

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 697

To amend the Toxic Substances Control Act to reauthorize and modernize that Act, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Frank R. Lautenberg

5 Chemical Safety for the 21st Century Act”.

6 **SEC. 2. FINDINGS, POLICY, AND INTENT.**

7 Section 2(c) of the Toxic Substances Control Act (15

8 U.S.C. 2601(c)) is amended—

9 (1) by striking “It is the intent” and inserting

10 the following:

11 “(1) ADMINISTRATION.—It is the intent”;

1 (2) in paragraph (1) (as so redesignated), by
2 inserting “, as provided under this Act” before the
3 period at the end; and

4 (3) by adding at the end the following:

5 “(2) REFORM.—This Act, including reforms in
6 accordance with the amendments made by the Frank
7 R. Lautenberg Chemical Safety for the 21st Century
8 Act—

9 “(A) shall be administered in a manner
10 that—

11 “(i) protects the health of children,
12 pregnant women, the elderly, workers, con-
13 sumers, the general public, and the envi-
14 ronment from the risks of harmful expo-
15 sures to chemical substances and mixtures;
16 and

17 “(ii) ensures that appropriate infor-
18 mation on chemical substances and mix-
19 tures is available to public health officials
20 and first responders in the event of an
21 emergency; and

22 “(B) shall not displace or supplant com-
23 mon law rights of action or remedies for civil
24 relief.”.

1 **SEC. 3. DEFINITIONS.**

2 Section 3 of the Toxic Substances Control Act (15
3 U.S.C. 2602) is amended—

4 (1) by redesignating paragraphs (4), (5), (6),
5 (7), (8), (9), (10), (11), (12), (13), and (14) as
6 paragraphs (5), (6), (7), (8), (9), (10), (12), (13),
7 (17), (18), and (19), respectively;

8 (2) by inserting after paragraph (3) the fol-
9 lowing:

10 “(4) CONDITIONS OF USE.—The term ‘condi-
11 tions of use’ means the intended, known, or reason-
12 ably foreseeable circumstances the Administrator de-
13 termines a chemical substance is manufactured,
14 processed, distributed in commerce, used, or dis-
15 posed of.”;

16 (3) by inserting after paragraph (10) (as so re-
17 designated) the following:

18 “(11) POTENTIALLY EXPOSED OR SUSCEPTIBLE
19 POPULATION.—The term ‘potentially exposed or sus-
20 ceptible population’ means 1 or more groups—

21 “(A) of individuals within the general pop-
22 ulation who may be—

23 “(i) differentially exposed to chemical
24 substances under the conditions of use; or

1 “(ii) susceptible to greater adverse
2 health consequences from chemical expo-
3 sures than the general population; and

4 “(B) that when identified by the Adminis-
5 trator may include such groups as infants, chil-
6 dren, pregnant women, workers, and the elder-
7 ly.”; and

8 (4) by inserting after paragraph (13) (as so re-
9 designated) the following:

10 “(14) SAFETY ASSESSMENT.—The term ‘safety
11 assessment’ means an assessment of the risk posed
12 by a chemical substance under the conditions of use,
13 integrating hazard, use, and exposure information
14 regarding the chemical substance.

15 “(15) SAFETY DETERMINATION.—The term
16 ‘safety determination’ means a determination by the
17 Administrator as to whether a chemical substance
18 meets the safety standard under the conditions of
19 use.

20 “(16) SAFETY STANDARD.—The term ‘safety
21 standard’ means a standard that ensures, without
22 taking into consideration cost or other nonrisk fac-
23 tors, that no unreasonable risk of injury to health or
24 the environment will result from exposure to a chem-

1 ical substance under the conditions of use, including
2 no unreasonable risk of injury to—

3 “(A) the general population; or

4 “(B) any potentially exposed or susceptible
5 population that the Administrator has identified
6 as relevant to the safety assessment and safety
7 determination for a chemical substance.”.

8 **SEC. 4. POLICIES, PROCEDURES, AND GUIDANCE.**

9 The Toxic Substances Control Act is amended by in-
10 serting after section 3 (15 U.S.C. 2602) the following:

11 **“SEC. 3A. POLICIES, PROCEDURES, AND GUIDANCE.**

12 “(a) DEFINITION OF GUIDANCE.—In this section, the
13 term ‘guidance’ includes any significant written guidance
14 of general applicability prepared by the Administrator.

15 “(b) DEADLINE.—Not later than 2 years after the
16 date of enactment of the Frank R. Lautenberg Chemical
17 Safety for the 21st Century Act, the Administrator shall
18 develop, after providing public notice and an opportunity
19 for comment, any policies, procedures, and guidance the
20 Administrator determines to be necessary to carry out sec-
21 tions 4, 4A, 5, and 6, including the policies, procedures,
22 and guidance required by this section.

23 “(c) USE OF SCIENCE.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish policies, procedures, and guidance on the use

1 of science in making decisions under sections 4, 4A,
2 5, and 6.

3 “(2) GOAL.—A goal of the policies, procedures,
4 and guidance described in paragraph (1) shall be to
5 make the basis of decisions clear to the public.

6 “(3) REQUIREMENTS.—The policies, proce-
7 dures, and guidance issued under this section shall
8 ensure that—

9 “(A) decisions made by the Adminis-
10 trator—

11 “(i) are based on information, proce-
12 dures, measures, methods, and models em-
13 ployed in a manner consistent with the
14 best available science;

15 “(ii) take into account the extent to
16 which—

17 “(I) assumptions and methods
18 are clearly and completely described
19 and documented;

20 “(II) variability and uncertainty
21 are evaluated and characterized; and

22 “(III) the information has been
23 subject to independent verification
24 and peer review; and

1 “(iii) are based on the weight of the
2 scientific evidence, by which the Adminis-
3 trator considers all information in a sys-
4 tematic and integrative framework to con-
5 sider the relevance of different informa-
6 tion;

7 “(B) to the extent practicable and if ap-
8 propriate, the use of peer review, standardized
9 test design and methods, consistent data eval-
10 uation procedures, and good laboratory prac-
11 tices will be encouraged;

12 “(C) a clear description of each individual
13 and entity that funded the generation or assess-
14 ment of information, and the degree of control
15 those individuals and entities had over the gen-
16 eration, assessment, and dissemination of infor-
17 mation (including control over the design of the
18 work and the publication of information) is
19 made available; and

20 “(D) if appropriate, the recommendations
21 in reports of the National Academy of Sciences
22 that provide advice regarding assessing the haz-
23 ards, exposures, and risks of chemical sub-
24 stances are considered.

1 “(d) EXISTING EPA POLICIES, PROCEDURES, AND
2 GUIDANCE.—The policies, procedures, and guidance de-
3 scribed in subsection (b) shall incorporate existing relevant
4 policies, procedures, and guidance, as appropriate and
5 consistent with this Act.

6 “(e) REVIEW.—Not later than 5 years after the date
7 of enactment of the Frank R. Lautenberg Chemical Safety
8 for the 21st Century Act, and not less frequently than
9 once every 5 years thereafter, the Administrator shall—

10 “(1) review the adequacy of any policies, proce-
11 dures, and guidance developed under this section, in-
12 cluding animal, nonanimal, and epidemiological test
13 methods and procedures for assessing and deter-
14 mining risk under this Act; and

15 “(2) after providing public notice and an oppor-
16 tunity for comment, revise the policies, procedures,
17 and guidance if necessary to reflect new scientific
18 developments or understandings.

19 “(f) SOURCES OF INFORMATION.—In carrying out
20 sections 4, 4A, 5, and 6, the Administrator shall take into
21 consideration information relating to a chemical sub-
22 stance, including hazard and exposure information, under
23 the conditions of use that is reasonably available to the
24 Administrator, including information that is—

1 “(1) submitted to the Administrator pursuant
2 to any rule, consent agreement, order, or other re-
3 quirement of this Act, or on a voluntary basis, in-
4 cluding pursuant to any request made under this
5 Act, by—

6 “(A) manufacturers or processors of a sub-
7 stance;

8 “(B) the public;

9 “(C) other Federal departments or agen-
10 cies; or

11 “(D) the Governor of a State or a State
12 agency with responsibility for protecting health
13 or the environment;

14 “(2) submitted to a governmental entity in any
15 jurisdiction pursuant to a governmental requirement
16 relating to the protection of health or the environ-
17 ment; or

18 “(3) identified through an active search by the
19 Administrator of information sources that are pub-
20 licly available or otherwise accessible by the Admin-
21 istrator.

22 “(g) TESTING OF CHEMICAL SUBSTANCES AND MIX-
23 TURES.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish policies, procedures, and guidance for the

1 testing of chemical substances or mixtures under
2 section 4.

3 “(2) GOAL.—A goal of the policies, procedures,
4 and guidance established under paragraph (1) shall
5 be to make the basis of decisions clear to the public.

6 “(3) CONTENTS.—The policies, procedures, and
7 guidance established under paragraph (1) shall—

8 “(A) address how and when the exposure
9 level or exposure potential of a chemical sub-
10 stance would factor into decisions to require
11 new testing, subject to the condition that the
12 Administrator shall not interpret the lack of ex-
13 posure information as a lack of exposure or ex-
14 posure potential; and

15 “(B) describe the manner in which the Ad-
16 ministrator will determine that additional infor-
17 mation is necessary to carry out this Act, in-
18 cluding information relating to potentially ex-
19 posed or susceptible populations.

20 “(4) EPIDEMIOLOGICAL STUDIES.—Before pre-
21 scribing epidemiological studies of employees, the
22 Administrator shall consult with the Director of the
23 National Institute for Occupational Safety and
24 Health.

1 “(h) SAFETY ASSESSMENTS AND SAFETY DETER-
2 MINATIONS.—

3 “(1) SCHEDULE.—

4 “(A) IN GENERAL.—The Administrator
5 shall inform the public regarding the schedule
6 and the resources necessary for the completion
7 of each safety assessment and safety determina-
8 tion as soon as practicable after designation as
9 a high-priority substance pursuant to section
10 4A.

11 “(B) DIFFERING TIMES.—The Adminis-
12 trator may allot different times for different
13 chemical substances in the schedules under this
14 paragraph, subject to the condition that all
15 schedules shall comply with the deadlines estab-
16 lished under section 6.

17 “(C) ANNUAL PLAN.—

18 “(i) IN GENERAL.—At the beginning
19 of each calendar year, the Administrator
20 shall publish an annual plan.

21 “(ii) INCLUSIONS.—The annual plan
22 shall—

23 “(I) identify the substances sub-
24 ject to safety assessments and safety

1 determinations to be completed that
2 year;

3 “(II) describe the status of each
4 safety assessment and safety deter-
5 mination that has been initiated but
6 not yet completed, including mile-
7 stones achieved since the previous an-
8 nual report; and

9 “(III) if the schedule for comple-
10 tion of a safety assessment and safety
11 determination prepared pursuant to
12 subparagraph (A) has changed, in-
13 clude an updated schedule for that
14 safety assessment and safety deter-
15 mination.

