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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM JANUARY 20, 2026

TO: Members of the Subcommittee on Environment
FROM: Environment Subcommittee Majority Staff
RE: Hearing entitled "Chemicals in Commerce: Legislative Proposal to Modernize America's Chemical Safety Law, Strengthen Critical Supply Chains, and Grow Domestic Manufacturing"

I. INTRODUCTION

The Subcommittee on Environment will hold a hearing on Thursday, January 22, 2026, at 2:00 p.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled, "Chemicals in Commerce: Legislative Proposal to Modernize America's Chemical Safety Law, Strengthen Critical Supply Chains, and Grow Domestic Manufacturing."

II. WITNESSES

- **Dimitrios Karakitsos, Esq.,** Holland & Knight;
- **Dr. Kimberly Wise White,** American Chemistry Council;
- **John Carey, Esq.**, dsm-firmenich; and
- **Tracey Woodruff, PhD, MPH,** University of California, San Francisco

III. BACKGROUND

A. The Toxic Substances Control Act

President Ford signed the Toxic Substances Control Act (TSCA) into law on October 11, 1976.[1] TSCA directs the Administrator of the U.S. Environmental Protection Agency (EPA or Agency) to identify and regulate chemicals in commerce that present an "unreasonable risk of injury to health or the environment."[2] TSCA's regulatory scheme applies to "chemical

[1] 42 U.S.C. §§ 2601-2629. *See* JERRY YEN & KATE BOWERS, CONG. RESEARCH SERV. R45149, TITLE I OF THE TOXIC SUBSTANCES CONTROL ACT (TSCA): A SUMMARY OF THE STATUTE 1 (2021).
[2] *See, e.g.*, Toxic Substances Control Act § 2(b)(3).

substances" but the statute excludes other items such as mixtures, food, food additives, cosmetics, devices, tobacco, pesticides, and materials from the definition of chemical substances.[3]

Key sections of TSCA include:

- Section 4 provides EPA authority to require manufacturers to conduct tests and to submit data to EPA.

- Section 5 requires manufacturers to notify EPA prior to commencing manufacture of a new chemical (or new use of an existing chemical) and requires EPA to evaluate the risks of new chemicals. If EPA determines that a chemical does not pose risk, the manufacturer may commercialize the chemical without restriction. However, if EPA determines that a chemical poses an unreasonable risk, it must regulate that chemical, to remove this risk. TSCA grants the EPA broad authority to regulate the manufacture (including importation), processing, distribution, sale, use, and disposal of chemical substances, chemical mixtures, and articles containing chemical substances.

- Section 6 requires EPA to review existing chemicals to determine whether they present an unreasonable risk. As part of this process, EPA develops a risk evaluation that considers, for example, how the manufacturer and specific uses of the chemical may impact human health and the environment.[4]

- Section 8 requires EPA to issue regulations mandating that chemical manufacturers and processors maintain and provide EPA certain information about their use of chemicals.[5] Using this information, EPA must also compile and publish a list of all chemical substances manufactured or produced in the United States.[6]

- Section 14 requires EPA to make publicly available health and safety data for chemicals but also includes provisions for the protection of confidential business information (CBI).

- Section 18 includes provisions that would preempt state regulations of a specific chemical while EPA is conducting a risk evaluation for that chemical or where EPA has determined that the chemical does not pose an unreasonable risk.

B. Frank R. Lautenberg Chemical Safety for the 21st Century Act

After years of discussion in Congress around reform, President Obama signed the Frank

[3] YEN & BOWERS, *supra* note 1, at 3.
[4] § 6(b).
[5] § 8.
[6] § 8(b)

Lautenberg Chemical Safety for the 21st Century Act into law June 22, 2016.[7] The legislation marked the first major overhaul of TSCA since its passage, and it enjoyed bipartisan support.[8] It included many significant changes to the EPA's regulation of new and existing chemicals and collection of information:

- Directed EPA to use a "best available science" standard when evaluating chemicals and specified how EPA could use scientific and technical information.[9]
- Prevented new chemicals from going to market unless the EPA issues a safety finding.[10]
- Required EPA to systematically review existing chemicals and established a framework for prioritizing chemicals for evaluation.[11]
- Modified the treatment of confidential business information submitted to EPA.[12]
- Prohibited EPA from considering cost factors when evaluating risk.[13]
- Expands EPA authority to require testing to inform risk evaluations.[14]
- Authorized the EPA to collect fees, referred to as "user fees," from manufacturers and processors to help defray the cost of administering the regulatory program.[15] This authorization expires on September 30, 2026.[16]

C. Recent Committee Activity

On January 22, 2025, the Subcommittee on Environment held a hearing, "A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act," to assess how the law was functioning and to identify challenges with its implementation, with both Democratic and Republican administrations having had an opportunity to administer TSCA since it was amended.[17] Witnesses reported EPA did not complete new chemical reviews in accordance with the statutory deadline, undermining manufacturers' international competitiveness and opportunities to bring innovative products to market.[18] Members and witnesses also discussed the need to provide EPA with clearer direction on how to make decisions based on the best available science and to encourage EPA to adopt a risk-based approach to chemical regulations in line with the 2016 amendments.[19] Members also heard testimony that EPA often disregarded other agencies' overlapping regulations, industry

