Environment Hearing: Legislative Proposal to Modernize America's Chemical Safety Law[1]

Hearing Date: January 22, 2026

Source: https://www.youtube.com/watch?v=77X1oa0zC5s

[15:19] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

The Subcommittee on Environment will now come to order. The Chair recognizes himself for five minutes for an opening statement. Good afternoon. Welcome to Ranking Members Pallone and Tonka, my colleagues, and to our witnesses for this hearing of the Subcommittee on the Environment. Today, we will be examining a legislative proposal to modernize the Toxic Substance Control Act, or TSCA. First enacted into law in 1976 with broad bipartisan support, TSCA provides the U.S. Environmental Protection Agency with broad authority to regulate chemicals that pose an unreasonable risk to human health and the environment. Forty years later, Congress made several improvements to TSCA with passage of the bipartisan Lautenberg amendments in 2016. As we heard at our hearing last January, chemicals are central to many aspects of modern life, and a strong U.S. chemical industry is key to our economic prosperity and national security. The 2016 law authorized EPA to collect user fees to help provide resources and funding, but in the decade since the Lautenberg amendments were passed, it has become clear that this important law is still not working as Congress intended. and that further changes are needed to ensure chemicals are reviewed in a predictable and efficient process without undermining safety. The process for reviewing new chemicals, which was a significant focus of the 2016 effort, is broken. As we heard in January and we'll hear again from witnesses today, EPA does not meet the 90-day review deadline for the vast majority of all new chemicals submitted for EPA review. This regulatory uncertainty makes it difficult for the chemical industry to bring safer alternatives or new technologies to the market in the U.S. and impacts human health and the environment by slowing the transition to safer alternatives. To be clear, the draft would not scrap the safety protections enacted in the 2016 amendments and is not reopening up TSCA as a whole. The bill would reauthorize the fee provision for another 10 years and require increased transparency and accountability in how fees are used by EPA. The draft also makes targeted changes to modernize Section 5 and Section 6 concerning the review and regulations of new and existing chemicals, including requiring increased coordination between the EPA and

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[1] This transcript was created using artificial intelligence (AI) and has not been reviewed for errors. Please check the recording of the hearing in case of questions.

other agencies and prioritizing chemicals that are essential to critical manufacturing supply chains. Our witnesses today are Dimitri, Kara, Keith Sose, a partner in the law firm Holland & Knight, who worked on the 2016 amendments as a Senate staffer. Dr. Kimberly Wise-White of the American Chemistry Council. John Kerry of DSM-Firmanich, an international chemical manufacturer with significant operations in the U.S. And Professor Tracy Woodruff of the University of California, San Francisco. The legislation we're considering today is a discussion draft. It reflects input the subcommittee received at our January hearing and in the month since. Majority staff also met with their counterparts on the minority staff half a dozen times to discuss ideas and language for this proposal, and several changes were made to the text based on input from the minority staff. We look forward to getting additional feedback in the weeks after this hearing and hope to continue discussions with the minority on areas for bipartisan cooperation as we work on an updated draft, prepare legislation for introduction, and plan for a future markup to advance this important legislation. The chair now recognizes the ranking member of the subcommittee, the gentleman from New York, for five minutes for an opening statement.

[18:57] **Rep. Paul Tonko, Ranking Member, Subcommittee on Environment:**

Well, thank you, Mr. Chair. I don't think it will surprise anyone to hear that I have serious concerns with the majorities proposed. discussion draft, having been part of a major TSCA overhaul once before. I can tell you that that chore wasn't easy. That effort included years of bipartisan meetings and roundtables, which included all interested stakeholders in the process before we were able to produce a bill and move it through the House. At that time, there was a consensus that the original law was broken. And I'm happy to admit that the Lautenberg Act, despite my concerns with the final agreement, has made some important improvements to the previous status quo. With that said, I also believe it's likely that every stakeholder, regardless of your views on the majority's proposal, would agree that since 2016, the law has had implementation challenges. I want to be clear that I am not opposed to reevaluating or seeking to improve our environmental laws, but the majority's proposal cannot be considered targeted in its reforms. It would fundamentally weaken the core public health protections provided by our nation's chemical safety regulatory program. It would make it harder for EPA to test, evaluate, and restrict new and existing dangerous chemicals. It creates numerous new opportunities for litigation against the agency, and it guts protections for workers. More specifically on testing, the draft makes it more difficult for EPA to be able to access the science necessary to make well-informed regulatory decisions. We have seen other attempts by the Trump EPA to weaken scientific integrity protections, diminish scientific evidence, and eliminate industry reporting requirements. And I do believe these changes are part of this EPA's strategy of raising barriers to inhibit future administrations from pursuing science-based public health protections. under this draft epa's new chemicals program would also be diminished this program is our first line of defense against preventing costly superfund cleanups and drinking water treatments in the future we need to keep dangerous chemicals out of our environment in the first place And as we

heard at our PFAS hearing in December, supposedly safer alternatives to dangerous existing chemicals can still be incredibly dangerous, as has been the case with Gen X. Yes, the new chemicals program has had backlogs, but many delays have occurred because EPA has had to wait for more information from the submitting manufacturer. The discussion draft would have EPA rely more on manufacturers' self-identification of conditions of uses, weaken EPA's ability to take initiative to demand more testing, and raise the standard for regulation from may present an unreasonable risk to more likely than not to present an unreasonable risk. The draft also makes it more difficult to restrict existing chemicals. In 2016, the Lautenberg Act required EPA to determine the first 10 existing chemicals to be evaluated. These are known to be dangerous substances. Now, nearly a decade later, only five of the 10 have finalized risk management rules, which are still subject to ongoing litigation. I don't want to be dismissive of EPA's important work to ban asbestos and TCE, but I don't believe anyone can look at EPA's track record over the last decade and reach the conclusion that the agency has been too successful at regulating existing chemicals. And yet this discussion draft limits EPA to regulating risks that are reasonably feasible to address rather than seeking to eliminate those risks. Despite my criticism of the draft, I do support reauthorizing EPA's fee authority. I suspect almost every stakeholder does. I would also be supportive of greater transparency in the status of reviews and finding more opportunities for pre-submission consultations to ensure the right information is provided early in the process. But what I don't support is the suggestion that fee authority is a political chip to be traded for enacting the major program reforms sought by industry. I will not start the precedent that every 10 years we chip away at public health protections in the law at industry's behest in order to extend fee authority. I look forward to today's discussion, but I don't believe that the sweeping overhaul proposed is putting us on that right track to enacting a bipartisan bill that will improve the administration of our nation's chemical safety program. Thank you, Mr. Chair, and I yield back.

[23:33] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

The gentleman yields. The chair now recognizes the chairman of the full committee, the gentleman from Kentucky, for five minutes for an opening statement.

[23:39] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

Thank you, Chairman Palmer. Thank you for holding this important hearing. We've already had a productive 2026. at this committee. This week alone, we've advanced Common Sense Clean Air Act reforms, approved legislation, enhanced public safety communications, supported hydropower development, and examined barriers to more affordable healthcare, not to mention the creative of a novel energy council that will consider the renewable fuel standard. At Energy and Commerce, we're working to ensure Americans have access to the essential products and services they need, strengthen our national security, and boost our international competitiveness. Today, we're taking another step to further these goals by examining targeted updates to the

Toxic Substances Control Act. Chemicals are necessary to produce some of the most crucial products we use every day, such as automobiles, electronics, batteries, construction materials, cleaning products, and appliances. However, rather than leading the world in manufacturing innovative new products, the U.S. is being left behind by our international rivals as lengthy delays at EPA's New chemical review process drives manufacturing opportunities in jobs abroad. Today, we will discuss how focused statutory changes can facilitate more efficient chemical regulation while maintaining important health and safety protections. This draft legislation encourages chemical regulation based on sound science, real-world conditions, and actual data. It also focuses EPA's chemical safety reviews on the most significant exposures and risk and facilities improved coordination between EPA, manufacturers, and other federal agencies with relevant expertise. I was proud to support the bipartisan reforms we passed in 2016. I believe these updates will support the existing TSCA framework and continue to build on that progress. I also hope we can collaborate in a bipartisan manner and look forward to working with my colleagues on both sides of the aisle to make sure our chemical regulatory system allows us to take advantage of new opportunities, but also respond to any new threats. I really appreciate all of our witnesses for being here today to help us continue to study this issue to make sure we get it right. Thank you for your time. We appreciate you being here, and I yield back.

[25:56] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

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

[26:02] **Rep. Frank Pallone, Ranking Member, Committee on Energy and Commerce:**

Thank you, Mr. Chairman. I have to say that I disagree with Chairman Guthrie that the discussion draft before us today is an update and supports or supports the TSCA framework. I think it continues the Republican assault on the health and well-being of the American people. We'll be discussing a Republican discussion draft that would significantly weaken our nation's chemical safety law and leave families, children, and workers exposed to toxic chemicals. The Toxic Substance Control Act, or TSCA, gives the Environmental Protection Agency the authority and responsibility to examine and restrict chemicals that pose an unreasonable risk to human health and the environment. The original law, however, fell far short of that goal. And for the... For many years, for a long time, there were too many communities that carried the burden of toxic exposures. And that was made clear during our December PFAS hearing when Emily Donovan delivered the stories of friends and loved ones lost too soon because of unchecked actions by chemical companies. And that is why after years of tough negotiations, Congress passed the Frank R. Lautenberg Chemical Safety for the 21st Century Act in 2016 with strong bipartisan support. The Republicans were the majority in the House at the time. John Shimkus was the chairman of the subcommittee. The bill came over from

the Senate, and we worked very hard with Chairman Shimkus and Democrats to get that bill passed, and it was named after New Jersey's late Senator Lautenberg, who was a longtime friend of mine and a lifetime environmental champion. And the Lautenberg Act updated and modernized TSCA for the first time in 40 years, finally providing EPA the tools to safeguard Americans by addressing harmful substances. Now, since its passage, I've worked, and so has our ranking member, Mr. Tonka, to ensure that the legislation and that TSCA lives up to it our namesakes, Lautenberg's commitment to protect Americans, particularly children, pregnant women, workers, and frontline communities. And so it's just kind of shocking to me that this draft comes to us today because this had always been a bipartisan effort. But the draft before us today does not live up to the Lautenberg legacy or to the Shimkus legacy, in my opinion, or any of ours. It fundamentally alters the TSCA program to appease industry stakeholders at the expense of public health and safety. The discussion draft would prevent EPA from meaningfully reviewing new and existing chemicals in order to protect workers, families, and children from unreasonable risk. It would hamper EPA's ability to require chemical testing, leaving regulators in the dark about the harms posed by chemical substances, and exposing Americans to toxic chemicals in their homes and workplaces. And these are only some of the serious concerns I have with the discussion draft. My Republican colleagues would claim this draft modernizes TSCA, promotes innovation, But in reality, it decimates critical protections and signals to communities like Emily Donovan's that it's acceptable for them to face the threats of cancer, infertility, neurological harm, and other serious risks so long as industry gets their chemicals to market. I fully acknowledge that EPA's TSCA offices face its share of implementation challenges. One complaint we've heard is that new chemical reviews are facing delays. But we can't ignore the fact that the chemical industry has a hand in these delays. It's clear to me that the first step to addressing TSCA delays is to ensure the office has the adequate resources to fulfill its mission. Undermining health protections from toxic chemicals and leaving Americans exposed to harm as the discussion draft proposes, would do nothing to address EPA's TSCA implementation challenges. And my Republican colleagues will also claim that these changes are targeted, but I also fundamentally disagree with that. The discussion draft proposes to make fundamental changes to the law that deserve feedback and scrutiny from stakeholders across all sectors. EPA should be called to provide testimony on these amendments as well. Changes of this magnitude at TSCA deserve more than just one hearing so members can scrutinize the language and its impacts. And time and again, we see how vulnerable communities bear the brunt of weak chemical safety protection. We've heard the tragic stories of Americans going too soon because of lacks or non-existing chemical regulations. And we fought hard to make meaningful improvements to a broken law with the Lautenberg Act 10 years ago. I don't understand what happened to the Republicans. I mean, this was clearly a bipartisan effort. Every Republican on the committee supported this. And now we see the Republicans going in the opposite direction and trying to tear down It was a very good law. And I just refuse to go back to the days when chemicals, when the industry just basically did what it wanted. We should be working to strengthen TSCA to ensure we protect the health of all Americans, especially our most vulnerable, while at the same time fostering innovation.

And this discussion, Dreyf, unfortunately, is heading us in the wrong direction. So I thank you. I yield back the balance of my time, Mr. Chairman.

[31:12] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Gentleman yields. We have now concluded with member opening statements. Chair would like to remind members that pursuant to the committee rules, all members opening statements will be made part of the record. We would like to thank our witnesses for being here today and taking the time to testify before the subcommittee. The witnesses will have the opportunity to give an opening statement followed by a round of questions from the members. Our witnesses for today are Dimitri Karakytos, a partner at the law firm Holland & Knight, who worked on the 2016 amendments as a Senate staffer. Dr. Kimberly Wise-White of the American Chemistry Council. John Kerry, an international chemical manufacturer with significant operations in the U.S. and Professor Tracy Woodruff of the University of California, San Francisco. We appreciate you being here today. I now recognize Mr. Karakitsos for five minutes to give an opening statement.