16 “(2) POLICIES AND PROCEDURES FOR SAFETY
17 ASSESSMENTS AND SAFETY DETERMINATIONS.—

18 “(A) IN GENERAL.—The Administrator
19 shall establish, by rule, policies and procedures
20 regarding the manner in which the Adminis-
21 trator shall carry out section 6.

22 “(B) GOAL.—A goal of the policies and
23 procedures under this paragraph shall be to
24 make the basis of decisions of the Adminis-
25 trator clear to the public.

1 “(C) MINIMUM REQUIREMENTS.—The poli-
2 cies and procedures under this paragraph shall,
3 at a minimum—

4 “(i) describe—

5 “(I) the manner in which the Ad-
6 ministrator will identify informational
7 needs and seek that information from
8 the public;

9 “(II) the information (including
10 draft safety assessments) that may be
11 submitted by interested individuals or
12 entities, including States; and

13 “(III) the criteria by which infor-
14 mation submitted by interested indi-
15 viduals or entities will be evaluated;

16 “(ii) require that each draft and final
17 safety assessment and safety determination
18 of the Administrator include a description
19 of—

20 “(I)(aa) the scope of the safety
21 assessment and safety determination
22 to be conducted under section 6, in-
23 cluding the hazards, exposures, and
24 conditions of use of the chemical sub-
25 stance, and potentially exposed and

1 susceptible populations that the Ad-
2 ministrator has identified as relevant;
3 and

4 “(bb) the basis for the scope of
5 the safety assessment and safety de-
6 termination;

7 “(II) the manner in which aggre-
8 gate exposures, or significant subsets
9 of exposures, to a chemical substance
10 under the conditions of use were con-
11 sidered, and the basis for that consid-
12 eration;

13 “(III) the weight of the scientific
14 evidence of risk; and

15 “(IV) the information regarding
16 the impact on health and the environ-
17 ment of the chemical substance that
18 was used to make the assessment or
19 determination, including, as available,
20 mechanistic, animal toxicity, and epi-
21 demiology studies;

22 “(iii) establish a timely and trans-
23 parent process for evaluating whether new
24 information submitted or obtained after
25 the date of a final safety assessment or

1 safety determination warrants reconsideration of the safety assessment or safety determination; and

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4 “(iv) when relevant information is provided or otherwise made available to the Administrator, require the Administrator to consider the extent of Federal regulation under other Federal laws.

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9 “(D) GUIDANCE.—

10 “(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall develop guidance to assist interested persons in developing their own draft safety assessments and other information for submission to the Administrator, which may be considered by the Administrator.

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19 “(ii) REQUIREMENT.—The guidance shall, at a minimum, address the quality of the information submitted and the process to be followed in developing a draft safety assessment for consideration by the Administrator.

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1 “(i) PUBLICLY AVAILABLE INFORMATION.—Subject
2 to section 14, the Administrator shall—

3 “(1) make publicly available a nontechnical
4 summary, and the final version, of each safety as-
5 sessment and safety determination;

6 “(2) provide public notice and an opportunity
7 for comment on each proposed safety assessment
8 and safety determination; and

9 “(3) make public in a final safety assessment
10 and safety determination—

11 “(A) the list of studies considered by the
12 Administrator in carrying out the safety assess-
13 ment or safety determination; and

14 “(B) the list of policies, procedures, and
15 guidance that were followed in carrying out the
16 safety assessment or safety determination.

17 “(j) CONSULTATION WITH SCIENCE ADVISORY COM-
18 MITTEE ON CHEMICALS.—

19 “(1) ESTABLISHMENT.—Not later than 1 year
20 after the date of enactment of this section, the Ad-
21 ministrator shall establish an advisory committee, to
22 be known as the ‘Science Advisory Committee on
23 Chemicals’ (referred to in this subsection as the
24 ‘Committee’).

1 “(2) PURPOSE.—The purpose of the Committee
2 shall be to provide independent advice and expert
3 consultation, on the request of the Administrator,
4 with respect to the scientific and technical aspects of
5 issues relating to the implementation of this title.

6 “(3) COMPOSITION.—The Committee shall be
7 composed of representatives of such science, govern-
8 ment, labor, public health, public interest, animal
9 protection, industry, and other groups as the Admin-
10 istrator determines to be advisable, including, at a
11 minimum, representatives that have specific sci-
12 entific expertise in the relationship of chemical expo-
13 sures to women, children, and other potentially ex-
14 posed or susceptible populations.

15 “(4) SCHEDULE.—The Administrator shall con-
16 vene the Committee in accordance with such sched-
17 ule as the Administrator determines to be appro-
18 priate, but not less frequently than once every 2
19 years.

20 “(5) RELATIONSHIP TO OTHER LAW.—All pro-
21 ceedings and meetings of the Committee shall be
22 subject to the Federal Advisory Committee Act (5
23 U.S.C. App.).”.

1 **SEC. 5. TESTING OF CHEMICAL SUBSTANCES OR MIXTURES.**

2 (a) IN GENERAL.—Section 4 of the Toxic Substances
3 Control Act (15 U.S.C. 2603) is amended—

4 (1) by striking subsections (a), (b), (c), (d), (e),
5 and (g);

6 (2) in subsection (f)—

7 (A) in the first sentence—

8 (i) by striking “from cancer, gene
9 mutations, or birth defects”; and

10 (ii) by inserting “, without taking into
11 account cost or other nonrisk factors” be-
12 fore the period at the end; and

13 (B) by striking the last sentence; and

14 (3) by inserting before subsection (f) the fol-
15 lowing:

16 “(a) DEVELOPMENT OF NEW INFORMATION ON
17 CHEMICAL SUBSTANCES AND MIXTURES.—

18 “(1) IN GENERAL.—The Administrator may re-
19 quire the development of new information relating to
20 a chemical substance or mixture in accordance with
21 this section if the Administrator determines that the
22 information is necessary—

23 “(A) to review a notice under section 5(d)
24 or to perform a safety assessment or safety de-
25 termination under section 6;

1 “(B) to implement a requirement imposed
2 in a consent agreement or order issued under
3 section 5(d)(4) or under a rule promulgated
4 under section 6(d)(3);

5 “(C) pursuant to section 12(a)(4); or

6 “(D) at the request of the implementing
7 authority under another Federal law, to meet
8 the regulatory testing needs of that authority.

9 “(2) LIMITED TESTING FOR PRIORITIZATION
10 PURPOSES.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the Administrator may re-
13 quire the development of new information for
14 the purposes of section 4A.

15 “(B) PROHIBITION.—Testing required
16 under subparagraph (A) shall not be required
17 for the purpose of establishing or implementing
18 a minimum information requirement.

19 “(C) LIMITATION.—The Administrator
20 may require the development of new informa-
21 tion pursuant to subparagraph (A) only if the
22 Administrator determines that additional infor-
23 mation is necessary to establish the priority of
24 a chemical substance.

1 “(3) FORM.—The Administrator may require
2 the development of information described in para-
3 graph (1) or (2) by—

4 “(A) promulgating a rule;

5 “(B) entering into a testing consent agree-
6 ment; or

7 “(C) issuing an order.

8 “(4) CONTENTS.—

9 “(A) IN GENERAL.—A rule, testing con-
10 sent agreement, or order issued under this sub-
11 section shall include—

12 “(i) identification of the chemical sub-
13 stance or mixture for which testing is re-
14 quired;

15 “(ii) identification of the persons re-
16 quired to conduct the testing;

17 “(iii) test protocols and methodologies
18 for the development of information for the
19 chemical substance or mixture, including
20 specific reference to any reliable nonanimal
21 test procedures; and

22 “(iv) specification of the period within
23 which individuals and entities required to
24 conduct the testing shall submit to the Ad-
25 ministrator the information developed in

1 accordance with the procedures described
2 in clause (iii).

3 “(B) CONSIDERATIONS.—In determining
4 the procedures and period to be required under
5 subparagraph (A), the Administrator shall take
6 into consideration—

7 “(i) the relative costs of the various
8 test protocols and methodologies that may
9 be required;

10 “(ii) the reasonably foreseeable avail-
11 ability of facilities and personnel required
12 to perform the testing; and

13 “(iii) the deadlines applicable to the
14 Administrator under section 6(a).

15 “(5) CONSIDERATION OF FEDERAL AGENCY
16 RECOMMENDATIONS.—The Administrator shall con-
17 sider the recommendations of other Federal agencies
18 regarding the chemical substances and mixtures to
19 which the Administrator shall give priority consid-
20 eration under this section.

21 “(b) STATEMENT OF NEED.—

22 “(1) IN GENERAL.—In promulgating a rule, en-
23 tering into a testing consent agreement, or issuing
24 an order for the development of additional informa-
25 tion (including information on exposure or exposure

1 potential) pursuant to this section, the Adminis-
2 trator shall—

3 “(A) identify the need intended to be met
4 by the rule, agreement, or order;

5 “(B) explain why information reasonably
6 available to the Administrator at that time is
7 inadequate to meet that need, including a ref-
8 erence, as appropriate, to the information iden-
9 tified in paragraph (2)(B); and

10 “(C) explain the basis for any decision that
11 requires the use of vertebrate animals.

12 “(2) EXPLANATION IN CASE OF ORDER.—

13 “(A) IN GENERAL.—If the Administrator
14 issues an order under this section, the Adminis-
15 trator shall issue a statement providing a jus-
16 tification for why issuance of an order is war-
17 ranted instead of promulgating a rule or enter-
18 ing into a testing consent agreement.

19 “(B) CONTENTS.—A statement described
20 in subparagraph (A) shall contain a description
21 of—

22 “(i) information that is readily acces-
23 sible to the Administrator, including infor-
24 mation submitted under any other provi-
25 sion of law;

1 “(ii) the extent to which the Adminis-
2 trator has obtained or attempted to obtain
3 the information through voluntary submis-
4 sions; and

5 “(iii) any information relied on in
6 safety assessments for other chemical sub-
7 stances relevant to the chemical substances
8 that would be the subject of the order.

9 “(c) REDUCTION OF TESTING ON VERTEBRATES.—

10 “(1) IN GENERAL.—The Administrator shall
11 minimize, to the extent practicable, the use of
12 vertebrate animals in testing of chemical substances
13 or mixtures, by—

14 “(A) prior to making a request or adopting
15 a requirement for testing using vertebrate ani-
16 mals, taking into consideration, as appropriate
17 and to the extent practicable, reasonably avail-
18 able—

19 “(i) toxicity information;

20 “(ii) computational toxicology and
21 bioinformatics;

22 “(iii) high-throughput screening meth-
23 ods and the prediction models of those
24 methods; and

1 “(II) emerging methods and
2 models; and

3 “(C) funding research and validation stud-
4 ies to reduce, refine, and replace the use of ani-
5 mal tests in accordance with this subsection.

