[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. ______

To modernize the Toxic Substances Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. ______ introduced the following bill; which was referred to the Committee on ________________

A BILL

To modernize the Toxic Substances Control Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “TSCA Modernization Act of 2015”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Testing of chemical substances and mixtures.
Sec. 4. Regulation of hazardous chemical substances and mixtures.
Sec. 5. Reporting and retention of information.
Sec. 6. Relationship to other Federal laws.
Sec. 7. Disclosure of data.
Sec. 8. Effect on State law.
Sec. 9. Administration of the Act.
Sec. 10. Conforming amendments.

SEC. 2. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (10) and (12) through (16), respectively;

(2) by inserting after paragraph (6) the following:

“(7) The term ‘intended conditions of use’ means the circumstances under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, and disposed of.”;

(3) by inserting after paragraph (10), as so redesignated, the following:

“(11) The term ‘potentially exposed subpopulation’ means a group of individuals within the general population who, due to either greater susceptibility or greater potential exposure, are at greater risk than the general population of adverse health effects from exposure to a chemical substance.”; and

(4) by adding at the end the following:
“(17) The term ‘weight of the scientific evidence’ means the results of an approach that gives appropriate weight to all relevant information in an integrative and objective manner that takes into account the strengths and limitations associated with each type of information.”.

SEC. 3. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(iii), by striking “; or” and inserting a semicolon;

(B) in subparagraph (B)(iii), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(C) testing of a chemical substance is necessary to conduct a risk evaluation under section 6(b); and”;

(2) in the matter following subsection (a)(2), by inserting “, order, or consent agreement” after “by rule”.
SEC. 4. REGULATION OF HAZARDOUS CHEMICAL SUB-
STANCES AND MIXTURES.

(a) Scope of Regulation.—Section 6(a) of the
Toxic Substances Control Act (15 U.S.C. 2605(a)) is
amended—

(1) by striking “finds that there is a reasonable
basis to conclude” and inserting “determines under
subsection (b)”;

(2) by striking “using the least burdensome re-
quirements”.

(b) Risk Evaluations.—Section 6(b) of the Toxic
Substances Control Act (15 U.S.C. 2605(b)) is amended
to read as follows:

“(b) Risk Evaluations.—

“(1) In General.—The Administrator shall
conduct risk evaluations pursuant to this subsection
to determine whether or not a chemical substance
presents or will present, in the absence of require-
ments under subsection (a), an unreasonable risk of
injury to health or the environment as described in
subsection (a).

“(2) Applying Requirements.—The Adminis-
trator shall apply requirements with respect to a
chemical substance through a rule under subsection
(a) only if the Administrator determines through a
risk evaluation under this subsection that the chem-
ical substance presents or will present, in the ab-
sence of such requirements, an unreasonable risk of
injury to health or the environment as described in
subsection (a).

“(3) CONDUCTING RISK EVALUATION.—The
Administrator shall conduct and publish the results
of a risk evaluation under this subsection for a
chemical substance if—

“(A) the Administrator finds a reasonable
basis for concluding that the combination of
hazard from and exposure to the chemical sub-
stance under the intended conditions of use has
the potential to be high enough to present an
unreasonable risk of injury to health or the en-
vironment; or

“(B) the manufacturer of a chemical sub-
stance requests such a risk evaluation.

“(4) REQUIREMENTS.—In conducting a risk
evaluation under this subsection, the Administrator
shall—

“(A) integrate and assess information on
hazards and exposures for the intended condi-
tions of use of the chemical substance, includ-
ing information that is relevant to specific risks
of injury to health or the environment and in-
formation on potentially exposed subpopulations, but not including information on cost and other factors not directly related to health or the environment;

“(B) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the intended conditions of use of the chemical substance;

“(C) describe the weight of the scientific evidence for identified hazard and exposure;

“(D) consider whether the weight of the scientific evidence supports the identification of threshold doses of the chemical substance below which no adverse effects can be expected to occur; and

“(E) in the case of a risk evaluation requested by a manufacturer under paragraph (3)(B), ensure that the costs to the Environmental Protection Agency, including contractor costs, of conducting the risk evaluation are paid for by the manufacturer.

“(5) Deadlines.—

“(A) Risk evaluations.—The Administrator shall conduct and publish a risk evalua-
tion under this subsection for a chemical sub-
stance not later than—

“(i) 3 years after the date on which
the Administrator makes a finding under
paragraph (3)(A); or

“(ii) 180 days after the date on which
a manufacturer requests the risk evalua-
tion under paragraph (3)(B).