[32:13] **Dimitri Karakitsos, Partner, Holland & Knight:**

Chairman Guthrie and Palmer, ranking members Pallone and Tonko, and members of the subcommittee, thank you for the opportunity to testify today. My name is Demetri Karakitsos, and I'm a partner at Holland & Knight here in Washington, D.C. I'm not here today representing the firm or any of its clients. I'm here in a personal capacity based on my prior experience as a congressional staffer during the negotiations and passage of the Lautenberg Chemical Safety Act. Serving as the lead EPW chemical staffer, I worked on many different iterations of bipartisan TSCA reform bills. Working with this subcommittee directly, we were able to pass one of the first major environmental law rewrites in decades with overwhelming bipartisan support. The overarching goals of reform were to fix the existing chemicals program that had failed to operate effectively for decades, maintain a new chemicals program that allows American industry to lead global innovation while protecting human health and the environment, and creating a unified national approach to chemical regulations, all while requiring EPA to use the best available science. The law also included an updated fees provision that was important to provide the agency greater resources to take on its additional responsibilities. Congress did, however, deliberately sunset the fees provision after 10 years to create a mechanism to look back at a decade of implementation and see if the law was operating as envisioned or if any updates were needed to make it function better. The legislative process this committee is undertaking, in my view, is well aligned with that congressional intent to review how the law is functioning as part of the fees reauthorization process and not designed to relitigate or undo the entire 2016 compromise, but to make the law operate better. Despite EPA's best efforts the last decade, there are a few glaring parts of the law's implementation that I do not believe are operating as intended, and now Congress has the opportunity to address these issues. First, in the course of negotiating

the 2016 amendments, Congress worked closely with the Obama administration to codify what the EPA described in technical assistance as the new chemicals practice as it existed at the time. There was confidence that the Obama EPA was reviewing new chemicals thoroughly enough under the original law to prevent dangerous chemicals from going to the market unchecked. The primary fear was that under the original Tosca language, a future administration could do no safety review, simply let the 90-day clock expire and add countless new chemicals to the existing chemical inventory whether they were safe for use or not. The changes in the law to force EPA to make an affirmative determination of not likely to present an unreasonable risk within 90 days in order for a chemical substance to go to the market was not intended to be a significantly higher bar or exhaustively analyze all potential uses and all risks. The Obama EPA relayed to Congress that operationally they were already making a similar determination by allowing the 90-day clock to expire after a review, and the language in the law would simply memorialize their existing practice. Of course, this is not how the New Camp Wells process is operated, and unfortunately, we've seen a significant hurdle to innovation as a result. Requiring EPA to use the best available science and weight of the scientific evidence was also a pillar of the compromise, and here, too, is an area where I think implementation has not met the goals of the law. At times, the agency has relied on hazard values not at all consistent with real-world scenarios, which has led to some extremely conservative regulatory proposals out of line with international regulators in Europe and beyond. In some instances, EPA has gone against its own scientific guidance and scientific advisors, which can give the appearance it's not adhering to these important requirements under the law. Finally, the citizen's petition provision of the law, I believe, has eaten up valuable EPA resources while providing little benefit. As currently drafted, this section could allow EPA to skip the prioritization and risk evaluation phase of the existing chemicals process and move directly to regulate a chemical substance, even when it lacks the scientific information needed to do so in a manner consistent with the law. I believe this was an oversight, and we've seen overreaching petitions to force regulations on things like tobacco and greenhouse gas emissions, which TSCA was not designed or intended to address. In closing, both the House and Senate spent years developing and negotiating different bills and policies that ultimately led to the landmark bipartisan compromise. The fee expiration was designed to provide Congress with the opportunity to look at 10 years of implementation, identify challenges, and responsibly address any shortcomings in order to ensure the 2016 law successfully protects human health, the environment, and our critical domestic industries well into the future. Thank you again for the opportunity to testify, and I look forward to your questions.

[37:13] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Chair now recognizes Mr. Kerry for five minutes for his testimony.

[37:19] **John Carey, Director, DSM-Firmanich:**

Good afternoon, Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, and Ranking Member Tonko. and members of the subcommittee. It is a privilege to speak with you today as you consider legislative proposals to modernize America's chemical safety laws, strengthen critical supply chains, and support American innovation. My name is John Kerry, and I serve as a regulatory director at DSM Furmanish, a global leader in health, nutrition, bioscience, fragrance, and flavor. We employ more than 4,000 people across the United States and many more worldwide. Our company draws on more than 150 years of scientific discovery and innovation. We maintain over 15 R&D facilities, hold more than 16,000 patents, and invest over $800 million each year in research and development. I am also testifying today on behalf of the Household and Commercial Products Association, HCPA, the premier trade association for companies that manufacture products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies generate over $200 billion annually and employ over 300,000 people across the United States. I would like to make three points to that. First, United States chemical innovation has stagnated over the past decade. In 2015, the year before the Lautenberg Amendments, EPA received 593 pre-manufacturing notifications. Last year, 154 were submitted. That is a 70 percent decline. Unsurprisingly, over the same period of time, U.S. R&D spending fell 77 percent. Second, innovation is happening. It's just happening outside the United States. Between 2021 and 2025, our company, DSM Furmanish, registered 12 materials globally and none in the United States. As we sit here today, the materials are used worldwide, including in jurisdictions with robust chemical registration requirements, such as Europe, Australia, Japan, Taiwan, the Philippines, and China. Third, EPA's own Safer Choice program shows that many of these materials are safe. Comparing the new chemicals program to EPA's Safer Choice program is striking. Safer Choice is designed to identify products with safer chemical ingredients. In May of 2023, EPA Safer Choice released a list of 2,400 fragrance materials that meet its criteria for safer chemistry. In July of 2024, that list expanded to over 2,800 materials. That represents over 80% of the fragrance ingredients on the International Fragrance Association's transparency list. Even as new chemical reviews stalled, EPA's own Safer Choice program, unencumbered by the agency's interpretation of Section 5 review, has affirmed the safety of thousands of fragrance materials and held these up as examples of safer chemistry. Now you may be asking, why are we talking about fragrance? And the answer is, fragrance molecules should be among the easiest to review. Reasonably foreseen uses are clear and limited. Exposure is highly predictable. We submit the same data globally, reflecting the best available science. If the United States cannot approve predictable, well characterized fragrance molecules, What hope is there for more complex chemistry that underpins advanced technology? In summary, United States chemical innovation has stagnated. Innovation is happening outside the United States. And unencumbered by EPA's interpretation of TSCA Section 5, the agency affirms the safety of similar chemistry. For that reason, we commend the committee's leadership in considering changes to enhance new chemical innovation while still protecting safety. Thank you, and I look forward to your questions.

[41:59] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Chair now recognizes Dr. Woodruff for five minutes for her questions. Madam, would you turn on your microphone?

[42:13] **Dr. Tracy Woodruff, Professor, UCSF:**

Thank you. Okay, sorry. Subcommittee Chairman Palmer, Ranking Member Tonko, and members of the subcommittee, thank you for the opportunity to testify. I'm Dr. Tracy Woodruff, professor from UC San Francisco, director of the Program on Reproductive Health and the Environment, and I spent my career researching how industrial chemicals and environmental pollutants affect people's health. The purpose of TSCA is to protect people and the environment from harmful chemicals. The proposed changes to this law are alarming. They remove public health rail guards, undermine EPA's ability to protect people from harmful chemicals, and will lead to more death and disease. These changes are a wholesale destruction of the law. The chemical lobby has spent millions of dollars to undermine TSCA, and this bill gives them their money's worth as these changes weaken EPA's ability to act on toxic chemicals let the chemical industry delay or avoid chemical regulation entirely and essentially puts the chemical industry in charge every proposed change to this law will make it harder for epa to get the data it needs to identify exposures and harms harder to consider that information to identify unreasonable risks or harder to take meaningful action to prevent these unreasonable risks the draft bill one seriously undermined epa's ability to protect people's health from harmful chemicals two reverses all improvements in reviewing new chemicals for safety Three, makes it more difficult for EPA to regulate existing toxic exposures. And four, undermines EPA's ability to gather evidence. And five, leaves everyone at greater risk of chemical health harms, leading to more people getting sick and dying. Toxic chemicals are widespread in air, food, homes, and workplaces. And human exposures begin before birth and continue throughout the lifespan. We know exposures take a measurable toll on the health of children and adults. They increased the risk of cancer, infertility, neurological and cardiovascular disease, Parkinson's, adverse birth outcomes and ADHD conditions increasing in the U.S., as documented in the first Maha report. Congress updated Tosca in 2016 because EPA could not even ban asbestos, a known human carcinogen that killed thousands of people. The 2016 amendments mandated prioritizing health, eliminating unreasonable risks and providing stronger protections for highly exposed and susceptible subpopulations, including pregnant women, children, workers and people living in areas with polluting facilities. Thanks to that dangerous substances like TCE and asbestos, chemicals that have already taken a health toll on millions of Americans will finally be banned. And that's what the public wants. In a recent nationwide survey, over 90% of voters want the government to do a better job protecting the public from toxic harms. Now the chemical industry is pushing back against TSCA's success under the guise of modernization and innovation and complaining EPA is too slow to approve new chemicals, but that is not true. EPAS approved the overwhelming majority of new chemicals submitted. Over 4,000 new chemicals approved since 2016, including low volume exemptions for over 600 PFAS persistent chemicals detected in nearly every

one, which can increase the risk of health farms. As of last year, every single review taking longer than a year was waiting on some form of industry action. The bill reverses 2016 improvements in reviewing safety of new chemicals, for example, EPA must consider all reasonably foreseen exposures and risks for proposed new chemicals, but this bill changes it to only those uses and exposures identified by the submitter, the industry. This is a huge loophole for chemical companies to submit an application, for example, on a new PFAS with the narrowest use of a chemical, saying it will only be used by one person in one factory for one industrial process, and now EPA can only consider that company's claim. Once approved, it can be used wherever the industry wants. The bill undermines requirements for comprehensive assessment of existing chemicals. For example, the law currently requires EPA to consider all of existing chemicals' hazards and exposures when evaluating whether the chemical presents unreasonable risk. The bill gives EPA discretion to narrow the scope of risk evaluation by excluding uses from assessments without evidence-based judgment. The draft leaves everybody at greater risk of chemical harms. new chemicals. The EPA currently makes a determination regarding safety, but the bill would require a more likely than not standard for actions to remove unreasonable risk, giving the benefit of the doubt to potentially dangerous chemicals. And finally, it codifies bad science, including puts up barriers to evaluating real-life exposures, aggregate exposures, and assumes PPE is fully used. EPA was established to protect the health of people and the environment, not to increase chemical industry profits. The industry has lied about health harms of their products, such as PFAS, which now contaminate our drinking water, food, ecosystems, and bodies. These companies have a financial motive to minimize EPA regulations, which will come at the expense of public health, and we need an empowered EPA to represent the public, and I urge you to act in the best interest of the American people and preserve and strengthen TSCA's ability to protect the public's health. Thank you.

[47:00] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Chair now recognizes Dr. White for five minutes for her opening testimony.

[47:06] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, Ranking Member Tonko, and members of the committee, thank you for the opportunity to testify. The American Chemistry Council appreciates your leadership in advancing US chemical management. I am Dr. Kimberly Wise-White, the Vice President of Regulatory and Scientific Affairs with ACC. My testimony today focuses on the urgent need to restore predictability and scientific integrity and Tosca implementation to support a safer, more affordable and more competitive America. Chemistry is the backbone of every sector in our economy, from technology, energy and health care to manufacturing and supply chains. With EPA's TSCA fees authority expiring, congressional action is needed to prevent funding disruptions and address challenges. It is entirely appropriate for

Congress to use fees reauthorization to resolve ongoing problems with this essential chemical management law. By doing so, Congress can strengthen TSCA, clarify the law to fully reflect its original intent, and allow TSCA to achieve its full potential to protect human health and the environment while promoting innovation and allowing US businesses to compete globally. TSCA user fees are a core legally sanctioned funding stream that supports the resources necessary for EPA to conduct new chemical reviews, risk evaluations of existing chemicals, and crucial compliance work. Without reauthorization, EPA would lose key funding for TSCA. This would make current problems much worse by preventing the adoption of innovative chemistries and disrupting supply chains. That said, fees reauthorization must also be paired with accountability. Despite the progress made since TSCA was last modernized, we continue to face significant challenges. ACC and its members rely on high quality, reliable science to drive innovation and safe chemical development. EPA's delays in chemical reviews, its inconsistent application of scientific principles, and the lack of clarity in regulatory decisions have created uncertainty for manufacturers and downstream users, threatening U.S. competitiveness in the global marketplace. Congress rightly envisioned a science-based, science-driven TSCA, not the speculative, opaque system we have now. Let me give you a few concrete examples. Over 90% of active new chemical reviews already exceed their 90-day statutory deadline, and over 60% remain pending for more than a year. These delays discourage investment and force companies to introduce new chemistries and associated technologies overseas. A recent survey of ACC members found that 70% have decided to introduce new chemicals outside of the United States. EPA's use of overly conservative assumptions and unlikely exposure scenarios based on a mischaracterization of the workplace environment has also led to flawed and inflated risk estimates of existing chemicals, resulting in every evaluated chemical being labeled an unreasonable risk since 2016. We appreciate the work EPA has done in recent months to improve the new chemicals review process and strengthen the science for existing chemical reviews. But more work is needed through congressional action to keep TSCA moving forward. Congress should establish clear metrics for EPA reviews, require risk-based evaluations grounded in science and real-world conditions, promote practical policies for American competitiveness and health, and set guardrails to prevent regulatory duplication, scope expansion, and inefficient resource use. The proposed legislation enhances transparency and accountability. Reviews will be specifically focused on intended uses for a chemical. New milestones for new chemical reviews require assignment of a human health risk assessor within 10 days, a meeting with the submitter within 30 days, and mandates explanations if EPA misses deadlines. For existing chemicals, it focuses evaluations on likely hazards and exposures, improves federal agency engagement by allowing them to provide information on critical uses alternatives and supply chain impacts and strengthens risk management by ensuring epa does not apply a requirement that is inconsistent with other federal laws strengthening tosca is not just about process it's about outcomes An appropriately resourced, efficient, and science-driven TSCA promotes supply chain resilience and supports a healthier America. Delays and scientific inconsistencies deter investment in new technologies and materials

needed to maintain energy leadership, support AI development, drive economic growth, improve health, and strengthen national security. I urge Congress to act swiftly to reauthorize TSCA user fees and support targeted improvements to the law. Doing so will protect communities, promote innovation, and maintain America's leadership in chemical management. ACC stands ready to work with Congress, EPA, and stakeholders. Thank you, and I look forward to your questions.

