[DISCUSSION DRAFT]

APRIL 22, 2014

113TH CONGRESS
2D SESSION

H. R. __

To provide for the safe and efficient flow of chemicals in interstate and foreign commerce.

IN THE HOUSE OF REPRESENTATIVES

M_. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the safe and efficient flow of chemicals in interstate and foreign commerce.

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; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Chemicals in Commerce Act".

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

(c) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) AMENDMENT.—Section 2 (15 U.S.C. 2601) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress finds that—

"(1) chemicals in commerce should be safe for their intended uses;

"(2) unmanaged risks of chemical substances in commerce may pose a danger to human health and the environment;

"(3) public confidence in the Federal chemical regulatory program is important;

"(4) chemical regulation should reflect modern science, technology, and knowledge; and

"(5) innovation in the development of new chemical substances should be encouraged to reduce risk, provide improved products, stimulate the economy, create jobs, and protect interstate commerce.

"(b) PURPOSE.—The purpose of this Act is to promote ~~uniform~~ protections to human health and the environment through regulating chemical substances in commerce while minimizing undue burdens on commerce.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 2 in the table of contents is amended to read as follows:

"Sec. 2. Findings and purpose.".

SEC. 3. DEFINITIONS.

Section 3 (15 U.S.C. 2602) is amended—

(1) by redesignating paragraphs (7) through ~~(9), (10), (11), and~~ (12) , (13), and ~~through~~ (14) as paragraphs (8) through ~~(10), (12),~~ (13), (15) and (16)~~and (15) through (17)~~, respectively;

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

"(7) INTENDED CONDITIONS OF USE.—The term 'intended conditions of use' means the circumstances under which a chemical substance is intended, known, or reasonably anticipated to be manufactured, processed, distributed in commerce, used, and disposed of and includes reasonably foreseeable unintended exposure conditions from spills, leaks or other planned or unplanned releases into the environment which may foreseeably occur as a result of manufacture, processing, distribution in commerce, use, and disposal.";

(3) by inserting after paragraph (1~~0~~3) (as so redesignated) the following:

"(14) RISK EVALUATION.—The term 'risk evaluation' means a risk evaluation conducted under section 6(b).".

(4) by inserting after paragraph (16~~3~~) (as so redesignated) the following:

"(17) Unreasonable Risk. -- The term "unreasonable risk" means a significant risk to the environment or human health from aggregate exposures to a chemical substance or mixture, including a risk to a vulnerable population, with no consideration of the availability of substitutes or cost."

"(18~~1~~) ~~POTENTIALLY EXPOSED SUBPOPULATION~~Vulnerable Population.—The term 'vulnerable ~~potentially exposed sub~~population' means a group or groups of individuals within the general population who the Administrator has reason to believe may be differentially exposed to a chemical substance ~~under the intended conditions of use~~ or who may be more susceptible to ~~more serious~~ adverse health consequences from chemical substance exposures than the general population, ~~which where appropriate may~~ includinge infants, children, pregnant women, workers, and the elderly."~~; and~~

~~(4) by inserting after paragraph (13) (as so redesignated) the following:~~

~~"(14) RISK EVALUATION.—The term 'risk evaluation' means a risk evaluation conducted under section 6(b).".~~

SEC. 4. DEVELOPMENT OF INFORMATION REGARDING CHEMICAL SUBSTANCES AND MIXTURES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 2603) is amended to read as follows:

"SEC. 4. DEVELOPMENT OF INFORMATION REGARDING CHEMICAL SUBSTANCES AND MIXTURES.

"(a) DEVELOPMENT OF NEW INFORMATION ON CHEMICAL SUBSTANCES AND MIXTURES.—

"(1) IN GENERAL.—~~Except as otherwise provided in this title, t~~The Administrator may require manufacturers and processors to develop new hazard and exposure information related to a chemical substance or mixture in accordance with this section if the Administrator decides that the information is needed to implement this Act or —

~~"(A) for priority designation purposes pursuant to section 6(a)(1)(D);~~

~~"(B) to perform a risk evaluation under section 6(b);~~

~~"(C) to ensure compliance with —~~

~~"(i) a rule, consent agreement, or order issued under section 5(c)(5); or~~

~~"(ii) a rule under section 6(c);~~

~~"(D) pursuant to section 12(a)(2); or~~

~~"(E) ~~for the implementation of another Federal statute, as determined by the Federal agency implementing such statute, if such information is necessary to meet the regulatory testing needs of that agency.

"(2) FORM.—The Administrator may carry out paragraph (1) by—

"(A) promulgating a rule;

"(B) entering into a consent agreement; or

"(C) issuing an order.

"(3) AVAILABLE INFORMATION.—Before promulgating a rule, entering into a consent agreement, or issuing an order under this subsection, the Administrator shall consider reasonably available information~~, including exposure potential and screening level hazard and exposure information~~.

"(4) CONTENTS.—

"(A) IN GENERAL.—A rule promulgated, consent agreement entered into, or order issued under paragraph (2)—

"(i) shall identify the chemical substance or mixture for which information is required and those persons required to develop that information;

"(ii) may include protocols and methodologies for the development of information for the chemical substance or mixture, including, if available, specific reference to reliable nonanimal test procedures; and

"(iii) shall provide a reasonable period within which persons required to develop the information shall submit the information to the Administrator.

"(B) CONSIDERATIONS.—In determining the procedures and period to be required under subparagraph (A), the Administrator shall consider—

"(i) the costs of the test protocols and methodologies that may be required; and

"(ii) the reasonably foreseeable availability of facilities and personnel needed to perform the testing.

~~"(5) SCREENING LEVEL HAZARD AND EXPOSURE INFORMATION.—If the Administrator finds that the available information under paragraph (3) is not sufficient to make a determination under paragraph (1), to assist the Administrator in planning requirements for additional testing under this subsection, the Administrator may, by rule, consent agreement, or order, require the development of screening level information on a chemical substance or mixture (which may include scientifically reliable and relevant in silico, in vitro, and in vivo tests).~~

~~"(6) ADDITIONAL TESTING DEVELOPMENT. If, after reviewing the available information under paragraph (3) and any screening level~~

~~information obtained under paragraph (5), the Administrator determines that such information is not sufficient to make a determination under paragraph (1) and that additional information development is necessary, the Administrator shall require under paragraph (1) the development of such information for specific endpoints using scientifically valid approaches.~~

"(b) STATEMENT OF NEED.—

"(1) IN GENERAL.—In promulgating a rule, entering into a consent agreement, or issuing an order for development of additional information under this section, the Administrator shall issue a statement—

"(A) identifying the need intended to be met by the rule, consent agreement, or order;

"(B) explaining why information reasonably available to the Administrator is inadequate to meet that need, including a reference, as appropriate, to the information identified in paragraph (2)(B); and

"(C) explaining the basis for a decision that requires the use of vertebrate animals.

"(2) EXPLANATION OF AN ORDER.—

"(A) IN GENERAL.—If the Administrator issues an order under this section, the Administrator shall explain why good cause exists for issuing an order instead of promulgating a rule or entering into a consent agreement.

"(B) CONTENTS.—The explanation described in subparagraph (A) shall detail—

"(i) information that is readily accessible to the Administrator, including information submitted under any other provision of law;

"(ii) the extent to which the Administrator has obtained or attempted to obtain the information required to be developed under the order through voluntary submissions;

"(iii) the extent to which the Administrator anticipates using—

"(I) available information for structurally related chemical substances;

"(II) valid structure-activity relationship models; or

"(III) nonanimal test alternatives; and

"(iv) risk evaluations on other chemical substances or mixtures, and the information relied on in such determinations, to the extent relevant to the chemical substances or mixtures that would be the subject of the order.

"(3) JUDICIAL REVIEW. –The contents and adequacy of a statement of need or explanation of an order issued by the Administrator under this subsection shall not be subject to judicial review in any court.

"(c) REDUCTION OF TESTING ON VERTEBRATE ANIMALS.—

"(1) IN GENERAL.—In carrying out this title, the Administrator shall minimize to the extent practicable and consistent with the purposes of this title, the use of vertebrate animals in testing of chemical substances or mixtures by—

"(A) encouraging and facilitating, to the extent practicable—

"(i) the use of integrated and tiered testing and assessment strategies; and

"(ii) test methods that eliminate or reduce the use of vertebrate animals while providing test information of high scientific quality; and

"(B) grouping 2 or more chemical substances or mixtures into scientifically appropriate categories in cases in which, in the

Administrator's judgment, testing of a chemical substance or mixture would provide reliable and useful test information on others in the category.~~; and~~

"(2~~C~~) B~~b~~efore adopting a requirement for testing using vertebrate animals, the Administrator may consider~~ing~~ the sufficiency of—

"(A~~i~~) available toxicity information;

"(B~~ii~~) computational toxicology and bioinformatics;

"(C~~iii~~) high through-put screening methods and their prediction models;

"(D~~iv~~) scientifically reliable and relevant alternatives to vertebrate animal tests; and

"(E~~v~~) reasonably available vertebrate animal-based studies.