6 “(2) IMPLEMENTATION OF ALTERNATIVE TEST-
7 ING METHODS.—To promote the development and
8 timely incorporation of new testing methods that are
9 not based on vertebrate animals, the Administrator
10 shall—

11 “(A) not later than 2 years after the date
12 of enactment of the Frank R. Lautenberg
13 Chemical Safety for the 21st Century Act, de-
14 velop a strategic plan to promote the develop-
15 ment and implementation of alternative test
16 methods and testing strategies to generate in-
17 formation under this title that can reduce, re-
18 fine, or replace the use of vertebrate animals,
19 including toxicity pathway-based risk assess-
20 ment, in vitro studies, systems biology, com-
21 putational toxicology, bioinformatics, and high-
22 throughput screening;

23 “(B) as practicable, ensure that the stra-
24 tegic plan developed under subparagraph (A) is

1 reflected in the development of requirements for
2 testing under this section;

3 “(C) identify in the strategic plan devel-
4 oped under subparagraph (A) particular alter-
5 native test methods or testing strategies that do
6 not require new vertebrate animal testing and
7 are scientifically reliable, relevant, and capable
8 of providing information of equivalent scientific
9 reliability and quality to that which would be
10 obtained from vertebrate animal testing;

11 “(D) provide an opportunity for public no-
12 tice and comment on the contents of the plan
13 developed under subparagraph (A), including
14 the criteria for considering scientific reliability,
15 relevance, and equivalent information and the
16 test methods and strategies identified in sub-
17 paragraph (C);

18 “(E) beginning on the date that is 5 years
19 after the date of enactment of the Frank R.
20 Lautenberg Chemical Safety for the 21st Cen-
21 tury Act and every 5 years thereafter, submit to
22 Congress a report that describes the progress
23 made in implementing this subsection and goals
24 for future alternative test methods implementa-
25 tion;

1 “(F) fund and carry out research, develop-
2 ment, performance assessment, and
3 translational studies to accelerate the develop-
4 ment of test methods and testing strategies that
5 reduce, refine, or replace the use of vertebrate
6 animals in any testing under this title; and

7 “(G) identify synergies with the related in-
8 formation requirements of other jurisdictions to
9 minimize the potential for additional or duplica-
10 tive testing.

11 “(3) CRITERIA FOR ADAPTING OR WAIVING ANI-
12 MAL TESTING REQUIREMENTS.—On request from a
13 manufacturer or processor that is required to con-
14 duct testing of a chemical substance or mixture on
15 vertebrate animals under this section, the Adminis-
16 trator may adapt or waive the requirement, if the
17 Administrator determines that—

18 “(A) there is sufficient evidence from sev-
19 eral independent sources of information to sup-
20 port a conclusion that a chemical substance or
21 mixture has, or does not have, a particular
22 property if the information from each individual
23 source alone is insufficient to support the con-
24 clusion;

1 “(B) as a result of 1 or more physical or
2 chemical properties of the chemical substance
3 or mixture or other toxicokinetic consider-
4 ations—

5 “(i) the substance cannot be absorbed;
6 or

7 “(ii) testing for a specific endpoint is
8 technically not practicable to conduct; or

9 “(C) a chemical substance or mixture can-
10 not be tested in vertebrate animals at con-
11 centrations that do not result in significant
12 pain or distress, because of physical or chemical
13 properties of the chemical substance or mixture,
14 such as a potential to cause severe corrosion or
15 severe irritation to the tissues of the animal.

16 “(4) VOLUNTARY TESTING.—

17 “(A) IN GENERAL.—Any person developing
18 information for submission under this title on a
19 voluntary basis and not pursuant to any request
20 or requirement by the Administrator shall first
21 attempt to develop the information by means of
22 an alternative or nonanimal test method or test-
23 ing strategy that the Administrator has deter-
24 mined under paragraph (2)(C) to be scientif-
25 ically reliable, relevant, and capable of providing

1 equivalent information, before conducting new
2 animal testing.

3 “(B) EFFECT OF PARAGRAPH.—Nothing
4 in this paragraph—

5 “(i) requires the Administrator to re-
6 view the basis on which the person is con-
7 ducting testing described in subparagraph
8 (A);

9 “(ii) prohibits the use of other test
10 methods or testing strategies by any per-
11 son for purposes other than developing in-
12 formation for submission under this title
13 on a voluntary basis; or

14 “(iii) prohibits the use of other test
15 methods or testing strategies by any per-
16 son, subsequent to the attempt to develop
17 information using the test methods and
18 testing strategies identified by the Admin-
19 istrator under paragraph (2)(C).

20 “(d) TESTING REQUIREMENTS.—

21 “(1) IN GENERAL.—The Administrator may re-
22 quire the development of information by—

23 “(A) manufacturers and processors of the
24 chemical substance or mixture; and

1 “(B) persons that begin to manufacture or
2 process the chemical substance or mixture after
3 the effective date of the rule, testing consent
4 agreement, or order.

5 “(2) DESIGNATION.—The Administrator may
6 permit 2 or more persons identified in subparagraph
7 (A) or (B) of paragraph (1) to designate 1 of the
8 persons or a qualified third party—

9 “(A) to develop the information; and

10 “(B) to submit the information on behalf
11 of the persons making the designation.

12 “(3) EXEMPTIONS.—

13 “(A) IN GENERAL.—A person otherwise
14 subject to a rule, testing consent agreement, or
15 order under this section may submit to the Ad-
16 ministrator an application for an exemption on
17 the basis that submission of information by the
18 applicant on the chemical substance or mixture
19 would be duplicative of—

20 “(i) information on the chemical sub-
21 stance or mixture that—

22 “(I) has been submitted to the
23 Administrator pursuant to a rule, con-
24 sent agreement, or order under this
25 section; or

1 of fair and equitable reimbursement, the
2 amount shall be determined by arbitration.

3 “(iii) REIMBURSEMENT PERIOD.—For
4 the purposes of this subparagraph, the re-
5 imbursement period for any information
6 for a chemical substance or mixture is a
7 period—

8 “(I) beginning on the date the in-
9 formation is submitted in accordance
10 with a rule, testing consent agree-
11 ment, or order under this section; and

12 “(II) ending on the later of—

13 “(aa) 5 years after the date
14 referred to in subclause (I); or

15 “(bb) the last day of the pe-
16 riod that begins on the date re-
17 ferred to in subclause (I) and
18 that is equal to the period that
19 the Administrator determines
20 was necessary to develop the in-
21 formation.

22 “(C) TERMINATION.—If, after granting an
23 exemption under this paragraph, the Adminis-
24 trator determines that no person designated
25 under paragraph (2) has complied with the

1 rule, testing consent agreement, or order, the
2 Administrator shall—

3 “(i) by order, terminate the exemp-
4 tion; and

5 “(ii) notify in writing each person
6 that received an exemption of the require-
7 ments with respect to which the exemption
8 was granted.

9 “(4) TIERED TESTING.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (D), the Administrator shall em-
12 ploy a tiered screening and testing process,
13 under which the results of screening-level tests
14 or assessments of available information inform
15 the decision as to whether 1 or more additional
16 tests are necessary.

17 “(B) SCREENING-LEVEL TESTS.—

18 “(i) IN GENERAL.—The screening-
19 level tests required for a chemical sub-
20 stance or mixture may include tests for
21 hazard (which may include in silico, in
22 vitro, and in vivo tests), environmental and
23 biological fate and transport, and measure-
24 ments or modeling of exposure or exposure
25 potential, as appropriate.

1 “(e) **TRANSPARENCY.**—Subject to section 14, the Ad-
2 ministrator shall make available to the public all testing
3 consent agreements and orders and all information sub-
4 mitted under this section.”.

5 (b) **CONFORMING AMENDMENT.**—Section
6 104(i)(5)(A) of the Comprehensive Environmental Re-
7 sponse, Compensation, and Liability Act of 1980 (42
8 U.S.C. 9604(i)(5)(A)) is amended in the third sentence
9 by inserting “(as in effect on the day before the date of
10 enactment of the Frank R. Lautenberg Chemical Safety
11 for the 21st Century Act)” after “Toxic Substances Con-
12 trol Act”.

13 **SEC. 6. PRIORITIZATION SCREENING.**

14 The Toxic Substances Control Act is amended by in-
15 serting after section 4 (15 U.S.C. 2603) the following:

16 **“SEC. 4A. PRIORITIZATION SCREENING.**

17 “(a) **PRIORITIZATION SCREENING PROCESS AND**
18 **LIST OF SUBSTANCES.**—

19 “(1) **IN GENERAL.**—Not later than 1 year after
20 the date of enactment of this section, the Adminis-
21 trator shall establish, by rule, a risk-based screening
22 process and criteria for identifying existing chemical
23 substances that are—

24 “(A) a high priority for a safety assess-
25 ment and safety determination under section 6

1 (referred to in this Act as ‘high-priority sub-
2 stances’); and

3 “(B) a low priority for a safety assessment
4 and safety determination (referred to in this
5 Act as ‘low-priority substances’).

6 “(2) INITIAL AND SUBSEQUENT LISTS OF HIGH-
7 AND LOW-PRIORITY SUBSTANCES.—

8 “(A) IN GENERAL.—Before the date of
9 promulgation of the rule under paragraph (1)
10 and not later than 180 days after the date of
11 enactment of this section, the Administrator
12 shall publish an initial list of high-priority sub-
13 stances and low-priority substances.

14 “(B) REQUIREMENTS.—

15 “(i) IN GENERAL.—The initial list of
16 chemical substances shall contain at least
17 10 high-priority substances, at least 5 of
18 which are drawn from the list of chemical
19 substances identified by the Administrator
20 in the October 2014 TSCA Work Plan and
21 subsequent updates, and at least 10 low-
22 priority substances.

23 “(ii) SUBSEQUENTLY IDENTIFIED
24 SUBSTANCES.—Insofar as possible, at least
25 50 percent of all substances subsequently

1 identified by the Administrator as high-pri-
2 ority substances shall be drawn from the
3 list of chemical substances identified by the
4 Administrator in the October 2014 TSCA
5 Work Plan and subsequent updates, until
6 all Work Plan chemicals have been des-
7 ignated under this subsection.

8 “(iii) PREFERENCES.—

9 “(I) IN GENERAL.—In developing
10 the initial list and in identifying addi-
11 tional high-priority substances, the
12 Administrator shall give preference
13 to—

14 “(aa) chemical substances
15 that, with respect to persistence
16 and bioaccumulation, score high
17 for 1 and either high or moderate
18 for the other, pursuant to the
19 TSCA Work Plan Chemicals
20 Methods Document published by
21 the Administrator in February
22 2012; and

23 “(bb) chemical substances
24 listed in the October 2014 TSCA
25 Work Plan and subsequent up-

1 dates that are known human car-
2 cinogens and have high acute and
3 chronic toxicity.