[51:57] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

I thank the witnesses for your testimony. We will now move into the question and answer portion of the hearing. I will begin the questioning and recognize myself for five minutes. I've spoken many times about the dangers of reliance on adversarial nations for products and materials that both our economy and national defense depend on. This often includes critical national security uses that impact the Department of Defense, NASA, and other agencies. The draft legislation provides for priority review of three categories of new chemicals. One of these is chemicals reasonably believed or intended by the person to be necessary to improve the security and resilience of United States domestic critical material supply chains identified by the Secretary of Commerce. Dr. White, do you have any feedback you'd like to share on this prioritization language or whether it would be effective for securing supply chains?

[52:56] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Yes, thank you so much for the question. It is critically important for other federal agencies to be actively engaged in EPA's process for evaluating and identifying chemicals for review. This is important because we need to maintain national security and it takes a long time for some of these agencies to actually update and evaluate and change chemistries. If they're not involved in this process, then it puts them at a disadvantage and it puts the nation at a disadvantage. The current language actually provides real benefit by allowing those federal agencies to provide information on critical uses, alternatives and potential impacts to the supply chain, helping us be more ready and able to produce chemistries here and not impact our national security.

[53:39] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Mr. Some of those chemicals are critical in terms of processing, refining some of the rare elements that we're almost 100 percent reliant on from China. How would this legislation help us change that dynamic so that we can do the process and refining here or near short at least so that we're not dependent on China?

[54:04] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

It definitely helps us make sure that we have the chemistries that are manufactured here and are not replying on those from other adversarial potentially countries. There are a number of chemistries, for example, that are critical for a defense related applications or military applications. Formaldehyde, for example, is critical for ammunitions. and supply, as well as formaldehyde resins, for example, are utilized in military gear. We also know that perfluorinated chemistries are actually critical to information systems that are relied upon by military engagement as well.

[54:37] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

I want to shift gears here. Your written testimony, and you just mentioned it as you were giving your testimony, that you state that the failure to modernize Tosca Usa for your authority would make current problems with TSCA much worse by further disincentivizing the adoption of new, sustainable, and innovative chemistries by disrupting supply chains. Can you speak a little bit more to the supply chain impacts of failing to reauthorize the fee provisions?

[55:05] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Sure. So one of the things that I mentioned in my testimony is that when we surveyed ACC members that because of the delays in the new chemicals review process, that 70% have decided to introduce new chemistries out overseas. Additionally, that we have significant challenges with the way that EPA has been evaluating existing chemistries because they've been making overly conservative assumptions, not based on real world impacts. What this does is put critical chemistries at risk to be banned or eliminated, and then that manufacturing gets moved overseas.

[55:36] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

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

[55:44] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

It is critical for EPA to have the appropriate resources to be able to move forward. And so we definitely need to make sure that these user fees are moved, are advanced. But we also need to make sure that they are tied with accountability. So they include actual targeted metrics. So we have and we can demonstrate that the EPA is moving forward and actually meeting its statutory objectives.

[56:05] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

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

[56:24] **John Carey, Director, DSM-Firmanich:**

Absolutely. I know we've heard about this 90-day deadline, but as we sit here today, we have nine materials. pending with EPA, each was submitted in 2020 or 2021. That's five to six years ago. A number of those are readily biodegradable. And I can provide a specific example. We had a material that biodegrades, has an increased carbon efficiency, and it is still under review. It cannot get through review. It is on the market. in the rest of the world, similar chemistry would be on Safer Choice. I don't understand the situation.

[57:07] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

My time has expired. The chair now recognizes the ranking member, Mr. Tonko, for five minutes for his questions.

[57:14] **Rep. Paul Tonko, Ranking Member, Subcommittee on Environment:**

Thank you, Mr. Chair. Every single stakeholder agrees that we need EPA to make regulatory decisions based on sound science. Although I'm certain there are disagreements on what exactly that means. To me, sound science includes robust data. And in the Lautenberg Act, Congress provided EPA with expanded authority to order testing to be able to more accurately assess the potential risks posed by chemicals. Again, I'm sure we can debate how well EPA has used this authority since 2016. But I don't think it's debatable that Congress clearly wanted to provide EPA with tools to help develop the science and data necessary to make well-informed regulatory decisions. And this is why I have serious concerns with the discussion draft's amendments to Section 4 of TSCA. So, Dr. Woodruff, do you agree with my analysis that this proposal would make it more difficult for EPA to obtain data to evaluate the potential risks and health harms of chemicals?

[58:15] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes, exactly. I just first want to say that EPA is already at a disadvantage when identifying health harm as exposure because there's no requirement for any of the chemicals on the inventory, 40,000 of them, for the industry to provide data on where these chemicals used. And what are the potential health harms? So for many of these chemicals, we have no idea where they're being used. And the science is constantly finding new places where they're being used in exposures and health harms. Now the industry wants to make it even harder and in many cases almost impossible for EPA to require testing of new and existing chemicals. Here's one that is what it's it's

unbelievable. One provision under new chemicals require EPA to find both insufficient data on the chemical, meaning they didn't know, had needed new data on the chemical and the potential for unreasonable risk in order to have a new chemical tested. Well, that is literally a catch-22. How do you know if it presents an unreasonable risk if you don't have the data? TSCA also currently allows scientists to decide test methods. Now, this bill would essentially require that EPA use these methods that are only published by OECD, and OECD tests are insensitive They are designed to measure obvious toxicity. They are not designed to detect many sensitive endpoints, including hormonal effects. And I just want to note that the industry is involved at every step of this chemical testing process at OECD, including a permanent role in OECD-led groups, which is a conflict of interest that empirical evidence has demonstrated biases the outcome toward the industry.

[59:48] **Rep. Paul Tonko, Ranking Member, Subcommittee on Environment:**

Well, thank you for that. And I understand that EPA cannot demand infinite data before making a regulatory decision, but I do not think making data less accessible and telling EPA what testing methods they can and cannot use is a solid foundation upon which to build an effective, trusted, science-based chemical regulatory program. The draft also makes changes to how and which scientific information EPA uses when evaluating the risks of a chemical. So Dr. Woodruff, again, do you have concerns about how the language alters the use and prioritization of science during chemical reviews?

[1:00:24] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes, there is additional new language in here. Again, EPA is at a disadvantage because the industry does not require to give them all the data. So EPA uses a number of different of methods to analyze or predict what a chemical's exposures are toxicity. The bill would require EPA to prioritize industry-submitted data on chemical substances over analog data, basically chemicals that are similar, and EPA models. And models are essential and can be very accurate in understanding toxicity or exposures in the absence of information. So this would make it very difficult for EPA to use these different kinds of information and also make it harder because EPA would have to be relying on what the industry told them and the industry may not even be providing all the necessary information. Essentially putting the industry in charge of what EPA is going to be doing with what data.

[1:01:21] **Rep. Paul Tonko, Ranking Member, Subcommittee on Environment:**

Thank you. And I understand that industry stakeholders want EPA to use the data they generate. However, I am in deep concern that prioritizing industry-generated information rather than allowing EPA to utilize its expertise and experience to determine the needed scientific information for chemical reviews will lead to a biased regulatory program. coupled with the limitations on EPA's testing authority, provides for deep concerns. That

is one of the many reasons I'm troubled by this draft legislation. And before I yield back, Mr. Chair, I do want to ask that we submit for the record and approve that from the group called Moms Clean Air Force. It's addressed to Chairman Guthrie and Ranking Member Pallone and expresses its serious concerns with the draft bill to revise the Tosca legislation.

[1:02:13] **Rep. Randy Weber, Member of Congress:**

Without objection.

[1:02:14] **Rep. Paul Tonko, Ranking Member, Subcommittee on Environment:**

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

[1:02:18] **Rep. Randy Weber, Member of Congress:**

Assemblyman yields back. Chairman, I recognize the gentleman from Georgia for five minutes.

[1:02:22] **Rep. Buddy Carter, Member of Congress:**

Thank you, Mr. Chairman, and thank you for holding this hearing, and thank all of you for being here. Today, we're examining how best that we can modernize the Toxic Substance Control Act, and there are just over 460 toxic Substance Control Act new chemicals under review. And 408 of these are new chemicals that have never been under EPA review for over 90 days. And this is outside of the 90-day TSCA mandated review period. So it's obvious that something needs to be done about this massive backlog. It's also clear that delays and uncertainties about getting new chemicals to market have an impact on American jobs. They have an impact on American jobs, and companies are going to other countries where there is more predictable timeline to produce their product. Dr. White, would the changes in this draft legislation have a positive impact on investment, jobs, and research and development in the U.S.?

[1:03:17] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

I definitely believe it would. This is really about twofold, improving U.S. manufacturing and maintaining safety in human health. And I think this bill and the recommendations do both. It makes sure that EPA has the data that it needs, but it also provides more certainty to the submitter so that they understand and have better engagement directly with EPA.

[1:03:38] **Rep. Buddy Carter, Member of Congress:**

Thank you for mentioning that. I will tell you that that is one thing that I hear consistently in my office, certainty. Companies want certainty, and in order to make investments, they need to know exactly what they're up against and what they're investing in. So I appreciate that answer. This bill would also give EPA the authority to exempt chemicals that have already been approved in countries in the OECD, which includes the European Union, Canada, Japan, Korea, and other industrial isolation nations. Dr. White, would this proposed legislative change free up EPA to work on truly new chemicals that have not undergone any other type of review?

[1:04:21] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

I absolutely believe it would. And I want to be clear, this is not about ceding EPA's authority. It's about making sure that they are focused on absolutely new chemistries and that they are relying on the best available science and information. By looking at other data and information that might have already been approved in other countries, it's helping EPA streamline their process, but also help them ensure that there is safety in the chemicals that are produced here.

[1:04:47] **Rep. Buddy Carter, Member of Congress:**

Well, as we consider this reform, many downstream manufacturers and service facilities already operate under OSHA exposure limits, Clean Air Act requirements, and state permitting programs. Mr. Kirikitos, sorry, but anyway, it's not, it didn't roll off your tongue, but nevertheless, from, you know, I have encouraged the chairs of these subcommittees to only get witnesses named Smith or Jones, but they don't listen to me. But anyway, from a statutory and a regulatory perspective, how should Congress ensure that the Toxic Substance Control Act reforms do not layer duplicate federal requirements on top of those existing regimens in ways that could discourage domestic investment or push production overseas? We don't want that to happen, obviously.

[1:05:39] **Dimitri Karakitsos, Partner, Holland & Knight:**

Yeah, thank you very much for the question, Congressman. There is a section of the existing law, Section 9, that is dealing with how EPA should interplay with other laws. There were changes, I think, to Section 9 in the draft bill here aimed at limiting kind of unnecessary and duplicative regulations. I do think you know, the committee should be conscious that some of the regulations in place today can be very old and maybe not totally outdated. So there may be a role, you know, for a new EPA regulation based on the risk that they find.

[1:06:13] **Rep. Buddy Carter, Member of Congress:**

Good. Thank you for that. Again, I want to thank you, Mr. Chairman, for holding this important hearing today. I'm excited that we're continuing this important work, and I look forward to creating a chemical review framework that's rooted in sound science, safety, and efficiency. And I'll yield you back a bonus.

[1:06:29] **Rep. Randy Weber, Member of Congress:**

The gentleman yields back. The chairman recognizes the ranking member from New Jersey for five minutes.

[1:06:35] **Rep. Frank Pallone, Ranking Member, Committee on Energy and Commerce:**

Thank you, Mr. Chairman. Thanks to the bipartisan reform of TSCA in 2016, EPA now has the tools to review and, as needed, address risks of new chemicals before they're manufactured and to remove dangerous chemicals from our homes and workplaces. However, this discussion draft makes serious changes that limit EPA's ability to assess and regulate potentially harmful chemicals. And I just wanted to start out with new chemicals. My questions are all of Dr. Woodruff. But in terms of new chemicals, the discussion draft restricts EPA reviews to only those unreasonable risks that are, quote, more likely than not to occur. So, Dr. Woodruff, how would that affect EPA's ability to prevent Americans from being exposed to toxic chemicals, including in their own homes, if you will?

[1:07:28] **Dr. Tracy Woodruff, Professor, UCSF:**

The existing law, the new chemicals program focuses on identifying safety, which is the whole consistent with the mandates in 2016, which is to focus on public health first. And then that's the first primary goal of the 2016 bipartisan amendments. And as part of the new chemicals program, they then have to focus on safety. Now with this more likely than not, this provides a much higher bar for the new chemicals program in terms of identifying that the EPA would have to prove that there's more likely than not, which then gets into a more difficult and switches the burden of proof on to EPA to increase how much they look at in terms of identifying the health harms of these new chemicals, which would both create an additional burden for EPA, which is already having challenges in terms of not having, which including with the new requirements about the limitations in being able to get the necessary data means that it will tie EPA's hands in terms of of making it a bar very high for EPA to identify new chemicals is harmful. And I just want to also point out that EPA has approved many new chemicals, 4,000 since 2016, which is like one a day, but also they've approved chemicals that we know have been very harmful for this chemical that was approved in the Biden administration for jet and boat fuel that had a one in 25 or 25% cancer risk, which is enormous. So the new chemicals program needs more focus to assure that they're not approving toxic chemicals rather

than opening up the door to chemicals that could be even more dangerous.

[1:09:09] **Rep. Frank Pallone, Ranking Member, Committee on Energy and Commerce:**

Well, thank you. And the draft goes on to limit EPA reviews to only the uses of the chemical that are identified by the submitter. Doesn't that put a thumb on the scale in favor of industry?

[1:09:22] **Dr. Tracy Woodruff, Professor, UCSF:**

Yeah. So right now, EPA has to look at what the submitter wants plus all the reasonably foreseen uses. Now, the submitter would say, well, I'm going to make this one, for example, PFAS chemical, and it's going to be used in a factory in one state, and there will be like maybe two people exposed to it, and therefore, can you look at the unreasonable risks? and not only identify whether there's unreasonable risk, but more likely than not unreasonable risk. Let's say that it got through that process. Now the industry or any industry could take that, say it's a PFAS chemical, and use it in anywhere that they wanted, any pot, pan, any other application. This is a giant loophole for the chemical industry to narrowly put in what their most narrow use is and then allow that as a Trojan horse to use it for whatever applications afterwards once it's approved.