"(3~~2~~) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote development and timely incorporation of new testing methods that are not based on vertebrate animals, the Administrator shall—

"(A) after providing public notice and an opportunity for public comment, develop a plan to promote the development and implementation of alternative test methods and testing strategies to generate information used in risk evaluations that can reduce, refine, or replace the use of vertebrate animals, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high throughput screening; and

"(B) subject to the availability of appropriations, carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that reduce, refine, or replace the use of vertebrate animals for purposes of this title.

"(4~~3~~) CRITERIA FOR MODIFYING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On request from a manufacturer or processor that is

required to conduct testing on vertebrate animals of a chemical substance or mixture under this section, the Administrator may modify or waive the requirement if the Administrator determines that—

"(A) there is sufficient information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property;

"(B) because of one or more physical or chemical properties of the chemical substance or mixture or other toxicokinetic considerations—

"(i) the chemical substance or mixture cannot be absorbed; or

"(ii) testing for a specific endpoint is technically not practicable to conduct; or

"(C) the chemical substance or mixture, when tested on vertebrate animals at certain concentrations, causes such animals severe tissue corrosion, severe irritation, or significant pain or distress.

"(45) REPORTS.—Not later than 5 years after the date of enactment of the Chemicals in Commerce Act, and every 5 years thereafter, the Administrator shall submit to Congress a report that describes the progress made in implementing this subsection.

"(d) FAIR AND EQUITABLE REIMBURSEMENT.—

"(1) DESIGNATION.—If 2 or more manufacturers or processors designate one of themselves or a third party to develop information required by the Administrator under subsection (a), the Administrator shall require any other manufacturer or processor seeking to use the information so developed in order to meet the requirements of subsection (a) to provide fair and equitable reimbursement for such information development.

"(2) ARBITRATION.—In the case of a dispute among the parties described in paragraph (1) regarding the amount that constitutes fair

and equitable reimbursement under such paragraph, such dispute shall be resolved by arbitration according to—

"(A) the terms of any applicable contract among the parties; or

"(B) if no such contract exists, regulations developed by the Administrator.

"(e) INFORMATION AVAILABILITY.—Subject to section 14, the Administrator shall make available to the public consent agreements entered into, orders issued, and information submitted under this section.

"(f) CONSULTATION.—Prior to requiring the development of information from epidemiologic studies of workers, ~~or applying such information~~, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

"(g) EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—Upon the receipt of any information ~~submitted under this title~~ that provides a reasonable basis to conclude that a chemical substance or mixture presents or will present a significant risk of serious or widespread harm to human health, the Administrator shall, within the 180-day period beginning on the date of the receipt of such information —

~~"(A)~~ initiate appropriate action under section 5, 6, or 7 to prevent or reduce such risk~~; or~~

~~"(B) publish in the Federal Register a finding that such information does not support a conclusion that the chemical substance or mixture presents such a risk~~.

"(2) EXTENSION.—For good cause shown the Administrator may extend such period for an additional period of not more than 90 days. The Administrator shall publish in the Federal Register notice of any such extension and the reasons therefor.".

(b) CONFORMING AMENDMENT.—Section 104(i)(5)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)) is amended by striking "Before assuring the

initiation of such program, the Administrator of ATSDR shall consider recommendations of the Interagency Testing Committee established under section 4(e) of the Toxic Substances Control Act on the types of research that should be done.".

(c) TABLE OF CONTENTS AMENDMENT.—The item relating to section 4 in the table of contents is amended to read as follows:

"Sec. 4. Development of information regarding chemical substances and mixtures.".

SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.

(a) AMENDMENT.—Section 5 (15 U.S.C. 2604) is amended to read as follows:

"SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.

"(a) NOTICE REQUIREMENT.—

"(1) IN GENERAL.—Unless:

(A) a person submits, not later than 90 days before manufacturing or processing begins, a notice to the Administrator of that person's intent to manufacture a new chemical substance or manufacture or process a chemical substance for a new use that the Administrator has determined, in accordance with paragraph (2), is a significant new use;~~,~~ and

(B) for a substance or use that requires a risk evaluation pursuant to subsection (c)(3), the Administrator has notified such person that they may commence manufacture or processing of such substance or use pursuant to subsection (c)(4) or has taken action pursuant to subsection c(6),

such person may not—

~~"(A)~~ manufacture a new chemical substance~~;~~ or

~~"(B)~~ manufacture or process a chemical substance for a use which the Administrator has determined, in accordance with paragraph (2), is a significant new use.

"(2) DETERMINATION OF SIGNIFICANT NEW USE.—A determination by the Administrator that a use of a chemical substance is a significant new use, with respect to which notification is required under paragraph (1), shall be made by a rule promulgated after a consideration of all relevant factors, including information on—

"(A) the projected volume of manufacturing and processing of the chemical substance ~~for that use~~;

"(B) the extent to which a use changes the type or form of exposure of human beings or the environment to the chemical substance;

"(C) the extent to which a use increases the magnitude and duration of exposure of human beings or the environment to the chemical substance; and

"(D) the intended conditions of use.

~~"(3) ARTICLES.—The Administrator may determine that the use of a chemical substance as part of an article is a significant new use under this section, but only where the Administrator—~~

~~"(A) identifies specific types of articles that are, or likely will be, in United States commerce; and~~

~~"(B) determines that—~~

~~"(i) an unreasonable risk of harm to human health or the environment may result from exposure to a chemical substance in the article; and~~

~~"(ii) placing requirements on the articles is required because such risk cannot be addressed adequately through requirements placed on the chemical substance.~~

"(b) CONTENT OF NOTICE; PUBLICATION IN THE FEDERAL REGISTER.—

"(1) IN GENERAL.—The notice required by subsection (a)(1) shall include, with respect to a chemical substance or significant new use—

"(A) the information required by sections 720.45 and 720.50 of title 40, Code of Federal Regulations (or successor regulations); and

"(B) information regarding intended conditions of use and any reasonably anticipated exposure.

"(2) FEDERAL REGISTER PUBLICATION.—Subject to section 14, not later than 5 business days after the date of the receipt of a notice under subsection (a)(1), the Administrator shall publish in the Federal Register—

"(A) the identity of the chemical substance for which such notice has been received by the Administrator; and

"(B) the intended conditions of use of such chemical substance as identified by the manufacturer or processor.

"(3) PUBLICLY ACCESSIBLE LISTS.—The Administrator shall maintain publicly accessible lists of—

"(A) each chemical substance for which notice has been received under subsection (a)(1) and for which the review period prescribed by subsection (c) has not expired; and

"(B) each chemical substance for which such review period has expired since the last publication of such list.

"(c) REVIEW AND DETERMINATION.—

"(1) Initial REVIEW.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 90 days after the date of receipt of a notice submitted under subsection (a)(1), the Administrator shall—

"(i) conduct an initial review of the notice;

"(ii) to the extent the Administrator considers necessary, develop a profile of the chemical substance and the potential for exposure to humans and the environment;

"(iii) if the Administrator considers it necessary for the review under clause (i) or to make a determination under paragraph (3), request additional information pursuant to paragraph (2)~~(B)~~ or require submission of additional information pursuant to section 4; and

"(iv) make a determination under paragraph (3).

"(B) EXTENSION OF INITIAL REVIEW.—The Administrator may extend the period described in subparagraph (A) for good cause for one or more periods. Except as provided in paragraph ~~(2)(B)~~3, the cumulative total of any such extensions shall not exceed 90 days.

"(2) INFORMATION.—

"(A) PREVIOUSLY SUBMITTED INFORMATION.—In conducting a review under paragraph (1)(A), the Administrator shall take into consideration any relevant information submitted under subsection (a) or otherwise reasonably available to the Administrator.

"(B) ADDITIONAL INFORMATION.—If the Administrator determines that additional information (including information on exposure or exposure potential) is needed in order to conduct a review and make a determination under this subsection, the Administrator—

"(i) shall provide an opportunity for the submitter of the notice to submit such additional information;

"(ii) shall require submission of that information pursuant to section 4 if it is not voluntarily submitted~~may, by agreement with the submitter, extend the review period no longer than necessary to allow for the development and submission of the additional information~~; and

"(iii) shall promptly make a determination under paragraph (3) upon receipt of the information.~~; and~~

~~"(iv) may take action under paragraph (5) pending receipt of the additional information, which may, as appropriate, permit the submitter of the notice to file a notice of commencement under subsection (d).~~

"(3) DETERMINATIONS.—Before the end of the applicable period for review under paragraph (1)~~ or (2)(B)~~, and based on the information described in paragraph (2), the Administrator shall determine whether~~that~~ exposure to the chemical substance under the intended conditions of use —

~~"(A)~~ may present an unreasonable risk of harm to human health or the environment~~, in which case the Administrator shall take appropriate action under paragraph (5)~~and provide such determination to the submitter in writing~~; or~~

~~"(B) does not warrant regulation under paragraph (5), in which case the Administrator shall allow the review period to expire without imposing restrictions on the chemical substance~~.

"(4) Risk Evaluation. – (A) Any chemical substance or significant new use which the Administrator finds may present an unreasonable risk shall be subject to a risk evaluation to determine whether there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture, or that any combination of such activities, present or will present an unreasonable risk. Such risk evaluations shall be completed within one year, except that the Administrator may extend the period for up to two additional years upon a showing of good cause.