4 “(II) METALS AND METAL COM-
5 POUNDS.—In prioritizing and assess-
6 ing metals and metal compounds, the
7 Administrator shall use the Frame-
8 work for Metals Risk Assessment of
9 the Office of the Science Advisor, Risk
10 Assessment Forum, and dated March
11 2007 (or a successor document), and
12 may use other applicable information
13 consistent with the best available
14 science.

15 “(C) ADDITIONAL CHEMICAL REVIEWS.—
16 The Administrator shall, as soon as practicable
17 and not later than—

18 “(i) 3 years after the date of enact-
19 ment of the Frank R. Lautenberg Chem-
20 ical Safety for the 21st Century Act, add
21 additional high-priority substances suffi-
22 cient to ensure that at least a total of 20
23 high-priority substances have undergone or
24 are undergoing the process established in
25 section 6(a), and additional low-priority

1 substances sufficient to ensure that at
2 least a total of 20 low-priority substances
3 have been designated; and

4 “(ii) 5 years after the date of enact-
5 ment of the Frank R. Lautenberg Chem-
6 ical Safety for the 21st Century Act, add
7 additional high-priority substances suffi-
8 cient to ensure that at least a total of 25
9 high-priority substances have undergone or
10 are undergoing the process established in
11 section 6(a), and additional low-priority
12 substances sufficient to ensure that at
13 least a total of 25 low-priority substances
14 have been designated.

15 “(3) IMPLEMENTATION.—

16 “(A) CONSIDERATION OF ACTIVE AND IN-
17 ACTIVE SUBSTANCES.—

18 “(i) ACTIVE SUBSTANCES.—In imple-
19 menting the prioritization screening proc-
20 ess established under paragraph (1), the
21 Administrator shall take into consideration
22 active substances, as determined under sec-
23 tion 8, which may include chemical sub-
24 stances on the interim list of active sub-
25 stances established under that section.

1 “(ii) INACTIVE SUBSTANCES.—In im-
2 plementing the prioritization screening
3 process established under paragraph (1),
4 the Administrator may take into consider-
5 ation inactive substances, as determined
6 under section 8, that the Administrator de-
7 termines—

8 “(I)(aa) have not been subject to
9 a regulatory or other enforceable ac-
10 tion by the Administrator to ban or
11 phase out the substances; and

12 “(bb) have the potential for high
13 hazard and widespread exposure; or

14 “(II)(aa) have been subject to a
15 regulatory or other enforceable action
16 by the Administrator to ban or phase
17 out the substances; and

18 “(bb) with respect to which there
19 exists the potential for residual high
20 hazards or widespread exposures not
21 otherwise addressed by the regulatory
22 or other action.

23 “(iii) REPOPULATION.—

24 “(I) IN GENERAL.—On the com-
25 pletion of a safety determination

1 under section 6 for a chemical sub-
2 stance, the Administrator shall re-
3 move the chemical substance from the
4 list of high-priority substances estab-
5 lished under this subsection.

6 “(II) ADDITIONS.—The Adminis-
7 trator shall add at least 1 chemical
8 substance to the list of high-priority
9 substances for each chemical sub-
10 stance removed from the list of high-
11 priority substances established under
12 this subsection, until a safety assess-
13 ment and safety determination is com-
14 pleted for all chemical substances not
15 designated as high-priority.

16 “(B) TIMELY COMPLETION OF
17 PRIORITIZATION SCREENING PROCESS.—

18 “(i) IN GENERAL.—The Administrator
19 shall—

20 “(I) except as provided under
21 paragraph (2), not later than 180
22 days after the effective date of the
23 final rule under paragraph (1), begin
24 the prioritization screening process;
25 and

1 “(II) make every effort to com-
2 plete the designation of all active sub-
3 stances as high-priority substances or
4 low-priority substances in a timely
5 manner.

6 “(ii) DECISIONS ON SUBSTANCES SUB-
7 JECT TO TESTING FOR PRIORITIZATION
8 PURPOSES.—Not later than 90 days after
9 the date of receipt of information regard-
10 ing a chemical substance complying with a
11 rule, testing consent agreement, or order
12 issued under section 4(a)(2), the Adminis-
13 trator shall designate the chemical sub-
14 stance as a high-priority substance or low-
15 priority substance.

16 “(iii) CONSIDERATION.—

17 “(I) IN GENERAL.—The Admin-
18 istrator shall screen substances and
19 designate high-priority substances
20 consistent with the ability of the Ad-
21 ministrators to schedule and complete
22 safety assessments and safety deter-
23 minations under section 6 in accord-
24 ance with the deadlines under sub-
25 section (a) of that section.

1 section (b)(5), including the basis for the
2 postponement; and

3 “(iii) that are designated as high-pri-
4 ority substances or low-priority substances,
5 including the bases for such designations.

6 “(4) CRITERIA.—The criteria described in para-
7 graph (1) shall account for—

8 “(A) the recommendation of the Governor
9 of a State or a State agency with responsibility
10 for protecting health or the environment from
11 chemical substances appropriate for
12 prioritization screening;

13 “(B) the hazard and exposure potential of
14 the chemical substance (or category of sub-
15 stances), including persistence, bioaccumulation,
16 and specific scientific classifications and des-
17 ignations by authoritative governmental enti-
18 ties;

19 “(C) the conditions of use or significant
20 changes in the conditions of use of the chemical
21 substance;

22 “(D) evidence and indicators of exposure
23 potential to humans or the environment from
24 the chemical substance, including potentially ex-

1 posed or susceptible populations and storage
2 near significant sources of drinking water;

3 “(E) the volume of a chemical substance
4 manufactured or processed;

5 “(F) whether the volume of a chemical
6 substance as reported pursuant to a rule pro-
7 mulgated pursuant to section 8(a) has signifi-
8 cantly increased or decreased;

9 “(G) the availability of information regard-
10 ing potential hazards and exposures required
11 for conducting a safety assessment or safety de-
12 termination, with limited availability of relevant
13 information to be a sufficient basis for desig-
14 nating a chemical substance as a high-priority
15 substance, subject to the condition that limited
16 availability shall not require designation as a
17 high-priority substance; and

18 “(H) the extent of Federal or State regula-
19 tion of the chemical substance or the extent of
20 the impact of State regulation of the chemical
21 substance on the United States, with existing
22 Federal or State regulation of any uses evalu-
23 ated in the prioritization screening process as a
24 factor in designating a chemical substance to be
25 a high-priority or a low-priority substance.

1 “(b) PRIORITIZATION SCREENING PROCESS AND DE-
2 CISIONS.—

3 “(1) IN GENERAL.—In implementing the
4 prioritization screening process developed under sub-
5 section (a), the Administrator shall—

6 “(A) identify the chemical substances
7 being considered for prioritization;

8 “(B) request interested persons to supply
9 information regarding the chemical substances
10 being considered;

11 “(C) apply the criteria identified in sub-
12 section (a)(4); and

13 “(D) subject to paragraph (5) and using
14 the information available to the Administrator
15 at the time of the decision, identify a chemical
16 substance as a high-priority substance or a low-
17 priority substance.

18 “(2) REASONABLY AVAILABLE INFORMATION.—
19 The prioritization screening decision regarding a
20 chemical substance shall consider any hazard and
21 exposure information relating to the chemical sub-
22 stance that is reasonably available to the Adminis-
23 trator.

24 “(3) IDENTIFICATION OF HIGH-PRIORITY SUB-
25 STANCES.—The Administrator—

1 “(A) shall identify as a high-priority sub-
2 stance a chemical substance that, relative to
3 other active chemical substances, the Adminis-
4 trator determines has the potential for signifi-
5 cant hazard and significant exposure;

6 “(B) may identify as a high-priority sub-
7 stance a chemical substance that, relative to
8 other active chemical substances, the Adminis-
9 trator determines has the potential for signifi-
10 cant hazard or significant exposure; and

11 “(C) may identify as a high-priority sub-
12 stance an inactive substance, as determined
13 under subsection (a)(3)(A)(ii) and section 8(b),
14 that the Administrator determines warrants a
15 safety assessment and safety determination
16 under section 6.

17 “(4) IDENTIFICATION OF LOW-PRIORITY SUB-
18 STANCES.—The Administrator shall identify as a
19 low-priority substance a chemical substance that the
20 Administrator concludes has information sufficient
21 to establish that the chemical substance is likely to
22 meet the safety standard.

23 “(5) POSTPONING A DECISION.—If the Admin-
24 istrator determines that additional information is
25 needed to establish the priority of a chemical sub-

1 stance under this section, the Administrator may
2 postpone a prioritization screening decision for a
3 reasonable period—

4 “(A) to allow for the submission of addi-
5 tional information by an interested person and
6 for the Administrator to evaluate the additional
7 information; or

8 “(B) to require the development of infor-
9 mation pursuant to a rule, testing consent
10 agreement, or order issued under section
11 4(a)(2).

12 “(6) DEADLINES FOR SUBMISSION OF INFOR-
13 MATION.—If the Administrator requests the develop-
14 ment or submission of information under this sec-
15 tion, the Administrator shall establish a deadline for
16 submission of the information.

17 “(7) NOTICE AND COMMENT.—The Adminis-
18 trator shall—

19 “(A) publish, including in the Federal Reg-
20 ister, the proposed decisions made under para-
21 graphs (3), (4), and (5) and the basis for the
22 decisions;

23 “(B) identify the information and analysis
24 on which the decisions are based; and

25 “(C) provide 90 days for public comment.

1 “(8) REVISIONS OF PRIOR DESIGNATIONS.—

2 “(A) IN GENERAL.—At any time, the Ad-
3 ministrator may revise the designation of a
4 chemical substance as a high-priority substance
5 or a low-priority substance based on informa-
6 tion available to the Administrator after the
7 date of the determination under paragraph (3)
8 or (4).

9 “(B) LIMITED AVAILABILITY.—If limited
10 availability of relevant information was a basis
11 in the designation of a chemical substance as a
12 high-priority substance, the Administrator shall
13 reevaluate the prioritization screening of the
14 chemical substance on receiving the relevant in-
15 formation.

16 “(9) OTHER INFORMATION RELEVANT TO
17 PRIORITIZATION.—

18 “(A) IN GENERAL.—If, after the date of
19 enactment of the Frank R. Lautenberg Chem-
20 ical Safety for the 21st Century Act, a State
21 proposes an administrative action or enacts a
22 statute or takes an administrative action to pro-
23 hibit or otherwise restrict the manufacturing,
24 processing, distribution in commerce, or use of
25 a chemical substance that the Administrator

1 has not designated as a high-priority substance,
2 the Governor or State agency with responsi-
3 bility for implementing the statute or adminis-
4 trative action shall notify the Administrator.

