American Chemistry Council

RESPONSIBLE CARE
Driving Safety & Sustainability

Written Testimony of

Kimberly Wise White

Vice President, Regulatory and Scientific Affairs of the

American Chemistry Council

Before the

House Committee on Energy and Commerce, Environment Subcommittee

January 22, 2026

Executive Summary

This testimony emphasizes the urgent necessity to restore predictability, scientific integrity, and efficiency in the implementation of the Toxic Substances Control Act (TSCA). Chemistry is at the cornerstone of every sector in the economy, and the effective implementation of TSCA is critical not only for safeguarding human health and the environment but also for supporting the global competitiveness of U.S. businesses. EPA's current approach to TSCA puts U.S. manufacturers at a disadvantage by causing delays and inconsistencies that hinder investment in innovative technologies, sustainable chemistries, and advanced materials essential for economic growth, AI, health care, and national security.

With the statutory authority for the EPA to collect TSCA fees set to expire this year, Congress stands at a pivotal moment, and action is needed to help TSCA achieve its full potential. Congress should:

- Establish clear performance metrics to ensure EPA reviews are completed in a timely manner.
- Require risk-based evaluation processes that are rooted in the best available science and reflect real-world conditions.
- Support policies that foster innovation and maintain American competitiveness, while also protecting both health and the environment.
- Implement guardrails to avoid unnecessary duplication of other federal regulations, prevent scope expansion, discourage overly conservative assumptions, and ensure efficient use of resources.

By making targeted changes, Congress can reinforce TSCA's effectiveness and help secure America's leadership in science, chemical management, and environmental stewardship.

Testimony

Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, Ranking Member Tonko and Members of the Committee, thank you for holding this critical hearing on legislation to modernize TSCA and for the opportunity to testify. The American Chemistry Council (ACC) appreciates your continued leadership and commitment to strengthening U.S. chemical management policy in ways that protect human health, support economic growth, and advance American innovation. My testimony today focuses on the urgent need to restore predictability, scientific integrity, and efficiency in TSCA implementation so that America is safer, more affordable and more competitive.

The business of chemistry is foundational to every sector of the U.S. economy. Effective implementation of TSCA is essential not only to protecting human health and the environment, but also to allowing American companies to remain globally competitive. This year marks a critical turning point for Congress, as the statutory authority for EPA to collect TSCA fees will expire. If Congress fails to reauthorize this fee authority, EPA would abruptly lose a substantial portion of its funding for TSCA, impacting its ability to implement the chemical safety responsibilities mandated by Congress. Congressional action is essential to provide EPA with stable, predictable resources. Importantly, the fees reauthorization process also provides the best opportunity to address challenges with TSCA. It is entirely appropriate for Congress to use fee reauthorization to resolve ongoing problems with implementation. By doing so, Congress will strengthen TSCA, clarify the law to fully reflect its original intent, and allow TSCA to achieve its full potential.

The Critical Role of TSCA User Fees in Effective Implementation

It may be tempting to eliminate user fees when TSCA is not functioning as intended. However, TSCA user fees are not just an administrative detail. They are a core, legally sanctioned funding stream that supports the resources necessary for the EPA to conduct new chemical reviews, risk evaluations of existing chemicals, and crucial compliance work. Without reauthorization, EPA would lose key funding needed for timely reviews. This would make current problems with TSCA much worse by further disincentivizing the adoption of new, sustainable and innovative chemistries and by disrupting supply chains. That said, fee reauthorization must also be paired with accountability. Congress should:

- Ensure timely EPA reviews by establishing clear performance metrics.
- Require risk-based evaluation processes grounded in best available science and real world conditions.
- Promote practical policies that support innovation and American competitiveness while protecting health and the environment.
- Establish guardrails to prevent unnecessary duplication of other Federal regulations, scope expansion, overly conservative assumptions, or inefficient resource use.

The Need for Predictable, Science-Based TSCA Implementation

ACC and its members rely on high-quality, reliable science to drive innovation and safe chemical development. However, delays in EPA's new chemicals program have hindered U.S.

competitiveness, offshored innovation and slowed the adoption of new chemicals by creating uncertainty and obstacles for manufacturers to bring alternatives to market. More than ninety percent of active reviews exceed the ninety-day statutory deadline, and over sixty percent of cases remain pending for more than a year. These delays discourage investment, slow innovation, and force companies to introduce new chemistries and associated technologies overseas instead of in the United States.