(B) If the Administrator finds through such evaluation that a chemical substance or significant new use does not and will not present an unreasonable risk, the Administrator shall notify in writing the submitter that they may begin to manufacture or process such chemical substance or such chemical substance for such use. Otherwise, the Administrator shall initiate proceedings under paragraph (6)."

(5) COMMERCIAL PRODUCTION.—Upon receipt of a determination under paragraph (3)~~At the end of the applicable review period specified under paragraph (1) or (2)(B)~~, the submitter of a notice

under subsection (a)(1) may commence manufacture or processing for commercial purposes unless the Administrator—

"(A) determines under paragraph (3)~~(A)~~ that exposure to the chemical substance under the intended conditions of use may present an unreasonable risk of harm to human health or the environment; ~~and~~or

"(B) imposes a requirement or restriction under paragraph (6~~5~~) that prohibits the manufacture or processing of the chemical substance.

"(6~~5~~) Risk Management~~EQUIREMENTS AND RESTRICTIONS~~.—If, before the end of the applicable review period under paragraph (1) or following a risk evaluation conducted pursuant to paragraph (4), the Administrator makes a determination that a chemical substance or significant new use presents or will present an unreasonable risk~~(2)(B)~~, ~~the Administrator makes a determination under paragraph (3)(A)~~, the Administrator shall, by rule, consent agreement, or order, impose on the manufacturer of a new chemical substance, or on the manufacturer or processor of a chemical substance for a significant new use, one or more of the following requirements or restrictions, to the extent necessary to protect adequately against such~~an unreasonable~~ risk ~~to human health and the environment~~ in a cost effective manner:

(A) a requirement limiting the amount of such substance which may be manufactured, processed or distributed in commerce,

(B) a requirement prohibiting the manufacture, processing, or distribution in commerce of a substance, or

(C) one or more of the requirements described in section 6(c)(3).

~~"(A) A requirement or restriction that the chemical substance be marked with, or accompanied by, clear and adequate warnings and instructions with respect to distribution in commerce, use, or disposal, or any combination of those activities, with the form and content of the warnings and instructions to be prescribed by the Administrator.~~

~~"(B) A requirement or restriction that manufacturers or processors of the chemical substance—~~

~~"(i) make and retain records of the processes used to manufacture or process the chemical substance;~~

~~"(ii) monitor specific uses of or exposures to the chemical substance; or~~

~~"(iii) subject to section 4, develop additional information that is reasonably necessary to address potential risks from the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance.~~

~~"(C) A restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce.~~

~~"(D) A requirement to restrict or ban the manufacture, processing, or distribution in commerce of the chemical substance—~~

~~"(i) for a particular use;~~

~~"(ii) for a particular use at a concentration in excess of a level specified by the Administrator; or~~

~~"(iii) for all uses.~~

~~"(E) A restriction on the quantity of the chemical substance that may be manufactured, processed, or distributed in commerce—~~

~~"(i) for a particular use; or~~

~~"(ii) for a particular use at a concentration in excess of a level specified by the Administrator.~~

~~"(F) A requirement to restrict or ban a method of commercial use of the chemical substance.~~

~~"(G) A requirement to ban or phase out a method of disposal of the chemical substance or any article containing the chemical substance.~~

~~"(H) A requirement directing manufacturers or processors of the chemical substance to give notice of unreasonable risks of harm to distributors in commerce of the chemical substance and, to the extent reasonably ascertainable, to other persons in the chain of commerce in possession of the chemical substance.~~

"(d) NOTICE OF COMMENCEMENT.—

"(1) IN GENERAL.—A person who has submitted a notice under subsection (a)(1) and commences manufacture of a new chemical substance shall, for a purpose not exempt under subsection (e), submit a notice of commencement to the Administrator—

"(A) not later than 30 days after the date on which the person commenced manufacture; and

"(B) which identifies the name of the manufacturer and the initial date of such manufacture.

"(2) WITHDRAWAL.—A person who has submitted a notice under subsection (a)(1), but has not commenced manufacture, may withdraw the notice.

"(e) EXEMPTIONS.—

"(1) EXPERIMENTATION, RESEARCH, AND ANALYSIS.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), the requirements of subsection (a)(1) shall not apply with respect to the manufacturing or processing of any chemical substance that is manufactured or processed, or proposed to be manufactured or processed, only in small quantities (as defined by the Administrator by rule) solely for purposes of—

"(i) scientific experimentation or analysis; or

"(ii) chemical research on, or analysis of, such chemical substance or another chemical substance, including such research or analysis for the development of a product.

"(B) NOTICE REQUIREMENT.—A manufacturer or processor exempted under subparagraph (A) shall notify all persons engaged in such experimentation, research, or analysis, in such form and manner as the Administrator may prescribe, of any risk to health which the manufacturer, the processor, or the Administrator has reason to believe may be associated with such chemical substance.

"(2) TEST MARKETING.—

"(A) IN GENERAL.—The Administrator may, upon request, exempt any person from any requirement of subsection (a) in order to permit the person to manufacture or process a chemical substance for test marketing purposes—

"(i) upon a showing by the person satisfactory to the Administrator that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substance, and that any combination of such activities, for such test marketing purposes is not likely to result in an unreasonable risk of harm to human health or the environment; and

"(ii) under such restrictions as the Administrator considers appropriate.

"(B) PUBLICATION OF RECEIPT.—Immediately upon receipt of a request under subparagraph (A), the Administrator shall publish in the Federal Register notice of the receipt of such request. The Administrator shall give interested persons an opportunity to comment upon any such request and shall, within 45 days of its receipt, either approve or deny the request. The Administrator shall publish in the Federal Register notice of the approval or denial of such a request.

"(3) ~~RISK-BASED EXEMPTION. The Administrator may, upon request and by rule or order, exempt a person who commences manufacture of a new chemical substance or manufacture or processing~~

~~of a chemical substance for a significant new use from all or part of the requirements of this section if under prescribed conditions the Administrator determines that the manufacture, processing, distribution in commerce, use, or disposal of such chemical substance, or any combination of such activities under such prescribed conditions, will not present an unreasonable risk of harm to human health or the environment.~~

~~"(4)~~ TEMPORARY EXISTENCE.—The Administrator may, by rule, make the requirements of subsection (a) inapplicable with respect to the manufacturing or processing of any chemical substance—

"(A) which exists temporarily as a result of a chemical reaction in the manufacturing or processing of a mixture or another chemical substance; and

"(B) to which there is no, and will not be, human or environmental exposure.

~~"(5) BYPRODUCTS.—The Administrator may, by rule, make the requirements of subsection (a) inapplicable to the manufacture or processing of any byproduct chemical substance produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture if—~~

~~"(A) such byproduct chemical substance is not used for commercial purposes; or~~

~~"(B) the only intended commercial purpose of the byproduct chemical substance is for—~~

~~"(i) burning as a fuel;~~

~~"(ii) disposing as a waste, including in a landfill or for enriching soil; or~~

~~"(iii) extracting, by reaction or otherwise, a chemical substance to recycle or reclaim.~~

"(f) MIXTURES.—A combination of chemical substances physically combined without a chemical reaction shall not be considered a new chemical substance for purposes of this section.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 5 in the table of contents is amended to read as follows:

"Sec. 5. New chemicals and significant new uses.".

SEC. 6. EXISTING CHEMICALS.

(a) AMENDMENTS.—Section 6 (15 U.S.C. 2605) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 6. EXISTING CHEMICALS";

(2) by redesignating subsections (e) and (f) as subsections (~~f~~g) and (~~g~~h), respectively;

(3) by redesignating subsection (b) as subsection (f) and subsection (d) as subsection (e); and

(4) by striking subsections (a) ~~through~~ and (~~d~~c) and inserting the following:

"(a) ASSIGNING PRIORITIES FOR RISK EVALUATIONS.—

"(1) IN GENERAL.—Not later than ~~1 year~~6 months after the date of enactment of the Chemicals in Commerce Act, the Administrator shall establish and publish a list of chemical substances that will be priorities for risk evaluations under subsection (b), which shall include all chemical substances targeted by Agency work plans as of the date of enactment and all chemical substances listed in all appendices to the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution and the Stockholm Convention on Persistent Organic Pollutants as of the date of enactment.

(2) DELETIONS FROM THE LIST. --A chemical substance for which a risk evaluation is made pursuant to subsection (b) and any needed action taken under subsection (c) shall be removed from the list under this subsection.

(3) ADDITIONS TO THE LIST. -- The Administrator shall add additional chemical substances to the list under paragraph (1) no less often than every two years until all chemical substances subject to the risk evaluation requirement in subsection (b) have been listed, and may add additional chemical substances to the list under paragraph (1) at any time. Additions to the list should first include chemical substances that have been detected in biomonitoring studies in the United States, that are indicated to have high hazard, or that are produced in large volumes in the United States.

"(4) MIXTURES. -- If at any time the Administrator finds a reasonable basis to suspect that the manufacture, processing, distribution in commerce, use, or disposal of a mixture, or that any combination of such activities, may present an unreasonable risk, the Administrator shall add such mixture to the list under paragraph (1).

