. We will be discussing a Republican discussion draft that would significantly weaken our Nation's chemical safety law and leave families, children, and workers exposed to toxic chemicals.

The Toxic Substance Control Act, or TSCA, gives the Environmental Protection Agency the authority and responsibility to examine and restrict chemicals that pose an unreasonable risk to human health and the environment.

The original law, however, fell far short of that goal, and for many years -- for a long time, there were too many communities that carried the burden of toxic exposure.

And that was made clear during our December PFAS hearing when Emily Donovan delivered the stories of friends and loved ones lost too soon because of an unchecked -- or unchecked actions by chemical companies.

That is why, after years of tough negotiations, Congress passed the Frank R. Lautenberg Chemical Safety for the 21st Century Act in 2016, with strong bipartisan support.

John Shimkus -- the Republicans were in the majority in the House at the time -- John Shimkus was the chairman of this subcommittee. The bill came over from the Senate, and we worked very hard with Chairman Shimkus and Democrats to get that bill passed.

And it was named after New Jersey's late Senator Lautenberg, who was a long-time friend of mine and a lifetime environmental champion, and the Lautenberg Act updated and modernized TSCA for the first time in 40 years, finally providing EPA the tools to safeguard Americans by addressing

harmful substances.

Now, since its passage, I have worked, and so has our ranking member, Mr. Tonko, to ensure that the legislation -- or the TSCA -- lives up to my -- our name sake's, Lautenberg's, commitment to protect Americans, particularly children, pregnant women, workers, and frontline communities.

And so it is just kind of shocking to me that this draft comes to us today because this had always been a bipartisan effort, but the draft before us today does not live up to the Lautenberg legacy or to the Shimkus legacy, in my opinion, or any of ours.

It fundamentally alters the TSCA program to appease industry stakeholders at the expense of public health and safety.

The discussion draft would prevent EPA from meaningfully reviewing new and existing chemicals in order to protect workers, families, and children from unreasonable risks.

It would hamper EPA's ability to require chemical testing, leaving regulators in the dark about the harms posed by chemical substances and exposing Americans to toxic chemicals in their homes and workplaces. And these are only some of the serious concerns I have with the discussion draft.

My Republican colleagues will claim this draft modernizes TSCA, promotes innovation, but in reality, it decimates critical protections and signals to communities, like Emily Donovan's, that it is acceptable for them to face the threats of cancer, infertility, neurological harm, and other serious risks so long as industry gets their chemicals to market.

I fully acknowledge that EPA's TSCA office has faced its share of implementation challenges. One complaint we have heard is that new chemical reviews are facing delays, but we can't ignore the fact that the chemical industry has a hand in these delays.

It is clear to me that the first step to addressing TSCA delays is to ensure the office has the adequate resources to fulfill its mission.

Undermining health protections from toxic chemicals and leaving Americans exposed to harm, as the discussion draft proposes, would do nothing to address EPA's TSCA implementation

challenges.

And my Republican colleagues will also claim that these changes are targeted, but I also fundamentally disagree with that. The discussion draft proposes to make fundamental changes to the law that deserve feedback and scrutiny from stakeholders across all sectors.

EPA should be called to provide testimony on these amendments as well. Changes of this magnitude to TSCA deserve more than just one hearing so members can scrutinize the language and its impacts.

And time and again we see how vulnerable communities bear the brunt of weak chemical safety protection. We have heard the tragic stories of Americans gone too soon because of lax or nonexisting chemical regulations.

And we fought hard to make meaningful improvements to a broken law with the Lautenberg Act 10 years ago. I don't understand what happened to the Republicans. I mean, this was clearly a bipartisan effort.

Every Republican on the committee supported this, and now we see the Republicans going in the opposite direction and trying to tear down what is a very good law. And I just refuse to go back, you know, to the days when, you know, when chemicals -- when the industry just basically did what it wanted.

We should be working to strengthen TSCA and ensure we protect the health of all Americans, especially our most vulnerable, while at the same time fostering innovation. And this discussion draft unfortunately is heading us in the wrong direction.

So I thank you, I yield back the balance of my time, Mr. Chairman.

[The prepared statement of Mr. Pallone follows:]

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Mr. Palmer. The gentleman yields.

We have now concluded with member opening statements.

The chair would like to remind members that pursuant to the committee rules, all members' opening statements will be made part of the record.

We would like to thank our witnesses for being here today and taking the time to testify before the subcommittee. The witnesses will have the opportunity to give an opening statement, followed by a round of questions from the members.

Our witnesses for today are Dimitrios Karakitsos, partner at the law firm Holland & knight who worked on the 2016 amendments as a Senate staffer; Dr. Kimberly Wise White of the American Chemistry Council; John Carey, an international chemical manufacturer with significant operations in the U.S.; and Professor Tracey Woodruff from the University of California San Francisco.

We appreciate you being here today.

I now recognize Mr. Karakitsos for 5 minutes to give an open statement.

STATEMENTS OF DIMITRIOS KARAKITSOS, ESQ., HOLLAND & KNIGHT; JOHN CAREY, ESQ., DSM-FIRMENICH; TRACEY WOODRUFF, PH.D., MPH, UNIVERSITY OF CALIFORNIA, SAN FRANCISCO; AND KIMBERLY WISE WHITE, AMERICAN CHEMISTRY COUNCIL.

STATEMENT OF DIMITRIOS KARAKITSOS, ESQ.

Mr. Karakitsos. Chairmans Guthrie and Palmer, Ranking Members Pallone and Tonko, and members of the subcommittee, thank you for the opportunity to testify today. My name is Dimitrios Karakitsos. I am a partner at Holland & Knight here in Washington, D.C.

I am not here today representing the firm or any of its clients. I am here in a personal capacity based on my prior experience as a congressional staffer during the negotiations and passage of the Lautenberg Chemical Safety Act.

Serving as the lead EPW chemical staffer, I worked on many different iterations of bipartisan TSCA reform bills. Working with some subcommittee directly, we were able to pass one of the first majority environmental law rewrites in decades with overwhelming bipartisan support.

The overarching goals of reform were to fix the existing chemicals program that had failed to operate effectively for decades, maintain a new chemicals program that allows American industry to lead global innovation while protecting human health and the environment, and creating a unified national approach to chemical regulations, all while requiring EPA to use the best available science.

The law also included an updated fees provision that was important to provide the Agency with greater resources to take on its additional responsibilities.

Congress did, however, deliberately sunset the fees provision after 10 years to create a mechanism to look back at a decade of implementation and see if the law was operating as envisioned or if any updates were needed to make it function better.

The legislative process this committee is undertaking, in my view, is well aligned with that congressional intent to review how the law is functioning as part of the fees reauthorization process and not designed to relitigate or undo the entire 2016 compromise but to make the law operate better.

Despite EPA's best efforts the last decade, there are a few glaring parts of the law's implementation that I do not believe are operating as intended, and now Congress has the opportunity to address these issues.

First, in the course of negotiating the 2016 amendments, Congress worked closely with the Obama administration to codify what the EPA described in technical assistance as the new chemicals practice as it existed at the time.

There was confidence that the Obama EPA was reviewing new chemicals thoroughly enough under the original law to prevent dangerous chemicals from going to the market unchecked.

The primary fear was that under the original TSCA language, a future administration could do no safety review, simply let the 90-day clock expire, and add countless new chemicals to the existing chemical inventory whether they were safe for use or not.

The changes in the law to force EPA to make an affirmative determination of "not likely to present an unreasonable risk" within 90 days, in order for a chemical substance to go to the market, was not intended to be a significantly higher bar or exhaustively analyze all potential uses and all risks.

The Obama EPA relayed to Congress that operationally they were already making a similar determination by allowing the 90-day clock to expire after a review, and the language in the law would simply memorialize their existing practice.

Of course this is not how the new chemicals process has operated, and unfortunately we have seen a significant hurdle to innovation as a result.

Requiring EPA to use the best available science and weighted as scientific evidence was also a

pillar of the compromise, and here too is an area where I think implementation has not met the goals of the law.

At times the Agency has relied on hazard values, not at all consistent with real-world scenarios, which has led to some extremely conservative, regulatory proposals, out of line with international regulators in Europe and beyond.

In some instances, EPA has gone against its own scientific guidance and scientific advisers, which can give the appearance as not adhering to these important requirements under the law.

And finally the citizens petition provision of the law, I believe, has eaten up valuable EPA resources while providing little benefit.

As currently drafted, this section could allow EPA to skip the prioritization and risk-evaluation phase of the existing chemicals process and move directly to regulated chemical substance, even when it lacks the scientific information needed to do so in a manner consistent with the law.

I believe this was an oversight, and we have seen overreaching petitions to force regulations on things like tobacco and greenhouse gas emissions, which TSCA was not designed or intended to address.

In closing, both the House and Senate spent years developing and negotiating different bills and policies that ultimately led to the landmark bipartisan compromise. The fee expiration was designed to provide Congress with the opportunity to look at 10 years of implementation, identify challenges, and responsibly address any shortcomings in order to ensure that the 2016 law successfully protects human health, the environment, and our critically domestic industries well into the future.

Thank you again for the opportunity to testify, and I look forward to your questions.

[The prepared statement of Mr. Karakitsos follows:]

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Mr. Palmer. The chair now recognizes Mr. Carey for 5 minutes for his testimony.

STATEMENT OF JOHN CAREY, ESQ.

Mr. Carey. Good afternoon, Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, and Ranking Member Tonko, and members of the subcommittee. It is a privilege to speak with you today as you consider legislative proposals to modernize America's chemical safety laws, strengthen critical supply chains, and support American innovation.

My name is John Carey, and I serve as a regulatory director at DSM-Firmenich, a global leader in health, nutrition, bioscience, fragrance, and flavor.

We employ more than 4,000 people across the United States and many more worldwide. Our company draws on more than 150 years of scientific discovery and innovation. We maintain over 15 R&D facilities, hold more than 16,000 patents, and invest over $800 million each year in research and development.

I am also testifying today on behalf of the Household and Commercial Products Association, HCPA, the premier trade association for companies that manufacture products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments.

HCPA member companies generate over $200 billion annually and employ over 300,000 people across the United States.

I would like to make three points today. First, United States chemical innovation has stagnated over the past decade.

In 2015, the year before the Lautenberg amendments, EPA received 593 premanufacture notifications. Last year, 154 were submitted. That is a 70 percent decline.

Unsurprisingly over the same period of time, U.S. R&D spending fell 77 percent.

Second, innovation is happening. It is just happening outside the United States. Between

2021 and 2025, our company, DSM-Firmenich registered 12 materials globally and none in the United States.

As we sit here today, the materials are used worldwide, including in jurisdictions with robust chemical registration requirements such as Europe, Australia, Japan, Taiwan, the Philippines, and China.

Third, EPA's own Safer Choice program shows that many of these materials are safe. Comparing the new chemicals program to EPA's Safer Choice program is striking. Safer Choice is designed to identify products with safer chemical ingredients.

In May of 2023, EPA Safer Choice released a list of 2,400 fragrance materials that meet its criteria for safer chemistry. In July of 2024, that list expanded to over 2,800 materials. That represents over 80 percent of the fragrance ingredients on the International Fragrance Association's transparency list.

Even as new chemical reviews stalled, EPA's own Safer Choice program, unencumbered by the Agency's interpretation of section 5 review, has affirmed the safety of thousands of fragrance materials and held these up as examples of safer chemistry.

Now, you may be asking why are we talking about fragrance? And the answer is, fragrance molecules should be among the easiest to review. Reasonably foreseen uses are clear and limited. Exposure is highly predictable. We submit the same data globally, reflecting the best available science.

If the United States cannot approve predictable, well-characterized fragrance molecules, what hope is there for more complex chemistry that underpins advanced technology.

In summary, United States chemical innovation has stagnated. Innovation is happening outside the United States. And unencumbered by EPA's interpretation of TSCA section 5, the Agency affirms the safety of similar chemistry.

For that reason, we commend the committee's leadership in considering changes to enhance

new chemical innovation while still protecting safety.

Thank you and I look forward to your questions.

[The prepared statement of Mr. Carey follows:]

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Mr. Palmer. The chair now recognizes Dr. Woodruff for 5 minutes for her questions.

STATEMENT OF TRACEY WOODRUFF, PH.D., MPH

Dr. Woodruff. Subcommittee Chairman Palmer, Ranking Member Tonko, and members of the committee, thank you for the opportunity to testify --

Mr. Palmer. Ma'am, would you turn on your microphone. Thank you.

Dr. Woodruff. Okay, sorry.

Subcommittee Chairman Palmer, Ranking Member Tonko, and members of the subcommittee, thank you for the opportunity to testify. I am Dr. Tracey Woodruff, professor from UC San Francisco, director of the program on reproductive health and the environment, and I spent my career researching how industrial chemicals and environmental pollutants affect people's health.

The purpose of TSCA is to protect people and the environment from harmful chemicals. The proposed changes to to this law are alarming. They remove public health railguards, undermine EPA's ability to protect people from harmful chemicals, and will lead to more death and disease.

These changes are a wholesale destruction of the law. The chemical lobby has spent millions of dollars to undermine TSCA, and this bill gives them their money's worth as these changes weaken EPA's ability to act on toxic chemicals, and let the chemical industry delay or avoid chemical regulation entirely and essentially puts the chemical industry in charge.

