July 7, 2015

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
317 Russell Senate Office Building
Washington DC 20510

The Honorable Harry Reid
Minority Leader, U.S. Senate
522 Hart Senate Office Building
Washington DC 20510

Dear Majority Leader McConnell and Minority Leader Reid,

We write to suggest a way to move forward on reforming the Toxic Substances Control Act (TSCA). TSCA reform, if done properly, would improve both public health and public confidence in the safety of chemicals in the market, and expedite action on the most dangerous chemicals, including asbestos.

As you know, the House has passed its version of a reform measure (H.R. 2576) and a Senate bill (S.697) has been reported by the Committee on Environment and Public Works. Both bills reflect bipartisan work and have improved as they moved through their respective processes. Both, though, still fall short of what is needed to ensure that the public is meaningfully protected from the dangers of toxic chemicals. The House bill, however, is clearer and more concise and would be more appropriate to use as the vehicle for changes as the process moves forward.

We believe, therefore, that the best way for the Senate to proceed would be to take up the House bill, but only if there is agreement in advance of floor consideration to ensure that the bill includes a few key changes, which we have described in the attached summary.

If the Senate does not take up the House bill, the primary failings of the Senate measure must be addressed.

We have long been clear on our primary concerns with the Senate bill, which include pre-empting state action before EPA has acted; the low-priority loophole, which enables EPA to give a green light to chemicals without a full review; and a provision that was added right before mark-up that makes it harder for EPA to protect the public from, or even know about, chemicals used in products. While the Senate language on some of these matters has improved, the House bill does not raise these issues at all.

If the Senate does pass its own bill, we recommend that the House bill be the base text for negotiations to reconcile the two. Those negotiations could then fix the failings in the House bill, especially those described in the attachment, and add helpful aspects of the Senate bill, such as the section dealing with Confidential Business Information and the section authorizing fees to help fund the overall program. (Those helpful aspects of the Senate bill could also be added to the House text as part of Senate consideration of the House bill.)

We have worked for many years to reform TSCA and have worked on many compromises as the House and Senate bills have progressed. Discrete but essential changes to the House and/or Senate bill would enable reform to move forward and for a long-broken statute to work for the public benefit.

We respectfully ask that you consider our views on next steps as you decide how to proceed.

Sincerely,

Alaska Community Action on Toxics
Alaska Nurses Association
Alliance of Nurses for Healthy Environments
American Nurses Association
Arbor Hill Environmental Justice Corporation
Asbestos Disease Awareness Organization
Autism Society of Minnesota
Bladder Cancer Advocacy Network
BlueGreen Alliance
Breast Cancer Fund
Center for Environmental Health
Clean and Healthy New York
Coalition for a Safe and Healthy Connecticut
Connecticut Nurses' Association
Connecticut Public Health Association
Dignity Health
Earthjustice
Ecology Center
Endometriosis Association
Environmental Health Strategy Center
Health Care Without Harm
Healthy Legacy (MN)
League of Conservation Voters
Learning Disabilities Association of America
Learning Disabilities Association of Florida
Learning Disabilities Association of Maine
LDA Minnesota
Local 201 IUE/CWA (Lynn, MA)
Maryland PIRG
Montana Conservation Voters Education Fund
National Hispanic Medical Association
National Medical Association
Natural Resources Defense Council
North Carolina Conservation Network
Ohio Environmental Council
Oregon Environmental Council
Physicians for Social Responsibility
Physicians for Social Responsibility Florida
Physicians for Social Responsibility Maine
Progreso/Latino Progress and Earth Ministry
Public Health Advocacy Institute (Boston)
Reproductive Health Technologies Project
RESOLVE: The National Infertility Association
Sierra Club
South Florida Cancer Society
Stupid Cancer
The Alliance for a Healthy Tomorrow (MA)
The Arc of the U.S.
The Arc of Massachusetts
The Arc Greater Twin Cities
United Steelworkers
U.S. PIRG
Vermont Conservation Voters
Vermont State Nurses Association
Washington State Nurses Association
Washington Toxics Coalition
Women for a Healthy Environment

**Attachment – Key Improvements Needed to House Bill**

- The House bill mandates that the Environmental Protection Agency (EPA) accept an unlimited number of chemical company requests to review specific chemicals and that those reviews be completed on an accelerated timetable. At the same time, the bill's modest schedule of 10 reviews per year of chemicals prioritized because of their risks to public health and the environment is subject to the availability of appropriations. The 10 per year schedule must instead be a true mandate and the number of industry-requested assessments must be limited. The time limits for industry assessments should be the same as those for the 10 chemicals selected by EPA. The Senate bill already caps the number of industry requests and mandates EPA action, though at an unnecessarily slow pace.

- The House bill also includes a remedy section that invites litigation and imposes requirements that hamper EPA's ability to ensure that chemical threats are adequately addressed. The House bill must be revised to ensure that EPA can impose reasonable remedies. That would make the bill more consistent with the House's own report language as well as with the corresponding provision in the Senate bill.

- The House bill's pre-emption section, while more protective than the Senate's, needs clarifying changes to, for example, ensure that clauses grandfathering state laws and actions work in the way that the bill authors have described.

If there is a conference, there are additional issues in the House bill that should be addressed.