~~, after providing public notice and an opportunity for public comment, establish a risk-based process for obtaining available information and designating chemical substances as either high priority or low priority. In making such designations, the Administrator –~~

~~"(A) notwithstanding subparagraph (C), shall identify as high priority a chemical substance that has the potential for high hazard and high exposure;~~

~~"(B) may identify as high priority a chemical substance that has the potential for high hazard or high exposure;~~

~~"(C) shall identify as low priority a chemical substance that the Administrator has determined, based on available information, is not likely to present a significant risk of harm to human health or the environment under the intended conditions of use; and~~

~~"(D) may require development of additional information, solely for purposes of designating priorities under this subsection and only if the~~

~~Administrator determines that available information is not sufficient to make a priority designation.~~

~~"(2) TIMELY COMPLETION. The Administrator shall designate a priority for all chemical substances identified as active under section 8(b) as soon as feasible, taking into account the ability of the Administrator to schedule and complete risk evaluations under this section. The Administrator may defer designation of a priority in order to provide interested persons an opportunity to submit additional information not previously made available to the Administrator.~~

"(5~~3~~) PUBLICATION OF LIST.—The Administrator shall publish, and update from time to time, a list of chemical substances—

"(A) identifying those under consideration for listing under paragraph (1)~~designation as high or low priority~~;

"(B) identifying those that have been listed~~designated as a high or low priority at the time a designation has been made~~ under paragraph (1); and

"(C) indicating those for which a risk evaluation has been completed.

"(6~~4~~) FACTORS FOR ASSIGNING PRIORITIES.—The factors used by the Administrator to assign priorities may~~shall~~ include—

"(A) the hazard and exposure potential of a chemical substance, including specific scientific classifications and designations by authoritative governmental entities;

"(B) the risks to vulnerable populations~~specific uses and exposures that are significant to the risk of harm to human health and the environment and the intended conditions of use, or changes in the conditions of use, of chemical substances, including for potentially exposed subpopulations~~;

"(C) evidence and indicators of exposure to humans, including to vulnerable~~potentially exposed sub~~ populations, or the environment from a chemical substance;

"(D) the volume of a chemical substance manufactured or processed;

"(E) whether the volume of a chemical substance as reported under a regulation issued under section 8(a) has significantly increased or decreased since a previous report or since the date on which a notice has been submitted under section 5(a) for that chemical substance;

"(F) the adequacy of the available information about potential hazards and exposures needed for conducting a risk evaluation; and

"(G) the extent of Federal or State regulation of a chemical substance or the extent of the impact of State regulation of that chemical substance on the United States~~, with existing Federal or State regulation as a factor in designating a chemical substance as a low priority~~.

~~"(5) NOTICE AND COMMENT. The Administrator's proposed priority designations under this subsection shall be subject to public notice and an opportunity for public comment.~~

~~"(6) REVISION BASED ON NEW INFORMATION.—The Administrator may revise or assign a priority designation of a chemical substance based on consideration of new information.~~

~~"(7) PROCESS REVIEW.—The Administrator shall periodically review and if necessary modify the process of assigning priorities to chemical substances under this subsection based upon experience and resources available to efficiently and effectively prioritize chemical substances.~~

"(7~~8~~) CLARIFICATION.—~~Except as provided in section 18, An action~~a designation by the Administrator adding a ~~under this subsection of a~~ chemical substance to the list under paragraph (1)~~as a high priority~~ shall not affect the manufacture, processing, distribution, use, or disposal of the chemical substance.

"(8~~9~~) FINAL AGENCY ACTION.—The addition of a chemical substance to the list under paragraph (1)~~A designation by the~~

~~Administrator under this subsection of a chemical substance as a high priority~~ shall not be considered to be a final agency action subject to judicial review.

"(b) EVALUATING RISK.—

"(1) ~~HIGH PRIORITY~~ RISK EVALUATION.—

"(A) IN GENERAL.— the Administrator shall determine for all chemicals and mixtures listed on the inventory under section 8 as of the date one year after enactment of the Chemicals in Commerce Act and mixtures listed pursuant to paragraph (a)(4), whether there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture, or that any combination of such activities, does not present and will not present an unreasonable risk.

~~The Administrator shall conduct a risk evaluation regarding whether a chemical substance designated as high priority presents or will present, in the absence of regulation under subsection (c), a significant risk of harm to human health or the environment under its intended conditions of use.~~

~~"(B) REQUIREMENTS. In conducting a risk evaluation under this paragraph, the Administrator shall —~~

~~"(i) integrate and assess information on hazards and exposures for the specific uses that are relevant to the risk of harm and to subsets of exposure (including information on potentially exposed subpopulations);~~

~~"(ii) analyze the duration, intensity, frequency, and number of exposures under the intended conditions of use of the chemical substance;~~

~~"(iii) describe the weight of the scientific evidence for observed biological effects and risks, including the appropriate modes of action;~~

~~"(iv) incorporate reference parameters that may be appropriate with regard to a specific chemical substance (such as a margin of exposure); and~~

~~"(v) consider whether the scientific information supports the identification of threshold doses of a chemical substance below which no adverse effects can be expected to occur.~~

"(B~~C~~) DEADLINE.— The Administrator shall complete risk evaluations under this subsection no later than 3 years after a substance is added to the priority list under paragraph (a)(1). ~~Not later than 4 years after the date on which the Administrator designates a chemical substance as high priority under subsection (a), the Administrator shall publish a determination resulting from a risk evaluation conducted under this paragraph for such chemical substance under its intended conditions of use.~~

"(2) ALTERNATIVE RISK EVALUATION.—The Administrator may conduct a risk evaluation regarding a chemical substance that is not listed pursuant to paragraph (a)(1)~~not designated as a high priority substance under subsection (a)~~, if the Administrator has a reasonable basis to suspect that~~and may determine, at any time, that~~ the chemical substance does not present and will not present, in the absence of regulation under subsection (c), an unreasonable risk ~~significant risk~~ of harm to human health or the environment ~~under one or more specific conditions of use~~.

~~"(3) FACTORS FOR EVALUATING RISK.—~~

~~"(A) FACTORS TO BE CONSIDERED.—In evaluating whether a chemical substance presents or will present, in the absence of regulation under subsection (c), a significant risk of harm to human health or the environment under its intended conditions of use, the Administrator shall consider—~~

~~"(i) the nature, circumstances, severity, and magnitude of the risk;~~

~~"(ii) the likely impact of the risk on potentially exposed subpopulations from use of the chemical substance under its intended conditions of use;~~

~~"(iii) whether harm has occurred from the chemical substance under its intended conditions of use; and~~

~~"(iv) the probability that harm will occur from use of the chemical substance under its intended conditions of use.~~

~~"(B) FACTORS NOT TO BE CONSIDERED. In evaluating whether a chemical substance presents or will present, in the absence of regulation under subsection (c), a significant risk of harm to human health or the environment under its intended conditions of use, the Administrator may not consider the economic costs or benefits of—~~

~~"(i) the intended uses of the chemical substance; or~~

~~"(ii) reducing the exposure to the chemical substance by rule under subsection (c).~~

"(3~~4~~) ADDITIONAL INFORMATION.—If the Administrator determines that additional information is needed in order to complete a risk evaluation under this subsection, the Administrator—

"(A) shall provide an opportunity for interested persons to submit the additional information;

"(B) may promulgate a rule, enter into a consent agreement, or issue an order under section 4 to require the development of the information;

"(C) may defer, for a reasonable period and subject to subsection (d), the risk evaluation until after receipt of the information; and

"(D) shall, upon receipt of the information, complete a risk evaluation under this subsection.

"(45) PUBLICATION.—Upon completion of a risk evaluation under this subsection, the Administrator shall publish a statement that includes—

"(A) such risk evaluation; and

"(B) a summary of the analysis performed in support of the risk evaluation.

"(5) COMPLETION. -- The Administrator shall conduct risk evaluations under this section for all chemical substances listed on the inventory as of the date one year after enactment of the Chemicals in Commerce Act, as expeditiously as practicable, assuring that—

''(A) 33 percent of such risk evaluations are completed within 6 years of the date of enactment of such Act;

''(B) 66 percent of such risk evaluations are completed within 11 years of the date of enactment of such Act; and

''(C) 100 percent of such risk evaluations are completed within 16 years of the date of enactment of such Act.

"(6) REVIEW OF RISK EVALUATIONS.— Chemical substances and mixtures subject to a risk evaluation under this subsection or section (5) shall be re-evaluated under this subsection. Re-evaluations shall be initiated no later than 15 years after completion of the previous risk evaluation and the Administrator shall have discretion to re-evaluate a chemical substance before 15 years have passed, if the Administrator determines that re-evaluation is warranted. If, in the course of a re-evaluation under this paragraph, the Administrator finds that no relevant information exists that was not considered during the risk evaluation, the re-evaluation shall be completed in no more than 6 months.

The Administrator may reconsider a risk evaluation conducted under this subsection to take into account information not previously considered, or as the Administrator otherwise considers necessary.