Every proposed change to this law will make it harder for EPA to get the data it needs to identify exposure and harms, harder to consider that information to identify unreasonable risks, or harder to make meaningful action to prevent these unreasonable risks.

The draft bill, one, seriously undermines EPA's ability to protect people's health from harmful chemicals; two, reverses all improvements in reviewing new chemicals for safety; three, makes it more difficult for EPA to regulate existing toxic exposures; and, four, undermines EPA's ability to

gather evidence; and, five, leaves everyone at greater risk of chemical health harms, leading to more people getting sick and dying.

Toxic chemicals are widespread in air, food, homes and workplaces, and human exposures begin before birth and continue throughout the lifespan. We know exposures take a measurable toll on the health of children and adults.

They increase the risk of cancer, infertility, neurological and cardiovascular disease, Parkinson's, adverse birth outcomes, and ADHD, conditions increasing in the U.S. as documented in the first MAHA report.

Congress updated TSCA in 2016 because EPA could not even ban asbestos, a known human carcinogen that killed thousands of people. The 2016 amendments mandated prioritizing health, eliminating unreasonable risks, and providing stronger protections for highly exposed and susceptible sub-populations, including pregnant women, children, workers, and people living in areas with polluting facility.

Thanks to that, dangerous substances like TCE and asbestos, chemicals that have already taken a health toll on millions of Americans, will finally be banned, and that is what the public wants.

In a recent nationwide survey, over 90 percent of voters want the government to do a better job protecting the public from toxic harms.

Now the chemical industry is pushing back against TSCA's success under the guise of modernization and innovation and complaining EPA is too slow to approve new chemicals, but that is not true.

EPA has approved the overwhelming majority of new chemicals submitted. Over 4,000 new chemicals approved since 2016, including low-volume exemptions for over 600 PFAS, persistent chemicals detected in nearly everyone which can increase the risk of health harms.

As of last year, every single review taking longer than a year was waiting on some form of industry action.

The bill reverses 2016 improvements in reviewing safety of new chemicals. For example, EPA must consider all reasonably foreseen exposures and risks for proposed new chemicals.

But this bill changes it to only those uses and exposures identified by the submitter -- the industry.

This is a huge loophole for chemical companies to submit an application, for example, on a new PIP PFAS, with the narrowest use of a chemical, saying it will only be used by 1 person in one factory for one industrial process, and now EPA can only consider that company's claim. Once approved, it can be used wherever the industry wants.

The bill undermines requirements for comprehensive assessment of existing chemicals. For example, the law currently requires EPA to consider all of existing chemicals' hazards and exposures when evaluating whether the chemical presents unreasonable risk.

The bill gives EPA discretion to narrow the scope of risk evaluation by excluding uses from assessment without with evidence-based judgment.

The draft leaves everybody at greater risk of chemical harms. For example, new chemicals, the EPA currently makes a determination regarding safety, but the bill would require a "more likely than not standard" for actions to remove unreasonable risks, giving the benefit of the doubt to potentially dangerous chemicals.

And, finally, it codifies bad science, including, it puts up barriers to evaluating real-life exposures, aggregate exposures, and assumes PPE is fully used.

EPA was established to protect the health of people and the environment, not to increase chemical industry profits.

The industry has lied about health harms of their products, such as PFAS, which now contaminate our drinking water, food, ecosystems, and bodies. These companies have a financial motive to minimize EPA regulations which will come at the expense of public health.

And we need an empowered EPA to represent the public, and I urge you to act in the best

interest of the American people and preserve and strengthen TSCA's ability to protect the public's health. Thank you.

[The prepared statement of Dr. Woodruff follows:]

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Mr. Palmer. The chair now recognizes Dr. White for 5 minutes for her opening testimony.

STATEMENT OF KIMBERLY WISE WHITE

Dr. White. Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, Ranking Member Tonko, and members of the committee, thank you for the opportunity to testify. The American Chemistry Council appreciates your leadership in advancing U.S. chemical management.

I am Dr. Kimberly Wise White, the vice president of regulatory and scientific affairs with ACC. My testimony today focuses on the urgent need to restore predictability and science integrity in TSCA implementation, to support a safer, more affordable, and more competitive America.

Chemistry is the backbone of every sector in our economy, from technology, energy, and healthcare, to manufacturing and supply chains.

With EPA's TSCA fees authority expiring, congressional action is needed to prevent funding disruptions and address challenges. It is entirely appropriate for Congress to use fees reauthorization to resolve ongoing problems with this essential chemical management law.

By doing so, Congress can strengthen TSCA, clarify the law to fully reflect its original intent, and allow TSCA to achieve its full potential to protect human health and the environment while promoting innovation and allowing U.S. businesses to compete globally.

TSCA user fees are a core, legally-sanctioned funding stream that supports the resources necessary for EPA to conduct new chemical reviews, risk evaluations of existing chemicals, and crucial compliance work.

Without reauthorization, EPA would lose key funding for TSCA. This would make current problems much worse by preventing the adoption of innovative chemistries and disrupting supply chains.

That said, fees reauthorization must also be paired with accountability. Despite the progress

made since TSCA was last modernized, we continue to face significant challenges.

ACC and its members rely on high quality, reliable science to drive innovation and safe chemical development. EPA's delays in chemical reviews, its inconsistent application of scientific principles, and the lack of clarity and regulatory decisions have created uncertainty for manufacturers and downstream users, threatening U.S. competitiveness in the global marketplace.

Congress rightly envisioned a science-based, science-driven TSCA, not the speculative, opaque system we have now. Let me give you a few concrete examples.

Over 90 percent of active new chemical reviews already exceed their 90-day statutory deadline, and over 60 percent remain pending for more than a year. These delays discourage investment and force companies to introduce new chemistries and associated technologies overseas.

A recent survey of ACC members found that 70 percent have decided to introduce new chemicals outside of the United States.

EPA's use of overly conservative assumptions and unlikely exposure scenarios, based on a mischaracterization of the workplace environment, has also led to flawed and inflated risk estimates of existing chemicals, resulting in every evaluated chemical being labeled an unreasonable risk since 2016.

We appreciate the work EPA has done in recent months to improve the new chemicals review process and strengthen the science for existing chemical reviews, but more work is needed, through congressional action, to keep TSCA moving forward.

Congress should establish clear metrics for EPA reviews, require risk-based evaluations grounded in science and real-world conditions, promote practical policies for American competitiveness and health, and set guardrails to prevent regulatory duplication, scope expansion, and inefficient resources.

The proposed legislation enhances transparency and accountability. Reviews will be specifically focused on intended uses for a chemical.

New milestones for new chemical reviews require assignment of a human health risk assessor within 10 days, a meeting with submitter within 30 days, and mandates explanations if EPA misses deadlines.

For existing chemicals, it focuses evaluations on likely hazards and exposures, improves Federal agency engagement by allowing them to provide information on critical uses, alternatives, and supply chain impacts, and strengthens risk management by ensuring EPA does not apply a requirement that is inconsistent with other Federal laws.

Strengthening TSCA is not just about process. It is about outcomes. An appropriately resourced, efficient, and science-driven TSCA promotes supply chain resilience and supports a healthier America.

Delays and scientific inconsistencies deter investment in new technologies and materials needed to maintain energy leadership, support AI development, drive economic growth, improve health, and strengthen national security.

I urge Congress to act swiftly to reauthorize TSCA user fees and support targeted improvements to the law. Doing so will protect communities, promote innovation, and maintain America's leadership in chemical management.

ACC stands ready to work with Congress, EPA, and stakeholders. Thank you and I look forward to your questions.

[The prepared statement of Dr. White follows:]

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Mr. Palmer. I thank the witnesses for your testimony. We will now move into the question and answer portion of the hearing. I will begin the questioning and recognize myself for 5 minutes.

I have spoken many times about the dangers of reliance on adversarial nations for products and materials that both our economy and national defense depend on. This often includes critical, national security uses that impact the Department of Defense, NASA, and other agencies.

The draft legislation provides for priority review of three categories of new chemicals. One of these is chemicals reasonably believed or intended by the person to be necessary to improve the security and resilience of the United States' domestic, critical material supply chains identified by the Secretary of Commerce.

Dr. White, do you have any feedback you would like to share on this prioritization language or whether it would be effective for securing supply chains?

Dr. White. Yes. Thank you so much for the question. It is critically important for other Federal agencies to be actively engaged in EPA's process for evaluating and identifying chemicals for review.

This is important because we need to maintain national security, and it takes a long time for some of these agencies to actually update and evaluate and change chemistries. If they are not involved in this process, then it puts them at a disadvantage, and it puts the Nation at a disadvantage.

The current language actually provides real benefit by allowing those Federal agencies to provide information on critical uses, alternatives, and potential impacts to the supply chain, helping us be more ready and able to produce chemistries here and not impact our national security.

Mr. Palmer. Some of those chemicals are critical in terms of processing and refining, some of the rare earth elements that we are almost a hundred percent reliant on from China.

How would this legislation help us change that dynamic so that we can do the process and refining here, or near-shore it at least, so that we are not dependent on China?

Dr. White. It definitely helps us make sure that we have the chemistries that are manufactured here and are not replying on those from other adversarial, potentially, countries.

There are a number of chemistries, for example, that are critical for defense-related applications or military applications. Formaldehyde, for example, is critical for ammunitions and supply, as well as formaldehyde resins, for example, are utilized in military gear.

We also know that perfluorinated chemistries are actually critical to information systems that are relied upon by military engagement as well.

Mr. Palmer. I want to shift gears here. Your written testimony -- and you just mentioned it as you were giving your testimony -- you stated failure to modernize TSCA user fee authority would make current problems with TSCA much worse by further disincentivizing the adoption of new, sustainable, and innovative chemicals -- chemistries by disrupting supply chains.

Can you speak a little bit more to the supply chain impacts of failing to reauthorize the fee provisions?

Dr. White. Sure. So one of the things that I mentioned in my testimony is that when we surveyed ACC members, that because of the delays in the new chemicals review process, that 70 percent have decided to introduce new chemistries overseas.

Additionally, that we have significant challenges with the way that EPA has been evaluating existing chemistries because they have been making overly conservative assumptions, not based on real-world impacts.

What this does is put critical chemistries at risk to be banned or eliminated, and then that manufacturing gets moved overseas.

Mr. Palmer. So you think it is a disincentive, if we don't reauthorize these user fees, for U.S. chemical companies?

Dr. White. It is critical for EPA to have the appropriate resources to be able to move forward, and so we definitely need to make sure these user fees are advanced.

But we also need to make sure that they are tied with accountability, so they include actual targeted metrics, so we have and we can demonstrate that the EPA is moving forward and actually meeting its statutory objectives.

Mr. Palmer. Okay. Mr. Carey, if we expect safer, more sustainable chemistries to replace the older legacy chemicals in the consumer products, can you briefly -- I have got less than a minute -- explain how the current EPA, new chemical review process either helps or blocks that goal?

Mr. Carey. Absolutely. I know we have heard about this 90-day deadline, but as we sit here today, we have nine materials pending with EPA. Each was submitted in 2020 or 2021. That is 5 to 6 years ago.

A number of those are readily biodegradable, and I can provide a specific example. We had a material that biodegrades, has an increased carbon efficiency, and it is still under review. It cannot get through review. It is on the market in the rest of the world. Similar chemistry would be on Safer Choice. I don't understand the situation.

Mr. Palmer. My time is expired.

The chair now recognizes the ranking member, Mr. Tonko, for 5 minutes for his questions.

Mr. Tonko. Thank you, Mr. Chair.

Every single stakeholder agrees that we need EPA to make regulatory decisions based on sound science. Although I am certain there are disagreements on what exactly that means.

To me, sound science includes robust data, and in the Lautenberg Act, Congress provided EPA with expanded authority to order testing to be able to more accurately assess the potential risk posed by chemicals.

Again, I am sure we can debate how well EPA has used this authority since 2016, but I don't think it is debatable that Congress clearly wanted to provide EPA with tools to help develop the science and data necessary to make well-informed regulatory decisions.

And this is why I have serious concerns with the discussion draft's amendments to section 4 of

TSCA.

So, Dr. Woodruff, do you agree with my analysis that this proposal would make it more difficult for EPA to obtain data to evaluate the potential risks and health harms of chemicals?

Dr. Woodruff. Yes, exactly. I just first want to say that EPA is already at a disadvantage when identifying health harms' exposure because there is no requirement for any of the chemicals on the inventory -- 40,000 of them -- for the industry to provide data on where are these chemicals used and what are the potential health harms.

So, for many of these chemicals, we have no idea where they are being used, and the science is constantly finding new places where they are being used and the exposures and the health harms.

Now the industry wants to make it even harder, and in many cases almost impossible, for EPA to require testing of new and existing chemicals. Here is one that is, well, it is unbelievable.

One provision under "New Chemicals" would require EPA to find both insufficient data on the chemical -- meaning they didn't know, needed new data on the chemical -- and the potential for unreasonable risk in order to have a new chemical tested.

Well, that is literally a catch-22. How do you know if it presents an unreasonable risk if you don't have the data.

