

**Opening Statement of the Honorable John Shimkus  
Subcommittee on Environment and the Economy  
Markup of “H.R. \_\_\_\_, TSCA Modernization Act of 2015”  
May 14, 2015**

*(As Prepared for Delivery)*

We have a lot of progress to report. For today's markup we have made some changes to the TSCA Modernization Act Draft, but our basic approach remains the same. The focus is still on creating a system by which EPA can scrutinize chemicals on the market and make science-based decisions about whether they pose an unreasonable risk of injury to human health or the environment. Current law makes the risk determination and the decision about how to regulate, if regulation is warranted, part of the same process.

We break this out as two distinct steps. First, the Agency will evaluate whether the combination of hazard and exposure warrants any regulation at all. This decision is based on science, not economics. The second step is choosing how to regulate, if regulation is needed. This decision brings in the economic factors, including benefits of the chemical, economic consequences of the rule, whether the rule is cost-effective, and whether alternatives are available. And whatever the rule is, it must allow a reasonable transition period.

Once EPA decides on a chemical and on whatever uses for it are known or intended the decision applies coast-to-coast. The bill preserves certain state laws that are not in conflict with TSCA, and private rights of action in tort or contract law.

We added language on user fees that was requested by both EPA and the industry. The concern is fees paid into EPA for a specific purpose are used just for that purpose, and the fees are set at a level that's not higher than necessary to carry out the purpose for which they are paid. The fees will be paid into a special account which will be audited on a regular basis.

There is another important change we must address. Language in the original draft to require that EPA update the inventory of chemicals that is maintained under TSCA section 8 is deleted. The draft before us now has no language amending section 8. Many have expressed a desire to make improvements under section 8 of TSCA. In fact, Members on both sides are poised to engage with one or another of these concerns. Most of them have two things in common: 1) they involve either concerning implementation issues or what appears to be paperwork and reporting requirements that the stakeholders consider unneeded, duplicative, or expensive. Bureaucratic red tape. 2) EPA has authority to fix them all.

These all sound like legitimate concerns. For my colleagues interested in fixing certain aspects of section 8, I encourage them to work in a bipartisan manner as we move to full committee. We can then look to address these concerns through the amendment process with support from both sides of aisle.

We have come a long way toward TSCA reform in the past few years. Today marks another step in the process, but we still have a long way to go. That said, I am more encouraged now than ever that we can get this through the finish line with the continued effort of members from both parties and both chambers. I urge my colleagues to vote yes to move the draft to the full committee for consideration.

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