"(7) FINAL AGENCY ACTION.—

~~"(A)~~ DETERMINATION OF NO SIGNIFICANT RISK.—A determination under paragraph (1) or (2) that a chemical substance or mixture does not present and will not present an unreasonable risk ~~significant risk~~ of harm to human health or the environment under the intended conditions of use shall be considered a final agency action.

~~"(B) DETERMINATION OF SIGNIFICANT RISK. A determination under paragraph (1) that a chemical substance presents or will present, in the absence of a regulation under subsection (c), a significant risk of harm to human health or the environment under the intended conditions of use shall be considered a final agency action on the date of publication of the final rule promulgated under subsection (c).~~

"(c) RULE.—

"(1) IMPLEMENTATION.—Not later than 1~~3~~ year~~s~~ after determining under subsection (b) that there is not a reasonable basis to conclude that a chemical substance or mixture does not and will not ~~presents or will~~ present an unreasonable risk ~~, in the absence of regulation under this subsection, a significant risk~~ of harm to human health or the environment under the intended conditions of use, the Administrator shall promulgate a rule, in accordance with this subsection, with requirements or restrictions that the Administrator determines are cost-effective and necessary to protect adequately against an unreasonable risk of harm to human health or the environment from the chemical substance or mixture under its intended conditions of use.

"(2) SCOPE.—A rule promulgated under this subsection—

"(A) may—

~~"(i)~~ as appropriate, apply to mixtures or articles containing the chemical substance; ~~or~~

~~"(ii) apply to articles, but only where the Administrator—~~

~~"(I) identifies specific types of articles that are, or likely will be, in United States commerce; and~~

~~"(II) determines that ensuring that no unreasonable risk of harm to human health or the environment will result from exposure to the chemical substance requires placing requirements on such articles that cannot be addressed adequately through requirements placed on chemical substances or mixtures;~~ and

"(B) shall~~—~~

~~"(i) exempt replacement parts for articles manufactured prior to the applicable compliance deadline or for use in vehicles; and~~

~~"(ii)~~ include dates by which compliance is mandatory, which may vary for different affected persons, as the Administrator determines to be appropriate.

"(3) REQUIREMENTS AND RESTRICTIONS.—A rule promulgated under this subsection shall include, as appropriate, one or more of the following:

"(A) A requirement that a chemical substance or mixture or any article containing such substance or mixture be marked with, or accompanied by, clear and adequate warnings and instructions with respect to distribution in commerce, use, or disposal, or any combination of those activities, with the form and content of the warnings and instructions to be prescribed by the Administrator.

"(B) A requirement that manufacturers and processors of the chemical substance or mixture —

~~"(i)~~ make and retain records of the processes used to manufacture or process the chemical substance or mixture~~;~~ and

~~"(ii)~~ monitor or conduct tests which are reasonable and necessary to assure compliance with the requirements of any rule applicable under this paragraph~~specific uses of or exposures to the chemical substance; or~~

~~"(iii) subject to section 4, develop additional information that is reasonably necessary to ensure compliance with this section~~.

"(C) A restriction on the quantity of the chemical substance or mixture that may be manufactured, processed, or distributed in commerce.

"(D) A requirement to restrict, ban, or phase out the manufacture, processing, or distribution in commerce of the chemical substance or mixture—

"(i) for a particular use;

"(ii) for a particular use at a concentration in excess of a level specified by the Administrator; or

"(iii) for all uses.

"(E) A restriction on the quantity of the chemical substance or mixture that may be manufactured, processed, or distributed in commerce—

"(i) for a particular use; or

"(ii) for a particular use at a concentration in excess of a level specified by the Administrator.

"(F) A requirement to restrict, ban, or phase out a method of commercial use of the chemical substance or mixture;

"(G) A requirement to ban or phase out a method of disposal of the chemical substance or mixture or any article containing the chemical substance or mixture.

"(H) A requirement directing manufacturers or processors of the chemical substance or mixture (A) to give notice of such unreasonable risk~~s~~ of harm to distributors in commerce of the chemical substance or mixture and, to the extent reasonably ascertainable, to other persons ~~in the chain of commerce~~ in possession of the chemical substance or mixture or exposed to such substance or mixture, (B) to give public notice of such risk of harm, and (C) to replace or repurchase such substance or mixture as elected by the person to which the requirement is directed.

"(I) a requirement that applies with respect to a vulnerable subpopulation, to address risks such population.

~~"(4) RISK MANAGEMENT STANDARDS. When imposing requirements or restrictions on a chemical substance under this subsection, the Administrator shall—~~

~~"(A) determine whether requirements or restrictions imposed on uses of the chemical substance are cost-effective in ensuring that the chemical substance will not result in an unreasonable risk of harm to human health or the environment under the intended conditions of use;~~

~~"(B) provide for a reasonable transition period for implementation; and~~

~~"(C) in deciding whether to prohibit or substantially prevent a specific use of a chemical substance and in setting an appropriate transition period for such action, determine whether technically and economically feasible alternatives that benefit human health or the environment, compared to the use proposed to be prohibited or substantially prevented, will be reasonably available as a substitute when the proposed prohibition or restriction takes effect.~~

"(d) EXTENSIONS.—If the Administrator determines that additional information is needed in order to conduct a risk evaluation of a chemical substance or mixture under subsection (b) or to promulgate a final rule regarding the chemical substance or mixture under subsection (c), the Administrator may extend the deadline required under subsection (b) or (c) as necessary but not to exceed a cumulative period of 2~~3~~ years.

~~"(e) GUIDANCE. The Administrator shall, after providing public notice and an opportunity for public comment, establish guidance regarding how aggregate exposure to a chemical substance will be taken into account in carrying out this section."~~; and

(4) in subsection (g) (as so redesignated by paragraph (2) of this subsection)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 6 in the table of contents is amended to read as follows:

"Sec. 6. Existing chemicals.".

[strike section 7]

SEC. 8. INFORMATION COLLECTION AND REPORTING.

Section 8 (15 U.S.C. 2607) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by adding "or issue orders" after "promulgate rules"

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "rule proposed or promulgated under section 4, 5(b)(4), or 6, or an order in effect under section 5(e)," and inserting "a proposed or promulgated rule, a consent agreement, or an order under section 4, 5, or 6;" and

(ii) in subclause (II), by striking "section 5 or 7," and inserting "section 7;" and

(C~~B~~) by adding at the end the following:

"(4) REQUIREMENTS.—Not later than 2 years after the date of enactment of the Chemicals in Commerce Act, the Administrator shall promulgate rules establishing separate reporting requirements for manufacturers and processors as necessary to carry out sections 4 and 6.

"(5) GUIDANCE.—The Administrator shall develop guidance relating to the information required to be reported under this subsection that—

"(A) includes the level of detail necessary to be reported; and

"(B) describes the manner by which manufacturers and processors may voluntarily report use and exposure information."

~~"(6) NONAPPLICABILITY.—This subsection shall not apply to—~~

~~"(A) a chemical substance extracted, by reaction or otherwise, from another chemical substance for the purpose of recycling or reclaiming such extracted chemical substance; or~~

~~"(B) a combination of chemical substances physically combined without a chemical reaction.";~~

(2) in subsection (b)— by adding at the end the following new paragraphs:

~~(A) in paragraph (1), by adding at the end the following: "The Administrator shall establish and maintain a confidential portion and a nonconfidential portion of the list published under this paragraph, consistent with section 14. Chemical substances on each such portion of the list shall be identified as either active or inactive, as designated under paragraph (5)."; and~~

~~(B) by adding at the end the following new paragraphs:~~

~~"(3) NOMENCLATURE.—The Administrator shall develop guidance that—~~

~~"(A) permits the continued use of Class 2 nomenclature in use on date of enactment of the Chemical in Commerce Act;~~

~~"(B) permits the continued use of the Soap and Detergent Association Nomenclature System, published in March 1978 by the Administrator in section 1 of addendum III of the document entitled 'Candidate List of Chemical Substances', and further described in the appendix A of volume I of the 1985 edition of the Toxic Substances Control Act Substances Inventory (EPA Document No. EPA–560/7–85–002a);~~

~~"(C) treats as being included on the list published under paragraph (1), under the Chemical Abstracts Service numbers for the respective categories, all components of—~~

~~"(i) cement, Portland, chemicals, CAS No. 65997–15–1;~~

~~"(ii) cement, alumina, chemicals, CAS No. 65997–16–2;~~

~~"(iii) glass, oxide, chemicals, CAS No. 65997–17–3;~~

~~"(iv) frits, chemicals, CAS No. 65997–18–4;~~

~~"(v) steel manufacture, chemicals, CAS No. 65997–19–5; and~~

~~"(vi) ceramic materials and wares, chemicals, CAS No. 66402–68–4;~~

~~"(D) if guidance in effect before the guidance developed under this paragraph allowed for multiple nomenclature conventions, includes new guidance that establishes equivalency between the nomenclature conventions for chemical substances on the list published under paragraph (1); and~~

~~"(E) for any chemical substance appearing multiple times on the list under different Chemical Abstracts Service numbers, includes guidance recognizing the multiple listings as a single chemical substance.~~

"(3~~4~~) CHEMICAL SUBSTANCES IN COMMERCE.— The Administrator shall promptly remove from the list any chemical substance for which each manufacturer or processor has submitted a certification, in such form as the Administrator may specify, that they no longer manufacture or process such chemical substance."