TSCA also currently allows scientists to decide test methods. Now this bill would essentially require that EPA use these methods that are only published by OECD, and OECD tests are insensitive. They are designed to measure obvious toxicity. They are not designed to detect many sensitive end points, including hormonal effects.

And I just want to note that the industry is involved at every step of this chemical testing process at OECD, including a permanent role in OECD-led groups which is a conflict of interest that empirical evidence has demonstrated biases the outcome toward the industry.

Mr. Tonko. Well, thank you for that, and I understand that EPA cannot demand infinite data before making a regulatory decision, but I do not think making data less accessible and telling EPA

what testing methods they can and cannot use is a solid foundation upon which to build an effective, trusted, science-based chemical regulatory program.

The draft also makes changes to how and which scientific information EPA uses when evaluating the risks of a chemical.

So, Dr. Woodruff again, do you have concerns about how the language alters the use and prioritization of science during chemical reviews?

Dr. Woodruff. Yes. There is additional new language in here. Again, EPA is at a disadvantage because the industry does not require to give them all the data. So EPA uses a number of different methods to analyze or predict what a chemical's exposure or toxicity.

The bill would require EPA to prioritize industry-submitted data on chemical substances over analog data -- basically chemicals that are similar -- and EPA models. And models are essential and can be very accurate in understanding toxicity or exposures in the absence of information.

So this would make it very difficult for EPA to use these different kinds of information, and also make it harder because EPA would have to be relying on what the industry told them, and the industry may not even be providing all the necessary information, essentially putting the industry in charge of what EPA is going to be doing with what data.

Mr. Tonko. Thank you.

And I understand that industry stakeholders want EPA to use the data they generate. However, I am in deep concern that prioritizing industry-generated information rather than allowing EPA to utilize its expertise and experience to determine the needed scientific information for chemical reviews, will lead to a biased regulatory program.

Coupled with the limitations on EPA's testing authority, it provides for deep concerns. That is one of the many reasons I am troubled by this draft legislation.

And, before I yield back, Mr. Chair, I do want to ask that we submit, for the record, and approve that, from the group called Moms Clean Air Force, it is addressed to Chairman Guthrie and

Ranking Member Pallone, and expresses its serious concerns with the draft bill to revise the TSCA legislation.

Mr. Weber. [Presiding.] Without objection.

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Mr. Tonko. Thank you, sir, and with that, Mr. Chair, I yield back.

Mr. Weber. The gentleman yields back.

The chair now recognizes the gentleman from Georgia for 5 minutes.

Mr. Carter of Georgia. Thank you, Mr. Chairman, and thank you for holding this hearing, and thank all of you for being here.

Today we are examining how best we can modernize the Toxic Substances Control Act. And there are just over 460 Toxic Substance Control Act new chemicals under review, and 408 of these are new chemicals that have never been under EPA review for over 90 days.

And this is outside of the 90-day, TSCA-mandated review period. So it is obvious that something needs to be done about this massive backlog.

It is also clear that delays and uncertainties about getting new chemicals to market have an impact on American jobs, have an impact on American jobs and companies that are going to other countries where there is more predictable timeline to produce their product.

Dr. White, would the changes in this draft legislation have a positive impact on investment, jobs, and research and development in the U.S.?

Dr. White. I definitely believe it would. This is really about twofold improving U.S. manufacturing and maintaining safety and human health, and I think this bill and the recommendations do both.

It makes sure that EPA has the data that it needs, but it also provides more certainty to the submitter so that they understand and have better engagement directly with EPA.

Mr. Carter of Georgia. Thank you for mentioning that. I will tell you that that is one thing that I hear consistently in my office -- certainty. Companies want certainty, and in order to make investments, they need to know exactly what they are up against and what they are investing in. So I appreciate that answer.

This bill would also give EPA the authority to exempt chemicals that have already been

approved in countries in the OECD, which includes the European Union, Canada, Japan, Korea, and other industrialized nations.

Dr. White, would this proposed legislative change free up EPA to work on truly new chemicals that have not gone under -- have not undergone any other type of review?

Dr. White. I absolutely believe it would, and I want to be clear. This is not about ceding EPA's authority. It is about making sure that they are focused on absolutely new chemistries and that they are relying on the best available science and information.

By looking at other data and information that might have already been approved in other countries, it is helping EPA streamline their process but also help them ensure that there is safety in the chemicals that are produced here.

Mr. Carter of Georgia. Well, as we consider this reform, many downstream manufacturers and service facilities already operate under OSHA exposure limits, Clean Air Act requirements, and State permitting programs.

Mr. Karakitsos -- sorry, but anyway, it is not -- it doesn't roll off your tongue, but nevertheless, from -- you know, I have encouraged the chairs of these subcommittees to only get witnesses named Smith or Jones, but they don't listen to me.

But, anyway, from a statutory and a regulatory perspective, how should Congress ensure that the Toxic Substance Control Act reforms do not layer duplicative Federal requirements on top of those existing regimens in ways that could discourage domestic investment or push production overseas?

We don't want that to happen obviously.

Mr. Karakitsos. Yeah, thank you very much for the question, Congressman. There is a section of the existing law, section 9, that is dealing with how EPA should interplay with other laws. There were changes, I think, to section 9 in the draft bill here, aimed at limiting kind of unnecessary, duplicative regulations.

I do think, you know, the subcommittee should be conscious that some of the regulations in place today can be very old and maybe not totally outdated. So there may be a role, you know, for a new regulation based on the risk that they find.

Mr. Carter of Georgia. Good. Thank you for that.

Again I want to thank you, Mr. Chairman, for holding this important hearing today. I am excited that we are continuing this important work, and I look forward to creating a chemical review framework that is rooted in sound science, safety, and efficiency. And I yield back the balance.

Mr. Weber. The gentleman yields back.

The chair now recognizes the ranking member from New Jersey for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman.

Thanks to the bipartisan reform of TSCA in 2016, EPA now has the tools to review and, as needed, address the risks of new chemicals before they are manufactured and to remove dangerous chemicals from our homes and workplaces.

However, this discussion draft makes serious changes that limit EPA's ability to assess and regulate potentially harmful chemicals, and I just wanted to start out with new chemicals. My questions are all of Dr. Woodruff.

But in terms of new chemicals, the discussion draft restricts EPA reviews to only those unreasonable risks that are, quote, more likely than not to occur.

So, Dr. Woodruff, how would that affect EPA's ability to prevent Americans from being exposed to toxic chemicals, including from their own homes, if you will.

Dr. Woodruff. Right. So the existing law, the new chemicals program focuses on identifying safety, which is the whole -- consistent with the mandates in 2016, which is to focus on public health first and then -- that is the first primary goal of the 2016 bipartisan amendments. And, as part of the new chemicals program, they then have to focus on safety.

Now, with this "more likely than not," this provides a much higher bar for the new chemicals

program in terms of identifying that they -- EPA would have to prove that there is more likely than not, which then gets into a more difficult, and switches the burden of proof onto EPA to increase how much they look at in terms of identifying the health harms of these new chemicals, which would both create an additional burden for EPA, which is already having challenges in terms of not having -- which, including with the new requirements about the limitations and being able to get the necessary data, means that it will tie EPA's hands in terms of making it a bar very high for EPA to identify new chemicals as harmful.

And I just want to also point out that EPA has approved many new chemicals, 4,000 since 2016, which is like one a day.

But also they have approved chemicals that we know have been very harmful for this -- there was a chemical that was approved in the Biden administration for jet and boat fuel that had a 1 in 25, or 25 percent, cancer risk which is enormous.

So the new chemicals program needs more focus to assure that they are not approving toxic chemicals rather than opening up the door to chemicals that could be even more dangerous.

Mr. Pallone. Well, thank you. And the draft goes on to limit EPA reviews to only the uses of the chemical that are identified by the submitter.

Dr. Woodruff. Right.

Mr. Pallone. And doesn't that put a thumb on the scale in favor of industry?

Dr. Woodruff. Yeah. I mean, so right now EPA has to look at what the submitter wants, plus all the reasonably foreseen uses.

Now the submitter would say, "Well, I am going to make this one, for example, PFAS chemical, and it is going to be used in a factory in one State, and there will be, like, maybe 2 people exposed to it, and therefore, can you look at the unreasonable risks, and that will -- and not only identify whether there is unreasonable risk, but more likely than not unreasonable risk?"

Let's say that it got through that process. Now the industry -- or any industry -- could take

that, say it is a PFAS chemical, and use it anywhere that they wanted, any pot and pan, any other application.

This is a giant loophole for the chemical industry to, like, narrowly suggest -- you know, put in what their most narrow use is, and then allow that as a trojan horse to use it for whatever applications afterwards once it is approved.

Mr. Pallone. I have one more question about the draft proposes, the changes, in the draft to make section 6 related to existing chemicals. In the draft, EPA would be prevented from regulating dangerous chemicals until they are no longer present.

In other words, the current standard is that EPA can regulate dangerous chemicals until they no longer present an unreasonable risk.

But the draft says that EPA would only be able to minimize the risk, quote, to the extent reasonably feasible, and what is the implications of that change?

Dr. Woodruff. Right. So now we are going to shift back. So 2016, focus on health risks to the public. Focus on the fact that these toxic chemicals have been taking a health toll on the public and increasing many of these chronic health conditions that we are seeing in the United States. That is a public health-focused bill.

This is now going to shift back and say, well, we are not going to focus on removing all the unreasonable risks. We are going to focus on removing the risks that are feasible, that the industry is identifying as feasible.

This is essentially a benefit-cost standard and will rely heavily on industry information, and we know from other statutes, like the Clean Air Act, that the industry will overestimate how much it costs.

Acid rain program is a classic example where the industry complained about how much it would cost, and it turned out to be much cheaper.

This is a huge barrier, again, to reducing existing chemical exposures.

Mr. Pallone. Well, thank you.

Mr. Weber. The gentleman yields back.

The chair now recognizes the chairman of the full committee, Mr. Guthrie, from Kentucky for his, at least, 5 minutes.

The Chair. Thank you, my friend. I appreciate the recognition, and our witnesses for being here today. I appreciate it.

I supported the passage of the Lautenberg Act in 2016, and I am excited that I could be here in 2026 to build on those efforts.

As we have noted, the authorization for EPA's fee authority expires later this year. This provides a natural opportunity to revisit the statute and assess what is working and what could be improved upon.

Both accountability and transparency are values we want to support with our reauthorization efforts.

So, Dr. White, in your experience, has EPA done a good job of accounting for fees in the TSCA program, and what should be done to improve transparency regarding these fees, and do any of the proposed changes in the bill do so?

Dr. White. Thank you for the question, and EPA has not done a good job of actually being accountable for the fees or being predictable in what those fees are utilized for.

And so what we are looking for under this bill is to make sure that EPA actually delineates how they are utilizing those fees to meet their statutory requirements.

The Chair. Okay. So, in your experience, are the amounts EPA charges for that under the TSCA appropriate? For example, why does a risk evaluation under section 6 cost nearly $4.3 million?

Dr. White. The Agency, up to this point, has not clearly articulated why a risk evaluation costs $4.3 million or what the contribution of the industry's stake in that fee goes towards.

And, again, we haven't seen the through-put through the Agency. So what we are hoping for is that we see some actual accountability, that the Agency is actually required to document how they expend those fees to meet their requirements specifically.

RPTR SEFRANEK

EDTR ROSEN

[2:59 p.m.]

The Chair. Thank you. And Mr. Carey, would manufacturers benefit for more publicly available information regarding EPA's TSCA activities and uses of the fees?

Mr. Carey. Of course, they would. The current fee for a new chemical submission is $37,000. We are happy to pay that fee when the chemical is reviewed. I would say we also spend over six figures in data testing to submit a new chemical.

So we have got 12 materials registered worldwide that aren't registered in the United States. Nine stuck in EPA review for 5 to 6 years. We would love to know what is going on and have some insight into why the process has been delayed so long.

The Chair. Okay. So as you said just now, and you said in your written testimony that we need to have accountability.

How does this legislation that we are considering today support that?

Mr. Carey. It has a few touch points for that. One is requiring EPA to explain why they have exceeded the review deadline, the 90-day review deadline.

Another is requiring EPA to explain if they are deviating from measured data and, instead, using assumptions. The -- very often we hear from EPA that simply a risk assessment just has not been done or that they don't have a procedure in place for what to do next, and that is not my view.

In 2023, EPA's inspector general released a report saying that EPA did not have standard operating procedures for exposure assessment or hazard assessment. That is the bread and butter of their work. And legislation improving accountability and asking EPA to show their work would be -- would be helpful.

The Chair. Thank you. One of my good friends, a former member of the committee, John Shimkus, who worked on this texted me and said, You are working on my legislation. Why in the

world are you -- he said he did it perfect. And I said, well, you let it sunset after 10 years, so we have to deal with it.

So, Mr. Karakitsos, did I get that -- I am sorry. I apologize -- you said in your written testimony that detractors of Lautenberg included the 10-year fee sunset. Would you like to add any more points on what the value of revisiting -- while we have -- just the sunset and the value for us revisiting this.

Mr. Karakitsos. Absolutely. Thank you for the question, Mr. Chairman.

