

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Environment and Climate Change Chairman Paul D. Tonko

Hearing on “TSCA and Public Health: Fulfilling the Promise of the Lautenberg Act”

October 27, 2021

Five years ago, the Frank R. Lautenberg Chemical Safety for the 21st Century Act was signed into law to reform the Toxic Substances Control Act, which regulates chemical substances in commerce.

That legislation was the result of a multi-year, bipartisan effort.

Members of this committee, including Chairman Pallone, then-Chairman Upton, and John Shimkus, played pivotal roles in the development and negotiation of the bill.

This is our first oversight hearing of the Lautenberg Act since its enactment. And I am happy to welcome Dr. Michal Freedhoff back to the Energy and Commerce Committee.

Before her confirmation, Assistant Administrator Freedhoff was a long-tenured public servant in the House and Senate, and she was integral to the enactment of TSCA reform. Dr. Freedhoff’s knowledge of the law and scientific training makes her well-equipped to lead this office, and in my opinion, get the program back on track.

This is a big job. Tackling PFAS, asbestos, methylene chloride, ethylene oxide, and other dangerous chemicals that have sadly become household names must be a top environmental and public health priority for this Administration.

Many people are aware that I had concerns with the Lautenberg Act when it was enacted. I fully acknowledged that the Toxic Substances Control Act of 1976 was broken, and the 2016 amendments would make numerous improvements over the status quo, including explicit consideration of vulnerable groups and an expedited risk management process for certain PBT chemicals.

But I was worried that States would be more limited in their ability to address chemical risks, especially if the federal program once again failed to work as promised.

Sadly, there have been numerous examples over the past five years— during the early implementation of the law— of the program being tilted, by political appointees, strongly in favor of industry at the expense of science-based protections for public health.

Several of the first 10 risk evaluations have needed to be revisited, often for failing to adequately consider potential exposure pathways, conditions of use, and risks to vulnerable groups, including workers.

There have also been concerns raised about the scientific integrity of the program. This is an office that does very technical, science-based regulatory work. Ensuring scientific integrity is paramount, so that EPA's experts can do the work required by the law free from political interference.

And while I am worried about reports of scientific integrity violations in recent years, I am heartened by the announced steps to create new safeguards within the office, including establishing a science policy advisor position and a new Science and Policy Council.

I hope these efforts will work seamlessly within the existing EPA Scientific Integrity infrastructure, and employees will be able to report freely to the agency's top scientific integrity official.

Finally, TSCA will play a critical role in EPA's recently announced PFAS Strategic Roadmap.

The TSCA office will be responsible for implementing a national PFAS testing strategy, ensuring new PFAS are properly reviewed, and re-reviewing previous PFAS decisions. In the past, I have raised concerns about the number of new PFAS entering commerce through low-volume exemptions.

I support EPA's April decision to likely deny future LVE requests, and I hope EPA will take additional steps to appropriately restrict new PFAS in the future.

I look forward to hearing more about the agency's ongoing work to use its TSCA authorities to address PFAS risks.

There is no doubt of TSCA's potential to improve chemical safety and protect public health, but it requires Administration leadership that is committed to assessing, evaluating, and managing chemical risks in a manner that respects science and the law.

I believe that is the direction of the Biden Administration, and I look forward to today's hearing to provide additional clarity on EPA's efforts to get the TSCA program back on track.

Dr. Freedhoff, I want to thank you again for joining us this morning. I look forward to your testimony, and to working together to ensure TSCA's authorities are used to the fullest, as envisioned by the many members and stakeholders that supported the historic reform effort.