[1:10:18] **Rep. Frank Pallone, Ranking Member, Committee on Energy and Commerce:**

I have one more question about the draft proposes the changes in the draft to make Section 6 related to existing chemicals. In the draft, EPA would be prevented from regulating dangerous chemicals until they're no longer present. In other words, the current standard is that EPA can regulate dangerous chemicals until they're no longer present an unreasonable risk. But the draft says that EPA would only be able to minimize the risk, quote, to the extent reasonably feasible. And what's the implications of that change?

[1:10:52] **Dr. Tracy Woodruff, Professor, UCSF:**

Right. So now we are going to shift back. So 2016, focus on health risk to the public. Focus on the fact that these toxic chemicals have been taking a health toll on the public and increasing many of these chronic health conditions that we're seeing in the United States. That is a public health-focused bill. This is now going to shift back and say, well, we're not going to focus on removing all the unreasonable risk. We're going to focus on removing the risks that are feasible that the industry is identifying as feasible. This is essentially a benefit cost standard and will rely heavily on industry information. And we know from other statutes like the Clean Air Act that the industry will overestimate how much it costs. Acid rain program is a classic example where the industry complained

about how much it would cost and it turned out to be much cheaper. This is a huge barrier, again, to reducing existing chemical exposures.

[1:11:46] **Rep. Randy Weber, Member of Congress:**

Well, thank you. The gentleman yields back. The chair now recognizes the chairman of the full committee, Mr. Guthrie from Kentucky, for his at least five minutes.

[1:11:56] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

Thank you, my friend. I appreciate the recognition, and our witnesses for being here today appreciate it. I supported the passage of the Lautenberg Act in 2016. Am I excited that I could be here in 2026 to build on those efforts? As we have noted, the authorization for EPA's fee authority expires later this year. This provides a natural opportunity to revisit the statute and assess what is working and what could be improved upon, both accountability and transparency are values we want to support with our reauthorization efforts. So, Dr. White, in your experience, has EPA done a good job of accounting for fees in the TSCA program and what should be done to improve transparency regarding these fees And do any of the proposed changes in the bill do so?

[1:12:42] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Thank you for the question. And EPA has not done a good job of actually being accountable for the fees or being predictable in what those fees are utilized for. And so what we are looking for under this bill is to make sure that EPA actually delineates how they're utilizing those fees to meet their statutory requirements.

[1:13:01] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

Okay, so in your experience, are the amounts EPA charges for that activity under TOSCA appropriate? Why does a risk evaluation under Section 6 cost nearly $4.3 million?

[1:13:13] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

The agency up to this point has not clearly articulated why a risk evaluation costs $4.3 million or what the contribution of the industry's stake in that fees goes towards. And again, we haven't seen the throughput through the agency. So what we're hoping for is that we see some actual accountability that the agency is actually required to document how they expend those fees to meet their requirements specifically.

[1:13:41] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

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

[1:13:53] **John Carey, Director, DSM-Firmanich:**

Of course they would. The current fee for a new chemical submission is $37,000. We're happy to pay that fee when the chemical is reviewed. I would say we also spend over six figures in data testing to submit a new chemical. So we've got 12 materials registered worldwide that aren't registered in the United States, nine stuck in EPA review for five to six years. We would love to know what's going on and have some insight into why the process has been delayed so

[1:14:31] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

Okay, so as you said just now, and you said in your written testimony, that we need to have accountability. How does this legislation that we're considering today support that?

[1:14:42] **John Carey, Director, DSM-Firmanich:**

It has a few touch points for that. One is requiring EPA to explain why they have exceeded the review deadline, the 90-day review deadline. Another is requiring EPA to explain if they are deviating from measured data and instead using assumptions. Very often we hear from EPA that simply a risk assessment just has not been done or that they don't have procedure in place for what to do next. And that's not my view. In 2023, EPA's inspector general released a report saying that EPA did not have standard operating procedures for exposure assessment or hazard assessment. That is the bread and butter of their work. And legislation improving accountability and asking EPA to show their work would be helpful.

[1:15:55] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

One of my good friends who's a former member of the committee, John Shimkus, who wrote, worked on this, texted me and said, you're working on my legislation. Why in the world are you, he said he did it perfect. And I said, well, you let it sunset after 10 years, so we have to deal with it. So Mr. Karatases, I'm sorry, I apologize. You said in your written testimony that the tractors of Lautenberg included the 10-year fee sunset. Would you like to add any more points on what the value of revisiting, why we had this to sunset and the value for us revisiting this?

[1:16:30] **Dimitri Karakitsos, Partner, Holland & Knight:**

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

[1:16:54] **Rep. Brett Guthrie, Chairman, Committee on Energy and Commerce:**

So I can tell my friend, Mr. Shimkus, that the witness said you didn't do everything right. I'm kidding, that's a joke. We're all friends with Mr. Timka, so thank you for your testimony. I know it's serious. I'd make a joke of that, but this is serious work, and we're looking forward to the hard work. Thank you.

[1:17:09] **Rep. Randy Weber, Member of Congress:**

General Neal's back. Chairman, I recognize General Neal from Illinois for at least five minutes.

[1:17:31] **Rep. Robin Kelly, Member of Congress:**

And it's Dr., what is it? Dr. Woodruff.

[1:17:38] **Rep. Randy Weber, Member of Congress:**

Okay, Dr. Woodruff. Before she begins, can we get you to pronounce your name? Sure.

[1:17:45] **Rep. Robin Kelly, Member of Congress:**

What I really wanted to talk to you, am I talking? Okay, it's okay. I'm sorry. I wanted to talk to you about The Toxic Substance Control Act and how it really is going to affect, as you can see, the current work that people are doing to try and make everything safer rather than more dangerous. And I wonder if you could talk to us about are we going upward or is it getting more dangerous in your view?

[1:18:29] **Dr. Tracy Woodruff, Professor, UCSF:**

The current, the proposed legislation, is that, or just TSCA in general, the proposed legislation? Yes. So, I would, the, this would make the ability of EPA to regulate toxic substances go backwards. The mandate in the 2016 amendments is to put health first because Prior to 2016, the TSCA was recognized largely as being completely unworkable. Asbestos was not able to be banned because of the legal requirements for in the pre-2016 amendments. Since 2016, we've seen bans on asbestos, TCE, there's also been regulations on several other important toxic existing chemicals as well as thousands of new chemicals that are being approved. Now, the chemical industry has

been unhappy with these changes because they have also both sued EPA about all of their risk determinations under the existing chemicals program and are now complaining about the pace of the new chemicals program, even though new chemicals are being approved for the marketplace, sometimes some of them actually quite toxic. So EPA, really what we should be doing is focusing on making sure EPA is accurately implementing Tosca as it is supposed to be and using best available science, which they do not do in the National Academy of Sciences has pointed this out in numerous situations. So the changes in the bill will make it harder for you to get data. For example, in the new chemicals program where you have to both say we don't have data, but you also have to say it's not toxic at the same time, which is impossible um it will also make it harder because it prioritizes it makes it harder to actually get existing data for existing chemicals because you have to both show substantial exposure and and human health risks human exposure so for example an occupational exposure that happens to be very high but there's not substantial public health exposures you won't be able to get testing data on that there's many more changes to this law that are quite extensive that will actually tie EPA's hands, their legs, push them off a cliff. People will get more sick. That is really the bottom line.

[1:20:47] **Rep. Robin Kelly, Member of Congress:**

Thank you for pointing that out because we certainly don't want to have more danger for the workers, for all the people who are engaged in this And aren't we seeing some problems for the workers with the way the changes are being made?

[1:21:08] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes, this is actually very concerning because we have four really, OSHA has not updated any standards since 2017. TSCA has been very successful in removing a lot of toxic exposures to workers since implementation of 2016. Now it has, do we think it's gone far enough? No, but for the first time we're seeing significant important improvements in workplace exposures. Now the industry wants to roll back to the time when they essentially can expose workers to toxic chemicals with no ramifications. The bill would eliminate EPA's ability to protect workers from toxic exposures by prohibiting EPA from imposing any requirement that is inconsistent with OSHA's exposure limits. OSHA's exposure limits are both outdated and inadequate. which OSHA has said, and are based on PELs, which are not based on consistent and best available science. So for example, OSHA's permissible exposure limit for TCE was set in 1971, is 500 times higher than the level that EPA found necessary to protect workers. Why would we go backwards? I mean, the people who will benefit, the workers that benefit from this are workers who work in the C Street, C Suite, not the workers who are on the factory floor, not the workers who drive trucks with toxic chemicals, not the workers who work in small businesses who are working with these toxic chemicals previously like methylene chloride, which can hurt or kill them.

[1:22:36] **Rep. Robin Kelly, Member of Congress:**

Thank you so much for pointing out the challenges now that our workers have. And I thank you so much. And I yield back.

[1:22:45] **Rep. Randy Weber, Member of Congress:**

Gentlelady yields back. Chairman, I recognize the gentleman from Ohio for 12 minutes. Make that five minutes.

[1:22:53] **Rep. Bob Latta, Member of Congress:**

Thank you, Mr. Chairman. Mr. Chairman, I ask you to enter this January 9th letter from the Alliance for Automotive Innovation and 15 other trade industry groups representing a diverse array of advanced manufacturers and downstream chemical users in the United States, supporting the clarification for the replacement parts exemption under TSCA, including today's discussion draft.

[1:23:15] **Rep. Randy Weber, Member of Congress:**

That objection is ordered.

[1:23:17] **Rep. Bob Latta, Member of Congress:**

Thank you, Mr. Chairman. And again, thanks for our witnesses for being with us today. Dr. White, if I could start my questions. To understand real world exposure to chemicals, EPA should understand how these chemicals are used in the industrial settings. This includes incorporating existing OSHA requirements for PPE usage, industrial controls, and other common practices. We explain why is important for Congress ensure EPA considers existing requirements and make makes accurate assumptions during the risk evaluation phase.

[1:23:52] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Yes, thanks so much for the question. So up till now, EPA has been assuming noncompliance with other federal laws like OSHA. And EPA has sometimes imposed unnecessarily stringent requirements because they have made a decision not to take those federal comments in place. If it doesn't reflect real world exposure practices, it creates confusion for manufacturers and the workers. This bill actually does a very good job of presenting a new approach that ensures EPA assessments are actually more practical and aligned with actual compliance. It makes them take in consideration actual real world scientific data and information and the federal statutes that are already in

place.

[1:24:33] **Rep. Bob Latta, Member of Congress:**

Well, as a follow up with you, this bill specifically requires that EPA reviewing do not simply assume that manufacturing workers are not complying with other federal laws like OSHA regulations. We help us understand how That has led to regulatory decisions at EPA, which simply don't make sense.

[1:24:54] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Yeah, EPA has been making a fundamental mischaracterization of workplace exposures, and so they haven't actually relied on the data that's been provided by the manufacturer that demonstrates the safety, the personal protective equipment, and the emissions controls that are currently in place, either voluntarily or that are required by federal statute.

[1:25:12] **Rep. Bob Latta, Member of Congress:**

Thank you. And I'm not picking on you, but for the chemicals that have reached risk management, EPA has consistently set workplace exposure limits that are magnitudes lower than the level set by OSHA in many countries around the world. Why are EPA levels so much lower?

[1:25:31] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

EPA's levels have been consistently lower than the levels that have been set by other jurisdictions because they have been making fundamental mischaracterizations about what exposure looks like in those workplaces. They also haven't strengthened their relationship with federal agencies like OSHA that have experience in conducting industrial hygiene assessments and occupational exposure assessments.

[1:25:53] **Rep. Bob Latta, Member of Congress:**

So the question is, I guess, to follow up, you know, when you have two different departments or agencies in the federal government and they should be working together. How difficult is it going to be for EPA to come to that realization where OSHA is?

[1:26:09] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

There definitely needs to be a strengthening of the memorandum of understanding between OSHA and EPA so that they make sure that they were, one, relying on the same types of practices as well as understanding what occupational exposure environments look like. OSHA has been evaluating occupational exposure environments and expertise for decades. EPA has just started to do this over the last 10 years, and so they really do need to be relying on and counting on their federal agency partners to understand and have the appropriate expertise when they're making decisions here. And the currently existing TSCA, without any changes, actually allows the agency to strengthen those relationships.

[1:26:48] **Rep. Bob Latta, Member of Congress:**

Mr. Karakitis, did I say that correctly? I hope. With my last 55 seconds here. Along similar lines in your written testimony, you note requiring EPA to use the best available science and weight of scientific evidence was a pillar of the 2016 compromise. You also state that the EPA's implementation of the Lautenberg Amendments have not been consistent with the goals of the legislation. In my last 35 seconds, will you elaborate on some of these shortcomings?

[1:27:20] **Dimitri Karakitsos, Partner, Holland & Knight:**

Absolutely, and thank you very much for the question. I think that those were very important pillars of the compromise to ensure that while EPA was taking more action, they would be forced to operate within the guardrails of best available science and weight of the scientific evidence. What we've seen in many instances is EPA rely on, I would say, cherry-picked studies or iris assessments that have been badly criticized by National Academy of Science and others, which makes it look like sometimes it's more about a political outcome than it is about using the best science in the process.

[1:27:58] **Rep. Bob Latta, Member of Congress:**

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

[1:28:02] **Rep. Randy Weber, Member of Congress:**

The gentleman yields back. Chairman, I recognize the doctor from California for five minutes.

[1:28:06] **Rep. Raul Ruiz, Member of Congress:**

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

both new and existing chemicals. At that hearing, I warned that when we weaken environmental protections, we don't eliminate risk, we shift the risk into our healthcare system. And when that happens, families pay more, communities get sicker, and preventable deaths increase. That concern is front and center in the discussion draft before us. That concern is also shared by hundreds of organizations that deal with human and environmental health. I would like to submit two letters to the record, one from over 66 public health and medical organizations, and another one by 217 health and environmental organizations opposing this effort to weaken TSCA. With that objection, so ordered. You know, we should be lowering healthcare costs, not raising healthcare costs right now. And as a physician, I can tell you plainly, prevention is the most effective tool to avoid higher costs. When we fail at prevention, illnesses become chronic, treatment becomes expensive, and the human and financial costs grow exponentially. Dr. Woodruff, from a public health perspective, How does underestimating chemical exposure contribute to higher healthcare costs, including increased emergency room visits and long-term treatment?