I think that any time you are updating a law that is this complicated and that had been on the books for so long, you are not likely to get everything right. And I think that was the idea behind, let's put the visa in place and be able to have a look back 10 years from now to figure out if there is things we can do better or that aren't operating as we intended.

The Chair. So I can tell my friend, Mr. Shimkus, that the witness said you didn't do everything right? I am kidding. That is a joke. Hey, we are all friends with Mr. Shimkus.

Thank you for your testimony. I know it is serious, not to make a joke of that. But this is serious work, and we are looking forward to the hard work. Thank you.

Mr. Weber. [Presiding.] Gentleman yields back.

Chair now recognizes the gentlelady from Illinois for at least 5 minutes.

Ms. Schakowsky. Dr. Woodruff --

Mr. Weber. Before she begins, can we get you to pronounce your name?

Mr. Karakitsos. It is Karakitsos.

Mr. Weber. Thanks.

Ms. Schakowsky. -- what I really wanted to talk -- am I talking?

Dr. Woodruff. Yes.

Ms. Schakowsky. Okay. I am sorry.

I wanted to talk to you about the Toxic Substance Control Act, and how it really is going to

affect, as you can see, the current work that people are doing to try and make everything safer rather than more dangerous. And I wonder if you could talk to us about, are we going upward, or are we getting -- is it getting more dangerous in your view?

Dr. Woodruff. In the current -- the proposed legislation, is that -- or just TSCA in general? The proposed legislation, yes.

So I would -- it would make the ability of EPA to regulate toxic substances go backwards. The mandate in the 2016 amendments is to put health first because prior to 2016, the TSCA -- TSCA was recognized largely as being completely unworkable. Asbestos was not able to be banned because of the legal requirements for -- in the pre-2016 amendments.

Since 2016, we have seen bans on asbestos, TCE. There has also been regulations on several other important toxic existing chemicals, as well as thousands of new chemicals that are being approved now.

The chemical industry has been unhappy with these changes because they have also both sued EPA about all of their risk determinations under the existing chemicals program and are now complaining about the pace of the new chemicals program. Even though new chemicals are being approved for the marketplace, sometimes some of them are actually quite toxic.

So EPA -- really what we should be doing is focusing on making sure EPA is accurately implementing TSCA as it is supposed to be and using best available science, which they do not do. And the National Academy of Sciences has pointed this out in numerous situations.

So the changes in the bill will make it harder for EPA to get data, for example, in the new chemicals program where you have to both say we don't have data, but you also have to say it is not toxic at the same time, which is impossible.

It will also make it harder because it prioritizes -- makes it harder to actually get existing -- data for existing chemicals because you have to both show substantial exposure and human health risks, human exposure.

So, for example, an occupational exposure that happens to be very high but there is not substantial public health exposures, you won't be able to get testing data on that. There is many more changes to this law that are quite extensive that will actually tie EPA's hands, their legs, push them off a cliff. People will be -- get more sick; that is really the bottom line.

Ms. Schakowsky. Thank you for pointing that out because we certainly don't want to have more danger for the workers, for all the people who are engaged in this.

And aren't we seeing some problems for the workers with the way the changes are being made?

Dr. Woodruff. Yes. This is actually very concerning because we have four -- really, OSHA has not updated any standards since 2017, and TSCA has been very successful in removing a lot of toxic exposures to workers since implementation of 2016.

Now, it has -- do we think it is gone far enough? No. But for the first time, we are seeing significant important improvements in workplace exposures.

Now the industry wants to roll back to the time when they essentially can expose workers to toxic chemicals with no ramifications. The bill would eliminate EPA's ability to protect workers from toxic exposures by prohibiting EPA from imposing any requirement that is inconsistent with OSHA's exposure limits.

OSHA's exposure limits are both outdated and inadequate, which OSHA has said, and are based on PELs, which are not based on consistent and best available science. So, for example, OSHA's permissible exposure limit for TCE was set in 1971 as 500 times higher than the level that EPA found necessary to protect workers.

Why would we go backwards? I mean, the people who will benefit -- the workers that benefit for this are workers who work in the C-suite, not the workers who are on the factory floor, not the workers who drive trucks with toxic chemicals, not the workers who work in small businesses who are working with these toxic chemicals previously, like methylene chloride, which can hurt or kill

them.

Ms. Schakowsky. Thank you so much for pointing out the challenges now that our workers have, and I thank you so much.

And I yield back.

Mr. Weber. Gentlelady yields back.

Chair recognizes the gentleman from Ohio for 12 minutes -- make that 5 minutes.

Mr. Latta. Thank you, Mr. Chairman. Mr. Chairman, I ask unanimous consent to enter this January 9 letter from the Alliance for Automotive Innovation and 15 other trade industry groups for a diverse array of advanced manufacturing, between chemical uses in the United States supporting the clarification to replacing parts exemption under TSCA, including today's discussion draft.

Mr. Weber. Without objection, so ordered.

[The information follows:]

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Mr. Latta. Thank you, Mr. Chairman.

And, again, thanks to our witnesses for being with us today. Dr. White, if I could start my questions.

Do I understand real-world exposure to chemicals, EPA should understand how these chemicals are used in the industrial settings. This includes incorporating existing OSHA requirements for PPE usage, industrial controls, and other common practices.

Will you explain why it is important for Congress to ensure EPA considers existing requirements and makes accurate assumptions during the risk evaluation phase?

Dr. White. Yes. Thanks so much for the question. So up until now, EPA has been assuming noncompliance with other Federal laws, like OSHA. And EPA has sometimes imposed unnecessarily stringent requirements because they have made a decision not to take those Federal comments in place.

If it doesn't reflect real-world exposure practices, it creates confusion for manufacturers and the workers. This bill actually does a very good job of presenting a new approach that ensures EPA assessments are actually more practical and they are aligned with actual compliance. It makes them take in consideration actual real-world scientific data and information, and the Federal statutes that are already in place.

Mr. Latta. Well, as a -- follow up with you. This bill specifically requires the EPA reviewing do not simply assume that manufacturing workers are not complying with other Federal laws like OSHA regulations.

Will you help us understand how that has led to regulatory decisions at EPA which simply don't make sense?

Dr. White. Yeah. EPA has been making a fundamental mischaracterization of workplace exposures, and so they haven't actually relied on the data that has been provided by the manufacturer that demonstrates the safety, the personal protective equipment, and the emissions

controls that are currently in place either voluntarily, or that are required by Federal statute.

Mr. Latta. Thank you. And not that I am picking on you, but for the chemicals that have reached risk management, EPA has consistently set workplace exposure limits that are magnitudes lower than the levels set by OSHA in many countries around the world.

Why are EPA levels so much lower?

Dr. White. EPA's levels have been consistently lower than the levels that have been set by other jurisdictions because they have been making fundamental mischaracterizations about what exposure looks like in those workplaces.

They also haven't strengthened their relationship with Federal agencies like OSHA that have experience in conducting industrial hygiene assessments and occupational exposure assessments.

Mr. Latta. So the question is, I guess follow-up, when you have two different departments or agencies in the Federal Government and they should be working together, how difficult is it going to be for EPA to come to that realization, or OSHA is?

Dr. White. There definitely needs to be a strengthening of the memorandum of understanding between OSHA and EPA so that they make sure that they are, one, relying on the same types of practices, as well as understanding what occupational exposure environments look like.

OSHA has been evaluating occupational exposure environments and expertise for decades. EPA has just started to do this over the last 10 years. And so, they really do need to be relying on and counting on their Federal agency partners to understand and have the appropriate expertise when they are making decisions here.

And the currently existing TSCA, without any changes, actually allows the agency to strengthen those relationships.

Mr. Latta. Mr. Karakitsos, did I say that correctly? I hope. With my last 55 seconds here, along similar lines in your written testimony, you note requiring EPA to use the best available science

and weight of scientific evidence was a pillar of the 2016 compromise. You also state that the EPA's implementation of the Lautenberg amendments have not been consistent with the goals of the legislation.

In my last 35 seconds, will you elaborate on some of these shortcomings?

Mr. Karakitsos. Absolutely. And thank you very much for the question.

I think that those were very important pillars of the compromise to ensure that, while EPA was taking more action, it would be forced to operate within the guardrails of best available science and weight of the scientific evidence.

What we have seen in many instances is EPA rely on, I would say, cherry-picked studies or Irish assessments that have been badly criticized by National Academy of Science and others, which makes it look like sometimes it is more about a political outcome than it is about using the best science in the process.

Mr. Latta. Well, thank you very much, Mr. Chairman. My time has expired, and I yield back.

Mr. Weber. Gentleman yields back.

Chair recognizes the doctor from California for 5 minutes.

Mr. Ruiz. Thank you, Mr. Chairman.

One year ago today in this very room, we gathered as a committee to discuss the same urgent issue, the Toxic Substance Control Act. I want to start by reiterating a point I raised during this committee's hearing last year, because, unfortunately, it is just as relevant today.

TSCA grants the EPA the power to regulate both new and existing chemicals. At that hearing, I warned that when we weaken environmental protections, we don't eliminate risk, we shift the risk into our healthcare system. And when that happens, families pay more, communities get sicker, and preventable deaths increase.

That concern is front and center in the discussion draft before us. That concern is also

shared by hundreds of organizations that deal with human and environmental health.

I would like to submit two letters to the record. One from over 66 public health and medical organizations, and another one with -- by 217 health and environmental organizations opposing this effort to weaken TSCA.

Mr. Weber. Without objection, so ordered.

[The information follows:]

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Mr. Ruiz. You know, we should be lowering healthcare costs, not raising healthcare costs right now. And as a physician, I can tell you plainly, prevention is the most effective tool to avoid higher costs. When we fail at prevention, illnesses become chronic, treatment becomes expensive, and the human and financial costs grow exponentially.

Dr. Woodruff, from a public health perspective, how does underestimating chemical exposure contribute to higher healthcare costs, including increased emergency room visits and long-term treatment?

Dr. Woodruff. Thank you. First of all, these chemicals that we are talking about, the ones that have been regulated by EPA, the ones that are on the docket for being regulated by EPA, toxic chemicals, we know that exposures to these chemicals occur -- not just one, not just two, not just three, but dozens, even hundreds of toxic chemicals, we have measured in our own studies in the bodies of pregnant women, children and infants, and people are exposed after conception all the way through their life.

Now, it is --

Mr. Ruiz. So, you know --

Dr. Woodruff. Oh, sorry.

Mr. Ruiz. I am going to just --

Dr. Woodruff. No, go ahead.

Mr. Ruiz. Because I have another question for you, but I want to get to the point.

And many of these organizations, the healthcare experts have mentioned exactly how, quoting from one of the letters, quote "robust independent peer-reviewed science demonstrates that chemical exposures are linked to a host of chronic diseases and poor health outcomes, including respiratory diseases like asthma, cardiovascular problems, infertility, diabetes, low birth weight, developmental disorders like autism and ADHD, and increased cancer risks across the U.S. population. Many of these conditions are on the rise in the United States."

Would you agree with that?

Dr. Woodruff. 100 percent, except for it is not just linked to. They do cause those conditions. There is actually good empirical evidence on all of those.

Mr. Ruiz. Thank you. And under TSCA, EPA is required to evaluate all exposure pathways and assess the cumulative effects of an individual's exposure to a toxic substance across multiple sources. This Republican legislation draft would prevent EPA from considering all exposure pathways when evaluating a chemical.

By forcing the agency to look at exposures in isolation, it ignores how people are actually exposed in the real world, through air, water, food, consumer products, and workplaces often simultaneously. Our bodies do not experience exposure one pathway at a time, and neither did the patients I cared for before coming to Congress.

Dr. Woodruff, as you look at this draft, how does limiting EPA's ability to consider all exposure pathways increase the risk of under-regulating harmful chemicals?

Dr. Woodruff. It will. The new provisions that are in this bill, which means that they have to justify using aggregate exposure -- which should be the norm, as you said. We already have good, strong, empirical, robust, transparent known exposures to chemicals through multiple sources.

This bill basically says, well, we don't actually believe it. We want you to prove it every time, and it legally could be challenged. So that is sending backwards.

Mr. Ruiz. These under protections lead to more asthma attacks, more cardiovascular, respiratory diseases, more cancer, more developmental and neurological harm. These are not short-term conditions. They are lifelong illnesses that drive up insurance premiums, increase Medicaid and Medicare spending, overwhelm emergency rooms and place enormous financial strains on families.

This bill, as it stands, makes people sicker, disease more common, treatment more expensive, and outcomes worse.

And I yield back.

Mr. Weber. Gentleman yields back.

Chair now recognizes the gentleman from what I call East West Virginia for 5 minutes.

Mr. Griffith. There was a recent article, Mr. Chairman, that explained that West Virginia was a misnomer because there is a part of Virginia, which I happen to represent, that goes further west than all of West Virginia.

All right. That said, Mr. Karakitsos -- did I get it close?

Mr. Karakitsos. Yes.

Mr. Griffith. Okay. And, Dr. White, can you tell me how you would envision the EPA administrator carrying out the aggregate exposure considerations for a chemical risk assessment found on page 15 of this draft bill?