“(B) SUBSECTION (a) RULES.—If, based
on a risk evaluation conducted under this sub-
section, the Administrator determines that a
chemical substance presents or will present, in
the absence of a rule under subsection (a), an
unreasonable risk of injury to health or the en-
vironment as described in subsection (a), the
Administrator shall—

“(i) propose a rule under subsection
(a) for the chemical substance not later
than 90 days after the date on which the
risk evaluation regarding such chemical
substance is published under subparagraph
(A); and

“(ii) publish in the Federal Register a
final rule not later than 180 days after
such publication date.
“(C) EXTENSION.—If the Administrator determines that additional information is necessary to make a risk evaluation determination under this subsection, the Administrator may extend deadlines under subparagraph (B) accordingly, except that the deadline under subparagraph (B)(i) may not be extended to a date that is later than—

“(i) 90 days after receipt of such additional information; or

“(ii) 2 years after the original deadline.

“(6) DETERMINATIONS OF NO UNREASONABLE RISK.—

“(A) NOTICE AND COMMENT.—Not later than 30 days before publishing a final determination under this subsection that a chemical substance will not present an unreasonable risk of injury to health or the environment, the Administrator shall make a preliminary determination to such effect and provide public notice of, and an opportunity for comment regarding, such preliminary determination.

“(B) POTENTIALLY EXPOSED SUBPOPULATIONS.—The Administrator shall not make a
determination under this subsection that a chemical substance will not present an unreasonable risk of injury to health or the environment if the Administrator determines that the chemical substance, under the intended conditions of use, poses an unreasonable risk of injury to 1 or more potentially exposed sub-populations.

“(C) Final Action.—A final determination under this subsection that a chemical substance will not present an unreasonable risk of injury to health or the environment shall be considered a final agency action.”.

(e) Promulgation of Subsection (a) Rules.—Section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) Requirements for rule.—In promulgating any rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall—

“(A) consider and publish a statement with respect to—
“(i) the effects of the chemical substance or mixture on health and the magnitude of the exposure of human beings to the chemical substance or mixture;

“(ii) the effects of the chemical substance or mixture on the environment and the magnitude of the exposure of the environment to the chemical substance or mixture;

“(iii) the benefits of the chemical substance or mixture for various uses; and

“(iv) the reasonably ascertainable economic consequences of the rule, including consideration of the likely effect of the rule on the national economy, small business, technological innovation, the environment, and public health;

“(B) impose requirements under the rule that the Administrator determines, consistent with the information published under subparagraph (A), are cost-effective;

“(C) based on the information published under subparagraph (A), in deciding whether to prohibit or restrict in a manner that substantially prevents a specific use of a chemical sub-
stance or mixture and in setting an appropriate transition period for such action, determine whether technically and economically feasible alternatives that benefit health or the environment, compared to the use so proposed to be prohibited or restricted, will be reasonably available as a substitute when the proposed prohibition or restriction takes effect;

“(D) exempt replacement parts that are manufactured prior to the effective date of the rule for articles that are first manufactured prior to the date of publication in the Federal Register of the rule unless the Administrator finds such replacement parts contribute significantly to the identified risk; and

“(E) in selecting among prohibitions and restrictions to address an identified risk, apply prohibitions or restrictions to articles on the basis of a chemical substance or mixture contained in the article only to the extent necessary to mitigate the identified risk.”;

(2) in paragraph (2)—

(A) by inserting “PROCEDURES.—” before “When prescribing a rule”;

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(B) by striking “provide an opportunity for an informal hearing in accordance with paragraph (3); (D)”;

(C) by striking “, and (E)” and inserting “; and (D)”;

(D) by moving such paragraph 2 ems to the right;

(3) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(4) in paragraph (3) (as so redesignated)—

(A) by striking “Paragraphs (1), (2), (3), and (4)” and inserting “APPLICATION.—Paragraphs (1) and (2)”;

(B) by moving such paragraph 2 ems to the right.

(d) EFFECTIVE DATE.—Section 6(d)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2605(d)(2)(B)) is amended by adding at the end the following: “Any rule promulgated under subsection (a) shall provide for a reasonable transition period.”.

SEC. 5. REPORTING AND RETENTION OF INFORMATION.

Section 8(b) of the Toxic Substances Control Act (15 U.S.C. 2607(b)) is amended by adding at the end the following:
“(3) The Administrator shall periodically collect information under this subsection as necessary to remove from the list any chemical substance that is no longer manufactured or processed in the United States, and revise the list accordingly.”.