EPA's reliance on overly conservative default assumptions and improbable exposure scenarios often overestimate risk in its existing chemical reviews, which have further contributed to flawed outcomes. Since the 2016 amendments to TSCA, 100% of chemicals evaluated by EPA have been found to pose an unreasonable risk. These findings stem from a lack of application of the best available and most relevant science and a fundamental mischaracterization of workplace exposures. Changes put forth in this legislation to focus evaluations on intended conditions of use identified by the manufacturer and reduce unnecessary speculation associated with hypothetical uses will provide necessary implementation improvements to TSCA.

Congress rightly envisioned a risk-based, science-driven system under TSCA, not the speculative, opaque system we have now. The proposed legislation provides improvements to transparency and accountability. It provides specific milestones in the new chemical review process that would require assignment of a human health risk assessor within 10 days and a meeting to be held with the submitter within 30 days of the submission. Additionally, when there are delays in completing a new chemical review by the deadline, the bill would require EPA to issue a statement describing the

reasons for such failure to make a determination by the end of the applicable review period. For existing chemicals, it would further focus the evaluation on hazards and exposures that are more likely than not to result in an unreasonable risk, and also improve the process for engagement by other Federal agencies by allowing them to submit information on critical uses, alternatives, and supply chain impacts, that would help to inform evaluations. It also seeks to strengthen the risk management process by ensuring EPA does not apply a requirement that is inconsistent with other federal laws.

Strengthening TSCA Through Targeted Improvements

- Focus Reviews on Intended and Reasonably Foreseen Uses: EPA's practice of expanding conditions of use beyond what manufacturers actually intend—sometimes considering theoretical uses that may never occur—creates unnecessary burdens and delays. A sound TSCA framework must focus on intended and reasonably foreseen uses, as required by statute. The proposed legislation better defines conditions of use, directing EPA to focus on those which are "....intended or known to be, or reasonably foreseen as more likely than not to be, manufactured, processed, distributed in commerce, used, or disposed of."

- Improve Scientific Transparency and Weight-of-Evidence Practices: TSCA requires the use of the best available science and a weight-of-the-scientific-evidence approach. Yet inconsistent study evaluations and lack of transparency in how EPA selects, weighs, and integrates evidence undermine confidence in regulatory outcomes and create regulatory

uncertainty for manufacturers, consumers and the general public. EPA must adopt clear protocols for study inclusion, quality evaluation, and unbiased evidence integration.

- Ensure Efficient Use of TSCA Authorities: EPA has increasingly relied on overly restrictive risk management approaches even when existing workplace protections, real-world controls, and other Federal regulations are sufficient. Decisions should be driven by empirical evidence, not default or overly conservative assumptions. EPA should use sections 4, 6, 8, and 9 in a targeted and coordinated manner to address regulatory needs.

The proposed legislative changes provide an approach to ensure consideration of exposure limits issued by other Federal agencies and to not assume non-compliance with applicable laws and regulations when conducting a risk evaluation. They also refine the scope for testing to require methods that are "technically feasible" and to focus testing needs on areas where there is not already sufficient information that meets the current weight-of-the-evidence and best available science standard. Overall, these adjustments to TSCA will improve the quality and validity of the information utilized in evaluations and subsequent decision-making.

Restoring American Competitiveness Through Refinements to TSCA

EPA's current implementation approach places U.S. manufacturers at a competitive disadvantage. Delays and scientific inconsistencies deter investment in new technologies, sustainable chemistries, and advanced materials needed for maintaining energy leadership, supporting AI

development, driving economic growth, improving health care, and strengthening national security. In fact, a survey of ACC members found that **seventy percent** of respondents have already decided to introduce chemistries outside the U.S. due to systemic delays, disregarded company-submitted data, and inconsistent reviews—an alarming indicator of regulatory strain.

An appropriately resourced, efficient, and science-driven TSCA program will:

- Support American innovation and manufacturing leadership;
- Strengthen supply chain resilience;
- Support a healthier America through adoption of safe, sustainable chemistries and real-world, risk-based evaluations.

Effective chemical regulation can safeguard human health, preserve the environment, protect jobs, and foster innovation, offering a more promising future for the American public. We appreciate the work that has been done by EPA in recent months to help improve the new chemical review process and the science in existing chemical reviews, but more work is needed to keep TSCA moving forward. Now is the time to act to ensure TSCA is being implemented the way Congress intended. Thank you again, Chairman Guthrie, Chairman Palmer, Ranking Member Pallone, Ranking Member Tonko and Members of the Committee for convening this important hearing. ACC stands ready to work with Congress, EPA, and stakeholders to support TSCA fees reauthorization, strengthen TSCA implementation, and ensure that America remains a global leader in safe, sustainable, and innovative chemistry.