Dr. White. So this is really an opportunity about making sure that the agency has the data that it needs to make a decision and to understand the risks that might be associated with that and then take some action.

I think the nomer that this is weakening EPA's authority, I think, is incorrect. I think it is looking at giving the agency more data, more information so that it can make appropriate decision and take regulatory action if needed.

Mr. Griffith. Mr. Karakitsos?

Mr. Karakitsos. Yeah. I think aggregate exposure assessments is one tool the agency could use where appropriate, and that was in the existing law. I don't know if that is, you know, disallowed in this version.

Mr. Griffith. We will stick with you, but then we will ask the whole panel. Can you briefly tell us what, in your opinion, do the phrases, the weight of scientific evidence and the best available science standard on page 2 of this draft bill mean?

So we are doing a little legislative history, laying it out so maybe we can get it right.

Mr. Karakitsos. Sure. Best available science, I think, is a little bit more subjective, and I think you have to look at study by study and the limitations of those studies and the strengths of those studies.

I think weight of the scientific evidence is, rather than picking one study that justifies one conclusion or another, you look at the totality of the studies, you look at their strengths and weaknesses in totality, and figure out where kind of most of the evidence is leading you to.

Mr. Griffith. Mr. Carey?

Mr. Carey. I think it's a great question. When we look at global regulatory authorities around the world, they are able to approve and -- review and approve the very same materials with the very same data. Those materials are just not going through EPA.

And when you talk about best available science, or weight of the scientific evidence, a key example is measured data. And when I say measured data, I mean scientific assessments that are done under OECD standards. An example is OECD Test 301 that measures biodegradability. 60 percent of material must biodegrade within 10 days. These are not -- these are internationally validated standards respected by scientists all over the world.

Currently, we submit a robust data package to EPA, and often our data either is not reviewed or is not persuasive. Hypotheticals and models take precedence under this current model.

So we fully believe that in 2016 Congress intended best available science, weight of the scientific evidence to use measured data, to use actual OEDC tests, to align with the rest of the world. For whatever reason, that is not done.

Mr. Griffith. So as we -- as we decide how we are going to do this bill, should we use that terminology, the measured data as opposed to weight of the scientific evidence and best available science?

Mr. Carey. That could certainly be helpful.

Mr. Griffith. Okay.

Mr. Carey. The scientific community understands measured testing to be stronger than hypotheticals, and reflecting that in the legislation could be helpful.

Mr. Griffith. All right. Now that only leaves 30 seconds for each of you. Dr. Woodruff?

Dr. Woodruff. Best available science and weight of the scientific evidence is a systematic review method which is the gold standard of evaluation, consistent, transparent, and method that is a priori decided and has been approved by the National Academy of Sciences, is used in clinical medicine. EPA does not use that method right now and has been criticized by the NAS for that multiple times.

And, of course, measurements are often -- I am a scientist, but I also use model data because I don't actually have all the measurements all the time, and you have to use models that have been tested, verified, and used. Those are both important pieces of information.

Mr. Griffith. Thank you. Dr. White?

Dr. White. Best available science means that EPA must use the most current, reliable, and relevant scientific data.

For weight of evidence, it means that they must consider all the scientific information collectively, evaluate the quality, reliability, and consistency when reaching conclusion. Both of those need to be maintained in the current statute.

Mr. Griffith. And I am out of time, but I might get you a written question on the measured issue.

Mr. Chairman, I yield back.

Mr. Weber. Gentleman yields back.

The chair now recognizes the gentleman from California for 5 minutes.

Mr. Peters. Thank you, Mr. Chairman.

My first job out of college was in the Regulatory Impacts branch of the Office of Toxic Substances where I did cost benefit analysis on premanufacture review notices, PMNs, and I haven't

heard the acronym, SNUR. I used to hear SNUR significantly. I don't hear that today, so I know things have changed.

So I have been in this a little bit before the Lautenberg amendments. And if I -- by the way, if I did take too long to get my assignments done, I apologize to all of you for the delay.

I appreciate the intent underlying the bill. I do think it is critical we make it easier, faster to bring new chemicals on to the market to replace old, outdated, dangerous ones. And I think this bill has some helpful tweaks that everyone could agree with, clarity on timelines, transparency for how agencies should communicate with applicants, health experts to coordinate conversations between agencies and applicants.

One of the things that happens in this room that is a little frustrating for me is we sort of talk in lines this way, but we never, sort of, meet the argument. So I am going to ask a couple of questions about what each other said so I can understand kind of what the objections are.

I will start with Dr. White. Dr. Woodruff is concerned -- so if health risk is a product of toxicity and exposure, her concern is that exposure is not sufficiently limited under the proposal that you have so that you could get it evaluated for a certain exposure, but actual exposure in the world could be a lot more.

Like, what is your response to that, and how should I think about that?

Dr. White. So TSCA is set up to be a risk-based standard. That means it is supposed to take into consideration not only the potential for a hazard, but also whether or not there is a probability, severity, and impact that will come associated with that.

So that will take into consideration the exposure piece as well.

Mr. Peters. How do you know what the exposure will be, though, after the product is approved?

Dr. White. So for a new chemical, I mean, it is asking the agency to focus their review on what is reasonably likely to more likely than not to occur. It says "focus" on it, right?

And so it does not in any way, for example, preclude the agency at some point in the future to look at other potential conditions of use, but it is asking the agency to focus on those conditions of use that have been provided by the submitter initially to be able to make that decision and then move forward.

Mr. Peters. One of the things that struck me, I think I am concerned about the delay in how long this is taking and how far behind the agency is in getting these things done. I accept the argument that it affects innovation. I think that does hurt the industry and workers, not just the C-suite, and the -- the causes that -- apparently, Europe is faster at doing these reviews than we are.

Dr. Woodruff, do you have anything to tell me about what Europe does that is -- why it is faster? Is it -- is it more dangerous? Are things getting through the screen in Europe that shouldn't be getting through?

Dr. Woodruff. Well, actually, that is a really interesting question.

My understanding is that Europe does not have actually the semi robust approaches that EPA has in terms of submitters can kind of just send and submit information and get their new chemicals approved. It is not like the existing chemicals program in Europe where they do actually have a duty for the industry to provide data on the chemical health hazards.

I think that for the new chemicals program, of course, we want to have consistency and clarity and innovate to the safest possible chemical.

The challenge here is that a lot of the delays are because of the chemical industry. And sometimes, they don't like the fact that their chemical is toxic, and so they want to argue with EPA about it, or sometimes, in almost half the cases, they -- EPA is waiting for the industry to sign some piece of paper so they can move forward.

So I think you are right, we want to have an effective program that forces innovation to the safest possible chemical, but I don't think that the information that is being presented about the new chemicals program is accurate in every case. And maybe that would be better to look at first before

you wholesale change it to having a new chemicals program which just focuses on whatever the one use is that the submitter says they are going to use it for and they can't --

Mr. Peters. Dr. White, can you respond to that particular point, please?

Dr. White. Sure. So, again, the new chemicals approach here is asking the agency to focus on more likely than not. It reduces the focus on speculation scenarios, hypothetical scenarios, or scenarios that will never likely occur.

This is why the submitter is actually providing that information on these are the uses that are most likely to be impacted.

Mr. Peters. Are the delays due to wrangling with the agency? What is the extent to which you believe that that is true?

I mean, I think that Dr. Woodruff was saying you are arguing with the agency that a lot of the delays are over your disagreement about toxicity. What do you think -- well, I am out of time, but I might ask for written comment on, like, where you think the forensics are on the delays of this so that I understand better how to address that.

With that, I yield back. Thank you.

Mr. Weber. Gentleman yields back.

Chair now recognizes the gentleman from -- the good doc from Ohio for -- Pennsylvania, as I said, for 5 minutes.

Mr. Joyce. That is great. I am glad we got it clarified. I am from the great Commonwealth of Pennsylvania. Thank you, Mr. Chairman, and thank you, Ranking Member Tonko, for holding this important hearing. Thanks to the panel for testifying.

The chemistries created by the U.S. chemical producers are essential to all sectors of U.S. manufacturing. Ensuring that we have commonsense and efficient regulation of these chemistries is critical. It is critical to retain that strong domestic manufacturing, which is so important in keeping America competitive on a global economy.

EPA's authority to collect user fees under TSCA expires later this year. With nearly a decade of implementation history following the 2016 overhaul of our chemistry regulatory scheme, now is the perfect time to examine further refinements that can be made as we move to reauthorize this fee structure.

In particular, I want to explore the way EPA has evaluated what poses an unreasonable risk and an unreasonable risk as they evaluate and regulate existing chemicals and their uses.

In past hearings, we have heard witnesses raise concerns that EPA found chemicals posed an unreasonable risk based on unlikely or theoretical conditions of use.

Dr. White, we have had this discussion, and my colleagues have opened the door, but I want to give you an opportunity to speak to how provisions in this legislative proposal today will guide EPA to focus their consideration on conditions that reasonably could be foreseen, not just theoretical or even unlikely, because I think we are opening potential areas that will waste time to be able to allow important chemicals to be assessed.

Can you discuss that for us, please?

Dr. White. Thank you so much for the question. For every single chemical that the EPA has evaluated since TSCA was modernized, they have found it to be an unreasonable risk. This has really been because of their scientific practices and principles.

They have ignored submitted data, they have mischaracterized worst-case exposure scenarios, and not understood what exposure actually looks like when they are making decisions, and they have focused on conditions of use that were not relevant or that were not really going to provide or have a specific high level of exposure.

So this has led to really flawed assessments by the agency leading to overly conservative risk mismanagement decisions by the agency.

What this new approach does is requires the agency to, one, to focus on those conditions of use that are more likely than not to occur. So it really helps to, again, focus the agency on looking

at actual real-world scenarios for how a chemistry might be used, and then it asks the agency to ensure that it is looking at the data from a best available standpoint and a weight of the evidence standpoint and making sure that that is set first as they move forward with their evaluation.

Mr. Joyce. Explain further the weight of the evidence and how important that is in providing the necessary safeguards without going down that rabbit hole that I referenced earlier.

Dr. White. Yes. Weight of the evidence requires the agency to really look across all of the available data to evaluate the quality and integrate that information to make decisions. So it really helps to prevent the agency from cherry-picking information and look at, like I said, the quality of the information as to underpin their decisions.

Mr. Joyce. Dr. White, do you feel that by directing EPA to be mindful of existing and overlapping regulations from other agencies, do you foresee a reduction in compliance costs?

Dr. White. I foresee that this allows the agency, EPA, to coordinate better with other Federal agencies to ensure that the chemistries are safe throughout.

And so we have a lack of coordination that is happening with some of the other Federal agencies and ignoring what Federal regulations that are already in place. This will allow the agency, again, to really focus its time and attention on the most appropriate conditions of use and resourcing.

Mr. Joyce. Continuing with that line, so refocusing regulation of existing chemicals to reflect the actual risk based on real-world conditions, do you feel that that is going to be a more effective balance of environmental and health concerns while still allowing for the innovation and growth which we need to occur right here in America?

Dr. White. I absolutely do. And we all forget that the original intent of TSCA was explicitly to have EPA exercise its TSCA authority to impact not only human health and the environment, but also to not unduly impact economic innovation.

Mr. Joyce. I think that is a great conclusion. And as we move forward with this legislative proposal, I look forward to working with this committee to unleash American innovation and bolster

domestic manufacturing while still retaining commonsense protections. I thank our witnesses for being here today.

Thank you, Mr. Chairman, and I yield back.

Mr. Weber. Good doctor yields back.

The chair now recognizes the gentlelady from California for at least 5 minutes.

Ms. Barragan. Thank you, Mr. Chairman.

Mr. Karakitsos, when you were working on the bill in 2016, was there any discussion about Gen X?

Mr. Karakitsos. I don't believe so.

Ms. Barragan. Are you aware of GenX, the PF -- the PFAS chemical GenX that was introduced in the late 2000s?

Mr. Karakitsos. I am, yes.

Ms. Barragan. And you are not aware of that being part of the conversation?

Mr. Karakitsos. I think there wasn't so much discussion over individual chemicals when we were working on the law. It was a system that would kind of --

Mr. Weber. Move a little closer to your mic, please.

Mr. Karakitsos. Sorry. Yeah. I think the discussion was less focused on individual chemicals and more focused on updating a process by which, you know, a number of different chemicals could go through and have predictable, kind of regulatory outcomes through EPA.

Ms. Barragan. Thank you. You are aware that GenX was marketed as a safer alternative; it was then allowed on the market and then it still ended up contaminating drinking water and harming communities? Are you aware of that?

Mr. Karakitsos. I am not so aware on the marketing and some of these other --

Ms. Barragan. Interesting. Okay. Dr. Woodruff, let's go to you. Are you aware of GenX?

Dr. Woodruff. Oh, yes. Definitely, if you are a scientist.

Ms. Barragan. Well, so would it be safe to say that maybe that was like an example of something that was used to maybe say, Hey, we need to pass something that is stronger to protect public health?

Dr. Woodruff. It is an example of where we don't want to go backwards because GenX was approved as a, quote, safer alternative, and it is not. And it is now, for example, polluting the river ways in many States, like North Carolina.

