

[H.R. 2576, TSCA Modernization Act of 2015, as amended](#)

FLOOR SITUATION

On Tuesday, June 23, 2015, the House will consider [H.R. 2576](#), *the TSCA Modernization Act of 2015, as amended*, under suspension of the rules. H.R. 2576 was introduced on May 26, 2015, by Rep. John Shimkus (R-IL) and was referred to the Committee on Energy and Commerce, which ordered the bill reported, as amended, by a vote of 47 to 0 on June 3, 2015.

SUMMARY

H.R. 2576 amends the Toxic Substances Control Act (TSCA) to identify and control unreasonable risks of chemicals and products using science based risk evaluations that consider health and environmental effects, while ensuring confidential business information is adequately protected.

Specifically the bill:¹

- Creates a new system for the Environmental Protection Agency (EPA) to evaluate and manage risks associated with chemicals already on the market
- Permits either the EPA or a manufacturer (who is willing to pay the cost) to designate a chemical for risk evaluation
 - Requires the EPA when conducting risk evaluations to meet specified scientific standards
 - Provides certain guidelines for the EPA to follow in rulemaking if the agency finds that certain chemicals or products pose unreasonable risk through its evaluation process
 - Prohibits the EPA from restricting a chemical substance before evaluating its risk of injury to human health or the environment
 - Requires the EPA to initiate 10 or more risk evaluations in each fiscal year, subject to appropriations
- Provides for expedited action on Persistent Bio-accumulative and Toxic Chemicals (PBT), which pose undue risk.

¹ See Energy and Commerce ["Memo: Full Committee Markup--H.R. 2576 and H.R. 2583"](#), May 29, 2015.

- Ensures user fees paid to EPA, under this Act, for specific purposes are used only for those purposes
- Provides limited preemption of state law
 - When the EPA makes a final determination of the risk of a chemical, either through a new rule or a determination that it poses no unreasonable risk, EPA action would apply in all states
 - Prior state laws that do not conflict with TSCA, and private rights of action under tort or contract law, are preserved
- Provides certain safeguards to maintain protection of confidential business information (CBI)
 - Permits certain state, local, and tribal government officials and health care professionals to have access to certain CBI information, with certain penalties for unauthorized disclosure of information
 - Requires that CBI confidentiality claims be reevaluated every ten years
 - Provides that current exemptions from CBI protections for health and safety studies do not include the release of data that would disclose formulas, including molecular structures, for chemical substances and mixtures whose protection as confidential has been justified to the EPA
- Requires the EPA to inform Congress on its capacity to conduct risk evaluations and issue rules on chemicals, resources needed for these efforts, and actual and anticipated plans to expand capacity in the future

BACKGROUND

The Toxic Substances Control Act (TSCA) was enacted in 1976 and “authorizes the EPA to screen existing and new chemicals used in manufacturing and commerce to identify potentially dangerous products or uses that should be subject to federal control. Both naturally occurring and synthetic chemicals are subject to TSCA, with the exception of chemicals regulated under other federal laws concerning food, drugs, cosmetics, firearms, ammunition, pesticides, tobacco, or mixtures. EPA may require manufacturers and processors of chemicals to conduct and report the results of tests to determine the effects of potentially dangerous chemicals on living things. Based on test results and other information, EPA must regulate the manufacture, importation, processing, distribution, use, and/or disposal of any chemical that presents an unreasonable risk of injury to human health or the environment. A variety of regulatory tools is available to EPA under TSCA, ranging in severity from a total ban on production, import, and use to a requirement that a product bear a warning label at the point of sale.”²

Since its enactment, TSCA has been amended to regulate chemicals such as asbestos, radon, formaldehyde, mercury, and residential lead-based paint. According to the Committee, “TSCA has proven to be ineffective in providing adequate protections and facilitating U.S. chemical manufacturing and use – this is particularly true today, in the face of industry advancements and increased interstate commerce. Modernization of the law is necessary to improve protections for public health and the environment, to provide the public greater confidence in the safety of U.S. chemicals, and to promote further innovation and economic growth.”³

² See CRS report, [“The Toxic Substances Control Act \(TSCA\): A Summary of the Act and Its Major Requirements.”](#) April 1, 2013.

³ See Energy and Commerce, [“Objectives: H.R. 2576, The TSCA Modernization Act.”](#) May 27, 2015.

COST

A Congressional Budget Office (CBO) cost estimate is currently unavailable.

STAFF CONTACT

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