[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.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

6 (b) TABLE OF CONTENTS.—The table of contents of 

7 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. Relationship to other Federal laws.
2

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 foreseeable to be manufactured, processed, distributed in commerce, used, and disposed of.”; and
(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 likely to be at greater risk than the general population of adverse health effects from exposure to a chemical substance.”.
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 SUBSTANCES 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 “determines under subsection (b)”. 
(2) by inserting “, or designates a chemical substance under subsection (i)(2),” before “the Administrator shall by rule”; and

(3) by striking “using the least burdensome requirements” and inserting “, including an identified risk to a potentially exposed subpopulation”.

(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 requirements under subsection (a), an unreasonable risk of injury to health or the environment as described in subsection (a).

“(2) **APPLYING REQUIREMENTS.**—The Administrator 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 chemical substance presents or will present, in the absence of such requirements, an unreasonable risk of
injury to health or the environment as described in subsection (a).

“(3) CONDUCTING RISK EVALUATION.—

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

“(i) the Administrator determines that the chemical substance may present an unreasonable risk of injury to health or the environment because of potential hazard and a potential route of exposure under the intended conditions of use; or

“(ii) a manufacturer of the chemical substance requests such a risk evaluation.

“(B) TSCA WORK PLAN CHEMICALS.—The Administrator may, without making a determination under subparagraph (A)(i), conduct and publish the results of a risk evaluation under this subsection for a chemical substance that, on the date of enactment of the TSCA Modernization Act of 2015, is listed in the TSCA Work Plan for Chemical Assessments published by the Administrator.
“(4) REQUIREMENTS.—In conducting a risk evaluation under this subsection, the Administrator shall—

“(A) integrate and assess information on hazards and exposures for all of the intended conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information 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 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)(A)(ii), ensure that the costs to the Environ-
mental 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 evaluation under this subsection for a chemical substance not later than 3 years after the date on which—

“(i) the Administrator—

“(I) makes a finding under paragraph (3)(A)(i); or

“(II) begins the risk evaluation under paragraph (3)(B); or

“(ii) a manufacturer requests the risk evaluation under paragraph (3)(A)(ii).

“(B) **Subsection (a) Rules.**—If, based on a risk evaluation conducted under this subsection, 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 environment 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 the deadline under subparagraph (A) accordingly, except that the deadline 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 subpopulations.

“(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.

“(7) Minimum number.—Subject to the availability of appropriations, the Administrator shall initiate 10 or more risk evaluations under paragraph (3)(A)(i) in each fiscal year beginning in the fiscal
year of the date of enactment of the TSCA Modernization Act of 2015.”.

(c) P R O M U L G A T I O N O F S U B S E C T I O N ( a ) R U L E S .—

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

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

“(1) R E Q U I R E M E N T S F O R R U L E .—I n p r o m u l-

gating 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 magni-

itude 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 envi-

ronment to the chemical substance or mix-

ture;

“(iii) the benefits of the chemical sub-

stance 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, except where the Administrator determines that it is not practicable to protect against the identified risk using cost-effective requirements;

“(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 substance 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 designed 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”;

(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.—Para-
graphs (1) and (2)”; and

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

(d) **EFFECTIVE DATE.**—Section 6(d)(2)(B) of the
is amended by adding at the end the following: “Any rule
promulgated under subsection (a) shall provide for a rea-
sonable transition period.”.

(e) **NON-RISK FACTORS; CRITICAL USE EXEMPTIONS; PBT CHEMICALS.**—Section 6 of the Toxic Sub-
stances Control Act (15 U.S.C. 2605) is amended by add-
ing at the end the following:

“(g) **NON-RISK FACTORS.**—The Administrator shall
not consider costs or other non-risk factors when deciding
whether to initiate a rulemaking under subsection (a).

“(h) **CRITICAL USE EXEMPTIONS.**—

“(1) **CRITERIA FOR EXEMPTION.**—The Admin-
istrator may grant an exemption from a requirement
of a subsection (a) rule for a specific use of a chem-
ical substance or mixture, if—

“(A) the requirement is not cost-effective
with respect to the specific use, as determined
by the Administrator pursuant to subsection (e)(1)(B); and

“(B) the Administrator finds that—

“(i) the specific use is a critical or essential use; or

“(ii) the requirement, as applied with respect to the specific use, would significantly disrupt the national economy, national security, or critical infrastructure.

“(2) PROCEDURE.—An exemption granted under paragraph (1) shall be—

“(A) supported by clear and convincing evidence;

“(B) preceded by public notice of the proposed exemption and an opportunity for comment; and

“(C) followed by notice of the granted exemption—

“(i) to the public, by the Administrator; and

“(ii) to known commercial purchasers of the chemical substance or mixture with respect to which the exemption applies, by the manufacturers and processors of such chemical substance or mixture.
“(3) Period of Exemption.—An exemption granted under paragraph (1) shall expire after a period not to exceed 5 years, but may be renewed for one or more additional 5-year periods if the Administrator finds that the requirements of paragraph (1) continue to be met.

