

THE ENERGY AND COMMERCE COMMITTEE

Frank R. Lautenberg Chemical Safety for the 21st Century Act

May 23, 2016 Fact Sheet

OBJECTIVES:

- Modernize the decades-old Toxic Substances Control Act (TSCA) to improve chemical safety while encouraging continued innovation and economic growth
- Provide the public greater confidence in the safety of American-made chemicals and the products that contain them
- Facilitate interstate and global commerce

BACKGROUND: The Toxic Substances Control Act (TSCA) was enacted in 1976 to manage hazardous chemicals in commerce. However, 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.

WHAT THE FRANK R. LAUTENBERG CHEMICAL SAFETY ACT WILL DO:

- Provide EPA the tools to ensure chemicals in commerce are safer for consumers
- Create a new system for EPA to evaluate and manage risks associated with chemicals already on the market
 - Either EPA or a manufacturer (who is willing to pay the cost) may designate a chemical for risk evaluation
 - The risk evaluation must stand up to rigorous scientific standards set out in the legislation
 - If unreasonable risk is determined, EPA must immediately draft a rule to manage the risk
- Set deadlines for EPA to take action
 - Risk evaluations must be completed within 3 years

- Risk management rules must follow completion of risk evaluations by 90 days
- Ensure user fees paid to EPA are used for chemical management activity
 - User fees will be deposited in a separate fund in the Treasury, and the fees charged and collected will match the cost of carrying out the specific purposes
- Provide limited preemption of state law
 - Once EPA makes a final decision on whether a chemical poses an unreasonable risk, EPA action would generally apply in all states
 - Prior state laws and private rights of action under tort or contract law, are preserved
- Maintain protection of confidential business information
 - Certain state, local, and tribal government officials and health care professionals will now have access
 - Confidentiality claims must be reclaimed after ten years

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Related Items:

Language Finalized on Landmark Deal to Modernize Chemical Safety Laws for the 21st Century

May 23, 2016 | Press Release

Bicameral, Bipartisan Leaders Finalizing TSCA Reform Legislation

May 17, 2016 | Press Release

Upton, Pallone, Shimkus, Tonko Comment on Efforts to Update Chemical Safety Laws for the 21st Century

May 6, 2016 | Press Release

See Also:

House Clears Monumental Update to Chemical Safety Laws

May 24, 2016 | Press Release

Speaker's Signature Moves Chemical Safety Reform One Step Closer to Law

Jun 14, 2016 | Press Release

Upton and Shimkus Hail Senate Passage of Landmark Chemical Safety Bill