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[7] Pub. L. No. 114-182 (2016).
[8] Envtl. Prot. Agency, The Frank R. Lautenberg Chemical Safety for the 21st Century Act, https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act (noting bipartisan support) (last visited Jan. 16, 2026). *See also* YEN & BOWERS, *supra* note 1, at 2 (providing a brief history of TSCA).
[9] Pub. L. No. 114-182, § 17.
[10] *Id.* § 5.
[11] *Id.* § 6.
[12] *Id.* § 11.
[13] *E.g.*, *id*. § 4(7), 5(1).
[14] *Id.* § 4.
[15] § 26(b)
[16] § 26(b)(6)
[17] *A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act: Hearing Before the Subcomm. on Envt. of the H. Comm. On Energy and Commerce*, 119th Cong. (2025)
[18] *Id.* at. 23-25 (statement of Chris Jahn, Pres. & Chief Legal Off., Am. Chemistry Council).
[19] *Id.* at 31-44 (statement of Richard Engler, Dir. Of Chemistry, the Acta Group).

safety practices, and real-world data when regulating chemicals.[20] Others discussed the benefits of the improvements of the 2016 amendments and attributed delays in reviewing new chemicals to their submitters.[21]

IV. TOPICS FOR DISCUSSION AND QUESTIONS TO CONSIDER

Discussion at the hearing may include the following topics:

- Would EPA benefit from clarification of certain terms and standards under existing law?
- How can Congress encourage the EPA to meet statutory deadlines for reviewing new chemicals while still protecting human health and the environment?
- What additional statutory direction would create a more manageable and reasonable scope for new and existing chemical reviews?
- How would more coordination and communication with other agencies and utilization of their expertise benefit EPA's administration of TSCA?
- How will proposed statutory changes improve international competitiveness, support domestic manufacturing, and enhance national security?
- Would proposed changes increase transparency and support a more robust public process around EPA chemical regulation, and, if so, what benefits would result?

V. LEGISLATION

Discussion at the hearing will focus on a discussion draft of legislation to amend several sections of TSCA, including:

Section 2

This bill amends the definition of the term "conditions of use" to clarify that, when EPA is considering the safety or risk of a chemical for specific uses, those uses must be intended, known, or reasonably foreseen as more likely than not to occur.

Section 3

The bill makes several amendments to section 4 of TSCA, which provides EPA authority and outlines procedures for requesting a manufacturer to develop and submit data to EPA about the health or environmental effects of a chemical substance or mixture. It would clarify circumstances in which EPA may request a manufacture conduct additional testing; require EPA to make specific findings to justify an order or rule requiring additional testing; clarify that testing should be used to determine the impacts of the target chemical, not impurities or unintentional byproducts; and eliminate a provision added in the 2016 amendments that allowed EPA to require testing on behalf of another Federal agency acting under its non-TSCA

[20] *Id.* at 47 (statement of Geoff Moody, Senior Vice Pres., Am. Petroleum Refiners & Mfgrs.).
[21] *Id.* at 59-60 (statement of Maria Doa, Senior Dir. of Chemicals, Envtl. Def. Fund).

authorities. Additionally, it clarifies that an order or rule requiring the development of data be based on protocols and methods that are technologically achievable for developing information about how a chemical will be used or is intended to be used. Finally, it specifies that EPA should consider alternative test methods for reducing animal tests developed or approved by the Organization for Economic Co-operation and Development.

Section 4

The bill includes changes to TSCA's procedures for EPA in evaluating new chemicals, or new uses of existing chemicals, which are prescribed in section 5 of TSCA. It requires that the Administrator's safety determination regarding a chemical must be in writing and that any finding that a chemical poses an unreasonable risk include consideration of the likelihood that such risk will occur based on the uses identified by the manufacturer. This bill also directs the Administrator to make best efforts to prioritize the review of premanufacture notices for reduced risk chemicals, chemicals eligible for the Safer Choice program, and chemicals necessary to improve the security or resiliency of a U.S. domestic critical material supply chain identified by the Secretary of Commerce. In the event the Administrator does not complete its safety review of a new chemical or new use within the required time period, this bill would add a requirement for the EPA Administrator to issue a written notice explaining why the review deadline was not met, a requirement which may not be delegated to a subordinate official.

The bill would require the Administrator to assign appropriate staff, including industrial hygienists and human health risk assessors, to review a notice within 10 days of receipt and to provide an opportunity for the manufacturer to meet and confer with the assigned staff within 30 days of receipt.

This bill's amendments allow a manufacturer to voluntarily request that EPA (but not EPA to request) to suspend the review of a notice for a period not to exceed 180 days.

The bill also clarifies requirements for manufacturers submitting premanufacture notices, including by adding a new requirement that a manufacturer seeking review under one of the priority categories above identify whether it falls into one of those categories.

