



NEWS FROM

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## Statement by the Honorable Bobby L. Rush, Chairman Subcommittee on Commerce, Trade and Consumer Protection

for the hearing

### “Prioritizing Chemicals for Safety Determination”

November 17, 2009

WASHINGTON — “The troubling alert that the Government Accountability Office (GAO) issued in January 2009, regarding the Environmental Protection Agency (EPA), should still echo through the 111<sup>th</sup> Congress. Upon adding EPA oversight of toxic chemicals and mixtures to its high risk series, the GAO stated that, “EPA’s inadequate progress in assessing toxic chemicals significantly limits the agency’s ability to fulfill its mission of protecting human health and the environment.”

“Given the long-term and adverse impacts that a poor effort to reform the Toxic Substances Control Act (TSCA) would have on our economy, public health, and the environment, we cannot pretend to have not heard the alarm.

“There is growing evidence that some of these toxic agents are linked to serious and chronic health problems as well as to environmental pollution and contamination of our food sources, air quality, and waterways.

“I stated at our last TSCA subcommittee hearing in February 2009, that I intended to conduct and conclude a “*deliberative process that reverses [past] Congressional inaction*” of reauthorizing TSCA and conducting meaningful oversight of the statute’s effectiveness. By coming together this morning to review the EPA’s prioritization practices, we are approaching another significant milestone in that process.

“When TSCA was enacted in 1976, Congress failed to bestow adequate authority upon the EPA to restrict or ban the use of unsafe toxics. Before engaging its enforcement authority under Title I, Sections 6 and 9

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of TSCA, the EPA would have to meet what now appears to have been an insurmountable burden of proof for meeting the unreasonable risk to public safety standard.

“Indeed, the courts have construed the EPA’s powers under TSCA so narrowly that it has not acted effectively to ban a single chemical since 1991. Nor has the EPA issued testing rules for more than five percent of those chemicals that appear on the EPA’s current Priority Testing List, many of which currently lack sufficient safety testing information.

“Even though the EPA has been reluctant to invoke its enforcement authority under TSCA, around 22,000 new chemical substances have been added since 1979 to the EPA’s inventory of individual chemicals—which currently totals more than 84,000 chemicals. As a result, the safety of the vast majority of chemical substances, which have been placed into the stream of commerce, has never been adequately reviewed under TSCA.

“One of our tasks, today, is to consider options for ranking chemicals from the *most* unsafe to human health and the environment to the *least* unsafe. In listening to and questioning the witnesses, we should also discuss which parties should bear the obligation of providing sufficient data about the properties of chemicals and testing those chemicals, how these chemicals and the products containing them are used, and when the data that is on hand is inadequate and should, therefore, trigger further testing and assessment.

“Let me extend my deepest thanks to the witnesses who have come here to unselfishly give us their time, expertise, and candid viewpoints on this central theme of prioritization as it relates to the comprehensive reform of TSCA. I look forward to hearing your testimony. And with that, I yield back the balance of my time.”

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