

**Opening Remarks of Ranking Member Whitehouse: *A Legislative Hearing to Examine a Discussion Draft, S. \_\_ the Toxic Substances Control Act Fee Reauthorization and Improvement Act of 2026.***

**March 4, 2026**

Thank you, Chair Capito, for convening us here today to discuss improving TSCA, the Toxic Substances Control Act. To our witnesses, thank you for making the time to be here and for sharing your expertise with us.

There will be differing views on what it means to improve the law. Chair Capito has released her own discussion draft. While I don't like many of its components, I appreciate Chair Capito's willingness to engage with Democrats and listen to our perspectives during today's hearing. I am hopeful that we can find common purpose in trying to make the law more effective while also more protective of public health.

The 2016 Lautenberg Chemical Safety Act was a historic achievement. Working together, we strengthened TSCA to better deliver on the law's fundamental purpose: to protect the public. I am proud to have played a role in those negotiations.

The LSCA established a fee to improve program administration. It funds 25% of the EPA's new chemicals review program and will sunset on September 30. Loss of these fees will substantially curtail the EPA's ability to conduct independent analyses focused on protecting public health and the environment. A simple reauthorization of the fees provision remains a path forward, but I am interested in discussing what, if any, room there is for agreement on further improvements to the program.

When it comes to chemical safety, the biggest challenge we face is the corporate capture of the EPA since January of 2025. The EPA has long faced funding and staffing challenges that have impeded it from fully executing its statutory missions. Now things are even worse: high-ranking representatives of the chemical industry run the chemicals office.

Innovation and the global competitiveness of American business is important; however, unregulated industry has not proven to be a trustworthy steward of public or environmental

health. The fossil fuel, tobacco, and pharmaceutical industries demonstrate time and again that profits trump truth and the public interest.

The chemical sector in America has yet to prove itself any better. During a chemicals subcommittee hearing last October, we heard how PFAS manufacturers knew about the risks their products posed to human health and yet suppressed this information for decades. If we're going to pursue a conversation about TSCA, we need to put safeguards into place so that industry perspectives do not dictate outcomes.

Closely related to concerns about corporate capture is the issue of scientific integrity. The Trump administration has consistently demonstrated a willingness to deform the definition of "best available science." The so-called "Gold Standard Science" executive order gives agency appointees beholden to Trump's industry donors, not scientists with objective expertise, authority to "correct scientific information." That is not science. That is Zeldin's political team finding the industry-friendly outcome they want, and then looking for reasons, real or fabricated, to justify that outcome.

Real science entails replicable, iterative methods for answering questions. These methods are well-established and have existed for centuries. Those best positioned to carry out these methods are scientists who have been properly trained and who do not have financial conflicts of interest. We have an obligation to protect science, and the scientists, from political interference.

I want to acknowledge the effort put into developing the discussion draft. It reflects a grappling with some of the concerns presented during our hearings. I appreciate the provisions addressing peer review, protecting bipartisan EPA programs, and clarifying data requirements to cut down the back and forth between the EPA and industry applicants. But I do have serious concerns with other provisions, such as those that may remove dangerous chemicals from EPA review, circumvent proper scientific review, and reflect deference to industry without adequate protections for public health and the environment.

I look forward to exploring if there is a package of real improvements – changes that further public health – that we can report out of this Committee. If not, I'm ready to report a simple fee reauthorization.