5 “(B) REQUESTS FOR INFORMATION.—Fol-
6 lowing receipt of a notification provided under
7 subparagraph (A), the Administrator may re-
8 quest any available information from the Gov-
9 ernor or the State agency with respect to—

10 “(i) scientific evidence related to the
11 hazards, exposures and risks of the chem-
12 ical substance under the conditions of use
13 which the statute or administrative action
14 is intended to address;

15 “(ii) any State or local conditions
16 which warranted the statute or administra-
17 tive action;

18 “(iii) the statutory or administrative
19 authority on which the action is based; and

20 “(iv) any other available information
21 relevant to the prohibition or other restric-
22 tion, including information on any alter-
23 natives considered and their hazards, expo-
24 sures, and risks.

1 “(C) PRIORITIZATION SCREENING.—The
2 Administrator shall conduct a prioritization
3 screening under this subsection for all sub-
4 stances that—

5 “(i) are the subject of notifications re-
6 ceived under subparagraph (A); and

7 “(ii) the Administrator determines—

8 “(I) are likely to have significant
9 health or environmental impacts;

10 “(II) are likely to have signifi-
11 cant impact on interstate commerce;

12 or

13 “(III) have been subject to a pro-
14 hibition or other restriction under a
15 statute or administrative action in 2
16 or more States.

17 “(D) POST-PRIORITIZATION NOTICE.—If,
18 after the date of enactment of the Frank R.
19 Lautenberg Chemical Safety for the 21st Cen-
20 tury Act, a State proposes or takes an adminis-
21 trative action or enacts a statute to prohibit or
22 otherwise restrict the manufacturing, proc-
23 essing, distribution in commerce, or use of a
24 high-priority substance, after the date on which
25 the deadline established pursuant to subsection

1 (a) of section 6 for completion of the safety de-
2 termination under that subsection expires but
3 before the date on which the Administrator
4 publishes the safety determination under that
5 subsection, the Governor or State agency with
6 responsibility for implementing the statute or
7 administrative action shall—

8 “(i) notify the Administrator; and

9 “(ii) provide the scientific and legal
10 basis for the action.

11 “(E) AVAILABILITY TO PUBLIC.—Subject
12 to section 14 and any applicable State law re-
13 garding the protection of confidential informa-
14 tion provided to the State or to the Adminis-
15 trator, the Administrator shall make informa-
16 tion received from a Governor or State agency
17 under subparagraph (A) publicly available.

18 “(F) EFFECT OF PARAGRAPH.—Nothing in
19 this paragraph shall preempt a State statute or
20 administrative action, require approval of a
21 State statute or administrative action, or apply
22 section 15 to a State.

23 “(10) REVIEW.—Not less frequently than once
24 every 5 years after the date on which the process

1 under this subsection is established, the Adminis-
2 trator shall—

3 “(A) review the process on the basis of ex-
4 perience and taking into consideration resources
5 available to efficiently and effectively screen and
6 prioritize chemical substances; and

7 “(B) if necessary, modify the prioritization
8 screening process.

9 “(11) EFFECT.—Subject to section 18, a des-
10 ignation by the Administrator under this section
11 with respect to a chemical substance shall not af-
12 fect—

13 “(A) the manufacture, processing, distribu-
14 tion in commerce, use, or disposal of the chem-
15 ical substance; or

16 “(B) the regulation of those activities.

17 “(c) ADDITIONAL PRIORITIES FOR SAFETY ASSESS-
18 MENTS AND DETERMINATIONS.—

19 “(1) REQUIREMENTS.—

20 “(A) IN GENERAL.—The rule promulgated
21 under subsection (a) shall—

22 “(i) include a process by which a
23 manufacturer or processor of an active
24 chemical substance that has not been des-
25 ignated a high-priority substance or is not

1 in the process of a prioritization screening
2 by the Administrator, may request that the
3 Administrator designate the substance as
4 an additional priority for a safety assess-
5 ment and safety determination, subject to
6 the payment of fees pursuant to section
7 26(b)(3)(D);

8 “(ii) specify the information to be pro-
9 vided in such requests; and

10 “(iii) specify the criteria (which may
11 include criteria identified in subsection
12 (a)(4)) that the Administrator shall use to
13 determine whether or not to grant such a
14 request, which shall include whether the
15 substance is subject to restrictions imposed
16 by statutes enacted or administrative ac-
17 tions taken by 1 or more States on the
18 manufacture, processing, distribution in
19 commerce, or use of the substance.

20 “(B) PREFERENCE.—Subject to paragraph
21 (2), in deciding whether to grant requests
22 under this subsection the Administrator shall
23 give a preference to requests concerning sub-
24 stances for which the Administrator determines
25 that restrictions imposed by 1 or more States

1 have the potential to have a significant impact
2 on interstate commerce or health or the envi-
3 ronment.

4 “(C) EXCEPTIONS.—Chemical substances
5 for which requests have been granted under this
6 subsection shall not be subject to subsection
7 (a)(3)(A)(iii) or section 18(b).

8 “(2) LIMITATIONS.—In considering whether to
9 grant a request submitted under paragraph (1), the
10 Administrator shall ensure that—

11 “(A) the number of substances designated
12 to undergo safety assessments and safety deter-
13 minations under the process and criteria pursu-
14 ant to paragraph (1) is not less than 25 per-
15 cent, or more than 30 percent, of the cumu-
16 lative number of substances designated to un-
17 dergo safety assessments and safety determina-
18 tions under subsections (a)(2) and (b)(3) (ex-
19 cept that if less than 25 percent are received by
20 the Administrator, the Administrator shall
21 grant each request that meets the requirements
22 of paragraph (1));

23 “(B) the resources allocated to conducting
24 safety assessments and safety determinations
25 for additional priorities designated under this

1 subsection are proportionate to the number of
2 such substances relative to the total number of
3 substances currently designated to undergo
4 safety assessments and safety determinations
5 under this section; and

6 “(C) the number of additional priority re-
7 quests stipulated under subparagraph (A) is in
8 addition to the total number of high-priority
9 substances identified under subsections (a)(2)
10 and (b)(3).

11 “(3) ADDITIONAL REVIEW OF WORK PLAN
12 CHEMICALS FOR SAFETY ASSESSMENT AND SAFETY
13 DETERMINATION.—In the case of a request under
14 paragraph (1) with respect to a chemical substance
15 identified by the Administrator in the October 2014
16 TSCA Work Plan—

17 “(A) the 30-percent cap specified in para-
18 graph (2)(A) shall not apply and the addition
19 of Work Plan chemicals shall be at the discre-
20 tion of the Administrator; and

21 “(B) notwithstanding paragraph (1)(C),
22 requests for additional Work Plan chemicals
23 under this subsection shall be considered high-
24 priority chemicals subject to section 18(b) but
25 not subsection (a)(3)(A)(iii).

1 “(4) REQUIREMENTS.—

2 “(A) IN GENERAL.—The public shall be
3 provided notice and an opportunity to comment
4 on requests submitted under this subsection.

5 “(B) DECISION BY ADMINISTRATOR.—Not
6 later than 180 days after the date on which the
7 Administrator receives a request under this
8 subsection, the Administrator shall decide
9 whether or not to grant the request.

10 “(C) ASSESSMENT AND DETERMINA-
11 TION.—If the Administrator grants a request
12 under this subsection, the safety assessment
13 and safety determination—

14 “(i) shall be conducted in accordance
15 with the deadlines and other requirements
16 of sections 3A(i) and 6; and

17 “(ii) shall not be expedited or other-
18 wise subject to special treatment relative to
19 high-priority substances designated pursu-
20 ant to subsection (b)(3) that are under-
21 going safety assessments and safety deter-
22 minations.”.

23 **SEC. 7. NEW CHEMICALS AND SIGNIFICANT NEW USES.**

24 Section 5 of the Toxic Substances Control Act (15
25 U.S.C. 2604) is amended—

1 (1) by striking the section designation and
2 heading and inserting the following:

3 **“SEC. 5. NEW CHEMICALS AND SIGNIFICANT NEW USES.”;**

4 (2) by striking subsection (b);

5 (3) by redesignating subsection (a) as sub-
6 section (b);

7 (4) by redesignating subsection (i) as subsection
8 (a) and moving the subsection so as to appear at the
9 beginning of the section;

10 (5) in subsection (b) (as so redesignated)—

11 (A) in the subsection heading, by striking
12 “IN GENERAL” and inserting “NOTICES”;

13 (B) in paragraph (1)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “subsection (h)”
16 and inserting “paragraph (3) and sub-
17 section (h)”;

18 (ii) in the matter following subpara-
19 graph (B)—

20 (I) by striking “subsection (d)”
21 and inserting “subsection (c)”;

22 (II) by striking “and such person
23 complies with any applicable require-
24 ment of subsection (b)”;

25 (C) by adding at the end the following:

1 “(3) ARTICLE CONSIDERATION.—The Adminis-
2 trator may require notification under this section for
3 the import or processing of a chemical substance as
4 part of an article or category of articles under para-
5 graph (1)(B) if the Administrator makes an affirma-
6 tive finding in a rule under paragraph (2) that the
7 reasonable potential for exposure to the chemical
8 substance through the article or category of articles
9 subject to the rule warrants notification.”;

10 (6) by redesignating subsections (c) and (d) as
11 subsections (d) and (c), respectively, and moving
12 subsection (c) (as so redesigned) so as appear after
13 subsection (b) (as redesignated by paragraph (3));

14 (7) in subsection (c) (as so redesignated)—

15 (A) by striking paragraph (1) and insert-
16 ing the following:

17 “(1) IN GENERAL.—The notice required by sub-
18 section (b) shall include, with respect to a chemical
19 substance—

20 “(A) the information required by sections
21 720.45 and 720.50 of title 40, Code of Federal
22 Regulations (or successor regulations); and

23 “(B) all known or reasonably ascertainable
24 information regarding conditions of use and
25 reasonably anticipated exposures.”;

1 (B) in paragraph (2)—
2 (i) in the matter preceding subpara-
3 graph (A)—
4 (I) by striking “subsection (a)”
5 and inserting “subsection (b)”; and
6 (II) by striking “or of data under
7 subsection (b)”;
8 (ii) in subparagraph (A), by adding
9 “and” after the semicolon at the end;
10 (iii) in subparagraph (B), by striking
11 “; and” and inserting a period; and
12 (iv) by striking subparagraph (C); and
13 (C) in paragraph (3), by striking “sub-
14 section (a) and for which the notification period
15 prescribed by subsection (a), (b), or (c)” and
16 inserting “subsection (b) and for which the no-
17 tification period prescribed by subsection (b) or
18 (d)”;
19 (8) by striking subsection (d) (as redesignated
20 by paragraph (6)) and inserting the following:
21 “(d) REVIEW OF NOTICE.—
22 “(1) INITIAL REVIEW.—
23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), not later than 90 days after the date

1 of receipt of a notice submitted under sub-
2 section (b), the Administrator shall—

3 “(i) conduct an initial review of the
4 notice;

5 “(ii) as needed, develop a profile of
6 the relevant chemical substance and the
7 potential for exposure to humans and the
8 environment; and

9 “(iii) make a determination under
10 paragraph (3).

