



June 2015

Summary of H.R. 2576

THE TSCA MODERNIZATION ACT

Committee on Energy and Commerce, Democratic Staff

H.R. 2576, the TSCA Modernization Act of 2015, is a bipartisan bill that will improve EPA's ability to identify and regulate dangerous chemicals in our environment and the products we use every day. The Energy and Commerce Committee reported the bill with a 47-0 vote. Though the bill does not go as far as some past Democratic proposals, it will further important protections for the environment and public health. Specifically, the bill will:

- **Empower EPA to regulate existing chemicals** – H.R. 2576 addresses two of the major challenges EPA has faced in regulating existing chemicals by 1) removing the requirement that EPA impose the “least burdensome” option when regulating a chemical, and 2) by establishing a risk-based standard for risk management, instead of the current the cost-benefit standard for deciding whether to regulate a chemical.
- **Broaden testing authority** – H.R. 2576 addresses two of the major challenges EPA has faced in requiring testing of chemicals in commerce by 1) allowing EPA to require testing of chemicals through orders and consent agreements, not just rulemakings, and 2) by authorizing EPA to seek data when needed for a risk evaluation without having to first demonstrate that the chemical might be dangerous.
- **Protect vulnerable populations** – H.R. 2576 provides explicit protections for vulnerable populations like children, the elderly, workers, and minority communities. These protections include requirements that any identified risks to vulnerable populations posed by a chemical, are addressed in risk management.
- **Provide more resources for EPA to do their job** – H.R. 2576 removes outdated caps on user fees, expands EPA's ability to collect them, and deposits those fees in a dedicated trust fund, rather than the general treasury like current law.
- **Increase transparency** – H.R. 2576 would require future designations of information as confidential business information (CBI) to be substantiated and renewed periodically. The bill also grants additional authority to share CBI for purposes of responding to environmental releases and for health diagnosis or treatment.
- **Address the worst of the worst chemicals** – H.R. 2576 provides expedited action to reduce exposure to the worst of the worst chemicals: those that are persistent, bioaccumulative, and toxic.
- **Preserve more state law than current law or other proposals** – The bill is less preemptive than both current law and other proposals. H.R. 2576 does not preempt any state laws until federal requirements are in effect and then saves existing state laws, new state laws adopted to address air and water quality or implement other federal laws, state tort claims, and state laws regulating uses not evaluated by EPA.

Recent clarifications in H.R. 2576 and the Committee report address additional concerns raised by stakeholders, including:

- **Concerns that industry requests for risk evaluations could overwhelm the agency** – the bill now clarifies that EPA can schedule manufacturer requests for a future date if the agency does not have capacity to start a risk evaluation when it is requested.
- **Concerns about the burden of cost analyses** – the Committee report makes clear that the universe of regulatory options EPA will analyze when regulating a chemical is limited to options that would effectively address the identified risks, avoiding perpetuating the analytical burdens of the “least burdensome” requirement in current law.
- **Concerns about the savings clause for state laws** – the bill and accompanying report now clarify that state regulations are saved from preemption along with state enforcement actions, and that state monitoring and disclosure requirements are not expected to be preempted.