

ONE HUNDRED ELEVENTH CONGRESS
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Statement of Rep. Henry A. Waxman
Chairman, Committee on Energy and Commerce
H.R. 5820 “Toxic Chemicals Safety Act of 2010”
Subcommittee on Commerce, Trade, and Consumer Protection
July 29, 2010

The Toxic Substances Control Act (TSCA) was enacted in 1976 to protect the American people from exposure to toxic chemicals and to steer our chemical industry toward safety and innovation. Those are laudable goals, and ones we can all agree on. But 34 years later, those goals have not been met. TSCA has been tested – and found severely deficient.

This statute has been fundamentally unchanged for 34 years. When it has been amended, it is with new titles that address discrete issues and bypass the unworkable structure of the current law. TSCA has become a patchwork, not a framework.

Today Americans are exposed to a staggering number and variety of chemicals – even before birth. Yet consumers lack even basic information about these chemical exposures. And the federal government is no less in the dark. The Environmental Protection Agency (EPA) lacks critical information about chemical hazards and exposures that it needs to make decisions, and lacks authority to take action even where the risk is clear.

The result is that the U.S. is not leading the global move towards safer chemicals. Americans’ public health is not being protected. And American businesses are behind the curve when they should be leading the world in innovative and safe chemical development.

We can do better, and the legislation Chairman Rush and I and several of our colleagues have introduced will modernize this law.

This bill will address the failures of TSCA and set up a flexible, responsive, and workable system for protecting health and the environment while promoting American jobs and innovation. Under this legislation, all chemicals will be subject to a safety review, and the burden of proof will be rightly shifted from EPA to chemical manufacturers.

Basic safety data will be generated and made public. Commercial users of chemicals will get the information they need to make better business decisions. New policies will encourage the development of safer chemicals and create the green jobs of tomorrow.

These are major steps forward.

This Subcommittee has held three hearings this Congress on this important issue. Draft language was circulated in April, followed by a robust and comprehensive stakeholder process. This dialogue was requested by industry and welcomed by environmentalists to move legislation forward. It has resulted in the text we are considering today.

There is much work still to be done, and I look forward to further constructive conversations with all of my colleagues about how best to achieve our common goals. This bill is the right starting point for this conversation. It is ambitious, but also workable, and I believe that it is the right thing to do for American consumers and businesses alike.

I want to thank Chairman Rush for his leadership on this issue, and the minority for their involvement in the stakeholder process. Just like Chairman Rush, I am hopeful that TSCA reform can proceed on a bipartisan basis and with continued input from stakeholders. We all want legislation that improves protections for public health and the environment, as well as continued innovation and job production.

I thank all of the witnesses for being here today, and look forward to hearing their testimony.

Thank you.