~~"(A) RULE.—~~

~~"(i) IN GENERAL.—The Administrator, by rule, shall require manufacturers and may require processors to notify the Administrator when the manufacturer or processor, as applicable, has manufactured or processed a chemical substance that has been placed on the list under paragraph (1) during the 5-year period prior to the date of enactment of the Chemicals in Commerce Act.~~

~~"(ii) PROCEDURE FOR NOTICE OF ACTIVE AND INACTIVE CHEMICAL SUBSTANCES.—A rule under this subparagraph shall establish a procedure for any person to notify the Administrator of a chemical substance that the Administrator should identify as active or inactive under paragraph (5).~~

~~"(B) GUIDANCE.—Before issuing a final rule under subparagraph (A), the Administrator shall make publicly available guidance relating to the rule for chemical substances on the confidential portion of the list under paragraph (1), including guidance on the use of—~~

~~"(i) accession numbers;~~

~~"(ii) premanufacture notice case numbers, if applicable; and~~

~~"(iii) generic names.~~

~~"(C) CONFIDENTIAL CHEMICAL SUBSTANCES.—The rule issued under subparagraph (A) shall require a manufacturer or processor submitting a notice including information relating to a chemical substance to indicate whether the manufacturer or processor claims the information as confidential pursuant to section 14.~~

~~"(D) PRESERVATION OF RECORDS.—The rule issued under subparagraph (A) shall require a manufacturer or processor to retain a record supporting the accuracy of the information submitted to the Administrator by the manufacturer or processor for a period of 5 years beginning on the last day of the submission period.~~

~~"(E) APPLICABILITY.—Nothing in this paragraph requires the resubstantiation of a claim for protection against disclosure for information submitted to the Administrator prior to the date of enactment of the Chemicals in Commerce Act.~~

~~"(5) ACTIVE AND INACTIVE SUBSTANCES.—~~

~~"(A) ACTIVE SUBSTANCES.—For purposes of this subsection, the term 'active substance' means a chemical substance—~~

~~"(i) that has been manufactured or processed (other than a chemical substance described in section 720.30 of title 40, Code of Federal Regulations (or successor regulations), or a chemical substance manufactured or processed only as part of an article) at any point during—~~

~~"(I) in the case of a chemical substance manufactured or processed before the date of enactment of the Chemicals in Commerce Act, the 5-year period ending on such date of enactment; and~~

~~"(II) in the case of a chemical substance first manufactured or processed on or after the date of enactment of the Chemicals in Commerce Act, the 4-year period ending on the date on which the most recent data was reported under part 711 of title 40, Code of Federal Regulations (or successor regulations);~~

~~"(ii) that is added to the list published under paragraph (1) after the date of enactment of the Chemicals in Commerce Act;~~

~~"(iii) for which a person has notified the Administrator pursuant to subparagraph (C) that such person intends to manufacture or process a chemical substance that is designated as an inactive substance; or~~

~~"(iv) that has been reported under part 711 of title 40, Code of Federal Regulations (or successor regulations) after the date of enactment of the Chemicals in Commerce Act.~~

~~"(B) INACTIVE SUBSTANCES. For purposes of this subsection, the term 'inactive substance' means a chemical substance on the list published under paragraph (1) that has not been manufactured or processed at any point during—~~

~~"(i) in the case of a chemical substance manufactured or processed before the date of enactment of the Chemicals in Commerce Act, the 5-year period ending on such date of enactment; and~~

~~"(ii) in the case of a chemical substance first manufactured or processed on or after the date of enactment of the Chemicals in~~

~~Commerce Act, the 4-year period ending on the date on which the most recent data were reported under part 711 of title 40, Code of Federal Regulations (or successor regulations).~~

~~"(C) CHANGE TO ACTIVE STATUS.—~~

~~"(i) IN GENERAL.—Any person who intends to manufacture or process a chemical substance that is identified as an inactive substance shall notify the Administrator before the date on which the chemical substance is manufactured or processed.~~

~~"(ii) UPDATE OF STATUS.—On receiving notification under clause (i), the Administrator shall designate the chemical substance as an active substance and amend the list under paragraph (1) accordingly.~~

"(~~4~~6) INFORMATION ON LIST.—Except as provided in section 14, t~~T~~he Administrator shall include on the list published under paragraph (1)—

~~"(A)~~ the accession number, chemical identity~~generic name~~, and, if applicable, premanufacture notice case number for each ~~active or inactive~~ substance.~~", in the case of a chemical substance on the confidential portion of the list published under paragraph (1); and~~

~~"(B) the specific identity of any active or inactive substance for which no such claim of confidentiality was received under paragraph (4)(C), subject to the condition that, before revealing the specific identity of the chemical substance, the Administrator shall—~~

~~"(i) publish, if applicable, the accession number, generic name, and premanufacture notice case number for that chemical substance; and~~

~~"(ii) provide an opportunity for any person—~~

~~"(I) to certify to the Administrator that the person intends to manufacture or process the chemical substance at any point in the subsequent 4-year period; and~~

~~"(II) to claim confidentiality for the specific identity of the chemical substance."~~;

(3) in subsection (d),

(A) by inserting "or issue orders" after "promulgate rules" ~~striking "shall promulgate" and inserting "may promulgate"~~;

(B) At the end of paragraph (1) by striking "; and" and inserting ";"

(C)At the end of paragraph (2) by striking "person." And inserting "person; and"

(D) By adding at the end:

"(3) copies of any studies or summaries of studies submitted to other governments by or for such person."

(4) in subsection (e), by striking "injury to health or the environment" and inserting "harm to human health or the environment"; and

(5) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) ADMINISTRATION.—In implementing this section, the Administrator shall take measures to—

"(1) limit the potential for duplication in reporting requirements;

"(2) minimize the impact of the rules on small manufacturers and processors; and

"(3) ensure that the rules minimize, to the extent practicable ~~impose~~ reporting obligations for~~only on the~~ entities ~~most~~ unlikely to have information relevant to the effective enforcement of this title.".

[Strike section 9]

SEC. 10. RESEARCH, DEVELOPMENT, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA.

Section 10 (15 U.S.C. 2609) is amended by striking "Health, Education, and Welfare" each place it appears and inserting "Health and Human Services".

SEC. 11. INSPECTIONS AND SUBPOENAS.

Section 11(b)(2)(B) (15 U.S.C. 2610(b)(2)(B)) is amended by inserting "or marketing" after "sales".

[Strike sections 12 and 13]

SEC. 14. CONFIDENTIAL INFORMATION.

(a) AMENDMENT.—Section 14 (15 U.S.C. 2613) is amended to read as follows:

"SEC. 14. CONFIDENTIAL INFORMATION.

"(a) IN GENERAL.—Subject to subsections ~~(b) and~~ (d), the Administrator shall not disclose information obtained by the Administrator under this title that is—

"(1) information exempt from disclosure under section 552(b)(4) of title 5, United States Code;

"(2) specific information describing the manufacture, processing, distribution in commerce, or disposal of a chemical substance, mixture, or article;

"(3) marketing and sales information;

"(4) information on the identity of constituents in a mixture and the respective percentages of those constituents;

"(5) specific information about the use, function, or application of a chemical substance or mixture in a process, mixture, or article;

"(6) information on specific production or import volumes of a manufacturer and specific volumes aggregated across manufacturers if disclosure of that aggregated data could reveal information identified in paragraphs (1) through (5); or

"(7) the specific identity of a chemical substance, including the chemical name, molecular formula, Chemical Abstracts Service

number, or other information that would identify a specific chemical substance;,

if the informationspecific identity is claimed under subsection (b) as confidential information and the claim has not subsequently been withdrawn, expired, or found by the Administrator not to warrant protection as confidential information under this section.

"(b) REQUIREMENTS FOR CERTAIN CONFIDENTIALITY CLAIMS.—A person seeking protection from disclosure of information under this section shall—

"(1) claim such information as confidential by identifying such information to the Administrator; and

"(2) in the case of information described in paragraph (7) of subsection (a), submit—

"(A) written documentation justifying why the information qualifies for such protection, including documentation establishing that—

"(i) the submitting person takes reasonable measures to protect the confidentiality of the information;

"(ii) the information is not required to be disclosed, or otherwise made available, to the public under any other Federal law in connection with one or more uses subject to this title;

"(iii) disclosure of the information is likely to cause meaningful harm to the competitive position of the person; and

"(iv) the information is not reasonably believed to be readily discoverable through reverse engineering;

"(B) the time period for which the person claims protection from disclosure of the information, which may be renewed upon request not later than 30 days before the expiration of the period; and

"(C) a generic name for the chemical substance, or a unique identifier that adequately distinguishes the chemical substance, that the Administrator may disclose to the public, subject to the condition that such generic name or unique identifier discloses a maximum amount of information on the structure of the chemical substance while protecting those features of such structure that are considered confidential and the disclosure of which would potentially harm the competitive position of the person.

"(c) GUIDANCE.—The Administrator shall develop guidance on the determination of generic names and unique identifiers for confidential chemical identities.