[1:29:59] **Dr. Tracy Woodruff, Professor, UCSF:**

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

[1:30:26] **Rep. Raul Ruiz, Member of Congress:**

So, you know, I'm going to just, because I have another question for you, but I want to get to the point. And many of these organizations and healthcare experts have mentioned exactly how, quoting from one of the letters, quote, robust, independent, peer-reviewed science demonstrates that chemical exposures are linked to a host of chronic diseases and poor health outcomes, including respiratory diseases like asthma, cardiovascular problems, infertility, diabetes, low birth weight, developmental disorders like autism and ADHD, and increased cancer risks across the US population. Many of these conditions are on the rise in the United States. Would you agree with that?

[1:31:10] **Dr. Tracy Woodruff, Professor, UCSF:**

100%, except for it's not just linked to, they do cause those conditions. There is actually good empirical evidence on all of those.

[1:31:19] **Rep. Raul Ruiz, Member of Congress:**

Thank you. And under TSCA, EPA is required to evaluate all exposure pathways and assess the cumulative effects of an individual's exposure to a toxic substance across multiple sources. This Republican legislation draft would prevent EPA from considering all exposure pathways when evaluating a chemical. By forcing the agency to look at exposures in isolation, it ignores how people are actually exposed in the real world through air, water, food, consumer products, and workplaces, often simultaneously. Our bodies do not experience exposure one pathway at a time, and neither did the patients I cared for before coming to Congress. Dr. Woodruff, as you look at this draft, how does limiting EPA's ability to consider all exposure pathways increase the risk of under-regulating harmful chemicals?

[1:32:05] **Dr. Tracy Woodruff, Professor, UCSF:**

It will. The new provisions that are in this bill, which means that they have to justify using aggregate exposure, which should be the norm. As you said, we already have good, strong, empirical, robust, transparent, known exposures to chemicals through multiple sources. This bill basically says, well, we don't actually believe it. We want you to prove it every time. And it's legally could be challenged. That's sending backwards.

[1:32:30] **Rep. Raul Ruiz, Member of Congress:**

These underprotections lead to more asthma attacks, more cardiovascular, respiratory diseases, more cancer, more developmental and neurological harm. These are not short-term conditions. They are lifelong illnesses that drive up insurance premiums, increase Medicaid and Medicare spending, overwhelm emergency rooms, and place enormous financial strains on families. This bill, as it stands, makes people sicker, disease more common, treatment more expensive, and outcomes worse. And I yield back.

[1:33:04] **Rep. Randy Weber, Member of Congress:**

The gentleman yields back. The chair now recognizes the gentleman from what I call East West Virginia for five minutes.

[1:33:12] **Rep. Morgan Griffith, Member of Congress:**

There was a recent article, Mr. Chairman, that explained that West Virginia was a misnomer because there's a part of Virginia, which I happen to represent, that goes further west than all of West Virginia. All right, that said, Mr. Karakitsos, did I get it close? Okay. And Dr. White, can you tell me how you would envision the EPA administrator carrying out the aggregate exposure considerations for a chemical risk assessment found on page 15 of this draft bill?

[1:33:48] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

So this is really an opportunity about making sure that the agency has the data that it needs to make a decision. and to understand the risk that might be associated with that and then take some action. I think the nomer that this is weakening EPA's authority, I think is incorrect. I think it's looking at giving the agency more data, more information so that it can make appropriate decision and take regulatory action if needed.

[1:34:17] **Rep. Morgan Griffith, Member of Congress:**

Mr. Karakitsos.

[1:34:20] **Dimitri Karakitsos, Partner, Holland & Knight:**

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

[1:34:32] **Rep. Morgan Griffith, Member of Congress:**

We'll stick with you, but then we'll ask the whole panel. Can you briefly tell us what, in your opinion, do the phrases the weight of scientific evidence and the best available science standard on page two of this draft bill mean? So we're doing a little legislative history, laying it out so Maybe we can get it right.

[1:34:50] **Dimitri Karakitsos, Partner, Holland & Knight:**

Sure. Best available science, I think, is a little bit more subjective, and I think you have to look at study by study and the limitations of those studies and the strengths of those studies. I think way to the scientific evidence is rather than picking one study that justifies one conclusion or another, you look at the totality of the studies, you look at their strengths and weaknesses in totality, and figure out where kind of most of the evidence is leading you to.

[1:35:16] **Rep. Morgan Griffith, Member of Congress:**

Mr. Carey?

[1:35:19] **John Carey, Director, DSM-Firmanich:**

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

about best available science or weight of the scientific evidence, a key example is measured data. And when I say measure data, I mean scientific assessments that are done under OECD standards. An example is OEDC Test 301 that measures biodegradability. Sixty percent of material must biodegrade within 10 days. These are not, you know, these are internationally validated standards respected by scientists all over the world. Currently, we submit a robust data package to EPA, and often our data either is not reviewed or is not persuasive. Hypotheticals and models take precedence under this current model. So we fully believe that in 2016, Congress intended best available science, weight of the scientific evidence, to to use measured data, to use actual OEDC tests, to align with the rest of the world. For whatever reason, that is not done.

[1:36:40] **Rep. Morgan Griffith, Member of Congress:**

So, as we decide how we're going to do this bill, should we use that terminology, the measured data, as opposed to measured data? Weight of the scientific evidence and best available science?

[1:36:55] **John Carey, Director, DSM-Firmanich:**

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

[1:37:08] **Rep. Morgan Griffith, Member of Congress:**

All right, now that only leaves 30 seconds for each of you. Dr. Woodruff?

[1:37:13] **Dr. Tracy Woodruff, Professor, UCSF:**

The best available science and way to scientific evidence is a systematic review method, which is the gold standard of evaluation, consistent, transparent, and a method that is a priori decided and has been approved by the National Academy of Sciences, is used in clinical medicine. EPA does not use that method right now, and they've been criticized by the NAS for that multiple times. And, of course, measurements are awesome. I'm a scientist, but I also use model data because I don't actually have all the measurements all the time, and you have to use models that have been tested, verified, and used. Those are both important pieces of information.

[1:37:51] **Rep. Morgan Griffith, Member of Congress:**

Thank you. Dr. White?

[1:37:52] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Best available science means that EPA must use the most current, reliable, and relevant scientific data. For weight of evidence, it means that they must consider all the scientific information collectively, evaluate the quality, reliability, and consistency when reaching conclusion. Both of those need to be maintained in the current statute.

[1:38:10] **Rep. Morgan Griffith, Member of Congress:**

And I'm out of time, but I might get you a written question on the measured issue. Mr. Chairman, I yield back.

[1:38:17] **Rep. Randy Weber, Member of Congress:**

Gentleman yields back. Chairman, I recognize this gentleman in California for five minutes.

[1:38:20] **Rep. Scott Peters, Member of Congress:**

Thank you, Mr. Chairman. My first job out of college was in the regulatory impacts branch of the Office of Toxic Substances, where I did cost-benefit analysis on pre-manufactured review notices, PMNs, and I haven't heard the acronym SNR. I used to hear SNR, significant unit, but I don't hear that today. So I know things have changed. So I've been in this a little bit before the Lautenberg amendments. And if I, by the way, if I did take too long to get my assignments done, I apologize to all of you for the delay. I appreciate the intent underlying the bill. I do think it's critical we make it easier, faster to bring new chemicals onto the market to replace old, outdated, dangerous ones. And I think this bill has some helpful tweaks that everyone could agree with. Clarity on timelines, transparency for how agencies should communicate with applicants, health experts to coordinate conversations between agencies and applicants. One of the things that happens in this room that's a little frustrating for me is that we sort of talk in lines this way, but we never sort of meet the arguments. So I'm going to ask a couple questions of you about what each other said so I can understand kind of what the objections are. I'll start with Dr. White. Dr. Woodruff is concerned. So if health risk is a product of toxicity and exposure, her concern is that exposure is not sufficiently limited under the proposal that you have so that you could get it evaluated for a certain exposure but actual exposure in the world could be a lot more. What's your response to that? How should I think about that?

[1:40:02] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[1:40:17] **Rep. Scott Peters, Member of Congress:**

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

[1:40:22] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

So for a new chemical, I mean, it's asking the agency to focus their review on what's reasonably likely to, more likely than not to occur. It says focus on it, right? And so it does not in any way, for example, preclude the agency at some point in the future to look at other potential conditions of use. But it's asking the agency to focus on those conditions of use that have been provided by the submitter initially to be able to make that decision and then move forward.

[1:40:51] **Rep. Scott Peters, Member of Congress:**

One of the things that struck me, I think I'm concerned about the delay in how long this is taking and how far behind the agency is in getting these things done. I accept the argument that it affects innovation. I think that does hurt the industry and workers, not just the C-suite. And the cause is that apparently Europe is faster at doing these reviews than we are. Dr. Woodruff, do you have anything to tell me about what Europe does that's Why it's faster? Is it more dangerous? Are things getting through the screen in Europe that shouldn't be getting through?

[1:41:25] **Dr. Tracy Woodruff, Professor, UCSF:**

Well, actually, that's a really interesting question. My understanding is that Europe does not have actually the semi-robust approaches that EPA has in terms of submitters can kind of just send in some information and get their new chemicals approved. It's not like the existing chemicals program in Europe where they do actually have a duty for the industry to provide data on the chemical health hazards. I think that for the new chemicals program, of course, we want to have consistency and clarity and innovate to the safest possible chemical. The challenge here is that a lot of the delays are because of the chemical industry. And sometimes they don't like the fact that their chemical is toxic, and so they want to argue with EPA about it. Or sometimes, in almost half the cases, EPA is waiting for the industry to sign some piece of paper so they can move forward. So I think you are right. We want to have an effective program that forces innovation to the safest possible chemical. But I don't think that the information that is being presented about the new chemicals program is accurate in every case. And

maybe that would be better to look at first before you wholesale change it to having a new chemicals program, which just focuses on whatever the one use is that the submitter says they're going to use it for. And they can't look at anything else.

[1:42:40] **Rep. Scott Peters, Member of Congress:**

So can I ask Dr. White, can you respond to that particular point, please?

[1:42:43] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Sure. So again, the new chemicals approach here is asking the agency to focus on more likely than not. It reduces the focus on speculation scenarios, hypothetical scenarios, or scenarios that will never likely occur. This is why the submitter is actually providing that information on these are the uses that are most likely to be impacted.

[1:43:04] **Rep. Scott Peters, Member of Congress:**

And are the delays due to you wrangling with the agency? What's the extent to which you believe that that's true? I mean, I think that Dr. Woodruff was saying you were arguing with the agency that a lot of the delays are over your disagreement about toxicity. What do you think? Well, I'm out of time, but I might ask for a written comment on where you think the forensics are on the delays of this so that I understand better how to address that. And with that, I yield back.

[1:43:32] **Rep. Randy Weber, Member of Congress:**

The gentleman yields back, Chairman. I recognize the gentleman from Ohio, the good doctor from Ohio for Pennsylvania, as I said, for five minutes.

[1:43:38] **Rep. John Joyce, Member of Congress:**

That's great. I'm glad we got it clarified. I am from the great Commonwealth of Pennsylvania. Thank you, Mr. Chairman, and thank you, Ranking Member Tonka, for holding this important hearing. Thanks to the panel for testifying. The chemistries created by the U.S. chemical producers are essential to all sectors of U.S. manufacturing. Ensuring that we have common sense and efficient regulation of these chemistries is critical. It's critical to retain that strong domestic manufacturing, which is so important, and keeping America competitive on a global economy. EPA's authority to collect user fees under TSCA expires later this year. With nearly a decade of implementation history following the 2016 overhaul of our chemistry regulatory scheme, now is the perfect time to examine further refinements that can be made as we move to reauthorize this fee structure. In particular, I want to explore the way EPA has evaluated what poses an unreasonable risk. and unreasonable risk as they evaluate and regulate

existing chemical and their uses. In past hearings, we've heard witnesses raise concerns that EPA found chemicals posed an unreasonable risk based on unlikely or theoretical conditions of use. Dr. White, we've had this discussion and my colleagues have opened the door, but I want to give you an opportunity to speak to how provisions in this legislative proposal today will guide EPA to focus their consideration on conditions that reasonably could be foreseen and not just theoretical or even unlikely, because I think we're opening potential areas that will waste time to be able to allow important chemicals to be assessed. Can you discuss that for us, please?

[1:45:27] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Thank you so much for the question. For every single chemical that the EPA has evaluated since Tosco was modernized, they have found it to be an unreasonable risk. This has really been because of their scientific practices and principles. They have ignored submitted data They have mischaracterized worst-case exposure scenarios and not understood what exposure actually looks like when they're making decisions. And they focused on conditions of use that were not relevant or that were not really going to provide or have a specific high level of exposure. So this has led to really flawed assessments by the agency leading to overly conservative risk management decisions by the agency. What this new approach does is it requires the agency to, one, to focus on those conditions of use that are more likely than not to occur. So it really helps to, again, focus the agency on looking at actual real world scenarios for how a chemistry might be used. And then it asks the agency to ensure that it's looking at the data from a best available standpoint and a weight of the evidence standpoint and making sure that that is set first as they move forward with their evaluation.

[1:46:37] **Rep. John Joyce, Member of Congress:**

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

[1:46:46] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[1:47:05] **Rep. John Joyce, Member of Congress:**

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

[1:47:17] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

I foresee that this allows the agency EPA to coordinate better with other federal agencies to ensure that the chemistries are safe throughout. And so we have a lack of coordination that is happening with some of the other federal agencies and ignoring what federal regulations that are already in place. This will allow the agency, again, to really focus its time and attention on the most appropriate conditions of use and resourcing.

