

**Opening Statement of the Honorable Fred Upton
Subcommittee on Environment and the Economy
Hearing on “Regulation of Existing Chemicals and the Role of Pre-Emption under
Sections 6 and 18 of the Toxic Substances Control Act”
September 18, 2013**

(As Prepared for Delivery)

Today’s hearing, the third of an ongoing examination of the Toxic Substances Control Act, gives us a chance to think through two values that should always guide our policy decisions: respecting the authority of the states and facilitating interstate commerce. Getting this balance right is a matter of justice because government decisions are only just when they are made at the right level of government.

This subcommittee’s first hearing this Congress was entitled, “The Role of the States in Protecting the Environment.” We saw firsthand just how seriously state officials take their duty to protect the environment, and how they each apply distinct local knowledge and experience to find the optimum policy outcome for the people they serve.

Meanwhile, in four different centuries, each with its own set of technologies and challenges, this committee has been the main steward of the power vested in Congress to regulate commerce among the states.

Why is that important?

No matter how dedicated we are to respecting the primary role of the states in governing Americans, we all recognize the importance of issues only Congress can tackle. The Standard Time Act is just one example. And TSCA is in the same family. A system shared by all states that imbeds safety in the invention, manufacture, and use of chemicals and chemical based-products is the very purpose of TSCA.

Can the states and members of Congress find common ground on chemical safety regulation? It is imperative that we do so. Our duty at the state and federal level must represent consumers, workers, and the general public who want and need protection from unreasonable exposure risks, but also want and need an integrated U.S. market for products that contain chemicals. All states, all consumers, and all workers are better off if we share, and don’t impede, that market.

Let’s ensure that the national government’s scrutiny of chemicals and the products they go into is objective and thorough, and that any necessary restrictions are in place. But let’s also avoid excess regulation. That way, the states can be confident that they don’t have to reinvent the wheel and shoulder this regulatory responsibility one by one.

Finding this balance, and understanding what’s at stake, is our purpose today in this ongoing effort.

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