

Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Hearing on “Testing of Chemicals and Reporting and Retention of Information Under
TSCA Sections 4 & 8”
February 4, 2014

(As Prepared for Delivery)

Today marks our fifth hearing in this Congress on the Toxic Substances Control Act. Our focus today is on the two sections in TSCA dedicated to getting EPA relevant testing data and other information on chemical substances in US commerce.

Past application of section 4 by EPA to obtain information about existing chemicals has been frustrated by judicial interpretation. We need to push beyond re-litigating those cases and focus on what authorities EPA has now or could reasonably use in the future to produce tailored, necessary and high quality test data and other information to carry out TSCA.

We'll also pick up the discussion from the last hearing on standards for data quality and the use of best available science. The goal is credible decisions using high quality data. Information management will be one of the toughest issue areas to get right, but it's also one of the most important.

I want to remind everyone that last summer former TSCA program director, Charlie Auer, testified before our committee that simply improving the way EPA is able to get information under Section 4 would have profound impacts on improving TSCA's overall operation.

Let's not kid ourselves though; information collection and analysis on thousands of chemicals will become time-consuming and expensive. EPA will have to be smart and efficient to make this program work – especially when it comes to using available information, particularly exposure history, in deciding whether more testing is needed and who should do the testing.

Today's hearing will also focus on reporting for the thousands of chemicals in commerce. Section 8 requires EPA to develop and maintain an inventory of all chemicals, or categories of chemicals that are manufactured or processed in the United States. It also gives EPA authority to require certain businesses involved with a chemical substance to maintain records and submit health and safety information reports, particularly adverse health incidences caused by the chemical, to EPA.

Within these reporting requirements, there are exemptions for polymers, microorganisms, and naturally occurring substances. We should find out if these make sense and should be continued and what the incremental gain, if any, in public health resources and protection occurs without these exemptions. We also need to focus on the definition of processor and whether this definition is “right-sized” to the persons, activities, and information EPA is receiving.

With that, I want to welcome our witnesses and thank them for their expertise and candor. We expect them to provide a variety of perspectives on when testing should be required and what we can do to improve testing techniques so we can speed up analysis and reduce use of animals in that testing. We look forward to their views.

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