SEC. 6. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9(b) of the Toxic Substances Control Act (15 U.S.C. 2608(b)) is amended—

(1) by striking “The Administrator shall coordinate” and inserting “(1) The Administrator shall coordinate”; and

(2) by adding at the end the following:

“(2) In making a determination under paragraph (1) that it is in the public interest for the Administrator to take an action under this title rather than under another law administered in whole or in part by the Administrator, the Administrator shall compare the relative risks, estimated costs, and efficiencies of the action to be taken under this title and an action to be taken under such other law to protect against such risk.”.

SEC. 7. DISCLOSURE OF DATA.

Section 14 of the Toxic Substances Control Act (15 U.S.C. 2613) is amended—

(1) in subsection (a)—
(A) by striking “or” at the end of paragraph (3); 
(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and 
(C) by adding after paragraph (4) the following new paragraphs:

“(5) may be disclosed to a State, local, or tribal government official upon request of the official for the purpose of administration or enforcement of a law; and

“(6) shall be disclosed upon request—

“(A) to a health or environmental professional employed by a Federal or State agency in response to an environmental release; or

“(B) to a treating physician or other health care professional to assist in the diagnosis or treatment of 1 or more individuals.”;

(2) in subsection (b)(1), in the matter following subparagraph (B), by striking “discloses processes” and inserting “discloses formulas or processes”;

(3) by amending subsection (c)(1) to read as follows:

“(e) DESIGNATING AND SUBSTANTIATING CONFIDENTIALITY.—(1)(A) In submitting information under this Act after date of enactment of the TSCA Moderniza-
tion Act of 2015, a manufacturer, processor, or distributor in commerce shall designate the information which such person believes is entitled to protection under this section, and submit such designated information separately from other information submitted under this Act. A designation under this subparagraph shall be made in writing and in such manner as the Administrator may prescribe, and shall include—

“(i) justification for each designation of confidentiality;

“(ii) a certification that the information is not otherwise publicly available; and

“(iii) separate copies of all submitted information, with 1 copy containing and 1 copy excluding the information to which the request applies.

“(B) Designations made under subparagraph (A) after the date of enactment of the TSCA Modernization Act of 2015 shall expire after 10 years, at which time the information shall be made public unless the manufacturer, processor, or distributor in commerce has submitted a request for renewal, made in writing and in such manner as the Administrator may prescribe, including all of the elements required for the initial submission.”; and
(4) by adding at the end the following new subsection:

“(f) PROHIBITION.—No person who receives information as permitted under subsection (a) or (b) may use such information for any purpose not specified in such subsection, nor disclose such information to any person not authorized to receive such information.”.

SEC. 8. EFFECT ON STATE LAW.

Section 18(a)(2) of the Toxic Substances Control Act (15 U.S.C. 2617(a)(2)) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon; and

(2) by striking subparagraph (B) and inserting the following:

“(B) if the Administrator makes a final determination under section 6(b) that a chemical substance will not present an unreasonable risk of injury to health or the environment under the intended condition of use, no State or political subdivision may, after the date of publication of such determination, establish or continue in effect any requirement that applies to such chemical substance under the intended conditions of use and is designed to protect against exposure to such chemical substance under the intended conditions of use; and
“(C) if the Administrator imposes a requirement, through a rule or order under section 5 or 6, that applies to a chemical substance or mixture (other than a requirement described in section 6(a)(5)), no State or political subdivision may, after the effective date of such requirement, establish or continue in effect any requirement that applies to such chemical substance or mixture (including a requirement that applies to an article because the article contains the chemical substance or mixture) and is designed to protect against exposure to the chemical substance or mixture, unless the requirement of the State or political subdivision—

“(i) is identical to the requirement imposed by the Administrator; or

“(ii) is adopted under the authority of a Federal law.”.

SEC. 9. ADMINISTRATION OF THE ACT.

Section 26 of the Toxic Substances Control Act (15 U.S.C. 2625) is amended—

(1) in subsection (b)(1)—

(A) by inserting “, or who requests a risk evaluation under section 6(b)(3)(B),” before “to defray the cost”; and
(B) by striking “Such rules shall not pro-
vide for any fee in excess of $2,500 or, in the
case of a small business concern, any fee in ex-
cess of $100.” and inserting “Such rules shall
provide for lower fees for small business con-
cerns.”; and
(2) by adding at the end the following:
“(h) SCIENTIFIC STANDARDS.—In evaluating infor-
mation from studies and tests, and in carrying out sec-
tions 4, 5, and 6 to the extent that the Administrator
makes a decision based on science, the Administrator shall
consider, among other applicable factors—
“(1) the extent to which the scientific and tech-
nical procedures, measures, methods, or models em-
ployed to generate the information are reasonable
for and consistent with the intended use of the infor-
mation;
“(2) the extent to which the information is rel-
levant for the Administrator’s intended use;
“(3) the degree of clarity and completeness with
which the data, assumptions, methods, quality assur-
ance, sponsoring organizations, and analyses em-
ployed to generate the information are documented;
“(4) the extent to which the variability and un-
certainty in the information, or in the procedures,
measures, methods, or models, are evaluated and characterized; and

“(5) the extent of independent verification, validation, and peer review of the information or of the procedures, measures, methods, or models.