"(d) EXCEPTIONS TO PROTECTION FROM DISCLOSURE.—

"(1) IN GENERAL.—In accordance with subsection (l), subsection (a) shall not apply to—

"(A) health and safety information—

"(i) relating to a chemical substance or mixture that has been offered for commercial distribution as of the date on which the information is to be disclosed; or

"(ii) that is developed pursuant to a requirement under section 4, 5, or 6;

"(B) health and safety information submitted to the Administrator in connection with a notice of substantial risk required under section 8(e);

"(C) general information describing the manufacturing volumes, expressed in ranges, that would not reveal information protected as confidential under this section; and

"(D) general descriptions of industrial, commercial, or consumer functions and uses of a chemical substance or mixture that are customarily shared with the general public or within the industry to which the person submitting the information belongs, and would not reveal information protected as confidential under this section.

"(2) LIMITED INFORMATION SHARING.—The Administrator may share information otherwise protected from disclosure by this section only as follows:

"(A) To an officer or employee of the United States—

"(i) to carry out that person's official duties; or

"(ii) for specific law enforcement purposes under this or any other Act.

"(B) To a contractor with the United States and employees of that contractor if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States for the performance of work in connection with this title and under such conditions as the Administrator shall specify.

"(C) To a State, upon written request, for the purpose of development, administration, or enforcement of a law, if—

"(i) the recipient agrees in writing to take appropriate steps, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures as stringent as those the Administrator uses to safeguard the information; and

"(ii) the Administrator notifies a person claiming protection of the information that the information will be disclosed to a State.

"(D) To a person who is a health professional employed by a Federal or State agency, or a treating physician or nurse, in a nonemergency situation if such person—

"(i) states in writing to the Administrator that the person has a reasonable basis to believe that disclosure of the information will assist in diagnosis or treatment of any person exposed to the chemical substance; and

"(ii) agrees in writing not to use the information for any purpose other than the diagnosis and treatment referred to in clause (i).

"(E) To a treating physician, nurse, or agent of a poison control center, or any other person such a physician, nurse, or agent determines is necessary to aid in diagnosis or treatment described in clause (i), if—

"(i) such physician, nurse, or agent states that the requested information is necessary for, or will assist in, emergency or first-aid diagnosis or treatment and a person being diagnosed or treated has likely been exposed to the chemical substance; and

"(ii) each person receiving the protected information agrees in writing as soon as practicable, but not necessarily prior to receiving the information, not to use the information concerned for any purpose other than the diagnosis or treatment referred to in clause (i).

"(3) PROHIBITION.—No person who receives information under paragraph (2) may use such information for any purpose not specified in such paragraph, nor disclose such information to any person not authorized to receive such information.

"(4) USE OF INFORMATION BY THE ADMINISTRATOR.—Subsection (a) shall not apply to the extent that the Administrator determines that information disclosure is necessary—

"(A) to protect health or the environment from an unreasonable risk of harm; or

"(B) in a proceeding under this title, subject to the condition that the disclosure is made in such a manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

~~"(5) HEALTH AND SAFETY INFORMATION.—For purposes of this subsection, the term 'health and safety information' does not include information described in subsection (a)(7).~~

"(e) DURATION OF PROTECTION FROM DISCLOSURE.—The Administrator shall protect from disclosure information as required under this section unless—

"(1) the person claiming confidentiality of such information under subsection (b) notifies the Administrator that the person is withdrawing the confidentiality claim, in which case the Administrator shall promptly make the information available to the public; or

"(2) the Administrator finds that—

"(A) the time period described in subsection (b)(2)(B) has expired;

"(B) the information has been publicly disclosed through some other means; or

"(C) the information no longer meets the criteria for protection under this section.

"(f) REESTABLISHMENT OF CONFIDENTIALITY.—

~~"(1) IN GENERAL.—Except as provided in paragraph (2), t~~The Administrator may require a person who has claimed information as confidential under subsection (b) to reestablish such claim.

~~"(2) LIMITATION.—The Administrator may not under paragraph (1) require reestablishment of a claim for protection from disclosure of information if such claim was submitted to the Administrator under this title prior to the date of enactment of the Chemicals in Commerce Act, unless the Administrator has a reasonable basis to conclude that the claim does not meet the requirements of this section for protection from disclosure.~~

"(g) DETERMINATION BY THE ADMINISTRATOR.—The Administrator shall—

"(1) approve a claim of confidentiality received under subsection (b); or

"(2) if the person who has submitted the claim fails to meet the requirements of this section, approve the claim with conditions or deny the claim.

"(h) NOTICE AND EXPLANATION.—If the Administrator takes action under subsection (g)(2), makes a finding under subsection (e)(2), shares information under subparagraphs (C) or (D) of subsection (d)(2), or discloses information pursuant to a determination under subsection (d)(4)(A), the Administrator shall provide to the person who has claimed confidentiality of information under subsection (b) a written statement of the release, or the Administrator's intent to release or otherwise condition the protection, of the information and the reasons for taking such action.

"(i) TIMING OF RELEASE OF INFORMATION.—

"(1) IN GENERAL.—Except as provided in this section, the Administrator may not release information otherwise protected from disclosure until 30 days after the date on which the person who submitted the claim of confidentiality receives notification under subsection (h).

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The Administrator may not share information identified in subparagraphs (A)(i) or (E) of subsection (d)(2) until 15 days after the date on which the person who submitted the claim of confidentiality receives a notification under subsection (h), unless the Administrator determines that release of the information is necessary to protect against an imminent and substantial harm to human health or the environment, in which case no prior notification is necessary.

"(B) NO NOTIFICATION.—For information identified in subparagraphs (A)(ii) or (E) of subsection (d)(2), or subparagraphs (A) or (B) of subsection (d)(4), no prior notification is necessary.

"(j) SUBSETS.—If it is not feasible for the Administrator to review each claim received under subsection (b), the Administrator shall review a subset of all submitted information protection claims selected on a statistically valid basis.

"(k) JUDICIAL REVIEW.—

"(1) IN GENERAL.—A decision by the Administrator under subsection (g)(2) is subject to review and injunctive relief in a district court of the United States located in the district in which the person seeking protection of the information from disclosure resides, or the United States District Court for the District of Columbia.

"(2) STAY.—Except as provided in subsection (d), the Administrator shall disclose no information included in claim of confidentiality made under subsection (b) during the pendency of judicial review under this subsection.

"(l) SEPARABILITY OF INFORMATION.—In carrying out this title, the Administrator shall separate information as necessary to ensure that—

"(1) no information that is eligible for protection under this section is disclosed with information not protected under this section; and

"(2) all information required to be disclosed under this title is disclosed.

"(m) ADMINISTRATION.—In carrying out this section, the Administrator shall employ the procedures in part 2 of title 40, Code of Federal Regulations (or successor regulations).".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 14 in the table of contents is amended to read as follows:

"Sec. 14. Confidential information.".

SEC. 15. PROHIBITED ACTS.

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, order, or consent agreement issued or entered into under this title, or".

SEC. 16. PENALTIES.

Section 16 (15 U.S.C. 2615) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence—

(i) by striking "section 15 or 409" and inserting "this title, or who otherwise violates this Act, except as provided in section 207(b),"; and

(ii) by striking "$25,000" and inserting "$37,500"; and

(B) in the second sentence, by striking "violation of section 15 or 409" and inserting "violation of this Act";

(2) in subsection (a)(2)(A), by striking "of section 15 or 409" and inserting "described in paragraph (1)"; and

(3) in subsection (b)—

(A) by striking "Any person" and inserting the following:

"(1) IN GENERAL.—Any person";

(B) by striking "section 15 or 409" and inserting "this Act";

(C) by striking "$25,000" and inserting "$50,000"; and

(D) by adding at the end the following:

"(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—Any person who knowingly or willfully violates any provision of this Act and who knows, at the time of the violation, that the violation places another person in imminent danger of death or

serious bodily injury shall be subject, upon conviction, to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.”.

SEC. 17. PREEMPTION.

[Strike draft bill language, replacement to be discussed]

SEC. 18. JUDICIAL REVIEW.

Section 19 (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) FILING OF PETITION.—

“(A) IN GENERAL.—Not later than 60 days after the date of the promulgation of a rule under section 4, 5(c)(5), 6(c), or 8 or title II or IV or an order under section 4 or 5(c)(5), any person may file a petition for judicial review of the rule or order in the United States Court of Appeals for—

“(i) the District of Columbia Circuit;

“(ii) the circuit in which the person resides; or

“(iii) the circuit in which the principal place of business of the person is located.

“(B) EXCLUSIVE JURISDICTION OF COURTS OF APPEALS.—The courts of appeals of the United States shall have exclusive jurisdiction of any action to obtain judicial review (other than in an enforcement proceeding) under subparagraph (A).”;

(B) in paragraph (2)—

(i) by inserting “ADMINISTRATIVE RULES.—” before “Copies of any petition”; and

(ii) by striking "paragraph (1)(A)" and inserting "paragraph (1)"; and

(C) in paragraph (3)—

(i) by inserting "DEFINITION.—" before "For purposes of";

(ii) by amending subparagraph (B) to read as follows:

"(B) in the case of a rule or order under section 4, the statement issued under section 4(b), in the case of a rule or order under section 5(c)(5), the determination required under section 5(c)(3), in the case of rule under section 6(c), the statement published under section 6(b)(~~4~~5), and in the case of a rule under title IV, the finding required for the issuance of such a rule;".

