

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Chairman Frank Pallone, Jr.

Hearing on “TSCA and Public Health: Fulfilling The Promise Of The Lautenberg Act”

October 27, 2021

Today we continue our work to ensure that the legacy of the Frank R. Lautenberg Chemical Safety for the 21st Century Act lives up to its namesake’s commitment to protecting Americans from chemical exposures, particularly children, workers, pregnant women, and environmental justice communities.

This Committee worked in strong bipartisan fashion to finally get this landmark legislation signed into law in 2016 by then President Obama. It updated and modernized the Toxic Substances Control Act, otherwise known as TSCA, for the first time in 40 years.

Unfortunately, the Trump Administration’s implementation of this law was tainted by secrecy and undue political influence. The Trump Administration’s actions undermined our efforts of creating a strong federal chemical regulatory system.

One of the key goals of the Lautenberg Act was to finally give the Environmental Protection Agency the tools it needed to address the threats of harmful chemicals like asbestos – tools that the agency did not have under the original TSCA law. Thirty-two years ago, EPA finalized a rule banning asbestos, but the rule was struck down in court two years later. The original TSCA simply did not give EPA the tools it needed to address the risk even though we had known the dangers of asbestos for decades.

As a result, asbestos is still being used in automotive parts, chemical manufacturing, and construction materials all across the country. The continued use of asbestos poses a continuing threat to human health and the environment.

While the Lautenberg Act finally gave EPA the tools it needed to address asbestos and other harmful chemicals, it quickly became clear that the Trump EPA would not take the needed actions. In fact, the Trump EPA’s asbestos risk evaluation was panned by the Science Advisory Committee on Chemicals and challenged in court.

Fortunately, with a new administration, the EPA is under new leadership. The agency recently reached a settlement to resolve the deficiencies in its asbestos work and is now on a path to properly address legacy exposures. I am pleased to say that EPA appears to be moving to address risks from many dangerous chemicals. The strong, credible, federal regulatory regime we hoped for with the Lautenberg Act seems to be in sight.

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The EPA's TSCA office also plays a critical role in solving the rampant PFAS contamination problem effecting the nation. I was relieved to see the comprehensive testing and reporting requirements included in the Biden Administration's PFAS Roadmap issued by the agency earlier this month. The Roadmap includes critical pieces of the PFAS Action Act that has passed the House twice on a bipartisan basis thanks to the tireless work of Representative Dingell and the steadfast support of Representative Upton.

Thankfully the Biden EPA, under Administrator Regan, has recommitted the agency to scientific integrity and its critical mission to protect public health and the environment. The agency is conducting a second look at the flawed risk evaluations of the Trump Administration, implementing TSCA as intended, and addressing disproportionate risks for environmental justice communities. I am very hopeful that under the Biden Administration, the TSCA office can operate free of political interference and make decisions based on science that will benefit public health.

This is an important oversight hearing of the TSCA program and the bipartisan law that so many of us on this Committee worked to get across the finish line. As a friend of the late Senator Lautenberg and his family, it is important to me that his environmental legacy be honored in the implementation of the critical reforms made in his name.

I want to thank the Assistant Administrator for testifying today and look forward to hearing how the EPA is working to get TSCA back on track.