“(i) Weight of Scientific Evidence.—The Administrator shall make decisions under sections 4, 5, and 6 based on the weight of the scientific evidence.

“(j) Availability of Information.—Subject to section 14, the Administrator shall make available to the public all notices, determinations, findings, rules, and orders of the Administrator under this title.

“(k) Policies, Procedures, and Guidance.—

“(1) Development.—Not later than 2 years after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall develop any policies, procedures, and guidance the Administrator determines are necessary to carry out the amendments to this Act made by the TSCA Modernization Act of 2015.

“(2) Review.—Not later than 5 years after the date of enactment of the TSCA Modernization Act of 2015, and not less frequently than once every 5 years thereafter, the Administrator shall—
“(A) review the adequacy of the policies, procedures, and guidance developed under paragraph (1), including with respect to animal, nonanimal, and epidemiological test methods and procedures for assessing and determining risk under this title; and

“(B) revise such policies, procedures, and guidance as the Administrator determines necessary to reflect new scientific developments or understandings.

“(l) SAVINGS.—Nothing in this title shall be construed to affect either the tort law or the law governing the interpretation of contracts of any State.”.

SEC. 10. CONFORMING AMENDMENTS.

(a) SECTION 4.—Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “rule” each place it appears and inserting “rule, order, or consent agreement”; 

(B) in paragraph (2)(B), by striking “rules” and inserting “rules, orders, and consent agreements”;
(C) in paragraph (3), by striking “rule” each place it appears and inserting “rule, order, or consent agreement”; and

(D) in paragraph (4)—

(i) by striking “rule under subsection (a)” each place it appears and inserting “rule, order, or consent agreement under subsection (a)”;

(ii) by striking “repeals the rule” each place it appears and inserting “repeals the rule or order or modifies the consent agreement to terminate the requirement”; and

(iii) by striking “repeals the application of the rule” and inserting “repeals or modifies the application of the rule, order, or consent agreement”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “rule” and inserting “rule or order”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “a rule under subsection (a) or for which data is being developed pursuant to such a rule” and inserting “a rule, order, or con-
sent agreement under subsection (a) or for which data is being developed pursuant to such a rule, order, or consent agreement’’;

(ii) in subparagraph (B), by striking “such rule or which is being developed pursuant to such rule” and inserting “such rule, order, or consent agreement or which is being developed pursuant to such rule, order, or consent agreement”; and

(iii) in the matter following subparagraph (B), by striking “the rule” and inserting “the rule or order”;

(C) in paragraph (3)(B)(i), by striking “rule promulgated” and inserting “rule, order, or consent agreement”; and

(D) in paragraph (4)—

(i) by striking “rule promulgated” each place it appears and inserting “rule, order, or consent agreement”; 

(ii) by striking “such rule” each place it appears and inserting “such rule, order, or consent agreement”; and

(iii) in subparagraph (B), by striking “the rule” and inserting “the rule, order, or consent agreement”;}
(3) in subsection (d), by striking “rule” and inserting “rule, order, or consent agreement”; and

(4) in subsection (g), by striking “rule” and inserting “rule, order, or consent agreement”.

(b) SECTION 5.—Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking “rule promulgated” and inserting “rule, order, or consent agreement”; and

(ii) by striking “such rule” and inserting “such rule, order, or consent agreement”; and

(B) in paragraph (1)(B)—

(i) by striking “rule promulgated” and inserting “rule or order”; and

(ii) by striking “the date of the submission in accordance with such rule” and inserting “the required date of submission”; and

(C) in paragraph (2)(A)(ii), by striking “rule promulgated” and inserting “rule, order, or consent agreement”; and
(2) in subsection (d)(2)(C), by striking “rule” and inserting “rule, order, or consent agreement”.

(c) Section 7.—Section 7(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2606(a)(1)) is amended, in the matter following subparagraph (C), by striking “a rule under section 4, 5, 6, or title IV or an order under section 5 or title IV” and inserting “a rule under section 4, 5, or 6 or title IV, an order under section 4 or 5 or title IV, or a consent agreement under section 4”.