[1:47:40] **Rep. John Joyce, Member of Congress:**

And continuing with that line, so refocusing regulation of existing chemicals to reflect the actual risk based on rural world conditions, do you feel that that's going to be a more effective balance of environmental and health concerns while still allowing for the innovation and growth which we need to occur right here in America?

[1:48:01] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[1:48:18] **Rep. John Joyce, Member of Congress:**

I think that's a great conclusion, and as we move forward with this legislative proposal, I look forward to working with this committee to unleash American innovation and bolster domestic manufacturing while still retaining common sense protections. I thank our witnesses for being here today.

[1:48:35] **Rep. Randy Weber, Member of Congress:**

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

[1:48:42] **Unknown Representative (Democratic Gentlelady):**

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

[1:48:57] **Dimitri Karakitsos, Partner, Holland & Knight:**

I don't believe so.

[1:48:59] **Unknown Representative:**

Are you aware of Gen X, the PFAS chemical Gen X that was introduced in the late 2000s?

[1:49:07] **Dimitri Karakitsos, Partner, Holland & Knight:**

I am, yes.

[1:49:08] **Unknown Representative:**

And you're not aware of that being part of the conversation?

[1:49:11] **Dimitri Karakitsos, Partner, Holland & Knight:**

I think there wasn't so much discussion over individual chemicals when we were working on the law. It was a system that would kind of... Move a little closer to your mic, please.

[1:49:21] **Rep. Randy Weber, Member of Congress:**

Sorry.

[1:49:22] **Dimitri Karakitsos, Partner, Holland & Knight:**

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

[1:49:36] **Unknown Representative:**

Thank you. You are aware that Gen X was marketed as a safer alternative. It was then allowed on the market, and then it still ended up contaminating drinking water and harming communities. Are you aware of that?

[1:49:49] **Dimitri Karakitsos, Partner, Holland & Knight:**

I'm not so aware of the marketing and some of these other aspects.

[1:49:53] **Unknown Representative:**

Okay, Dr. Woodruff, let's go to you. Do you, are you aware of Gen X? Oh yes, definitely, if you're a health scientist. Well, so would it be safe to say that maybe that was like an example of something that was used to maybe say, hey, we need to pass something that's stronger to protect public health?

[1:50:10] **Dr. Tracy Woodruff, Professor, UCSF:**

It's an example of where we don't want to go backwards because Gen X was approved as a, quote, safer alternative, and it's not. And it's now, for example, polluting the riverways in many states, like North Carolina.

[1:50:22] **Unknown Representative:**

And I believe that one of the problems was that the EPA did not have strong enough authority to require more testing up front and fully understand the risks of chemicals like Gen X before they entered widespread use. Would you say that's correct?

[1:50:37] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes.

[1:50:38] **Unknown Representative:**

And so what is being put before the Congress today, would you say that would weaken these standards? Yes. And so do you think that with these standards being weakened, there would be a greater possibility that another chemical like Gen X could be approved?

[1:50:57] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes. There's many PFAS that could be re-engineered and set through this new quote system that would then lead to further contamination and health harms.

[1:51:08] **Unknown Representative:**

So many people watching this hearing may not be able to follow some of the verbiage that's used, but at the end of the day, How would you characterize this bill? Because my Republican colleagues characterize this bill as modernizing it. How would you characterize it? I would characterize it as a public health crisis.

[1:51:30] **Dr. Tracy Woodruff, Professor, UCSF:**

And putting more communities at harm? Yes, putting more people at harm. It will contribute to the increasing chronic conditions that we are already seeing happening in

the United States, which is not the direction we should be going. Thank you.

[1:51:44] **Unknown Representative:**

Now there's a provision in this bill that changes the standard EPA must meet before it can act, requiring the agency to show that the harm is more likely than not to result in an unreasonable risk before restricting a chemical. Do you, what do you think that does for the standard?

[1:52:10] **Dr. Tracy Woodruff, Professor, UCSF:**

Yeah, I just think it's gonna set a much higher bar, and actually this more likely than not is set in the existing chemicals program, happens even before EPA does their risk evaluation, which is supposed to adhere to best available science, and so it actually leaves it up to the administrator to decide which harms and which uses that they are going to decide is more likely than not without a thorough, exhaustive evaluation of all the evidence. And then they can only look at those uses and harms that have been identified in their in their risk evaluation. That is a huge change that will leave people leave EPA hamstrung in terms of really evaluating the full extent of toxic chemical exposures because, for example, people are exposed in many different ways from many different sources, and it's already very hard for EPA to get all that information in order to accurately characterize the exposures and the health harms from these chemicals. And when we're talking about these chemicals, we're talking about what kind of health harms? We're talking about, for example, health harms like cardiovascular risk. We're talking about increased risk of infertility, effects on sperm quality, effects on increased risk of low birth weight. PFAS is a perfect example of a chemical that increases the risk of low birth weight babies. And if that's more difficult for EPA to regulate, we could see more low birth weight babies, which leads to infant mortality. more neurodevelopmental harm like ADHD and autism. The list is actually quite goes on because we hear about a new, I mean, here's one that I just, we've learned about recently, non-alcoholic fatty liver disease. Children in the United States have more incidents of non-alcoholic fatty liver disease than they have in the past. That means their livers look like alcoholics. This is because we are just not doing the right job to protect the public from these toxic chemicals. Thank you for highlighting the harms with that. I yield back.

[1:54:05] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

And the lady yields. The chair now recognizes the distinguished gentleman from Texas, Mr. Weber, for five minutes for his question.

[1:54:12] **Rep. Randy Weber, Member of Congress:**

Thank you, Mr. Chairman. And I do ask unanimous consent to enter into the record a letter from the Household and Commercial Products Association expressing support for

this committee's work to modernize the Toxic Substance Control Act.

[1:54:24] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Without objection, so ordered.

[1:54:26] **Rep. Randy Weber, Member of Congress:**

Thank you, Mr. Chairman. Dr. White, I'm going to come to you. You seem to be the witness of choice here for some measure. The draft bill for us today recognizes the need for the EPA to encourage innovation by prioritizing sustainable chemicals that would replace higher risk substances with lower risk alternatives. This is a concept that everyone should be able to get behind. Can you expand further on what impacts new chemical review delays are having on bringing clean products to market and how that is limiting what types of sustainable products U.S. customers can purchase?

[1:55:06] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Up till now, the agency has struggled to actually review chemistries in a timely fashion for the new chemicals program. This is not a new problem. Even the last EPA assistant administrator, Dr. Friedhoff, recognized that there was problems with the new chemicals program and that the agency was looking to try to improve that process. We have seen that agency, as well as the new administration, really work towards improving that process. But more work is needed. We still have more than 90% of those chemical reviews past their 90 day deadline. That's because of a number of reasons. One is that EPA has been failing to communicate appropriately with the submitters. And so it's oftentimes many, many months before a submitter will actually hear from the agency. This new draft sets in place more accountability and transparency in the process. It actually requires the agency to identify a human health risk assessor. So to really help with that assessment right away, so within the first several days to actually identify something, it requires the agency to meet with the submitter within 30 days. So again, you're having an open dialogue on the data and information that EPA needs to make a decision. And then if the agency fails to make that decision in a timely fashion, it requires the administrator to actually submit a written documentation of why the agency has failed to read that notification. This is critically important because it's not regulating that documentation to just a staff person within the office. It's requiring oversight and accountability at the administrator level to ensure that things are moving forward in a timely manner and that chemistries are being approved and reviewed based on their safety and information.

[1:56:47] **Rep. Randy Weber, Member of Congress:**

So you could say we're moving forward with that. Mr. Kerry, I'm going to come to you. The 2016 amendments to the Toxic Substance Control Act, TSCA, strengthened the EPA's authority to regulate existing chemicals. Unfortunately, EPA has not used what we would call a true risk-based approach and operates with assumptions based far from reality when it comes to possible exposure to chemicals. Can you expand on precautions taken at chemical facilities to ensure worker safety?

[1:57:20] **John Carey, Director, DSM-Firmanich:**

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

[1:57:41] **Rep. Randy Weber, Member of Congress:**

It's common sense, isn't it?

[1:57:44] **John Carey, Director, DSM-Firmanich:**

It's common sense. I'll tell you why, because you don't have to be a scientist to understand this. The fragrance materials we design are highly odorous. It wouldn't make sense to dip your bare hand into a highly odorous chemical. Regardless of any kind of health effects, you would come home smelling like a bottle of perfume every single day. Now, we mandate that workers wear chemically impervious gloves for a host of reasons, but it's absolutely common sense to do so.

[1:58:19] **Rep. Randy Weber, Member of Congress:**

Isn't it also true that in one of those settings, in refinery, for example, some of the manufactured chemicals, that those people live and work in the same area and their kids probably go to school together and they may shop at the same grocery store. We hope it's HEB because I'm from Texas. And so it's true that they want what's best. The supervisors, the company wants what's best for those workers. Isn't that true?

[1:58:44] **John Carey, Director, DSM-Firmanich:**

That's 100% true. For many years, we were a family-owned company. We all use the products that we make. The fragrance materials that we use go into fine fragrances, cosmetics, soap, shampoos, laundry detergents that our families use every single day. And we take our product stewardship and our commitment to our employees and our communities extremely seriously.

[1:59:17] **Rep. Randy Weber, Member of Congress:**

It is the American way. Mr. Chairman, I yield back.

[1:59:20] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

The gentleman yields. The chair now recognizes the gentleman from Florida, Mr. Soto, for five minutes for his questions.

[1:59:27] **Rep. Darren Soto, Member of Congress:**

Thank you so much, Mr. Chairman. Tosca has been critical for decades to help keep Americans safe and protect their public health. We've seen every family be affected by things like cancer and exposure. In Central Florida, we had a PFAS cancer cluster that affected firefighters. We actually had testimony in this committee a few years ago about the use of PFAS. There's an expectation among American families that the chemicals that they use in everyday products are going to be safe for them, for public health, for clean drinking water, for safe products. I do also recognize we want to promote safety and research and development and innovation. New applications should be reviewed efficiently. But I'm worried about some of the cuts that have been proposed because That could be a main driver of seeing these applications delayed. The Trump administration had proposed a 55% reduction to the EPA this year, 55%. That shocks the conscience, $5 billion, more than half their budget. Then my colleagues across the aisle proposed a 23% cut to the EPA, which House Democrats got together and we pushed back. And it was an EPA that is nearly fully funded for the 2026 budget. Mr. Karakitsos, good Greek name I'm assuming, right? Bilirakis would love that name, by the way. You know, how critical is funding to make sure we have effective and efficient reviews of chemicals since there's been a concern about how efficient they've been?

[2:01:06] **Dimitri Karakitsos, Partner, Holland & Knight:**

Yeah, thank you very much for the question. I think it's very important. I think there are a number of factors that lead to a better functioning, you know, new chemicals and existing chemicals process. And funding is one of them. I think in 2016, after the law passed, there was a push to get more money into the chemicals office at EPA. And I would say I think even under some of the cuts that have been proposed, the Chemicals Office has fared much better than other offices in those budgets and congressional bills, I believe.

[2:01:41] **Rep. Darren Soto, Member of Congress:**

Thank you. And Ms. Woodruff, for my constituents, how could you explain in plain language the difference between an unreasonable risk standard and a reasonably

feasible standard? Because it can get folks lost in the in the woods there.

[2:01:57] **Dr. Tracy Woodruff, Professor, UCSF:**

Right. Unreasonable risk is really this chemical is not going to harm you. This chemical is not going to increase the risk of infertility, cancer, low birth weight, adverse health effects. feasibility is what how much is it going to cost the industry to implement a standard for this chemical that will be the primary decision about reducing the risk how much it costs the industry not what the cost is going to be to you and the health of you and your family and your children's family and your community's family thank you mr carey you did have me curious uh you said some european countries are

[2:02:35] **Rep. Darren Soto, Member of Congress:**

moving these chemicals more quickly than we are in Australia? Is it all the EU or just certain European countries?

[2:02:43] **John Carey, Director, DSM-Firmanich:**

Thank you. It's a great question. It's the European Union under reach. So it's the entire European Union.

[2:02:51] **Rep. Darren Soto, Member of Congress:**

And what are the differences, you think? Because Europe usually does this thoroughly, but I'm not going to give the benefit of the doubt just yet. What are the differences that are making these things more efficient over there, you think?

[2:03:03] **John Carey, Director, DSM-Firmanich:**

Absolutely. I'm happy to answer that. And I would also say in addition to Europe, right, it's Japan, Australia. Let's just stick with Europe since our time is limited. It's primarily the primary difference is Europe has prescriptive data requirements. They say no data, no market. So everything we sell, we run a risk evaluation on and a comprehensive risk evaluation. We submit that same data to the EU authorities and the US EPA. We can go to market in the EU because we know that we meet the requirements for safe and compliant chemicals in that entity, in that jurisdiction. We submit the same data to the US EPA and it just gets stuck. We've gone to market- Why? Why do you think it gets stuck? That's a great question. I think the key is the interpretation of the term reasonably foreseen conditions of use. Our fragrance materials will only be used for fragrance. You don't have to be a scientist to understand that. They smell extremely strongly. But when we talk to EPA, they say, Somebody might take that chemical and use it for some other purpose. We can't tell you what. We can't tell you who's done that. But somebody might.

And that's why our materials just continue to sit and sit.

[2:04:32] **Rep. Darren Soto, Member of Congress:**

Could there be a warning label put on about certain other ones?

[2:04:37] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Time has expired. Thank the gentleman. The chair now recognizes gentleman from Colorado, Mr. Evans, for five minutes for his questions.