11 “(B) EXTENSION.—Except as provided in
12 paragraph (5), the Administrator may extend
13 the period described in subparagraph (A) for
14 good cause for 1 or more periods, the total of
15 which shall be not more than 90 days.

16 “(2) INFORMATION SOURCES.—In evaluating a
17 notice under paragraph (1), the Administrator shall
18 take into consideration—

19 “(A) any relevant information identified in
20 subsection (c)(1); and

21 “(B) any other relevant additional infor-
22 mation available to the Administrator.

23 “(3) DETERMINATIONS.—Before the end of the
24 applicable period for review under paragraph (1),
25 based on the information described in paragraph (2),

1 and subject to section 18(g), the Administrator shall
2 determine that—

3 “(A) the relevant chemical substance or
4 significant new use is not likely to meet the
5 safety standard, in which case the Adminis-
6 trator shall take appropriate action under para-
7 graph (4);

8 “(B) the relevant chemical substance or
9 significant new use is likely to meet the safety
10 standard, in which case the Administrator shall
11 allow the review period to expire without addi-
12 tional restrictions; or

13 “(C) additional information is necessary in
14 order to make a determination under subpara-
15 graph (A) or (B), in which case the Adminis-
16 trator shall take appropriate action under para-
17 graphs (4) and (5).

18 “(4) RESTRICTIONS.—

19 “(A) DETERMINATION BY ADMINIS-
20 TRATOR.—

21 “(i) IN GENERAL.—If the Adminis-
22 trator makes a determination under sub-
23 paragraph (A) or (C) of paragraph (3)
24 with respect to a notice submitted under
25 subsection (b)—

1 “(I) the Administrator, before
2 the end of the applicable period for re-
3 view under paragraph (1) and by con-
4 sent agreement or order, as appro-
5 priate, shall prohibit or otherwise re-
6 strict the manufacture, processing,
7 use, distribution in commerce, or dis-
8 posal (as applicable) of the chemical
9 substance, or of the chemical sub-
10 stance for a significant new use, with-
11 out compliance with the restrictions
12 specified in the consent agreement or
13 order that the Administrator deter-
14 mines are sufficient to ensure that the
15 chemical substance or significant new
16 use is likely to meet the safety stand-
17 ard; and

18 “(II) no person may commence
19 manufacture of the chemical sub-
20 stance, or manufacture or processing
21 of the chemical substance for a sig-
22 nificant new use, except in compliance
23 with the restrictions specified in the
24 consent agreement or order.

1 “(ii) LIKELY TO MEET STANDARD.—If
2 the Administrator makes a determination
3 under subparagraph (B) of paragraph (3)
4 with respect to a chemical substance or
5 significant new use for which a notice was
6 submitted under subsection (b), then not-
7 withstanding any remaining portion of the
8 applicable period for review under para-
9 graph (1), the submitter of the notice may
10 commence manufacture for commercial
11 purposes of the chemical substance or
12 manufacture or processing of the chemical
13 substance for a significant new use.

14 “(B) REQUIREMENTS.—Not later than 90
15 days after issuing a consent agreement or order
16 under subparagraph (A), the Administrator
17 shall—

18 “(i) consider whether to promulgate a
19 rule pursuant to subsection (b)(2) that
20 identifies as a significant new use any
21 manufacturing, processing, use, distribu-
22 tion in commerce, or disposal of the chem-
23 ical substance that does not conform to the
24 restrictions imposed by the consent agree-
25 ment or order; and

1 “(ii)(I) initiate a rulemaking described
2 in clause (i); or

3 “(II) publish a statement describing
4 the reasons of the Administrator for not
5 initiating a rulemaking.

6 “(C) INCLUSIONS.—A prohibition or other
7 restriction under subparagraph (A) may in-
8 clude, as appropriate—

9 “(i) subject to section 18(g), a re-
10 quirement that a chemical substance shall
11 be marked with, or accompanied by, clear
12 and adequate minimum warnings and in-
13 structions with respect to use, distribution
14 in commerce, or disposal, or any combina-
15 tion of those activities, with the form and
16 content of the minimum warnings and in-
17 structions to be prescribed by the Adminis-
18 trator

19 “(ii) a requirement that manufactur-
20 ers or processors of the chemical substance
21 shall—

22 “(I) make and retain records of
23 the processes used to manufacture or
24 process, as applicable, the chemical
25 substance; or

1 “(II) monitor or conduct such
2 additional tests as are reasonably nec-
3 essary to address potential risks from
4 the manufacture, processing, distribu-
5 tion in commerce, use, or disposal, as
6 applicable, of the chemical substance,
7 subject to section 4;

8 “(iii) a restriction on the quantity of
9 the chemical substance that may be manu-
10 factured, processed, or distributed in com-
11 merce—

12 “(I) in general; or

13 “(II) for a particular use;

14 “(iv) a prohibition or other restriction
15 of—

16 “(I) the manufacture, processing,
17 or distribution in commerce of the
18 chemical substance for a significant
19 new use;

20 “(II) any method of commercial
21 use of the chemical substance; or

22 “(III) any method of disposal of
23 the chemical substance; or

24 “(v) a prohibition or other restriction
25 on the manufacture, processing, or dis-

1 tribution in commerce of the chemical sub-
2 stance—

3 “(I) in general; or

4 “(II) for a particular use.

5 “(D) PERSISTENT AND BIOACCUMULATIVE
6 SUBSTANCES.—For a chemical substance the
7 Administrator determines, with respect to per-
8 sistence and bioaccumulation, scores high for 1
9 and either high or moderate for the other, pur-
10 suant to the TSCA Work Plan Chemicals Meth-
11 ods Document published by the Administrator
12 in February 2012, the Administrator shall, in
13 selecting among prohibitions and other restric-
14 tions that the Administrator determines are
15 sufficient to ensure that the chemical substance
16 is likely to meet the safety standard, reduce po-
17 tential exposure to the substance to the max-
18 imum extent practicable.

19 “(E) WORKPLACE EXPOSURES.—To the
20 extent practicable, the Administrator shall con-
21 sult with the Assistant Secretary of Labor for
22 Occupational Safety and Health prior to adopt-
23 ing any prohibition or other restriction under
24 this subsection to address workplace exposures.

1 “(F) DEFINITION OF REQUIREMENT.—For
2 purposes of this Act, the term ‘requirement’ as
3 used in this section does not displace common
4 law.

5 “(5) ADDITIONAL INFORMATION.—If the Ad-
6 ministrator determines under paragraph (3)(C) that
7 additional information is necessary to conduct a re-
8 view under this subsection, the Administrator—

9 “(A) shall provide an opportunity for the
10 submitter of the notice to submit the additional
11 information;

12 “(B) may, by agreement with the sub-
13 mitter, extend the review period for a reason-
14 able time to allow the development and submis-
15 sion of the additional information;

16 “(C) may promulgate a rule, enter into a
17 testing consent agreement, or issue an order
18 under section 4 to require the development of
19 the information; and

20 “(D) on receipt of information the Admin-
21 istrator finds supports the determination under
22 paragraph (3), shall promptly make the deter-
23 mination.”;

24 (9) by striking subsections (e) through (g) and
25 inserting the following:

1 “(e) NOTICE OF COMMENCEMENT.—

2 “(1) IN GENERAL.—Not later than 30 days
3 after the date on which a manufacturer that has
4 submitted a notice under subsection (b) commences
5 nonexempt commercial manufacture of a chemical
6 substance, the manufacturer shall submit to the Ad-
7 ministrator a notice of commencement that identi-
8 fies—

9 “(A) the name of the manufacturer; and

10 “(B) the initial date of nonexempt com-
11 mercial manufacture.

12 “(2) WITHDRAWAL.—A manufacturer or proc-
13 essor that has submitted a notice under subsection
14 (b), but that has not commenced nonexempt com-
15 mercial manufacture or processing of the chemical
16 substance, may withdraw the notice.

17 “(f) FURTHER EVALUATION.—The Administrator
18 may review a chemical substance under section 4A at any
19 time after the Administrator receives—

20 “(1) a notice of commencement for a chemical
21 substance under subsection (e); or

22 “(2) new information regarding the chemical
23 substance.

24 “(g) TRANSPARENCY.—Subject to section 14, the Ad-
25 ministrator shall make available to the public—

1 “(1) all notices, determinations, consent agree-
2 ments, rules, and orders submitted under this sec-
3 tion or made by the Administrator under this sec-
4 tion; and

5 “(2) all information submitted or issued under
6 this section.”; and

7 (10) in subsection (h)—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “(a) or”; and

11 (ii) in subparagraph (A), by inserting
12 “, without taking into account cost or
13 other nonrisk factors” after “the environ-
14 ment”;

15 (B) by striking paragraph (2);

16 (C) by redesignating paragraphs (3)
17 through (6) as paragraphs (2) through (5), re-
18 spectively;

19 (D) in paragraph (2) (as so redesignated),
20 in the matter preceding subparagraph (A), by
21 striking “subsections (a) and (b)” and inserting
22 “subsection (b)”;

23 (E) in paragraph (3) (as so redesign-
24 ated)—

1 (i) in the first sentence, by striking
2 “will not present an unreasonable risk of
3 injury to health or the environment” and
4 inserting “will meet the safety standard”;
5 and

6 (ii) by striking the second sentence;

7 (F) in paragraph (4) (as so redesignated),
8 by striking “subsections (a) and (b)” and in-
9 serting “subsection (b)”; and

10 (G) in paragraph (5) (as so redesignated),
11 in the first sentence, by striking “paragraph (1)
12 or (5)” and inserting “paragraph (1) or (4)”.