“(4) Conditions.—The Administrator shall impose conditions on any use for which an exemption is granted under paragraph (1) to reduce risk from the chemical substance or mixture to the greatest extent feasible.

“(i) Chemicals That Are Persistent, Bioaccumulative, and Toxic.—

“(1) Identification.—Not later than 9 months after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall publish a list of those chemical substances that the Administrator has a reasonable basis to conclude are persistent, bioaccumulative, and toxic, not including any chemical substance that is a metal, a metal compound, or subject to subsection (e).

“(2) Confirmation of Concern.—Not later than 2 years after the date of enactment of the TSCA Modernization Act of 2015, the Administrator shall designate as a PBT chemical of concern each
chemical substance on the list published under paragraph (1)—

“(A) that, with respect to persistence and bioaccumulation, scores high for one and either high or moderate for the other, pursuant to the TSCA Work Plan Chemicals Methods Document published by the Administrator in February 2012; and

“(B) exposure to which is likely to the general population or to a potentially exposed subpopulation identified by the Administrator.

“(3) EXPEDITED ACTION.—Subject to the availability of appropriations, not later than 2 years after designating a chemical substance under paragraph (2), the Administrator shall promulgate a rule under subsection (a) with respect to the chemical substance to reduce likely exposure to the extent practicable.

“(4) RELATIONSHIP TO SUBSECTION (B).—If, at any time prior to the date that is 90 days after the date on which the Administrator publishes the list under paragraph (1), the Administrator makes a finding under subsection (b)(3)(A)(i), or a manufacturer requests a risk evaluation under subsection (b)(3)(A)(ii), with respect to a chemical substance,
such chemical substance shall not be subject to this subsection.”.

SEC. 5. 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 coordi-

cinate” and inserting “(1) The Administrator shall co-

ordinate”; 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 with respect to a chemical substance or mixture rather than under another law ad-

ministered in whole or in part by the Administrator, the Administrator shall compare the relevant 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. 6. 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 para-

graph (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)—

(A) by striking “data which discloses” and inserting “data that disclose formulas (including molecular structures) of a chemical substance or mixture,”;

(B) by striking “mixture or,” and inserting “mixture, or,”; and

(C) by striking “the release of data disclosing”;}
(3) by amending subsection (c)(1) to read as follows:

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(c) Designating and Substantiating Confidentiality.—(1)(A) In submitting information under this Act after date of enactment of the TSCA Modernization 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,
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processor, or distributor in commerce has submitted a re-
quest for renewal, made in writing and in such manner
as the Administrator may prescribe, including all of the
elements required for the initial submission.

“(C) Not later than 60 days prior to making informa-
tion public under subparagraph (B), the Administrator
shall notify, as appropriate and practicable, the manufac-
turer, processor, or distributor in commerce who des-
ignated the information under subparagraph (A) of the
date on which such information will be made public unless
a request for renewal is granted under subparagraph
(B).”; and

(4) by adding at the end the following new sub-
sections:

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

“(g) SAVINGS.—Nothing in this section shall be con-
strued to affect the applicability of State or Federal rules
of evidence or procedure in any judicial proceeding.”.

SEC. 7. EFFECT ON STATE LAW.

(a) IN GENERAL.—Section 18(a) of the Toxic Sub-
stances Control Act (15 U.S.C. 2617(a)) is amended—
(1) in paragraph (2)(A), by striking ‘‘; and’’ and inserting a semicolon;

(2) by striking paragraph (2)(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 considered by the Administrator in the risk evaluation under section 6(b), 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)(6)), 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 re-
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 either under the intended conditions of use considered by the Administrator in the risk evaluation under section 6(b), or from a use identified in a notice received by the Administrator under section 5(a), unless the requirement of the State or political subdivision—

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

“(ii) is adopted under the authority of a Federal law; or

“(iii) is adopted to protect air or water quality or is related to waste treatment or waste disposal, except that this clause does not apply to such a requirement if a provision of this title, or an action or determination made by the Administrator under this title, expressly conflicts with the requirement.”; and

(3) by adding at the end the following:

“(3) In the case of an identical requirement described in paragraph (2)(C)(i)—
“(A) a State may not assess a penalty for a specific violation for which the Administrator has assessed a penalty under section 16; and

“(B) if a State has assessed a penalty for a specific violation, the Administrator may not assess a penalty for that violation in an amount that would cause the total of the penalties assessed for the violation by the State and the Administrator combined to exceed the maximum amount that may be assessed for that violation by the Administrator under section 16.”.

(b) SAVINGS; INTENT OF CONGRESS.—Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended by adding at the end the following:

“(c) SAVINGS.—

“(1) PRIOR STATE ACTIONS.—Nothing in this title, nor any risk evaluation, rule, order, standard, or requirement completed or implemented under this title, shall be construed to preempt or otherwise affect the authority of a State or political subdivision of a State to continue to enforce any action taken before August 1, 2015, under the authority of a State law that prohibits or otherwise restricts the manufacturing, processing, distribution in commerce, use, or disposal of a chemical substance, or
any action taken pursuant to a State law that was
in effect on August 31, 2003, unless an action or de-
termination made by the Administrator under this
title expressly conflicts with the action taken pursu-
ant to such a State law.

