

**Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Hearing on “Title I of the Toxic Substances Control Act: Understanding its History and
Reviewing its Impact”
June 13, 2013**

(As Prepared for Delivery)

Today’s hearing is on Title I of the Toxic Substances Control Act: Understanding its History and Reviewing its Impact. TSCA Title I addresses chemical substances and mixtures in commerce.

Title I gives EPA extraordinary authority to regulate manufacturing and interstate commerce affecting chemical substances and mixtures, from their manufacture, processing, and distribution in commerce, to their use and disposal.

TSCA is not your garden variety environmental law. To help place the size and scope of it into context, the American Chemistry Council estimates based on the Numerical List of Manufactured Products prepared by the Census Bureau more than 96 percent of all manufactured goods are touched by the business of chemistry and the activities potentially regulated by EPA under TSCA.

Title I of TSCA has remained largely unchanged for 37 years. Indeed, many of the nuts and bolts of TSCA policy evolution have occurred outside the legislative context.

Legislation recently introduced in the other body has heightened interest in congressional action on TSCA. I, for one, think we should closely examine TSCA and be open to legislation to update and reform it. Any attempt to do so from our end should start with fundamental oversight of how TSCA is designed and operated. With many new members on this committee and subcommittee, today’s hearing is the first installment towards that goal.

Let’s start by asking the following questions:

- 1.) What authorities does EPA have under TSCA?
- 2.) What is TSCA’s practical legal reach?
- 3.) How many chemicals are currently in commerce?
- 4.) How wide is TSCA’s regulatory reach concerning chemicals in the commercial universe?
- 5.) Which authorities is EPA using?
- 6.) Which authorities is EPA not using?
- 7.) How do TSCA authorities relate to one another and to other federal laws?
- 8.) What activities are currently being carried out under TSCA?
- 9.) What parts of TSCA do or do not work well?
- 10.) Are there legal gaps in TSCA?
- 11.) How does EPA currently set an agenda for reviewing chemicals? Does it need legal authority to do so?
- 12.) What is the history and extent of information protection under TSCA? What are the issues that come with it?

Thanks to our distinguished witnesses for joining us today to help us get a better handle on what the law is, how EPA has been implementing it, what it’s like being regulated under it, and where witnesses think its successes and failures lie.

I urge members to make every effort at this hearing to learn the fundamentals of current law. That’s the purpose of today’s hearing, rather than to argue for or against any TSCA reform legislation.

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