13 **SEC. 8. SAFETY ASSESSMENTS AND SAFETY DETERMINA-**
14 **TIONS.**

15 Section 6 of the Toxic Substances Control Act (15
16 U.S.C. 2605) is amended—

17 (1) by striking the section designation and
18 heading and inserting the following:

19 **“SEC. 6. SAFETY ASSESSMENTS AND SAFETY DETERMINA-**
20 **TIONS.”;**

21 (2) by redesignating subsections (e) and (f) as
22 subsections (h) and (i), respectively;

23 (3) by striking subsections (a) through (d) and
24 inserting the following:

25 **“(a) IN GENERAL.—The Administrator—**

1 “(1) shall conduct a safety assessment and
2 make a safety determination of each high-priority
3 substance in accordance with subsections (b) and
4 (c);

5 “(2) shall, as soon as practicable and not later
6 than 6 months after the date on which a chemical
7 substance is designated as a high-priority substance,
8 define and publish the scope of the safety assess-
9 ment and safety determination to be conducted pur-
10 suant to this section, including the hazards, expo-
11 sures, conditions of use, and potentially exposed or
12 susceptible populations that the Administrator ex-
13 pects to consider;

14 “(3) as appropriate based on the results of a
15 safety determination, shall establish restrictions pur-
16 suant to subsection (d);

17 “(4) shall complete and publish a safety assess-
18 ment and safety determination not later than 3
19 years after the date on which a chemical substance
20 is designated as a high-priority substance;

21 “(5) shall promulgate any necessary final rule
22 pursuant to subsection (d) by not later than 2 years
23 after the date on which the safety determination is
24 completed;

1 “(6) may extend any deadline under paragraph
2 (4) for not more than 1 year, if information relating
3 to the high-priority substance, required to be devel-
4 oped in a rule, order, or consent agreement under
5 section 4—

6 “(A) has not yet been submitted to the Ad-
7 ministrator; or

8 “(B) was submitted to the Adminis-
9 trator—

10 “(i) within the time specified in the
11 rule, order, or consent agreement pursuant
12 to section 4(a)(4)(A)(iv); and

13 “(ii) on or after the date that is 120
14 days before the expiration of the deadline
15 described in paragraph (4); and

16 “(7) may extend the deadline under paragraph
17 (5) for not more than 2 years, subject to the condi-
18 tion that the aggregate length of all extensions of
19 deadlines under this subsection does not exceed 2
20 years.

21 “(b) PRIOR ACTIONS AND NOTICE OF EXISTING IN-
22 FORMATION.—

23 “(1) PRIOR-INITIATED ASSESSMENTS.—

24 “(A) IN GENERAL.—Nothing in this Act
25 prevents the Administrator from initiating a

1 safety assessment or safety determination re-
2 garding a chemical substance, or from con-
3 tinuing or completing such a safety assessment
4 or safety determination, prior to the effective
5 date of the policies, procedures, and guidance
6 required to be established by the Administrator
7 under section 3A or 4A.

8 “(B) INTEGRATION OF PRIOR POLICIES
9 AND PROCEDURES.—As policies and procedures
10 under section 3A and 4A are established, to the
11 maximum extent practicable, the Administrator
12 shall integrate the policies and procedures into
13 ongoing safety assessments and safety deter-
14 minations.

15 “(2) ACTIONS COMPLETED PRIOR TO COMPLE-
16 TION OF POLICIES AND PROCEDURES.—Nothing in
17 this Act requires the Administrator to revise or with-
18 draw a completed safety assessment, safety deter-
19 mination, or rule solely because the action was com-
20 pleted prior to the completion of a policy or proce-
21 dure established under section 3A or 4A, and the va-
22 lidity of a completed assessment, determination, or
23 rule shall not be determined based on the content of
24 such a policy or procedure.

25 “(3) NOTICE OF EXISTING INFORMATION.—

1 “(A) IN GENERAL.—The Administrator
2 shall, where such information is available, take
3 notice of existing information regarding hazard
4 and exposure published by other Federal agen-
5 cies and the National Academies and incor-
6 porate the information in safety assessments
7 and safety determinations with the objective of
8 increasing the efficiency of the safety assess-
9 ments and safety determinations.

10 “(B) INCLUSION OF INFORMATION.—Ex-
11 isting information described in subparagraph
12 (A) should be included to the extent practicable
13 and where the Administrator determines the in-
14 formation is relevant and scientifically reliable.

15 “(c) SAFETY DETERMINATIONS.—

16 “(1) IN GENERAL.—Based on a review of the
17 information available to the Administrator, including
18 draft safety assessments submitted by interested
19 persons pursuant to section 3A(h)(2)(D), and sub-
20 ject to section 18(g), the Administrator shall deter-
21 mine—

22 “(A) by order, that the relevant chemical
23 substance meets the safety standard;

24 “(B) that the relevant chemical substance
25 does not meet the safety standard, in which

1 case the Administrator shall, by rule under sub-
2 section (d)—

3 “(i) impose restrictions necessary to
4 ensure that the chemical substance meets
5 the safety standard under the conditions of
6 use; or

7 “(ii) if the safety standard cannot be
8 met with the application of other restric-
9 tions under subsection (d)(3), ban or phase
10 out the chemical substance, as appropriate;
11 or

12 “(C) that additional information is nec-
13 essary in order to make a determination under
14 subparagraph (A) or (B), in which case the Ad-
15 ministrator shall take appropriate action under
16 paragraph (2).

17 “(2) ADDITIONAL INFORMATION.—If the Ad-
18 ministrator determines that additional information is
19 necessary to make a safety assessment or safety de-
20 termination for a high-priority substance, the Ad-
21 ministrator—

22 “(A) shall provide an opportunity for inter-
23 ested persons to submit the additional informa-
24 tion;

1 “(B) may promulgate a rule, enter into a
2 testing consent agreement, or issue an order
3 under section 4 to require the development of
4 the information;

5 “(C) may defer, for a reasonable period
6 consistent with the deadlines described in sub-
7 section (a), a safety assessment and safety de-
8 termination until after receipt of the informa-
9 tion; and

10 “(D) consistent with the deadlines de-
11 scribed in subsection (a), on receipt of informa-
12 tion the Administrator finds supports the safety
13 assessment and safety determination, shall
14 make a determination under paragraph (1).

15 “(3) ESTABLISHMENT OF DEADLINE.—In re-
16 questing the development or submission of informa-
17 tion under this section, the Administrator shall es-
18 tablish a deadline for the submission of the informa-
19 tion.

20 “(d) RULE.—

21 “(1) IMPLEMENTATION.—If the Administrator
22 makes a determination under subsection (c)(1)(B)
23 with respect to a chemical substance, the Adminis-
24 trator shall promulgate a rule establishing restric-

1 tions necessary to ensure that the chemical sub-
2 stance meets the safety standard.

3 “(2) SCOPE.—

4 “(A) IN GENERAL.—The rule promulgated
5 pursuant to this subsection—

6 “(i) may apply to mixtures containing
7 the chemical substance, as appropriate;

8 “(ii) shall include dates by which com-
9 pliance is mandatory, which—

10 “(I) shall be as soon as prac-
11 ticable, but not later than 4 years
12 after the date of promulgation of the
13 rule, except in the case of a use ex-
14 empted under paragraph (5);

15 “(II) in the case of a ban or
16 phase-out of the chemical substance,
17 shall implement the ban or phase-out
18 in as short a period as practicable;

19 “(III) as determined by the Ad-
20 ministrator, may vary for different af-
21 fected persons; and

22 “(IV) following a determination
23 by the Administrator that compliance
24 is technologically or economically in-
25 feasible within the timeframe specified

1 in subclause (I), shall provide up to
2 an additional 18 months for compli-
3 ance to be mandatory;

4 “(iii) shall exempt replacement parts
5 that are manufactured prior to the effec-
6 tive date of the rule for articles that are
7 first manufactured prior to the effective
8 date of the rule unless the Administrator
9 finds the replacement parts contribute sig-
10 nificantly to the identified risk;

11 “(iv) shall, in selecting among prohibi-
12 tions and other restrictions, apply such
13 prohibitions or other restrictions to an ar-
14 ticle or category of articles containing the
15 chemical substance only to the extent nec-
16 essary to address the identified risks from
17 exposure to the chemical substance from
18 the article or category of articles, in order
19 to determine that the chemical substance
20 meets the safety standard; and

21 “(v) shall, when the Administrator de-
22 termines that the chemical substance does
23 not meet the safety standard for a poten-
24 tially exposed or susceptible population,
25 apply prohibitions or other restrictions nec-

1 necessary to ensure that the substance meets
2 the safety standard for that population.

3 “(B) PERSISTENT AND BIOACCUMULATIVE
4 SUBSTANCES.—For a chemical substance the
5 Administrator determines, with respect to per-
6 sistence and bioaccumulation, scores high for 1
7 and either high or moderate for the other, pur-
8 suant to the TSCA Work Plan Chemicals Meth-
9 ods Document published by the Administrator
10 in February 2012, the Administrator shall, in
11 selecting among prohibitions and other restric-
12 tions that the Administrator determines are
13 sufficient to ensure that the chemical substance
14 meets the safety standard, reduce exposure to
15 the substance to the maximum extent prac-
16 ticable.

17 “(C) WORKPLACE EXPOSURES.—The Ad-
18 ministrator shall consult with the Assistant Sec-
19 retary of Labor for Occupational Safety and
20 Health before adopting any prohibition or other
21 restriction under this subsection to address
22 workplace exposures.

23 “(D) DEFINITION OF REQUIREMENT.—For
24 the purposes of this Act, the term ‘requirement’

1 as used in this section does not displace com-
2 mon law.

3 “(3) RESTRICTIONS.—Subject to section 18, a
4 restriction under paragraph (1) may include, as ap-
5 propriate—

6 “(A) a requirement that a chemical sub-
7 stance shall be marked with, or accompanied
8 by, clear and adequate minimum warnings and
9 instructions with respect to use, distribution in
10 commerce, or disposal, or any combination of
11 those activities, with the form and content of
12 the minimum warnings and instructions to be
13 prescribed by the Administrator;

14 “(B) a requirement that manufacturers or
15 processors of the chemical substance shall—

16 “(i) make and retain records of the
17 processes used to manufacture or process
18 the chemical substance;

19 “(ii) describe and apply the relevant
20 quality control procedures followed in the
21 manufacturing or processing of the sub-
22 stance; or

23 “(iii) monitor or conduct tests that
24 are reasonably necessary to ensure compli-

1 ance with the requirements of any rule
2 under this subsection;

3 “(C) a restriction on the quantity of the
4 chemical substance that may be manufactured,
5 processed, or distributed in commerce;

6 “(D) a requirement to ban or phase out, or
7 otherwise restrict the manufacture, processing,
8 or distribution in commerce of the chemical
9 substance for—

10 “(i) a particular use;

11 “(ii) a particular use at a concentra-
12 tion in excess of a level specified by the
13 Administrator; or

14 “(iii) all uses;

15 “(E) a restriction on the quantity of the
16 chemical substance that may be manufactured,
17 processed, or distributed in commerce for—

18 “(i) a particular use; or

19 “(ii) a particular use at a concentra-
20 tion in excess of a level specified by the
21 Administrator;

22 “(F) a requirement to ban, phase out, or
23 otherwise restrict any method of commercial
24 use of the chemical substance;

1 “(G) a requirement to ban, phase out, or
2 otherwise restrict any method of disposal of the
3 chemical substance or any article containing the
4 chemical substance; and

5 “(H) a requirement directing manufactur-
6 ers or processors of the chemical substance to
7 give notice of the Administrator’s determination
8 under subsection (c)(1)(B) to distributors in
9 commerce of the chemical substance and, to the
10 extent reasonably ascertainable, to other per-
11 sons in the chain of commerce in possession of
12 the chemical substance.