(iii) by striking subparagraph (C); and

(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1), by striking subparagraphs (B) and (C) and inserting the following:

"(B) APPLICABILITY OF SECTION 706 OF TITLE 5, UNITED STATES CODE.—Section 706 of title 5, United States Code, shall apply to review of a rule, order, or final agency action under this section~~, except that—~~

~~"(i) in the case of a rule under section 4, 5(c)(5), or 6(c) or an order under section 4 or 5(c)(5)—~~

~~"(I) the standard of review prescribed in section 706(2)(E) of title 5, United States Code, shall not apply; and~~

~~"(II) the court shall hold as unlawful and set aside the rule if the court finds that the rule is not supported by substantial evidence in the rulemaking record; and~~

~~"(ii) the court shall not review the contents and adequacy of the statement of basis and purpose required by section 553(c) of title 5,~~

~~United States Code, to be incorporated in the rule except as part of a review of the rulemaking record taken as a whole~~.".

SEC. 19. CITIZENS' CIVIL ACTIONS.

Section 20(a)(1) (15 U.S.C. 2619(a)(1)) is amended—

(1) by striking "or 6" and inserting "6, or 8"; and

(2) by striking "section 5" and inserting "section 4 or 5".

SEC. 20. CITIZENS' PETITIONS.

Section 21 (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking "section 4, 6, or 8 or an order under section 5(e) or 6(b)(2)" and inserting "section 4, 6(c), or 8 or an order under section 4 or 5(c)";

(2) in subsection (b)—

(A) in paragraph (1), by striking "an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)" and inserting "an order under section 4 or 5(c)"; and

(B) by striking subparagraph (B) of paragraph (4) and inserting the following:

"(B) DE NOVO PROCEEDING.—

"(i) IN GENERAL.—In an action under subparagraph (A) to initiate a proceeding to issue a rule under section 4, 6(c), or 8 or an order issued under section 4 or 5(c), the petitioner shall be provided an opportunity to have the petition considered by the court in a de novo proceeding.

"(ii) DEMONSTRATION.—

"(I) IN GENERAL.—The court shall order the Administrator to initiate the action requested by the petitioner if the petitioner demonstrates to the satisfaction of the court by a preponderance of the evidence that—

"(aa) in the case of a petition to initiate a proceeding for the issuance of a rule or order under section 4, the information available to the Administrator is insufficient for the Administrator to implement the Actperform an action described in section 4(a)(1);

"(bb) in the case of a petition to issue an order under section 5(c), there is a reasonable basis to conclude that the chemical substance may presentis likely to result in an unreasonable risk of harm to human health or the environment under the intended conditions of use;

"(cc) in the case of a petition to initiate a proceeding for the issuance of a rule under section 6(c), there is not a reasonable basis to conclude that the chemical substance or mixture does not and will not presentwill result in an unreasonable risk of harm to human health or the environment under the intended conditions of use; or

"(dd) in the case of a petition to initiate a proceeding for the issuance of a rule under section 8, there is a reasonable basis to conclude that the rule is necessary to protect human health or the environment from an unreasonable risk of harm.

"(II) DEFERMENT.—The court may permit the Administrator to defer initiating the action requested by the petitioner, until such time as the court prescribes, if the court finds that—

"(aa) the extent of the risk to human health or the environment alleged by the petitioner is less than the

extent of ~~those~~ risks to human health or the environment with respect to which the Administrator is otherwise taking action under this title; and

"(bb) there are insufficient resources available to the Administrator to take the action requested by the petitioner.".~~; and~~

~~(3) by adding at the end the following:~~

~~"(c) LIMITATION.—For purposes of this section, any reference to a rule under section 4 shall not include a rule under section 4(a)(1)(C).".~~

[Strike section 21]

SEC. 22. STUDIES.

Section 25 (15 U.S.C. 2624) and the item relating thereto in the table of contents are repealed.

SEC. 23. POLICIES, PROCEDURES, AND GUIDANCE.

Section 26 (15 U.S.C. 2625) is amended—

(1) by striking "Health, Education, and Welfare" each place it appears and inserting "Health and Human Services";

(2) by redesignating subsections (c) through (e) as subsection (d) through (f); and

(3) ~~in~~ by striking subsection (b) and inserting the following:~~subsection (b), by striking "section 4 or 5" and inserting "section 4, 5, or 6"; and~~

"(b) FEES.—(1) SERVICE FEES.—The Administrator may require the payment of one or more reasonable service fees from any person required to submit information under this Act to defray the cost of administering this Act.

"(2) MAINTENANCE FEE.—The Administrator shall require each manufacturer and processor of a chemical substance that is listed on the inventory under Section 8, to pay an annual fee by January 15 of each year for each chemical substance manufactured or processed, or to submit to the Administrator a certification, pursuant to paragraph (8)(b)(3) that they no longer manufacture or process such chemical.

"(3) FEE STRUCTURE.— In setting fees under paragraphs (1) and (2), the Administrator shall take into account the ability to pay of covered persons, the costs of administering this Act, and expected appropriations. The Administrator shall periodically review and, as appropriate, increase or decrease the fee amounts to a level sufficient to cover costs of administering this subchapter.

"(4) COLLECTION OF FEES.—The Administrator shall collect the fees described in paragraphs (1) and (2) from manufacturers and processors and deposit the fees in the fund established under subsection (c).

"(5) Crediting and Availability of Fees. – Fees authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

"(c) TSCA IMPLEMENTATION FUND.—

(1) ESTABLISHMENT. —There is established in the Treasury of the United States a revolving fund, to be known as the 'TSCA Implementation Fund', consisting of such amounts as are deposited in the fund under (b)(4).

(2) EXPENDITURES FROM FUND.—Only to the extent provided in advance in appropriations Acts, on request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator amounts appropriated to pay the costs of administering this Act. Fees collected by the Administrator and deposited in the Fund under this section shall be available to the Administrator subject to appropriations Acts for use in accordance with this section without fiscal year limitation."

(43) by adding at the end the following:

"(ih) POLICIES, PROCEDURES, AND GUIDANCE.—Not later than 1 year after the date of enactment of the Chemicals in Commerce Act, the Administrator shall, after providing public notice and an opportunity for public comment, establish all

policies, procedures, and guidance necessary to implement the amendments made to this title by the Chemicals in Commerce Act.

"(j) SCIENTIFIC INTEGRITY. – Not later than two years after the enactment of the ____ Act of 2014, and after providing opportunity for public comment and seeking the advice of the Science Advisory Board, the Administrator shall promulgate guidance for evaluating the quality of scientific information submitted to or relied upon by the Administrator under this Act."

~~"(i) SCIENTIFIC STANDARDS.—In evaluating information from studies and tests, and in carrying out sections 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 technical procedures, measures, methods, or models employed to generate the information are reasonable for and consistent with the intended application;~~

~~"(2) the extent to which the information is relevant for the Administrator's intended use;~~

~~"(3) the degree of clarity and completeness with which the data, assumptions methods, quality assurance, sponsoring organizations, 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, validation, and peer review of the information or of the procedures, measures, methods, or models.~~

~~"(j) WEIGHT OF SCIENTIFIC EVIDENCE.—The Administrator shall make decisions under sections 4, 5, and 6 based on the weight of the scientific evidence.~~

~~"(k) GUIDANCE.—The Administrator shall provide public notice and opportunity for public comment for any significant written guidance of general applicability prepared by the Administrator under this title.".~~

SEC. 24. TECHNICAL AMENDMENT.

Section 27(a) (15 U.S.C. 2626(a)) is amended by striking "Health, Education, and Welfare" and inserting "Health and Human Services".

SEC. 25. STATE PROGRAMS.

Section 28 (15 U.S.C. 2627) is amended by striking subsections (c) and (d).

SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

Section 29 of TSCA is amended by striking "$10,100,000" through the end of that sentence and inserting "$90,000,000 for each of the fiscal years ending September 30, 2015, September 30, 2016, and September 30, 2017."

~~Section 29 (15 U.S.C. 2628) and the item relating thereto in the table of contents are repealed.~~

SEC. 27. ANNUAL REPORT.

Section 30 (15 U.S.C. 2629) is amended by striking paragraph (2) and inserting the following:

"(2)(A) the number of notices received under section 5; and

"(B) the number of the notices described in subparagraph (A) for chemical substances subject to a rule, consent agreement, or order under section 4;".

SEC. 28. PRESERVATION OF AUTHORITY.

Except as specifically provided in this Act or the amendments made by this Act, nothing in this Act or the amendments made by this Act shall amend, alter, or affect—

(1) the authority of the Administrator under the Toxic Substances Control Act as in effect before the date of enactment of this Act; or

(2) the continued application or validity of any action taken by the Administrator under the Toxic Substances Control Act before the date of enactment of this Act.
