

**Opening Statement of the Honorable John Shimkus
Subcommittee on Environment and the Economy
Hearing on Discussion Draft of the Chemicals in Commerce Act
April 29, 2014**

(As Prepared for Delivery)

Since our March 12 hearing on the original discussion draft of the Chemicals in Commerce Act we've been working on a bipartisan basis to find common ground. The revised discussion draft before you today contains several significant changes from the earlier version. I won't itemize them now, but I will mention a few highlights.

In Section 4 we added new authority for EPA to require the development of new hazard and exposure information for priority designation purposes.

In Section 5, instead of requiring EPA to grant exemptions for by-products from section 5 notice requirements, the new draft gives EPA discretion to decide whether to grant such an exemption.

Section 6 includes several important changes. The draft now requires EPA to evaluate the risk of harm a chemical substance poses to human health or the environment based upon four specific factors:

- nature and magnitude of the risk;
- impact on potentially exposed subpopulations;
- whether harm has occurred; and
- probability that harm will occur from use of a chemical substance.

The new draft also makes it explicit that in making such risk evaluations EPA is not to consider economic costs or benefits.

Section 6 also now includes a new Alternative Risk Evaluation option for EPA to determine at any time that a chemical not designated as a high priority will not present a risk of harm in the absence of section 6 restrictions on it.

The Section also now adds deadlines for EPA to take action on existing individual chemicals. EPA must complete a risk evaluation within four years after designating a chemical as high priority, and must promulgate any restrictive rule on an existing chemical within three years after finishing the risk evaluation. The revised draft would allow for extensions to factor in additional information but the total of all extensions could not exceed three years.

With respect to pre-emption, we changed the effect of an EPA designation of a chemical substance as low priority. In the previous draft a low-priority designation would have pre-empted any state regulation of a chemical substance. The revised draft limits the pre-emptive effect of a low-priority designation to state regulations established after the low-priority designation, leaving in state regulations in effect when the low priority designation is made.

We also want to ensure we are using a strong scientific process, which is why the revised draft streamlines the science and information quality provisions of the bill. Specific details about science, including a definition of best available science and some details on information quality requirements, are replaced by codification of five science assessment factors currently used administratively by EPA.

The revised draft also clarifies which decisions under TSCA must be made based on the weight of such scientific evidence.

Today we'll get the reaction of the administration, and we welcome back our friend, Jim Jones, Assistant Administrator of EPA, for just that purpose. We'll also hear from a variety of stakeholders, many of whom will have to live with the Chemicals in Commerce Act once it becomes law.

I appreciate all of our committee colleagues who have put so much time and effort into this legislative effort. TSCA reform is neither easy nor simple, and there is still no guarantee that we will succeed in forging a consensus bill this year. All I can promise is my best effort working directly with my colleagues on both sides of the aisle to get there.

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