



Below is the [opening statement](#) of Senator Kevin Cramer (R-N.D.) as delivered.

“This morning, we will receive testimony on a legislative discussion draft titled, ‘the Toxic Substances Control Act Fee Reauthorization and Improvement Act of 2026.’

“This discussion draft would make targeted reforms to the Toxic Substances Control Act, or TSCA, with a straightforward goal: to improve the Environmental Protection Agency’s new chemicals review process.

“Congress set a clear standard when TSCA was signed into law fifty years ago. The EPA was to carry out the law in a reasonable and prudent manner, taking into account environmental, economic and social impacts. That was the right standard then and remains the right standard today to guide our efforts to improve and implement these processes.

“When Congress last amended TSCA ten years ago, we sought to modernize the statute to reflect current needs and technology. Unfortunately, the EPA’s implementation of its new chemicals program has drifted from Congress’s original mandate.

“In practice today, it is neither reasonable nor prudent and ignores the environmental, economic and social impacts from a prolonged and uncertain approval process. In the case when the EPA does approve new, often innovative

and safer chemistries, the agency imposes costly, burdensome or even unnecessary restrictions.

“In one case, a company manufacturing a new chemical wanted to pursue a zero-waste initiative to recycle all its wastewater—by any measure, that’s a better environmental outcome.

“The EPA rejected the approach, not because it was unsafe, but because it did not fit the Agency's one-size-fits-all rules. Rather than recycle its waste, that company was forced to burn water to comply with EPA's requirements. That is neither reasonable nor prudent.

“The consequences are real, and they are moving us in the wrong direction. Companies delay or abandon developing safer alternatives here in America, while shifting investment and production overseas to places like Europe or China. One company now labels its newest innovations as “non-TSCA,” meaning they are developed for every market in the world except the United States.

“This harms our economic competitiveness, and it eliminates American jobs. The outcomes are the predictable result of a program that is no longer functioning in the manner Congress directed or mindful of real-world consequences.

“This problem also impacts our national security. Throughout our government and across our country, there are coordinated efforts to rebuild domestic semiconductor manufacturing – semiconductors that are required for current and future defense systems.

“These facilities rely on the use of specialty chemicals subject to the EPA’s new chemical review process. The semiconductor industry reports that bringing a single new chip-making chemical to market in the United States can require up to 15 years of testing and millions of dollars. By the time a company recoups that testing investment, the industry has already moved on to newer chemicals.

“These are extremely low-volume chemistries, used in tightly controlled clean rooms, which is exactly why Europe and Asia don’t require this level of testing and grant approvals in under three months. The EPA’s onerous requirements simply mean that leading-edge materials are not sent to the United States market.

“The most advanced manufacturing facilities in the world—facilities that are critical to protect our country—need access to small quantities of highly specialized chemistries to operate, but an inefficient review process is a challenging obstacle to overcome.

“The 2016 TSCA Amendments prioritized policies that addressed existing chemicals. When a statutory program is up for reauthorization, Congress has an opportunity to review and address problems in the law and its implementation. Ten years later, it’s clear that the new chemical program needs the same attention.

“This discussion draft makes targeted reforms to TSCA designed to do so. The draft recognizes that a one-size-fits-all review model does not reflect reality and instead prioritizes flexibility and predictability. It would establish review periods to match the complexity and risk profile of each submission.

“Separate pathways are created so novel or higher-risk substances are carefully scrutinized, while familiar chemistries with established data can be approved more quickly.

“It requires EPA to articulate clear expectations from the start, asks manufacturers to meet a higher standard up front and provides predictable timelines when they do.

“The draft recognizes that the EPA requires sufficient resources to efficiently fulfill its statutory obligations and reauthorizes a user fee for new chemical applicants to support the EPA’s program.

“Taken together, the policies in the discussion draft build a system that protects public health, incentivizes innovation and benefits the environment by giving the EPA the resources, the structure and the direction to do its job well.

“This discussion draft is the starting point for our legislative process. I look forward to working with Ranking Member Whitehouse and all members of the Committee to develop strong, bipartisan and durable legislation.”

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