The bill amends language concerning EPA's regulation of a chemical pending development of new information to clarify that the Administrator must determine that a risk during the interim period is more likely not to occur, and the chemical could be produced in substantial quantities or carry significant potential for human exposure, in the time periods when the interim action would be effective pending completion of the safety review and issuance of the ultimate regulation.

The bill requires that when issuing a rule to regulate a new chemical, EPA must determine that the chemical (or new use) presents not only an unreasonable risk but also that the risk is more likely than not to occur. The bill would also streamline the rulemaking process, allowing EPA to issue a direct final rule, which would be considered final agency action upon publication in the Federal Register.

The bill grants EPA the authority to exempt, upon application, a manufacturer of a chemical already approved by a competent regulatory authority of a country that is a member of the Organization for Economic Co-operation and Development from the premanufacture notice and review requirements to allow the chemical to be manufactured (but not imported) in the U.S., subject to the same restrictions imposed by the other country's regulatory system. It also establishes additional procedures and requirements for this exemption authority.

Section 5

The bill includes several amendments to section 6 of TSCA, which governs EPA's prioritization of review, evaluation, and management of existing chemicals. It clarifies that when conducting a risk evaluation, EPA should prioritize the review and consideration of exposures that are more likely than not to result in unreasonable risk, and aggregate exposures only when necessary for greater clarity or precision. This amendment also directs EPA to consider exposure limits issued by other federal agencies and to not assume non-compliance with applicable laws and regulations when conducting a risk assessment. The bill also expands public comment period on a draft risk evaluation from 30 days to 60 days.

The bill adds a new provision to require EPA to establish a process for other federal agencies to submit information on critical uses, alternatives, and supply chain impacts during the development of a risk assessment before it is made available for public review and comment.

The bill clarifies the effective date of a risk management rule that is subject to judicial review under section 19 of TSCA.

The bill clarifies that when selecting among requirements for a risk management rule, the Administrator shall consider to the extent practicable certain factors, including any health or safety standards issued under the Occupational Safety and Health Act of 1970, and to select requirements that are cost-effective in relation to the amount of risk reduced and that do not result in greater risks to health or the environment. The bill would also clarify that the Administrator is to consider the technical and economic feasibility of specific risk reduction measures based on each specific condition of use. The bill also clarifies that a restriction on a specific condition of use that is not technically or economically feasible shall be considered to substantially prevent that condition of use, for purposes of considering whether alternatives are available.

This bill also amends the provision for replacement parts to clarify that the safety review of chemicals used in a replacement part for a complex durable good should consider whether the replacement part by itself contributes significantly to the risk identified in the risk evaluation. The bill would also provide for a 10-year transition period for when an alternative replacement part could be required under a risk management rule.

The bill also adds a provision preventing EPA from regulating chemicals that are alternatives to halon used in aerospace fire suppression that are certified or required by other federal agencies.

The bill extends the public comment period for proposed risk management rules from 60 days to 90 days.

The bill adds new language authorizing a data compensation process for companies to compensate a manufacturer for the use of data about an existing chemical generated by that manufacturer.

Section 6

The bill amends section 8 of TSCA to require, rather than simply allow as under current law, EPA to identify multiple listings as a single chemical to avoid confusion and clarifies how identical or equivalent chemicals are tracked, regardless of feedstock or reactive process.

Section 7

The bill amends section 9 of TSCA to clarify that EPA may not impose a restriction on an existing chemical under section 6 of TSCA (governing evaluation and regulation of existing chemicals) that is inconsistent with a requirement that is applied on that chemical by another agency.

Section 8

The bill amends section 21 of the current law, which allows a person to petition EPA to review other existing chemicals outside of the regular prioritization process, to clarify that a person cannot use the petition process to require EPA to review other existing chemicals that were not selected through the public prioritization process.

Section 9

This amendment would amend section 22 of TSCA, which grants EPA a national defense waiver authority, to require notice to the House Energy & Commerce Committee and Senate Environment & Public Works Committee, in addition to the existing requirement to notify the House and Senate Armed Services Committees about the issuance of a national defense waiver.

Section 10

The bill imposes additional accounting and Congressional reporting requirements on how user fees are tracked and reauthorizes the user fee provision for 10 years under section 26 of TSCA. It also requires EPA to identify an office to provide technical assistance to manufacturers regarding implementation and compliance with TSCA, and requires EPA to provide interested manufacturers with the opportunity to meet and confer with Agency prior to submitting a premanufacture notice under section 5 of TSCA.

The bill amends language that requires EPA to make available to the public certain categories of information, including information about test orders or rules requiring data under section 4 and risk evaluations for existing chemicals under section 6. This bill adds additional

categories of information to be made available about EPA's review of new chemicals under section 5. It also requires EPA to establish an online dashboard where such information would be easily accessible.

The bill also amends language that requires EPA to consider reasonably available information when taking actions under sections 4, 5, or 6. This bill clarifies that EPA should prioritize review of reasonably available information that directly relates to the chemical that is the subject of EPA's action over categorical information or information from models.

VI. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Byron Brown, Christi Harsha, or Chris Sarley of the Committee Staff at (202) 225-3641.