Ms. Barragan. And I believe that one of the problems was that the EPA did not have strong enough authority to require more testing upfront and fully understand the risks of chemicals like GenX before they entered widespread use.

Would you say that is correct?

Dr. Woodruff. Yes.

Ms. Barragan. And so what is being put before the Congress today, would you say that would weaken these standards?

Dr. Woodruff. Yes.

Ms. Barragan. So do you think that with these standards being weakened, there would be a greater possibility that another chemical like GenX could be approved?

Dr. Woodruff. Yes. There is many PFAS that could be reengineered and set through this new, quote, system that would then lead to further contamination and health harms.

Ms. Barragan. So many people watching this hearing may not be able to follow some of the verbiage that is used.

But at the end of the day, how would you characterize this bill? Because my Republican colleagues characterized this bill as modernizing it. How would you characterize it?

Dr. Woodruff. I would characterize it as a public health crisis.

Ms. Barragan. And putting more communities at harm?

Dr. Woodruff. Yes, putting more people at harm. It will contribute to the increasing chronic conditions that we are already seeing happening in the United States, which is not the direction we should be going.

Ms. Barragan. Thank you. Now, there is a provision in this bill that changes the standard EPA must meet before it can act, requiring the agency to show that the harm is more likely than not to result in an unreasonable risk before restricting a chemical.

Do you -- what do you think that does for -- for the standard?

Dr. Woodruff. Yeah. I just think it is going to set a much higher bar. And actually this more likely than not as set in the existing chemicals program happens even before EPA does their risk evaluation, which is supposed to adhere to best available science.

And so it actually leaves it up to the administrator to decide which harms and which uses that they are going to decide is more likely than not, without a thorough exhaustive evaluation of all the evidence, and then they can only look at those uses and harms that have been identified in their -- in their risk evaluation.

That is a huge change that will leave people -- leave EPA hamstrung in terms of really evaluating the full extent of toxic chemical exposures because, for example, people are exposed in many different ways from many different sources. And it is already very hard for EPA to get all that information in order to accurately characterize the exposures and the health harms from these chemicals.

Ms. Barragan. And when we are talking about these chemicals, we are talking about what kind of health harms?

Dr. Woodruff. We are talking about, for example, health harms like cardiovascular risk, we are talking about increased risk of infertility, effects on sperm quality, effects on increased risk of low birth weight.

PFAS is a perfect example of a chemical that increases the risk of low birth weight babies.

And if that is more difficult for EPA to regulate, we could see more low birth weight babies, which leads to infant mortality, more neurodevelopmental harm, like ADHD and autism.

The list is actually quite -- goes on because we hear about a new -- I mean, here is one that I just -- we learned about it recently, nonalcoholic fatty liver disease. Children in the United States have more incidents of nonalcoholic fatty liver disease than they have in the past. That means their livers look like alcoholics.

This is because we are just not doing the right job to protect the public from these toxic chemicals.

Ms. Barragan. Thank you for highlighting the harms.

With that, I yield back.

Mr. Palmer. [Presiding.] Gentlelady yields.

The chair now recognizes the distinguished gentleman from Texas, Mr. Weber, for 5 minutes for his questions.

Mr. Weber. Thank you, Mr. Chairman.

And I do ask for unanimous consent to enter into the record a letter from the Household & Commercial Products Association expressing support for this committee's work to modernize the Toxic Substance Control Act.

Mr. Palmer. Without objection, so ordered.

Mr. Weber. Thank you, Mr. Chairman.

Dr. White, I am going to come to you. You seem to be the witness of choice here for some measure.

The draft before us today recognizes the need for the EPA to encourage innovation by prioritizing sustainable chemicals that would replace higher-risk substances with lower-risk alternatives. This is a concept that everyone should be able to get behind.

Can you expand further on what impacts new chemical review delays are having on bringing

clean products to market and how that is limiting what types of sustainable products U.S. customers can purchase?

Dr. White. Up until now the agency has struggled to actually review chemistries in a timely fashion for the new chemicals program. This is not a new problem. Even the last EPA assistant administrator, Dr. Freedhoff, recognized that there was problems with the new chemicals program and that the agency was looking to try to improve that process.

We have seen that agency, as well as the new administration, really work towards improving that process, but more work is needed. We still have more than 90 percent of those chemical reviews past their 90-day deadline. That is because of a number of reasons.

One is that EPA has been failing to communicate appropriately with the submitters, and so it is oftentimes many, many months before a submitter will actually hear from the agency.

This new draft sets in place more accountability and transparency in the process. It actually requires the agency to identify a human health risk assessor, so to really help with that assessment right away. So within the first several days to actually identify something. It requires the agency to meet with the submitter within 30 days.

So again, you are having an open dialogue on the data and information that EPA needs to make a decision. And then if the agency fails to make their decision in a timely fashion, it requires the administrator to actually submit a written documentation of why the agency has failed to read that notification.

This is critically important because it is not regulating that documentation to just a staff person within the office. It is requiring oversight and accountability at the administrator level to ensure that things are moving forward in a timely manner and that chemistries are being approved and reviewed based on their safety and information.

Mr. Weber. So you could say we are moving forward with it. Mr. Carey, I am going to come to you.

The 2016 amendments to the Toxic Substance Control Act, TSCA, strengthened the EPA's authority to regulate existing chemicals. Unfortunately, EPA has not used what we would call a true risk-based approach and operates with assumptions based far from reality when it comes to possible exposure to chemicals.

Can you expand on precautions taken at chemical facilities to ensure worker safety?

Mr. Carey. Certainly. Our company has best-in-class precautions for worker safety. The most common issue EPA raises when they seek to restrict materials is to require chemically impervious gloves, and I can tell you that all of our workers that handle toxic chemicals wear chemically impervious gloves. It is --

Mr. Weber. It is common sense, isn't it?

Mr. Carey. It is common sense. And I will tell you why, because you don't have to be a scientist to understand this.

The fragrance materials we design are highly odorous. It wouldn't make sense to dip your bare hand into a highly odorous chemical. Regardless of any kind of health effects, you would come home smelling like a bottle of perfume every single day.

Now, we mandate that workers wear chemically impervious gloves for a host of reasons, but it is absolutely common sense to do so.

Mr. Weber. Isn't it also true that in one of those settings, refinery, for example, some of the manufacturing chemicals, that those people live and work in the same area and their kids probably go to school together, and they may shop at the same grocery store, you know -- we hope it is HEB because that is -- I am from Texas, you know -- and so it is true that they want what is best, the supervisors, the company wants what is best for those workers. Isn't that true?

Mr. Carey. That is 100 percent true.

For many years we were a family-owned company. We all use the products that we make. The fragrance materials that we use go into fine fragrances, cosmetics, soaps, shampoos, laundry

detergents that our families use every single day.

And it is -- we take our product stewardship and our commitment to our employees and our communities extremely seriously.

Mr. Weber. It is the American way.

Mr. Chairman, I yield back.

Mr. Palmer. Gentleman yields.

Chair now recognizes the gentleman from Florida, Mr. Soto, for 5 minutes for his questions.

Mr. Soto. Thank you so much, Mr. Chairman.

TSCA has been critical for decades to help -- well, keep Americans safe and protect their public health. We have seen every family be affected by things like cancer and exposure. In Central Florida, we had a PFAS cancer cluster that affected firefighters. We actually had testimony in this committee a few years ago about the use of PFAS.

And, you know, there is an expectation among American families that the chemicals that they use in everyday products are going to be safe for them, for public health, for clean drinking water, for safe products.

I do also recognize we want to promote safety and research and development and innovation. New applications should be reviewed efficiently.

But I am worried about some of the cuts that have been proposed because that could be a main driver of seeing these applications delay. The Trump administration had proposed a 55 percent reduction to the EPA this year, 55 percent. That shocks the conscience, $5 billion more than half their budget.

Then my colleagues across the aisle proposed a 23 percent cut to the EPA, which House Democrats got together and we pushed back. And it was an EPA that is nearly fully funded for the 2026 budget.

Mr. Karakitsos -- good Greek name, I am assuming, right? Bilirakis would love that name, by

the way -- you know, how critical is funding to make sure we have effective and efficient reviews of chemicals since there has been a concern about how efficient they have been?

Mr. Karakitsos. Thank you very much for the question.

I think it is very important. I think there are a number of factors that lead to a better functioning in our new chemicals and existing chemicals process, and funding is one of them.

I think in 2016 after the law passed, there was a push to get more money into the chemicals office at EPA. And I would say I think even under some of the cuts that have been proposed, the chemicals office has fared, you know, much better than other offices in those budgets and congressional bills, I believe.

Mr. Soto. Thank you. And, Ms. Woodruff, for my constituents, how could you explain in plain language the difference between an unreasonable risk standard and a reasonably feasible standard? Because it can get folks lost in the -- in the woods there.

Dr. Woodruff. Right. Unreasonable risk is really this chemical is not going to harm you. This chemical is not going to increase the risk of infertility, cancer, low birth weight, adverse health effects.

Feasibility is what -- how much is it going to cost the industry to implement a standard for this chemical. That will be the primary decision about reducing the risk, how much it costs the industry, not what the cost is going to be to you and the health of you and your family and your children's family and your community's family.

Mr. Soto. Thank you. Mr. Carey, you did have me curious. You said some European countries are moving these chemicals quickly -- more quickly than we are, and Australia.

Is it all the EU or just certain European countries?

Mr. Carey. Thank you. It is a great question. It is the European Union under REACH. So it is the entire European Union.

Mr. Soto. And what are the -- what are the differences, you think? Because Europe usually

does this thoroughly, but I am not going to give them the benefit of the doubt just yet.

What are the differences that are making these things more efficient over there, you think?

Mr. Carey. Absolutely. I am happy to answer that. And I would also say, in addition to Europe, right, it is Japan, Australia.

Mr. Soto. Let's just stick with Europe since my time is limited.

Mr. Carey. It is primarily the -- the primary difference is Europe has prescriptive data requirements. They say no data, no market. So we -- everything we sell, we run a risk evaluation on and a comprehensive risk evaluation. We submit that same data to the EU authorities and the U.S. EPA.

We can go to market in the EU, because we know that we meet the requirements for safe and compliant chemicals in that entity, in that jurisdiction. We submit the same data to the U.S. EPA, and it just gets stuck. We have gone to market --

Mr. Soto. Why? Why do you think it gets stuck?

Mr. Carey. That is a great question. I think the key is the interpretation of the term, "reasonably foreseen conditions of use."

Our fragrance materials will only be used for fragrance. You don't have to be a scientist to understand that. They smell extremely strongly.

But when we talk to EPA, they say somebody might take that chemical and use it for some other purpose. We can't tell you what, we can't tell you who has done that, but somebody might. And that is why our materials just continue to sit and sit.

Mr. Soto. Could there be a warning label put on about certain --

Mr. Palmer. The gentleman's time has expired. I thank the gentleman.

The chair now recognizes the gentleman from Colorado, Mr. Evans, for 5 minutes for his questions.

Mr. Evans. Thank you, Chairman, ranking member, and, of course, the witnesses for taking

the time to come here.

My first question is going to be to Dr. White. One of the communities that I represent in Colorado's 8th Congressional District is at the center of my State's energy production economy. 80 percent of the oil in Colorado, almost 60 percent of the natural gas in Colorado, the two largest natural gas fire generating stations, the only refinery in the State of Colorado which produces a third of the gasoline, half the diesel, a third of the jet fuel that is used out at DIA, that all comes from my district.

And so all of that economy and all of the jobs and all of the employer-sponsored health insurance that stem from that all rely very, very heavily on chemicals which falls under TSCA's jurisdiction.

And so when we talk about chemicals and the balance between making sure that we have a functioning economy, which makes sure that we don't have poverty -- and we all know the negative health outcomes associated with poverty -- and to beat that, we have to have a functioning economy. When we have a functioning economy, one of the processes that is used at EPA to manage and look at these chemicals and do this cost-benefit analysis is what is called a risk evaluation.

So in your experience, do EPA's risk evaluation and subsequent risk management rules provide health and safety benefits that are commensurate with the cost and burdens of the rules, and if not, what can we do to address that?

Dr. White. EPA's risk evaluation process can be improved upon. So it has a best available science and the weight of the scientific evidence statute that it should be relying on. It has been missing the mark over the last several years.

So there is really an opportunity to strengthen that, maintain that language, as we have talked about earlier in today's hearing, and to ensure that we can continue to manufacture new chemistries that are really critical to energy, manufacturing, to AI, and intelligent infrastructure, as

well as existing chemistries.

Mr. Evans. And I am glad to hear you mention the science involved in all of this. I remember something that struck me one of the last times we had this conversation. Somebody brought in the apple and talked about how there is a little bit of cyanide present in apple seeds, which under TSCA would require remediation. But we all know you can just go to the store and buy an apple. Like, an apple is not a hazardous substance.

And so being able to follow the science and have that appropriate cost-benefit analysis to understand what sort of things do need to be remediated and what sort of things are essential to our everyday functioning of life and functioning of our economy so that people can have jobs and not experience the negative health outcomes of poverty, we have to have that balance.

And so, the next question, kind of going along that lines, to Mr. Karakitsos -- did I get it right? Karakitsos, got it. I will continue to work on that.