(d) Section 8.—Section 8(a)(3)(A)(ii)(I) of the Toxic Substances Control Act (15 U.S.C. 2607(a)(3)(A)(ii)(I)) is amended by striking “or an order in effect under section 5(e)” and inserting “, an order in effect under section 4 or 5(e), or a consent agreement under section 4”.

(e) Section 9.—Section 9(a) of the Toxic Substances Control Act (15 U.S.C. 2608(a)) is amended by striking “section 6” each place it appears and inserting “section 6(a)”.

(f) Section 11.—Section 11(b)(2)(E) of the Toxic Substances Control Act (15 U.S.C. 2610(b)(2)(E)) is amended by striking “rule promulgated” and inserting “rule promulgated, order issued, or consent agreement entered into”.
(g) Section 15.—Section 15(1) (15 U.S.C. 2614(1)) is amended by striking “(A) any rule” and all that follows through “or (D)” and inserting “any requirement of this title or any rule promulgated, order issued, or consent agreement entered into under this title, or”.

(h) Section 18.—Section 18(a)(2)(A) of the Toxic Substances Control Act (15 U.S.C. 2617(a)(2)(A)) is amended—

(1) by striking “rule promulgated” and inserting “rule, order, or consent agreement”; and

(2) by striking “such rule” each place it appears and inserting “such rule, order, or consent agreement”.

(i) Section 19.—Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking “(A) Not later than 60 days after the date of the promulgation of a rule” and inserting “Not later than 60 days after the date on which a rule is promulgated”;

(ii) by inserting “or the date on which an order is issued under section 4,” before “any person”;
(iii) by striking “such rule” and inserting “such rule or order”; and

(iv) by striking “such a rule” and inserting “such a rule or order”;

(B) by striking paragraph (1)(B);

(C) in paragraph (2), by striking “the rule” and inserting “the rule or order”; and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking “the rule” and inserting “the rule or order”;

(ii) in subparagraph (B), by striking “a rule under section 4(a)” and inserting “a rule or order under section 4(a)”;

(iii) in subparagraph (C), by striking “such rule” and inserting “such rule or order”;

(iv) in subparagraph (D), by striking “such rule” and inserting “such rule or order”; and

(v) in subparagraph (E)—

(I) by striking “such rule” and inserting “such rule or order”; and

(II) by striking “the date of the promulgation of such rule” and in-
serting “the date on which such rule is promulgated or such order is issued”; (2) in subsection (b)—
(A) by striking “review a rule” and inserting “review a rule, or an order under section 4,”;
(B) by striking “such rule” and inserting “such rule or order”; (C) by striking “the rule” and inserting “the rule or order”; (D) by striking “new rule” each place it appears and inserting “new rule or order”; and (E) by striking “modified rule” and inserting “modified rule or order”; and (3) in subsection (e)— (A) in paragraph (1)— (i) in subparagraph (A)— (I) by striking “a rule” and inserting “a rule, or an order under section 4”; and (II) by striking “such rule” and inserting “such rule or order”; and (ii) in subparagraph (B)—
(I) in the matter preceding clause

(i), by striking “a rule” and inserting “a rule or order”; and

(II) in clause (i)—

(aa) by inserting “or an order under section 4,” before “the standard for review”;

(bb) by striking “such rule” inserting “such rule or order”;

and

(cc) by striking “the rule” and inserting “the rule or order”;

and

(B) in paragraph (2), by striking “any rule” and inserting “any rule or order”.

(j) SECTION 20.—Section 20(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2619(a)(1)) is amended by striking “order issued under section 5” and inserting “order issued under section 4 or 5”.

(k) SECTION 21.—Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking “order under section 5(e) or (6)(b)(2)” and inserting “order under section 4 or 5(e)”;

and

(2) in subsection (b)—
(A) in paragraph (1), by striking “order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)” and inserting “order under section 4 or 5(e)”;

(B) in paragraph (4)(B)—

(i) in the matter preceding clause (i), by striking “order under section 5(e) or 6(b)(2)” and inserting “order under section 4 or 5(e)”;

(ii) in clause (i), by striking “order under section 5(e)” and inserting “order under section 4 or 5(e)”; and

(iii) in clause (ii), by striking “or an order under section 6(b)(2)”.

(l) Section 24.—Section 24(b)(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is amended—

(1) by inserting “and” at the end of clause (i);

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(m) Section 27.—Section 27(a) of the Toxic Substances Control Act (15 U.S.C. 2626(a)) is amended by striking “rules promulgated” and inserting “rules, orders, or consent agreements”.

(n) Section 30.—Section 30(2) of the Toxic Substances Control Act (15 U.S.C. 2629(2)) is amended by
1 striking “rule” and inserting “rule, order, or consent agreement”.