

**TESTIMONY OF CAL DOOLEY
ON BEHALF OF THE AMERICAN CHEMISTRY COUNCIL
BEFORE THE SUBCOMMITTEE ON COMMERCE, TRADE AND
CONSUMER PROTECTION**

February 26, 2009

Good morning Mr. Chairman and members of the Subcommittee.

My name is Cal Dooley. I am the President of the American Chemistry Council, a national trade association representing 140 member companies and 850,000 Americans employed in our industry.

ACC and its member companies welcome the Subcommittee's inquiry into revisiting the Toxic Substances Control Act (TSCA), the fundamental statutory construct for industrial chemicals.

- Although TSCA has been protective of health and the environment, and confers significant regulatory authority on the U.S. Environmental Protection Agency, there are several reasons why Congress should begin the effort to modernize TSCA.
- The public's confidence in the federal chemical management system has been challenged. ACC believes that appropriate modifications to federal law will help enhance public confidence that health and the environment are protected.
- The science of testing chemicals and understanding their health or environmental effects has evolved considerably since TSCA was enacted. The federal chemical management system should be updated to better leverage new science and technology, where there is scientific consensus on both the methods and how to interpret results. This will lead to more intelligent evaluations of chemicals and regulatory decisions about their use.
- TSCA has helped foster innovation and competition in the chemical industry. Modernizing TSCA can help assure that we protect the nation's interest in a strong American business of chemistry – and assure that we can continue to innovate, manufacture and bring to market the products that save lives, protect our children, make our economy more energy efficient, and reduce greenhouse gas emissions.

These are important considerations that should guide the Subcommittee as it considers modifications to TSCA. We think it appropriate to focus attention on a few key elements:

- TSCA does not require EPA to prioritize its activities on the chemicals that warrant regulatory scrutiny. With a process and criteria clearly established by law, a prioritization system could provide a means to more efficiently address important policy concerns such as children's health.

- The federal system should assure that manufacturers and users have appropriate hazard, use and exposure information necessary to make decisions about safe use. It does not mean that an identical set of information must be available on all chemicals. Rather, exposure considerations should drive information requirements. This approach would in general require more information about chemicals where there are exposures to humans or the environment, compared to those used solely to manufacture other chemicals or in enclosed processes.
- EPA should have the authority to determine the safety of priority chemicals for their intended uses by using hazard, use and exposure information to assure an understanding of the risks being considered. A safety assessment is a review of the likelihood of harm, based on an understanding of both hazard characteristic and exposure considerations. Chemical safety assessments and decisions that are based only on hazard characteristic(s) overlook important information and are bad public policy.
- EPA should have the authority to share appropriate confidential business information with state, local and select foreign governments when it is relevant to a decision on chemical safety and when there are appropriate safeguards against inappropriate disclosure.
- EPA should have the resources consistent with a modernized chemical management system. Current staff and funding levels at EPA are not adequate to do this work.
- The federal chemical management system should promote coordination and cooperation among scientists in the federal government, industry and academia to help interpret the data emerging from new scientific techniques and understand the consequences, if any, for health and environmental protection.
- All chemical research and testing should be held to the highest standards, regardless of who conducts it. The federal chemical management system should help establish clear principles and protocols that help assess the quality of scientific data.
- There are important elements of TSCA that should be preserved, notably EPA's broad information collection authority.
- Appropriate enhancements to the U.S. federal chemical management system should be cost and resource efficient, and should promote innovation. To be clear, ACC is NOT advocating the adoption of the European Union's REACH system. We have an opportunity to establish a chemical management system that provides greater confidence for health and environmental protection, in a more effective way.

In short, the American Chemistry Council and its members believe that modernization of the Toxic Substances Control Act can help promote and achieve key health, environmental and commercial policy objectives. We look forward to working with you as you begin this important work.