“(2) TORT AND CONTRACT LAW.—Nothing in
this title, nor any risk evaluation, rule, order, stand-
ard, or requirement completed or implemented under
this title, shall be construed to preempt or otherwise
affect either Federal or State tort law or the law
governing the interpretation of contracts of any
State, including any remedy for civil relief, whether
under statutory or common law, including a remedy
for civil damages, and any cause of action for per-
sonal injury, wrongful death, property damage, or
other injury based on negligence, strict liability,
products liability, failure to warn, or any other legal
theory relating to tort law.

“(d) INTENT OF CONGRESS.—It is not the intent of
Congress that this title, or rules, regulations, or orders
issued pursuant to this title, be interpreted as influencing,
in either a plaintiff's or defendant's favor, the disposition
of any civil action for damages in a State court, or the
authority of any court to make a determination in an adju-
dicatory proceeding under applicable State law with re-
spect to the admissibility of evidence, unless a provision of this title expressly conflicts with the State court action.”.

SEC. 8. 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 striking “of a reasonable fee”;

(B) by inserting “of a fee that is sufficient and not more than reasonably necessary” after “section 4 or 5”; 

(C) by inserting “, or who requests a risk evaluation under section 6(b)(3)(A)(ii),” before “to defray the cost”; 

(D) by striking “this Act” and inserting “the provision of this title for which such fee is collected”; and 

(E) by striking “Such rules shall not pro-

provide 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.”;

(2) by adding at the end of subsection (b) the following:
“(3) FUND.—

“(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the TSCA Service Fee Fund (in this paragraph referred to as the ‘Fund’), consisting of such amounts as are deposited in the Fund under this paragraph.

“(B) COLLECTION AND DEPOSIT OF FEES.—The Administrator shall collect the fees described in paragraph (1) and deposit those fees in the Fund.

“(C) CREDITING AND AVAILABILITY OF FEES.—On request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator amounts appropriated to pay or recover the full costs incurred by the Environmental Protection Agency, including contractor costs, in carrying out the provisions of this title for which the fees are collected under paragraph (1).

“(D) USE OF FUNDS BY ADMINISTRATOR.—Amounts equivalent to fees collected by the Administrator and deposited in the Fund under this section shall be available without fiscal year limitation to the Administrator, subject
to the availability of appropriations, for use
only in administering the provisions of this title
for which the fees are collected.

“(E) ACCOUNTING AND AUDITING.—

“(i) ACCOUNTING.—The Administrator shall biennially prepare and submit
to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes an accounting of the fees paid to the Administrator under this paragraph and amounts disbursed from the Fund for the period covered by the report, as reflected by financial statements provided in accordance with sections 3515 and 3521 of title 31, United States Code.

“(ii) AUDITING.—

“(I) IN GENERAL.—For the purpose of section 3515(e) of title 31, United States Code, the Fund shall be considered a component of a covered executive agency.

“(II) COMPONENTS OF AUDIT.—
The annual audit required in accord-
ance with sections 3515 and 3521 of title 31, United States Code, of the financial statements of activities carried out using amounts from the Fund shall include an analysis of—

“(aa) the fees collected and amounts disbursed under this subsection;

“(bb) the reasonableness of the fees in place as of the date of the audit to meet current and projected costs of administering the provisions of the title for which the fees are collected; and

“(cc) the number of requests for a risk evaluation made by manufacturers under section 6(b)(3)(A)(ii).

“(III) Federal responsibility.—The Inspector General of the Environmental Protection Agency shall conduct the annual audit described in subclause (II) and submit to the Administrator a report that describes the findings and any rec-
ommendations of the Inspector General resulting from the audit.”; and

(3) by adding at the end the following:

“(h) SCIENTIFIC STANDARDS.—In carrying out sections 4, 5, and 6, to the extent that the Administrator makes a decision based on science the Administrator shall consider, as applicable—

“(1) the extent to which the scientific and technical procedures, measures, methods, or models employed to generate the information are reasonable for and consistent with the use of the information;

“(2) the extent to which the information is relevant for the Administrator’s use in making a decision about a chemical substance or mixture;

“(3) the degree of clarity and completeness with which the data, assumptions, methods, quality assurance, and analyses employed to generate the information are documented;

“(4) the extent to which the variability and uncertainty in the information, or in the procedures, measures, methods, or models, are evaluated and characterized; and

“(5) the extent of independent verification or 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 nec-
essary to reflect new scientific developments or
understandings.”.

SEC. 9. 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 con-
sent 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 (e)—

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

(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 consent 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”;

(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 inserting “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 (c)—

(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
(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 striking “rule” and inserting “rule, order, or consent agreement”.

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)”.

(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 striking “rule” and inserting “rule, order, or consent agreement”.