[2:04:47] **Rep. Gabe Evans, Member of Congress:**

Thank you, Chairman, Ranking Member, and of course to the witnesses for taking the time to come here. My first question is going to be to Dr. White. One of the communities that I represent in Colorado's 8th Congressional District is at the center of my state's energy production economy. 80% of the oil in Colorado, almost 60% of the natural gas in Colorado, the two largest natural gas fire generating stations, the only refinery in the state of Colorado which produces a third of the gasoline, half the diesel, a third of the jet fuel that's used out at DIA, that all comes from my district. And so all of that economy and all of the jobs and all of the employer-sponsored health insurance that stem from that all rely very, very heavily on chemicals, which falls under TSCA's jurisdiction. And so when we talk about chemicals and the balance between making sure that we have a functioning economy, which makes sure that we don't have poverty, and we all know the negative health outcomes associated with poverty, and to beat that, we have to have a functioning economy. When we have a functioning economy, One of the processes that's used at EPA to manage and look at these chemicals and do this cost benefit analysis is what's called a risk evaluation. So in your experience, do EPA's risk evaluation and subsequent risk management rules provide health and safety benefits that are commensurate with the cost and burdens of the rules? And if not, what can we do to address that?

[2:06:19] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

EPA's risk evaluation process can be improved upon. So it has a best available science and a weight of the scientific evidence statute that it should be relying on. It has been missing the mark over the last several years. And so there's really an opportunity to strengthen that. maintain that language, as we have talked about earlier in today's hearing, and to ensure that we can continue to manufacture new chemistries that are really critical to energy manufacturing, to AI and intelligent infrastructure, as well as existing chemistries.

[2:06:49] **Rep. Gabe Evans, Member of Congress:**

And I'm glad to hear you mention the science involved in all of this. something that struck me one of the last times we had this conversation. Somebody brought in the apple and talked about how there's a little bit of cyanide present in apple seeds, which under TSCA would require remediation. But we all know you can just go to the store and buy an apple. Like, an apple is not a hazardous substance. And so being able to follow the science and have that appropriate cost-benefit analysis to understand what sort of things do need to be remediated and what sort of things are essential to our everyday functioning of life and functioning of our economy so that people can have jobs and not experience the negative health outcomes of poverty, we have to have that balance. And so the next question kind of going along that lines to Mr. Karakytosis, did I get it right? Kara-ketosis? Got it. I will continue to work on that. We know that as part of this process, we have to have public engagement. There has to be transparency so that people understand how this whole process moves. But we also have to have some common sense guardrails in place to make sure that things don't get blown out of complete proportion. For instance, formaldehyde sounds scary. But earlier this year, I guess it was last year, I highlighted how formaldehyde is critical to being able to produce albuterol, which is used for inhalers for people that suffer from asthma. And so even though formaldehyde sounds scary, if we don't have the appropriate use of formaldehyde, people literally can't breathe if they have asthma, but they can't treat their asthma with a very common substance called albuterol, which is in the inhalers. The citizen petition under Section 21 is how some of this insight is given to the EPA in this space, but we know that it has been exploited at times by activists who try and review chemicals and over-inflate potentially the risk that these chemicals pose in order to achieve a political agenda, such as in February of last year when there was a group of activists who tried to abuse this process to ban a chemical that was used in oil refinery, effectively a backdoor ban to the production of oil. So can you talk about in my remaining 40 seconds how we can follow good science and ensure that Section 21 has a appropriate guardrails that elevate science, elevate transparency, but also protect abuse by activists?

[2:09:19] **Dimitri Karakitsos, Partner, Holland & Knight:**

Yeah, thank you for the question. I think it's a great point. I think that Section 21 is important, but the changes that are in this bill I think are pretty appropriate to that section. It's not about limiting citizens' ability to seek appropriate remedy from EPA. It's about making sure that EPA regulatory decisions are adequately justified through scientific review. And I think because of the mishmash and changes to Section 6, the existing chemical process under the 2016 law, they didn't get fully kind of baked into the 21 process. And the last thing I'd say on that is also it's not just something that activists can use. And I think that it is something that is open to industry. And you could see a world where industry starts filing Section 21 petitions to favorable administrations, something that I think a lot of, you know, folks in this committee would be concerned with. Thank you. Yield back.

[2:10:11] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Chairman Yields, the chair now recognizes the gentleman from New Jersey, Mr. Menendez, for his five minutes of questions.

[2:10:17] **Rep. Rob Menendez, Member of Congress:**

Thanks, Chairman. I want to thank my colleague from Colorado to talk about elevating science. I hope he does that next time Secretary Kennedy comes before the committee. I also appreciate his concern about poverty. I wish he had been thinking about the folks that live in poverty when he voted to cut a trillion dollars from Medicaid. Americans in New Jersey and across the country are extremely concerned about the health risk posed by the chemicals that they encounter every day. Families worry about the safety of the water that they drink and the chemicals in household cleaners, furniture, and toys. They have these worries and concerns because weak chemical safety regulation has made Americans sick. Dr. Woodruff, just briefly, from a public health perspective, what happens when Americans are exposed to toxic chemicals due to inadequate chemical safety screening?

[2:11:00] **Dr. Tracy Woodruff, Professor, UCSF:**

They get sick. And also, I just kind of want to add one more thing. Let's be clear that the kind of science that EPA needs is independent science. And when industry provides science, there's good empirical evidence that shows that that science is biased, whether it's tobacco, pharmaceutical, chemicals. It's already been shown by the National Academy of Sciences. And this is why it's very important that EPA have independent science to evaluate health risks so that they can do the best job to have an unbiased evaluation of the science.

[2:11:28] **Rep. Rob Menendez, Member of Congress:**

Do you believe this administration has prioritized independence across federal agencies and departments?

[2:11:33] **Dr. Tracy Woodruff, Professor, UCSF:**

Has prioritized what?

[2:11:35] **Rep. Rob Menendez, Member of Congress:**

Independence.

[2:11:36] **Dr. Tracy Woodruff, Professor, UCSF:**

No.

[2:11:37] **Rep. Rob Menendez, Member of Congress:**

I agree across all departments, all agencies. And that's why the stakes of today's hearing are incredibly high for the people that we represent, because we need to have these hearings so they have transparency into the decisions that the Republican majority wants to make. Prior to the 2016 updates to TSCA, many toxic chemicals entered commerce with little to no testing or review. Is that correct?

[2:11:56] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes.

[2:11:57] **Rep. Rob Menendez, Member of Congress:**

That's why we empower the EPA to conduct far more rigorous evaluations of new and existing chemicals and ensure that they no longer harm Americans. Yet Republicans have put forward a sweeping proposal that would limit the EPA's ability to collect and assess information on chemical safety. This draft imposes new limits on when the EPA can require chemical testing, restricts its ability to independently weigh which tests and data sources are most appropriate, and even curtails its authority to evaluate certain conditions of use. Dr. Woodruff, can you provide a real world example of a data source risk or exposure pathway that the EPA would be unable to consider under this bill?

[2:12:32] **Dr. Tracy Woodruff, Professor, UCSF:**

Yeah, for example, in the new chemicals program, they would have to only evaluate the health risks from exposures that the submitter decides is what the chemical is going to be used for. PFAS is an excellent example. PFAS, for example, maybe they're going to use it in a semiconductor, but it could be that once that gets approved, you could use that PFAS chemical in every pot and pan in the United States and your Gore-Tex parkas, carpets, wherever, and we know that PFAS are persistent and toxic, so that could actually happen.

[2:13:01] **Rep. Rob Menendez, Member of Congress:**

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

[2:13:07] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes.

[2:13:09] **Rep. Rob Menendez, Member of Congress:**

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

[2:13:18] **Dr. Tracy Woodruff, Professor, UCSF:**

Yes, and I just want to add on the underestimate risk, this personal protective equipment It's empirically shown that there is not 100% compliance with personal protective equipment for many different reasons. And this bill would basically reverse that and say that EPA must assume 100% compliance, which is not best available science.

[2:13:37] **Rep. Rob Menendez, Member of Congress:**

And we should be pursuing best available science.

[2:13:39] **Dr. Tracy Woodruff, Professor, UCSF:**

We should, 100%.

[2:13:40] **Rep. Rob Menendez, Member of Congress:**

Especially in 2026. If this was in 1906 and the science was limited, but it's 2026. We actually have an incredible amount of data and research that we should be able to get to better health outcomes, better decisions by the EPA. Does this proposal do that? Nope. I agree, and so does Safer States in the lines of 350 state legislators from across the country, including from New Jersey, who are concerned about efforts to reopen this public health law. I'd like to submit their letter for the record, underscoring the serious dangers of these proposed changes.

[2:14:15] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Without objection, so ordered.

[2:14:16] **Rep. Rob Menendez, Member of Congress:**

Thank you. Despite the fact that this draft would put people at risk of chronic disease and even death, my Republican colleagues have characterized it as a narrow targeted reform. Dr. Woodruff, do you believe that these are targeted changes?

[2:14:29] **Dr. Tracy Woodruff, Professor, UCSF:**

No, not at all.

[2:14:31] **Rep. Rob Menendez, Member of Congress:**

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

[2:14:41] **Dr. Tracy Woodruff, Professor, UCSF:**

People should be considering the health of their constituents, not the profits of the industry. This will put people's health at risk. We already know that people are getting sick and dying from toxic chemical exposures. Why are we going to make it harder to protect them from these toxic chemicals?

[2:14:57] **Rep. Rob Menendez, Member of Congress:**

Again, we've unfortunately lived too many realities where we've seen that play out in communities across the country. We should do everything that we can to prevent it from happening again. This draft fundamentally erodes one of TSCA's core functions to make independent, scientifically grounded determinations about the safety of a given chemical, and most importantly, to keep Americans from getting sick. I yield back. Thank you.

[2:15:17] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Gentleman yields. Chair now recognizes gentlelady from Iowa. Ms. Miller makes for five minutes for her questions.

[2:15:24] **Rep. Mariannette Miller-Meeks, Member of Congress:**

And thank you, Mr. Chairman, for holding this hearing and to our witnesses for being here today. For states like Iowa, where agriculture manufacturing, including chemical manufacturing, and innovation are central to our economy, we need a regulatory system that protects human health and the environment without relying on speculation, duplicative regulation, or unnecessary delays. This discussion draft refocuses TSCA on real world risk, best available science, and coordination with other federal and international regulators. It encourages safer innovation, strengthens domestic supply chains, and ensures EPA is accountable for its decisions. while preserving strong protections for workers, consumers and families. I look forward to this discussion and I'm going to start my questions with Mr. White. Many Iowa farmers rely on crop protection products, fertilizers and packaging materials. How does channeling EPA's focus to real world conditions of use help ensure these essential inputs remain available without compromising safety?

[2:16:28] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[2:16:39] **Rep. Mariannette Miller-Meeks, Member of Congress:**

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

[2:16:55] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[2:17:04] **Rep. Mariannette Miller-Meeks, Member of Congress:**

Thank you. Mr. Karakitos, the 2016 amendments included replacement part language. Would you like to add anything on the proposed revisions?

[2:17:16] **Dimitri Karakitsos, Partner, Holland & Knight:**

No, I think I agree with Dr. White that it's intended to strengthen those provisions and ensure that as these complex, durable goods live out their life, there are replacement parts that can continue the use of the asset.

[2:17:29] **Rep. Mariannette Miller-Meeks, Member of Congress:**

And that helps bring down costs for the American people.

[2:17:32] **Dimitri Karakitsos, Partner, Holland & Knight:**

Absolutely.

[2:17:34] **Rep. Mariannette Miller-Meeks, Member of Congress:**

Dr. White, this bill prevents EPA from overriding standards already enforced by agencies like OSHA. Why is it important for chemical regulation to respect existing federal programs rather than layering on duplicative or conflicting requirements?

[2:17:51] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

Consistency in the regulatory framework is critically important. Regulated entities really need to know that they are complying with the appropriate regulations. Having inconsistency from OSHA to EPA makes it incredibly difficult for a manufacturer to ensure that they are maintaining the public health and the safety. So having the agency ensure that as it is moving forward with any future regulations that they've confirmed that they're not conflicting with existing regulations is imperative.

[2:18:20] **Rep. Mariannette Miller-Meeks, Member of Congress:**

And I saw that firsthand when I was director of public health in Iowa where you had different agencies with different regulations. These were federal agencies and how that led to difficulties with both compliance with people knowing what the regulation was and then actually producing products that were needed and necessary. Do you think that this complicates or impairs the public's health or safety?

[2:18:42] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[2:18:53] **Rep. Mariannette Miller-Meeks, Member of Congress:**

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

[2:19:06] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

This is really about focusing the agency's evaluations on those conditions of use that are more likely to represent an unreasonable risk instead of focusing in on hypotheticals or mischaracterizations of workplace environments.

[2:19:20] **Rep. Mariannette Miller-Meeks, Member of Congress:**

And ultimately, if the EPA does not meet its 90 or 180 day statutory period for reviewing new chemical submission, The draft requires the EPA administrator to explain why and not delegate that responsibility to another official. How does this help the process and do any of the other witnesses want to comment on this?

[2:19:39] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

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

[2:19:51] **Rep. Mariannette Miller-Meeks, Member of Congress:**

Go ahead, sir.

[2:19:52] **John Carey, Director, DSM-Firmanich:**

If I may, thank you so much. We've got nine materials that have been in the EPA pipeline for five to six years, since 2020 and 2021, the new draft would go a long way to increase transparency at EPA and have them explain why a material is so far over review. The draft is aimed at 90 days. Here we are five to six years later with materials still stuck in review.

[2:20:25] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Gentlelady yields. Chair now recognizes the gentleman from Ohio, Mr. Landsman, for five minutes for his questions.

[2:20:31] **Rep. Greg Landsman, Member of Congress:**

Thank you, Mr. Chairman, and thank you all for being here. This has been very helpful, and I think there is a clear sense that changes have to be made, at least from my perspective, there's a clear sense that changes have to be made not across the board, but on both sides of the fence, let's just say on both sides of the fence, right? So nobody wants there to be these toxic chemicals anywhere near any of the people that we love and serve and so on. And that's why TSCA is so important. And then the Lautenberg Act was a way to further protect people. Now we have to update it. And we're updating it in the context of a challenge in terms of businesses being able to bring presumably safe products to market, and the EPA's requirement to protect people. They got a public health mandate, which we desperately need them to keep. So there is the issue of the review process and things taking too long. But some of that has to do with, I'm curious, and so let me start with Dr. Woodruff and then Mr. Kerry, I'd like to get your perspective. But Dr. Woodruff, people submitting all of their information is critical to a timely review. And that's not always the case, right? I mean, okay, can you talk a little bit about the issues there in terms of submitters, you know, contributing to the delays? What are the issues that need to be fixed?

