

**Summary of Testimony of Anna Fendley - United Steelworkers
before the Subcommittee on Environment and the Economy
on the “Chemicals in Commerce Act”
March 12, 2014 - Washington, DC**

USW is the largest industrial union in North America and represent 850,000 workers whose workplaces use and store large quantities of industrial chemicals including the majority of unionized chemical workers.

The Toxic Substances Control Act (TSCA) is the only major environmental law that has not been updated since it was originally passed in 1976. It is woefully out of date and ineffective. USW strongly supports TSCA reform and is a member of the Safer Chemicals, Healthy Families coalition and the BlueGreen Alliance, which has developed principles for TSCA reform.

The Chemicals in Commerce Act (CICA) would merely amend, not reform, TSCA and would result in a less protective, less functional federal system for assessing and restricting industrial chemicals. CICA is a step backwards, not a step forward for these reasons:

1. **Safety Standard:** CICA retains the highly problematic “unreasonable risk” standard and recreates the “least burdensome” requirement for regulating chemicals.
2. **Prioritization:** CICA would enact a prioritization schemes that would result in chemicals falling through the cracks due to considerations of cost versus benefits or being prioritized without adequate information.
3. **Testing Authority:** TSCA reform should shift the burden from EPA to industry having to prove that a chemical is safe. CICA would not allow EPA to easily require the development of the information it needs.
4. **New Chemicals:** The CICA would weaken the existing provisions in TSCA for oversight of new chemicals by making it nearly impossible for EPA to require the information it needs to make a safety determination and by allowing new chemicals to go on the market if EPA’s review timeline expires.
5. **State Action:** CICA includes an unacceptable level of preemption. It could preempt state law due to a lack of information about a chemical rather than an affirmative determination of safety.
6. **Vulnerable Populations:** CICA does not adequately protect those at high risk of illness due to biological susceptibility or high exposure.
7. **Confidential Business Information:** CICA expands the ability of industry to claim CBI and has problematic clauses that grandfather previous claims of protection of information.
8. **Deadlines and Resources:** CICA does not include clear and firm deadlines or adequate resources for EPA to carry out reform.

The House of Representatives needs to ensure that TSCA reform gives EPA the necessary authority and resources to get the information the agency needs, make safety assessments and determinations, and restrict the use of chemicals that do not meet a health-only safety standard.