We know that as part of this process, we have to have public engagement. There has to be transparency so that people understand how this whole process moves, but we also have to have some commonsense guardrails in place to make sure that things don't get blown out of complete proportion.

For instance, formaldehyde sounds scary, but earlier this year -- I guess it was last year -- I highlighted how formaldehyde is critical to being able to produce albuterol, which is used for inhalers for people that suffer from asthma.

And so even though formaldehyde sounds scary, if we don't have the appropriate use of formaldehyde, people literally can't breathe if they have asthma, but they can't treat their asthma with a very common substance called albuterol which is in the inhalers.

And so the citizen petition under section 21 is how some of this insight is given to the EPA in this space. But we know that it has been exploited at times by activists who try and review chemicals and overinflate potentially the risk that these chemicals pose in order to achieve a political

agenda, such as in February of last year, when there was a group of activists who tried to abuse this process to ban a chemical that was used in oil refinery, effectively a backdoor ban to the production of oil.

So can you talk about, in my remaining 40 seconds, how we can follow good science and ensure that section 21 has appropriate guardrails that elevate science, elevate transparency, but also protect abuse by activists?

Mr. Karakitsos. Thank you for the question. I think it is a great point. I think that section 21 is important.

But the changes that are in this bill, I think, are pretty appropriate to that section. It is not about limiting citizens' ability to seek appropriate remedy from EPA. It is about making sure that EPA regulatory decisions are adequately justified through scientific review. And I think, because of the mishmash and changes to section 6, the existing chemical process under the 2016 law, they didn't get fully kind of baked into the 2021 process.

And the last thing I would say on that is also it is not just something that activists can use, and I think that it is something that is open to industry. And you could see a world where industry starts filing section 21 petitions to favorable administrations, something that I think a lot of, you know, folks in this committee would be concerned with.

Mr. Evans. Thank you. Yield back.

Mr. Palmer. Gentleman yields.

The chair now recognizes the gentleman from New Jersey, Mr. Menendez, for his 5 minutes of questions.

Mr. Menendez. Thanks, Chairman. I want to thank my colleague from Colorado talking about elevating science. I hope he does that next time Secretary Kennedy comes before the committee. I also appreciate his concern about poverty. I wish he had been thinking about the folks that live in poverty when he voted to cut $1 trillion from Medicaid.

Americans in New Jersey and across the country are extremely concerned about the health risks posed by the chemicals that they encounter every day. Families worry about the safety of the water that they drink and the chemicals in household cleaners, furniture, and toys. They have these worries and concerns because weak chemical safety regulation has made Americans sick.

Dr. Woodruff, just briefly, from a public health perspective, what happens when Americans are exposed to toxic chemicals due to inadequate chemical safety screening?

Dr. Woodruff. They get sick. And also, I just kind of wanted to add one more thing. Let's be clear that the kind of science that EPA needs is independent science. And when industry provides science, there is good empirical evidence that shows that that science is biased, whether it is tobacco, pharmaceutical, chemicals. It has already been shown by the National Academy of Sciences.

And this is why it is very important that EPA have independent science to evaluate health risks so that they can do the best job to have an unbiased evaluation of the science.

Mr. Menendez. Do you believe this administration has prioritized independence across Federal agencies and departments?

Dr. Woodruff. Has prioritized what?

Mr. Menendez. Independence.

Dr. Woodruff. No.

Mr. Menendez. I agree. Across all departments, all agencies.

And that is why the stakes at today's hearing are incredibly high for the people that we represent because we need to have these hearings so they have transparency into the decisions that the Republican majority wants to make.

Prior to the 2016 updates to TSCA, many toxic chemicals entered commerce with little to no testing or review. Is that correct?

Dr. Woodruff. Yes.

Mr. Menendez. That is why we empower the EPA to conduct far more rigorous evaluations of new and existing chemicals to ensure that they no longer harm Americans, yet Republicans have put forward a sweeping proposal that would limit the EPA's ability to collect and assess information on chemical safety.

This draft imposes new limits on when the EPA can require chemical testing, restrict its ability to independently weigh which tests and data sources are most appropriate, and even curtails its authority to evaluate certain conditions of use.

Dr. Woodruff, can you provide a real-world example of a data source, risk, or exposure pathway that the EPA would be unable to consider under this bill?

Dr. Woodruff. Yeah. For example, in the new chemicals program, they would have to only evaluate the health risks from exposures that the submitter decides is what the chemical is going to be used for.

PFAS is an excellent example. PFAS, for example, maybe they are going to use it in a semiconductor, but it could be that, once that gets approved, you could use that PFAS chemical in every pot and pan in the United States and your GORE-TEX parkas, carpets, whatever. And we know that PFAS are persistent and toxic, so that could actually happen.

Mr. Menendez. Yeah. I appreciate that.

Would you agree this bill would make the EPA more likely to underestimate risk that a chemical poses to the public?

Dr. Woodruff. Yes.

Mr. Menendez. And if the EPA underestimates risk, would you agree that more Americans would be exposed to chemicals that increase their risk of cancer, developmental harm, and chronic disease?

Dr. Woodruff. Yes. And I just want to add on the underestimate risk. This personal protective equipment, it is empirically shown that there is not 100 percent compliance with personal

protective equipment for many different reasons, and this bill would basically reverse that and say that EPA must assume 100 percent compliance, which is not best available science.

Mr. Menendez. And we should be pursuing best available science.

Dr. Woodruff. We should, 100 percent.

Mr. Menendez. This is 2026, right? Like, if this was, like, 1906, right, and the science was limited, but it is 2026.

Dr. Woodruff. Yes.

Mr. Menendez. So we actually have an incredible amount of data and research that we should be able to get to better health outcomes, better decisions by the EPA.

Does this proposal do that?

Dr. Woodruff. No.

RPTR MOLNAR

EDTR SECKMAN

[3:59 p.m.]

Mr. Menendez. I agree, and so does Safer States, an alliance of 350 State legislators from across the country, including from New Jersey, who are concerned about efforts to reopen this public health law.

I would like to submit their letter for the record, underscoring the serious dangers of these proposed changes.

Mr. Palmer. Without objection, so ordered.

[The information follows:]

******** COMMITTEE INSERT ********

Mr. Menendez. Thank you. Despite the fact that this draft would put people at risk of chronic disease and even death, my Republican colleagues have characterized it as a narrow, targeted reform.

Dr. Woodruff, do you believe that these are targeted changes?

Dr. Woodruff. No, not at all.

Mr. Menendez. And, with the 46 seconds I have left, just anything that you want to expand on that you think is important for the American people to know, as their legislators and Representatives are considering this bill?

Dr. Woodruff. People should be considering the health of their constituents, not the profits of the industry. This will put people's health at risk.

We already know that people are getting sick and dying from toxic chemical exposure. Why are we going to make it harder to protect them from these toxic chemicals?

Mr. Menendez. Again, we have unfortunately lived too many realities where we have seen that play out in communities across the country, and we should do everything that we can to prevent it from happening again.

This draft fundamentally erodes one of TSCA's core functions to make independent, scientifically grounded determinations about the safety of a given chemical, and most importantly, to keep Americans from getting sick.

I yield back. Thank you.

Mr. Palmer. The gentleman yields.

The chair now recognizes the gentlelady from Iowa, Mrs. Miller-Meeks, for 5 minutes for her questions.

Mrs. Miller-Meeks. Thank you, Mr. Chairman, for holding this hearing and to our witnesses for being here today.

For States like Iowa where agriculture, manufacturing, including chemical manufacturing, and

innovation are central to our economy, we need a regulatory system that protects human health and the environment without relying on speculation, duplicative regulation, or unnecessary delays.

This discussion draft refocusing TSCA on real-world risk, best available science, in coordination with other Federal and international regulators.

It encourages safer innovation, strengthens domestic supply chains, and ensures EPA is accountable for its decisions, while preserving strong protections for workers, consumers, and families.

I look forward to this discussion, and I am going to start my questions with Dr. White.

Many Iowa farmers rely on crop-protection products, fertilizers, and packaging materials. How does channeling EPA's focus to real-world conditions of use help ensure these essential inputs remain available without compromising safety?

Dr. White. These changes are really about strengthening TSCA, about maintaining the scientific integrity of TSCA, allowing EPA to have the information that it needs to be able to make decisions.

Mrs. Miller-Meeks. Thank you, Dr. White.

Farm equipment and manufacturing machinery are designed to last decades. How does the bill's replacement-parts protection help farmers and manufacturers maintain equipment without unnecessary regulatory disruptions?

Dr. White. This is really about, like you said, making sure that we can continue to manufacture effectively and maintain the safety, and so that is what that provision actually helps us do.

Mrs. Miller-Meeks. Mr. Karakitsos, the 2016 amendments included replacement-part language. Would you like to add anything on the proposed revisions?

Mr. Karakitsos. No. I think I agree with Dr. White that it is intended to strengthen those provisions and ensure that as these complex durable goods, you know, live out their life there are

replacement parts that can continue that, you know, the use of the asset.

Mrs. Miller-Meeks. And that helps bring down costs for the American people?

Mr. Karakitsos. Absolutely.

Mrs. Miller-Meeks. Dr. White, this bill prevents EPA from overriding standards already forced by agencies like OSHA.

Why is it important for chemical regulation to respect existing Federal programs rather than layering on duplicative or conflicting requirements?

Dr. White. Consistency in the regulatory framework is critically important. Regulated entities really need to know that they are complying with the appropriate regulations. Having inconsistency from OSHA to EPA makes it incredibly difficult for a manufacturer to ensure that they are maintaining the public health and the safety.

So having the agency ensure that as it is moving forward with any future regulations, that they have confirmed that they are not conflicting with existing regulations, is imperative.

Mrs. Miller-Meeks. And I saw that firsthand when I was director of public health in Iowa where you different agencies with different regulations -- these were Federal agencies -- and how that led to difficulties with both compliance, with people knowing what the regulation was, and then actually producing products that were needed and necessary.

Do you think that this complicates or impairs the public's health or safety?

Dr. White. It definitely complicates it when there is inconsistency in the regulations, and so this will help to solidify and ensure that there is not those inconsistencies moving forward.

Mrs. Miller-Meeks. Under current law, the EPA must eliminate unreasonable risks without considering cost. How does shifting to a risk-minimization standard promote practical, effective protections without driving production overseas or impairing health?

Dr. White. This is really about focusing the Agency's evaluations on those conditions of use that are more likely to represent an unreasonable risk, instead of focusing it on hypotheticals or

mischaracterizations of workplace environments.

Mrs. Miller-Meeks. And, ultimately, if the EPA does not meet its 90- or 180-day statutory period for reviewing new chemical submission, the draft requires the EPA Administrator to explain why and not delegate that responsibility to another official.

How does this help the process, and do any of the other witnesses want to comment on this?

Dr. White. This ensures that there is clear oversight at the senior leadership level at EPA of how decision is happening and when something is failing to meet its goals and objectives.

Mrs. Miller-Meeks. Go ahead, sir.

Mr. Carey. If I may, thank you so much. We have got nine materials that have been in the EPA pipeline for 5 to 6 years, since 2021 -- since 2020 and 2021.

The new draft would go a long way to increase transparency at EPA and have them explain why a material is so far over review.

The draft is aimed at 90 days. Here we are 5 to 6 years later with materials still stuck in review.

Mrs. Miller-Meeks. Thank you very much. I yield back.

Mr. Palmer. The gentlelady yields.

The chair now recognizes the gentleman from Ohio, Mr. Landsman, for 5 minutes for his questions.

Mr. Landsman. Thank you, Mr. Chairman, and thank you all for being here.

This has been very helpful, and, you know, I think there is a clear sense that changes have to be made -- at least from my perspective, there is a clear sense that changes have to be made, not across on the board, but on both sides of the fence, let's just say, on both sides of the fence, right.

So, you know, nobody wants there to be these toxic chemicals anywhere near any of the people that we love and serve and so on, and that is why TSCA is so important.

And then the Lautenberg Act, you know, was a way to further protect people. Now we have

to update it, and we are updating it in the context of a challenge in terms of businesses being able to bring presumably-safe products to market and the EPA's requirement to protect people.

You know, they got a public health mandate, which we desperately need them to keep.

So there is the issue of the review process and things taking too long, but some of that has to do with -- I am curious, and so let me start with Dr. Woodruff and then, Mr. Carey, I would like to get your perspective.

But, Dr. Woodruff, people submitting all of their information is critical to a timely review, and that is not always the case, right, I mean, okay.

Can you talk a little bit about the issues there in terms of submitters, you know, contributing to the delays? What are the issues that need to be fixed?

Dr. Woodruff. Well, sometimes they don't submit -- in actually a lot of the cases they don't submit all the data. So EPA has to go back, ask for the data; then they have to get the data, and then that means it takes longer for them to review the chemical.

The other thing is sometimes it is actually toxic, and so then there is an argument about, well, obviously they want to keep making this chemical, and the EPA is like, "No, you can't because it is toxic," and so then that also leads to a delay.

And then, sometimes, as I said, in about half the cases, there is literally paperwork that needs to be signed by the industry that they haven't signed.

So they are often in the pipeline so long because a company does not agree with EPA's assessment, because they are toxic.