[2:22:32] **Dr. Tracy Woodruff, Professor, UCSF:**

Well, sometimes they don't submit, and actually a lot of the cases, they don't submit all the data. So EPA has to go back, ask for the data, then they have to get the data, and then that means it takes longer for them to review the chemical. The other thing is sometimes it's actually toxic. And so then there's an argument about, well, obviously they want to keep making this chemical and the EPA is like, no, you can't because it's toxic. And so then that also leads to a delay. And then sometimes, as I said, in about half the cases, there's literally paperwork that needs to be signed by the industry that they haven't signed. So they're often in the pipeline so long because the company does not agree with EPA's assessment because they're toxic.

[2:23:15] **Rep. Greg Landsman, Member of Congress:**

What should we be doing to fix that? And Mr. Carey, jump in.

[2:23:22] **John Carey, Director, DSM-Firmanich:**

I'd love to. Thank you so much. I think the key are provisions already in TSCA, reasonably foreseen conditions of use, weight of the scientific evidence, best available science. Again, we're submitting the same data package globally, and materials are reviewed and approved by competent regulatory authorities, yet they sit at EPA. And where I think Congress can be particularly helpful is providing guidance to the agency on what those terms mean. So reasonably foreseen doesn't mean any theoretical possibility. It means more likely than not. Best available science would mean measured data over modeled data. And weight of the scientific evidence would mean considering the robust data package that we submit.

[2:24:11] **Rep. Greg Landsman, Member of Congress:**

Dr. Woodruff?

[2:24:11] **Dr. Tracy Woodruff, Professor, UCSF:**

Yeah, well, actually, it would be helpful if they submitted data on all the different types of health outcomes, which they're not required to do. That could be suffered by a chemical, Gen X being a classic example that it gets out and about and causes many more health outcomes than the industry submitted or even told them about. And then also, This bill does not just take away reasonably foreseeable. It says we're only going to look at the thing the chemical industry says. And we know from empirical data that the industry has biased information they produce, not only on the health hazards, but also on the exposures. and that you cannot rely on them. And we know they've also lied about toxic chemicals. I'm just gonna go through the list. PFAS, they were exposing their workers to toxic PFAS chemicals well before we knew they were toxic. TCE, there's good data that they were exposing their workers to TCE chemicals they knew were toxic and those workers died. Benzene, we have good internal industry documents that they were

exposing their workers to benzene and were worrying about leukemia back in the 20s. My point being is we should have independent evaluation.

[2:25:21] **Rep. Greg Landsman, Member of Congress:**

Yeah, okay. So that's one possible route. I only have 10 seconds left. So I would love to see this bill be a bipartisan bill. And at the moment it's not a bipartisan bill, which is problematic because it doesn't get to the right policy in my mind. It probably is on one side and not balanced, and then two, it's not durable. The next Congress is gonna flip it. So I just, I would love to see this be bipartisan. I apologize for going over, I yield back.

[2:25:49] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

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

[2:25:54] **Rep. Dan Crenshaw, Member of Congress:**

Thank you, Mr. Chairman, and thank you all for being here. I want to discuss the basic philosophy of regulation, and that's risk versus hazard, okay? And I think TSCA has to be grounded in risk realism, not necessarily fear-based regulation. For example, EPA cannot assume, as it has done in the past, that OSHA regulations just don't exist, that operators are just exposed on a shift, not wearing any protective gear. It's like we're thinking these workers are just deciding not to wear gloves. and maybe hanging around the water cooler ingesting these chemicals. That's not a reasonable thing to believe. It's an absurd way to go about regulation. That's hazard-based regulation philosophy. And risk is not just hazard. Risk is hazard plus real-world exposure and also likelihood of that exposure. If you look at a hazard-only approach, well, it just treats every chemical as guilty based on its label alone. even when the exposure is very controlled, limited, and negligible. And it's a foundational misunderstanding of how chemicals are handled in an industrial setting. And I don't think that approach makes Americans safer. It just takes production out of our domestic manufacturing base and exports all the problems to China, which we then, of course, reimport. I think thankfully the EPA under President Trump has taken steps to bring back that common sense, but we need to take action here. Industry needs certainty of law, not regulatory whiplash every four years. And today we're gonna hear those familiar claims that improvements on TSCA, making it more common sense, amounts to a wholesale destruction of protections, that reform leads to more deaths than disease. And that's just rhetoric, that's not a plan. And it doesn't reflect how regulation actually works or how the science really works. I think the truth is Congress can protect public health, as we should, as the EPA should, and also fix a system that's become slow, very unpredictable, and overly reliant on these worst-case assumptions that just do not match reality. And that's what these proposals do. Dr. White, look, I've just laid out this this contrast between risk realism versus a hazard-focused system. What have been the real-world consequences of the status quo hazard

approach that we've seen during certain administrations on innovation, on supply chains, on domestic manufacturing?

[2:28:28] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

TSCA was always meant to be a risk-based approach to consider both the likelihood and the impact of a potential hazard. And what we have seen is that it's really started to focus on just a hazard and not really taking in consideration the actual risk or potential for risk to move forward. So let me just give you a simplified example. A wet floor is a hazard. But considering the likelihood of the impact and whether someone will actually slip and fall and how you can protect someone from doing that is considering the risk. We're not seeing that effectively being implemented right now.

[2:29:01] **Rep. Dan Crenshaw, Member of Congress:**

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

[2:29:08] **Dr. Kimberly Wise-White, VP of Regulatory & Scientific Affairs, American Chemistry Council:**

We're seeing very overly conservative assessments. We're seeing limitations on chemistries. We're seeing chemistries that are looking to be potentially banned. because the agency has taken a very overly conservative approach to how they understand what that chemistry looks like and whether or not there's actually the likelihood of exposure.

[2:29:26] **Rep. Dan Crenshaw, Member of Congress:**

What I'm hearing you say is the private sector, the industry itself, is being overly cautious, not innovating as they would normally if they had more certainty. Mr. Karakitsos, in your view, When Congress originally enacted TSCA and again in 2016 amended, what was the intent with respect to regulating chemicals based on this risk versus hazard approach? And do you think, can I ask also this, does it really, do these reforms really amount to a wholesale destruction of the law?

[2:29:59] **Dimitri Karakitsos, Partner, Holland & Knight:**

Thank you for the question. I would say in addition to this being a risk-based statute and not a hazard-based statute, it's also not a no-risk statute. It's an unreasonable risk statute. So there's supposed to be a level of objectivity there that EPA looks at it and decides what risk level is actually reasonable to allow chemicals to be used. And I think that's an important part of this because there were much harsher standards that were

rejected soundly, I think, by Congress in the process.

[2:30:25] **Rep. Dan Crenshaw, Member of Congress:**

Yeah. It's not a wholesale destruction of the law, these reforms that we're looking at?

[2:30:31] **Dimitri Karakitsos, Partner, Holland & Knight:**

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

[2:30:40] **Rep. Dan Crenshaw, Member of Congress:**

Yeah, I mean, it certainly doesn't seem so to me. I think the reforms we're talking about are pretty mild and common sense. I think we all want to protect workers. We want to protect our citizens. But we also need the very... chemicals that make our modern life possible. We can't just ship all that to China.

[2:31:00] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

The gentleman yields. The chair now recognizes the gentleman from Louisiana, Mr. Carter, for five minutes for his question.

[2:31:08] **Rep. Troy Carter, Member of Congress:**

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

[2:31:26] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Without objection, so ordered.

[2:31:27] **Rep. Troy Carter, Member of Congress:**

Thank you, Mr. Chairman. I represent an area in South Louisiana where chemical manufacturers is part of an economic backbone. These families, these facilities rather provide good-paying jobs, stable jobs that support thousands of facilities in my district, and many of the workers at these facilities live nearby. So when we talk about rolling back TSCA protections, we're not talking about abstract regulations. We're talking about whether workers and families can live safely. Industry and community must coexist without compromising public health. And everyone benefits when communities trust that

industry is planning to be a good neighbor. Unfortunately, the bill we're reviewing today undermines that trust by stripping away safeguards that protect workers and families from toxic exposures. Workers are among the most vulnerable populations to toxic chemical exposure. Over 125,000 Americans die every year due to chemical exposure on the job. That simply isn't sustainable for a workforce and an economy such as ours. Ms. Dr. Woodruff, in the draft we are considering today, Republicans have inserted several instances where EPA required to consider regulations set forth by other federal agencies, including OSHA. This deference implies that OSHA explores limits, exposure limits are protective of health and safety. Is that an accurate assumption? No. Why is it so important for EPA to be able to ensure strong worker protection?

[2:33:08] **Dr. Tracy Woodruff, Professor, UCSF:**

because OSHA hasn't been able to update their worker protection regulations. And in fact, OSHA says on its website that those limits are outdated and inadequate for ensuring protection of worker health. And that is because OSHA has, frankly, been captured by the industry. And EPA has actually been effective in removing some of these workplace exposures to workers' benefits. And now the industry doesn't like that because and they're going after EPA to try and limit them to go back to OSHA. Let's just look at TCE. That was set in 1971. Best available science. Science has changed a lot since the 1970s. And so EPA is now allowed to use best available science to restrict TCE exposures to workers.

[2:33:50] **Rep. Troy Carter, Member of Congress:**

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

[2:34:02] **Dr. Tracy Woodruff, Professor, UCSF:**

No, it will leave them exposed.

[2:34:05] **Rep. Troy Carter, Member of Congress:**

Does this discussion draft give EPA the tools to adequately protect fence line communities?

[2:34:12] **Dr. Tracy Woodruff, Professor, UCSF:**

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

[2:34:20] **Rep. Troy Carter, Member of Congress:**

In the last several years, we've made great strides forward with the Lautenberg Act, but this draft takes us back. If this committee is going to talk about modernizing TSCA Our North Star needs to be protecting workers and our community and families that live in close proximity. In the sake of time, I am going to defer the rest of my time and yield, Mr. Chairman, in order to allow everyone to have a time to speak. Thank you.

[2:34:44] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

Thanks, gentlemen. The chair now recognizes the gentleman from Massachusetts, Mr. Austin Closs, for five minutes for his questions.

[2:34:50] **Rep. Jake Auchincloss, Member of Congress:**

Thank you, Chairman, and thanks to my friend from Louisiana. The approach to the intersection of chemistry or biologics with public health. It really should be bipartisan. It should be science driven. Unfortunately, over this last year of Republican trifecta in Washington, it's been a partisan approach. And the result has been a mind bending disjunction. We've got on the one hand, over at HHS, you've got the chair of the Advisory Commission on Immunization Practices saying that He doesn't think the polio vaccine makes sense anymore because he doesn't want those chemicals going into the human body despite the fact that that set of molecules is the most tested, safe and effective chemical structure probably in the history of humanity. You've got the deputy director of the CDC saying that a measles outbreak is, quote, a cost of doing business because they're so concerned about another chemical structure, the MMR vaccine, going into the human body. And yet, despite this totally unscientific concern about one set of chemical structures going into the human body, which have saved 150 million lives since the 1970s, now we've got Over at the EPA, an attempt by Republicans in Congress to gut TSCA and to allow actually dangerous toxins and chemicals to go into the human body. And on both fronts, the Republicans on this committee regrettably are complicit. We haven't had a hearing with HHS officials, and we've had a partisan TSCA process when this should have been a bipartisan process. Dr. Woodruff, I'm not gonna ask you to go through all the different chemicals that could again cause environmental and public health if this bill were to become law because you've done so exhaustively. But I do wanna focus in on PFAS in particular. At our hearing last month, we spoke at length about the cost of PFAS remediation for water systems. IT'S A HUGE ISSUE IN MY DISTRICT AND IT'S AT THE MOST EXPENSIVE AND PAINFUL PART OF THE ENTIRE CYCLE TO DEAL WITH PFAS CONTAMINATION. WE NEED TO DEAL WITH IT AT THE POINT OF PRODUCTION WHERE TOSCA COULD BE REALLY HELPFUL IN DOING THAT. WOULD WE BE ABLE TO MEANINGFULLY ADDRESS TOXIC PFAS CHEMICALS AT THE POINT OF PRODUCTION IF THIS DRAFT WERE ENACTED?

[2:37:04] **Dr. Tracy Woodruff, Professor, UCSF:**

I think it would make it very difficult to test and regulate the hundreds of PFAS that are currently in commerce, as well as any potentially, it would allow the industry to get approval for new PFAS. And I just also want to mention that this bill, this hasn't come up yet, it also would not let EPA test impurities or unintentional byproducts. And we have shown in our own studies unintended PFAS impurities. that would not be allowed to be tested. And we don't even know the health effects of those. So I think there's just a lot of things in this bill that really undermine EPA's ability to effectively identify and address tests and address health risks.

[2:37:42] **Rep. Jake Auchincloss, Member of Congress:**

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

[2:38:04] **Dr. Tracy Woodruff, Professor, UCSF:**

First of all, the most important thing about not having contaminated drinking water is to stop the industry from producing chemicals that get into the drinking water that are toxic before they get there.

[2:38:13] **Rep. Jake Auchincloss, Member of Congress:**

Before they get there. And this bill would make that harder.

[2:38:15] **Dr. Tracy Woodruff, Professor, UCSF:**

And that would make it harder.

[2:38:16] **Rep. Jake Auchincloss, Member of Congress:**

I yield back, Chair.

[2:38:18] **Rep. Gary Palmer, Chairman, Subcommittee on Environment:**

The gentleman yields. I would like to thank our witnesses for being here today. Members may have additional written questions for you. I'll remind members that they have 10 business days to submit additional questions for the record and ask that the witnesses do their best to submit responses within 10 business days upon receipt of the questions. I ask unanimous consent to insert in the record the documents included on the staff hearing documents list. Without objection, that will be the order. Without objection, the subcommittee is adjourned.