Mr. Landsman. What should we be doing to fix that or, you know -- and, Mr. Carey, jump in.

Mr. Carey. I would love to. Thank you so much. I think the key are provisions already in TSCA, right -- reasonably foreseen conditions of use, weight of the scientific evidence, best available science.

Again, we are submitting the same data package globally, and materials are reviewed and

approved by competent regulatory authorities. Yet they sit at EPA.

And where I think Congress can be particularly helpful is providing guidance to the Agency on what those terms mean. So "reasonably foreseen" doesn't mean any theoretical possibility. It means more likely than not. "Best available science" would mean measured data over modeled data. And "weighted scientific evidence" would mean considering the robust data package that we submit.

Mr. Landsman. Dr. Woodruff?

Dr. Woodruff. Yeah, well, actually, it would be helpful if they submitted data on all the different types of health outcomes, which they are not required to do, that could be suffered by a chemical -- GenX being a classic example that it gets out and about and causes many more health outcomes than the industry submitted or even told them about.

And then also this is -- this bill does not just take away "reasonably foreseeable." It says we are only going to look at the thing the chemical industry says, and we know, from empirical data, that the industry has biased information they produced, not only on the health hazards but also on the exposure, and that you cannot rely on them.

And we know they have also lied about toxic chemicals. I am just going to go through the list. PFAS. They were exposing their workers to toxic PFAS chemicals well before we knew they were toxic.

TCE. There is good data that they were exposing their workers to TCE chemicals they knew were toxic, and those workers died.

Benzene. We have good, internal industry documents that they were exposing their workers to benzene and were worrying about leukemia back in, like, the '20s.

My point being is, we should have independent evaluation.

Mr. Landsman. Yeah, okay, so that is one possible route. I only have 10 seconds left, so I -- I would love to see this bill be a bipartisan bill, and at the moment, it is not a bipartisan bill, which

is problematic because it doesn't get to the good -- the right policy in my mind.

It probably is on one side and not balanced, and then, two, it is not durable --

Mr. Palmer. The gentleman's time has expired.

Mr. Landsman. -- if the next Congress does a flip-it. So I would love to see this be bipartisan.

I apologize for going over. I yield back.

Mr. Palmer. The gentleman yields.

The chair now recognizes the gentleman from Texas, Mr. Crenshaw, for 5 minutes for his questions.

Mr. Crenshaw. Thank you, Mr. Chairman, and thank you all for being here.

I want to discuss the basic philosophy of regulation, and that is risk versus hazard. Okay. And I think TSCA has to be grounded in risk realism, not necessarily fear-based regulation.

You know, for example, I mean, EPA cannot assume, as it has done in the past, that OSHA regulations just don't exist, that operators are just exposed on a shift, not wearing any protective gear.

You know, it is like we are thinking these workers are just deciding not to wear gloves and maybe hanging around the water cooler ingesting these chemicals.

That is not a reasonable thing to believe. It is an absurd way to go about regulation. That is hazard-based regulation philosophy.

And risk is not just hazard. Risk is hazard plus real-world exposure, and also likelihood of that exposure. If you look at a hazard-only approach, well, it just treats every chemical as guilty based on its label alone, even when the exposure is very controlled, limited, and negligible.

And it is a foundational misunderstanding of how chemicals are handled in an industrial setting.

And I don't think that approach makes Americans safer. It just takes production out of our

domestic manufacturing base and exports all the problems to China which we then, of course, reimport.

I think thankfully the EPA under President Trump has taken steps to bring back that common sense, but we need to take action here. Industry needs certainty of law, not regulatory whiplash every 4 years.

And today we are going to hear those familiar claims, that improvements on TSCA, making it more common sense, amounts to a wholesale destruction of protections, that reforms leads to more deaths and disease.

And that is just rhetoric, it is not a plan, and it doesn't reflect how regulation actually works or how the science really works.

I think the truth is Congress can protect public health, as we should, as the EPA should, and also fix a system that has become slow, very unpredictable, and overly reliant on these worst-case assumptions that just do not match reality. And that is what these proposals do.

Dr. White, look, I have just laid out this contrast between risk realism versus a hazard-focused system. What have been the real-world consequences of the status quo, hazard approach that we have seen during certain administrations, on innovation, on supply chains, on domestic manufacturing?

Dr. White. TSCA was always meant to be a risk-based approach, to consider both the likelihood and the impact of a potential hazard. And what we have seen is that it is really started to focus on just the hazard and not really take into consideration the actual risk or potential for risk to move forward.

So let me just give you a simplified example. A wet floor is a hazard, but considering the likelihood of the impact and whether someone will actually slip and fall, and how you can protect someone from doing that, is considering the risk. We are not seeing that effectively being implemented right now.

Mr. Crenshaw. How has it affected industry? Do you have any good examples that you can tell us about, again, supply chains, innovation, domestic manufacturing?

Dr. White. We are seeing very overly conservative assessments. We are seeing limitations on chemistries. We are seeing chemistries that are looking to be potentially banned because the Agency has taken a very overly conservative approach to how they understand what that chemically looks like and whether or not there is actually going to be like --

Mr. Crenshaw. What I am hearing you say is the private sector, the industry itself, is being overly cautious, not innovating as they would normally if they had more certainty.

Mr. Karakitsos, in your view, when Congress originally enacted TSCA, and again in 2016 amended, what was the intent with respect to regulating chemicals based on this risk-versus-hazard approach.

And do you think -- can I ask you also this -- do these reforms really amount to a wholesale destruction of the law?

Mr. Karakitsos. Thank you for the question. I would say, in addition to this being a risk-based statute and not a hazard-based statute, it is also not a no-risk statute. It is an unreasonable-risk statute.

So there is supposed to be a level of objectivity there, that EPA looks at it and decides what risk level is actually reasonable to allow chemicals to be used.

And I think that is an important part of this because there are much harsher standards that are rejected, soundly I think, by Congress in the process.

Mr. Crenshaw. Yeah. It is not a wholesale destruction of the law, these reforms that we are looking at?

Mr. Karakitsos. I don't believe so. I mean, in my mind this is the start of the process, right? This is a draft bill, and this is the legislative process, to go through ideas and talk through them.

Mr. Crenshaw. Yeah. I mean, it certainly doesn't seem so to me. I think the reforms we

are talking about are pretty mild and common sense.

I think we all want to protect workers, we want to protect our citizens, but we also need the very chemicals that make our modern life possible. We can't just ship all that to China.

I yield.

Mr. Palmer. The gentleman's time has expired. The gentleman yields.

The chair now recognizes the gentleman from Louisiana, Mr. Carter, for 5 minutes for his questions.

Mr. Carter of Louisiana. Mr. Chairman, thank you very much, and before we go forward, I would like to ask that these records -- this record be added to the record, rather, letters from the AFL-CIO and the BlueGreen Alliance, outlining how the proposals before us today will put American workers and their families in danger.

Mr. Palmer. Without objection, so ordered.

[The information follows:]

******** COMMITTEE INSERT ********

Mr. Carter of Louisiana. Thank you, Mr. Chairman.

I represent an area in south Louisiana where chemical manufacturers are part of the economic backbone. These families -- these facilities, rather, provide good-paying jobs, stable jobs, and support thousands of facilities in my district, and many of the workers at these facilities live nearby.

So, when we talk about rolling back TSCA protections, we are not talking abstract regulations. We are talking about whether workers and families can live safely.

Industry and community must coexist without compromising public health, and everyone benefits when communities trust that industry is planning to be a good neighbor.

Unfortunately, the bill we are reviewing today undermines that trust by stripping away safeguards that protect workers and families from toxic exposures.

Workers are among the most vulnerable populations to toxic chemical exposure. Over 125,000 Americans die every year due to chemical exposure on the job. That simply isn't sustainable for a workforce and an economy such as ours.

Dr. Woodruff, in the draft we are considering today, Republicans have inserted several instances where EPA required to consider regulations set forth by other Federal agencies, including OSHA.

This difference implies that OSHA explores limits -- exposure limits are protective of health and safety. Is that an accurate assumption?

Dr. Woodruff. No.

Mr. Carter of Louisiana. Why is it so important for EPA to be able to ensure strong worker protection?

Dr. Woodruff. Because OSHA hasn't been able to update their worker-protection regulations. And, in fact, OSHA says on its website that those limits are outdated and inadequate for ensuring protection of worker health, and that is because OSHA has frankly been captured by the

industry.

And EPA has actually been effective in removing some of these workplace exposures to workers' benefit, and now the industry doesn't like that, and they are going after EPA to try and limit them to go back to OSHA.

Let's just look at TCE. That was set in 1971. Best available science. Science has changed a lot since the 1970s. And so EPA is now allowed to use best available science to restrict TCE exposure to workers.

Mr. Carter of Louisiana. Dr. Woodruff, we know that fence line communities also face a disproportionate burden of toxic exposure. Does this draft ensure the safety of workers, or does it leave them exposed?

Dr. Woodruff. No, it will leave them exposed.

Mr. Carter of Louisiana. Does this discussion draft give EPA the tools to adequately protect fence line communities?

Dr. Woodruff. No, because they are going to make it harder to do aggregate, and there is no mention of the fact that they also live in areas where there is also multiple exposures to chemical.

Mr. Carter of Louisiana. In the last several years, we made great strides forward with the Lautenberg Act, but this draft takes us back.

If this committee is going to talk about modernizing TSCA, our north star needs to be protecting workers and our community and families that live in close proximity.

In the sake of time, I am going to defer the rest of my time and yield, Mr. Chairman, in order to allow everyone to have a time to speak. Thank you.

Mr. Palmer. I thank the gentleman.

The chair now recognizes the gentleman from Massachusetts, Mr. Auchincloss, for 5 minutes for his questions.

Mr. Auchincloss. Thank you, Mr. Chairman, and thank to my friend from Louisiana.

The approach to the intersection of chemistry or biologics to public health, it really should be bipartisan. It should be science-driven.

Unfortunately, over this last year, a Republican trifecta in Washington, it has been a partisan approach, and the result has been a mind-bending disjunction.

We have got, on the one hand, over at HHS, you have got the Chair of the Advisory Commission on Immunization Practices saying that he didn't think the polio vaccine makes sense anymore, because he doesn't want those chemicals going into the human body, despite the fact that that set of molecules is the most tested, safe, and effective chemical structure probably in the history of humanity.

You have got the Deputy Director of the CDC saying that a measles outbreak is, quote, a cost of doing business, because they are so concerned about another chemical structure, the MMR vaccine, going into the human body.

And yet despite this totally unscientific concern about one set of chemical structures going into the human body, which have saved 150 million lives since the 1970s, now we have got, over at the EPA, an attempt by Republicans in Congress to gut TSCA and to allow actually dangerous toxins and chemicals to go into the human body.

And, on both fronts, the Republicans on this committee regrettably are complicit. We haven't had a hearing with HHS officials, and we have had a partisan TSCA process when this should have been a bipartisan process.

Dr. Woodruff, I am not going to ask you to go through all the different chemicals that could, again, cause environmental and public health if this bill were to become law, because you have done so exhaustively, but I do want to focus in on PFAS in particular.

At our hearing last month, we spoke at length about the cost of PFAS remediation for water systems. It is a huge issue in my district, and it is the most expensive and painful part of the entire cycle to deal with PFAS contamination.

We need to deal with it at the point of production, where TSCA could be really helpful in doing that.

Would we be able to meaningfully address toxic PFAS chemicals at the point of production if this draft were enacted?

Dr. Woodruff. I think it would make it very difficult to test and regulate the hundreds of PFAS that are currently in commerce as well as any potentially -- it would allow the industry to get approval for new PFAS.

And I just also want to mention that this bill -- this hasn't come up yet -- it also would not let EPA test impurities or unintentional byproducts, and we have shown, in our own studies, unintended PFAS impurities.

That would not be allowed to be tested, and we don't even know the health effects of those.

So I think there is just a lot of things in this bill that really undermine EPA's ability to effectively identify and address -- test and address health risks.

Mr. Auchincloss. So, at a time when PFAS is continuing to bioaccumulate and we are saddling water utilities with nearly unmanageable costs to try to mitigate, at the precision of parts per trillion in the water cycle, do you think that this bill would lead to more PFAS bioaccumulation or less?

Dr. Woodruff. It could leave -- first of all, the most important thing about not having contaminated drinking water is to stop the industry from producing chemicals that get into the drinking water that are toxic, before they get there.

Mr. Auchincloss. Before they get there.

Dr. Woodruff. Right.

Mr. Auchincloss. And this bill would make that harder?

Dr. Woodruff. And that would make it harder.

Mr. Auchincloss. I yield back, Chair.

Mr. Palmer. The gentleman yields.

I would like to thank our witnesses for being here today. Members may have additional written questions for you.

I will remind members that they have 10 business days to submit additional questions for the record and ask that the witnesses do their best to submit responses within 10 business days upon receipt of the questions.

I ask unanimous consent to insert in the record the documents included on the staff hearing documents list.

Without objection, that will be the order.

[The information follows:]

******** COMMITTEE INSERT ********

Mr. Palmer. Without objection, the subcommittee is adjourned.

[Whereupon, at 4:24 p.m., the subcommittee was adjourned.]