13 “(4) ANALYSIS FOR RULEMAKING.—

14 “(A) CONSIDERATIONS.—In deciding
15 which restrictions to impose under paragraph
16 (3) as part of developing a rule under para-
17 graph (1), the Administrator shall take into
18 consideration, to the extent practicable based on
19 reasonably available information, the quantifi-
20 able and nonquantifiable costs and benefits of
21 the proposed regulatory action and of the 1 or
22 more primary alternative regulatory actions
23 considered by the Administrator.

24 “(B) ALTERNATIVES.—As part of the
25 analysis, the Administrator shall review any 1

1 or more technically and economically feasible al-
2 ternatives to the chemical substance that the
3 Administrator determines are relevant to the
4 rulemaking.

5 “(C) PUBLIC AVAILABILITY.—In proposing
6 a rule under paragraph (1), the Administrator
7 shall make publicly available any analysis con-
8 ducted under this paragraph.

9 “(D) STATEMENT REQUIRED.—In making
10 final a rule under paragraph (1), the Adminis-
11 trator shall include a statement describing how
12 the analysis considered under subparagraph (A)
13 was taken into account.

14 “(5) EXEMPTIONS.—

15 “(A) IN GENERAL.—The Administrator
16 may, as part of a rule promulgated under para-
17 graph (1) or in a separate rule, exempt 1 or
18 more uses of a chemical substance from any re-
19 striction in a rule promulgated under paragraph
20 (1) if the Administrator determines that—

21 “(i) the restriction cannot be complied
22 with, without—

23 “(I) harming national security;

24 “(II) causing significant disrup-
25 tion in the national economy due to

1 the lack of availability of a chemical
2 substance; or

3 “(III) interfering with a critical
4 or essential use for which no tech-
5 nically and economically feasible safer
6 alternative is available, taking into
7 consideration hazard and exposure; or

8 “(ii) the use of the chemical sub-
9 stance, as compared to reasonably available
10 alternatives, provides a substantial benefit
11 to health, the environment, or public safe-
12 ty.

13 “(B) EXEMPTION ANALYSIS.—In pro-
14 posing a rule under this paragraph, the Admin-
15 istrator shall make publicly available any anal-
16 ysis conducted under this paragraph to assess
17 the need for the exemption.

18 “(C) STATEMENT REQUIRED.—In making
19 final a rule under this paragraph, the Adminis-
20 trator shall include a statement describing how
21 the analysis considered under subparagraph (B)
22 was taken into account.

23 “(D) ANALYSIS IN CASE OF BAN OR
24 PHASE-OUT.—In determining whether an ex-
25 emption should be granted under this para-

1 graph for a chemical substance for which a ban
2 or phase-out is included in a proposed or final
3 rule under paragraph (1), the Administrator
4 shall take into consideration, to the extent prac-
5 ticable based on reasonably available informa-
6 tion, the quantifiable and nonquantifiable costs
7 and benefits of the 1 or more alternatives to the
8 chemical substance the Administrator deter-
9 mines to be technically and economically fea-
10 sible and most likely to be used in place of the
11 chemical substance under the conditions of use.

12 “(E) CONDITIONS.—As part of a rule pro-
13 mulgated under this paragraph, the Adminis-
14 trator shall include conditions, including reason-
15 able recordkeeping, monitoring, and reporting
16 requirements, to the extent that the Adminis-
17 trator determines the conditions are necessary
18 to protect health and the environment while
19 achieving the purposes of the exemption.

20 “(F) DURATION.—

21 “(i) IN GENERAL.—The Administrator
22 shall establish, as part of a rule under this
23 paragraph, a time limit on any exemption
24 for a time to be determined by the Admin-

1 istrator as reasonable on a case-by-case
2 basis.

3 “(ii) AUTHORITY OF ADMINIS-
4 TRATOR.—The Administrator, by rule, may
5 extend, modify, or eliminate an exemption
6 if the Administrator determines, on the
7 basis of reasonably available information
8 and after adequate public justification, the
9 exemption warrants extension or is no
10 longer necessary.

11 “(iii) CONSIDERATIONS.—

12 “(I) IN GENERAL.—Subject to
13 subclause (II), the Administrator shall
14 issue exemptions and establish time
15 periods by considering factors deter-
16 mined by the Administrator to be rel-
17 evant to the goals of fostering innova-
18 tion and the development of alter-
19 natives that meet the safety standard.

20 “(II) LIMITATION.—Any renewal
21 of an exemption in the case of a rule
22 under paragraph (1) requiring the
23 ban or phase-out of a chemical sub-
24 stance shall not exceed 5 years.

1 “(e) IMMEDIATE EFFECT.—The Administrator may
2 declare a proposed rule under subsection (d)(1) to be ef-
3 fective on publication of the rule in the Federal Register
4 and until the effective date of final action taken respecting
5 the rule, if—

6 “(1) the Administrator determines that—

7 “(A) the manufacture, processing, distribu-
8 tion in commerce, use, or disposal of the chem-
9 ical substance or mixture subject to the pro-
10 posed rule or any combination of those activi-
11 ties is likely to result in a risk of serious or
12 widespread injury to health or the environment
13 before the effective date; and

14 “(B) making the proposed rule so effective
15 is necessary to protect the public interest; and

16 “(2) in the case of a proposed rule to prohibit
17 the manufacture, processing, or distribution in com-
18 merce of a chemical substance or mixture because of
19 the risk determined under paragraph (1)(A), a court
20 has granted relief in an action under section 7 with
21 respect to that risk associated with the chemical
22 substance or mixture.

23 “(f) FINAL AGENCY ACTION.—Under this section
24 and subject to section 18—

1 “(1) a safety determination, and the associated
2 safety assessment, for a chemical substance that the
3 Administrator determines under subsection (c) meets
4 the safety standard, shall be considered to be a final
5 agency action, effective beginning on the date of
6 issuance of the final safety determination; and

7 “(2) a final rule promulgated under subsection
8 (d)(1), and the associated safety assessment and
9 safety determination that a chemical substance does
10 not meet the safety standard, shall be considered to
11 be a final agency action, effective beginning on the
12 date of promulgation of the final rule.

13 “(g) EXTENSION OF DEADLINES FOR CERTAIN
14 CHEMICAL SUBSTANCES.—The Administrator may not ex-
15 tend any deadline under subsection (a) for a chemical sub-
16 stance designated as a high priority that is listed in the
17 2014 update of the TSCA Work Plan without adequate
18 public justification that demonstrates, following a review
19 of the information reasonably available to the Adminis-
20 trator, that the Administrator cannot adequately complete
21 a safety assessment and safety determination, or a final
22 rule pursuant to subsection (d), without additional infor-
23 mation regarding the chemical substance.”; and

24 (4) in subsection (h) (as redesignated by para-
25 graph (2))—

1 (A) by striking paragraph (4); and
2 (B) by redesignating paragraph (5) as
3 paragraph (4).

4 **SEC. 9. IMMINENT HAZARDS.**

5 Section 7 of the Toxic Substances Control Act (15
6 U.S.C. 2606) is amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) CIVIL ACTIONS.—

10 “(1) IN GENERAL.—The Administrator may
11 commence a civil action in an appropriate United
12 States district court for—

13 “(A) seizure of an imminently hazardous
14 chemical substance or mixture or any article
15 containing the chemical substance or mixture;

16 “(B) relief (as authorized by subsection
17 (b)) against any person that manufactures,
18 processes, distributes in commerce, uses, or dis-
19 poses of, an imminently hazardous chemical
20 substance or mixture or any article containing
21 the chemical substance or mixture; or

22 “(C) both seizure described in subpara-
23 graph (A) and relief described in subparagraph
24 (B).

1 “(2) RULE, ORDER, OR OTHER PROCEEDING.—

2 A civil action may be commenced under this para-
3 graph, notwithstanding—

4 “(A) the existence of a decision, rule, con-
5 sent agreement, or order by the Administrator
6 under section 4, 4A, 5, or 6 or title IV or VI;
7 or

8 “(B) the pendency of any administrative or
9 judicial proceeding under any provision of this
10 Act.”;

11 (2) in subsection (b)(1), by striking “unreason-
12 able”;

13 (3) in subsection (d), by striking “section 6(a)”
14 and inserting “section 6(d)”; and

15 (4) in subsection (f), in the first sentence, by
16 striking “and unreasonable”.

17 **SEC. 10. INFORMATION COLLECTION AND REPORTING.**

18 Section 8 of the Toxic Substances Control Act (15
19 U.S.C. 2607) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (3)—

22 (i) in subparagraph (A)(ii)(I)—

23 (I) by striking “5(b)(4)” and in-
24 serting “5”;

1 (II) by inserting “section 4 or”
2 after “in effect under”; and

3 (III) by striking “5(e),” and in-
4 serting “5(d)(4);”; and

5 (ii) by adding at the end the fol-
6 lowing:

7 “(C) Not later than 180 days after the date of
8 enactment of the Frank R. Lautenberg Chemical
9 Safety for the 21st Century Act, and not less fre-
10 quently than once every 10 years thereafter, the Ad-
11 ministrator, after consultation with the Adminis-
12 trator of the Small Business Administration, shall—

13 “(i) review the adequacy of the standards
14 prescribed according to subparagraph (B);

15 “(ii) after providing public notice and an
16 opportunity for comment, make a determination
17 as to whether revision of the standards is war-
18 ranted; and

19 “(iii) revise the standards if the Adminis-
20 trator so determines.”; and

21 (B) by adding at the end the following:

22 “(4) RULES.—

23 “(A) DEADLINE.—

24 “(i) IN GENERAL.—Not later than 2
25 years after the date of enactment of the

1 Frank R. Lautenberg Chemical Safety for
2 the 21st Century Act, the Administrator
3 shall promulgate rules requiring the main-
4 tenance of records and the reporting of ad-
5 ditional information known or reasonably
6 ascertainable by the person making the re-
7 port, including rules applicable to proc-
8 essors so that the Administrator has the
9 information necessary to carry out this
10 title.

11 “(ii) MODIFICATION OF PRIOR
12 RULES.—In carrying out this subpara-
13 graph, the Administrator may modify, as
14 appropriate, rules promulgated before the
15 date of enactment of the Frank R. Lauten-
16 berg Chemical Safety for the 21st Century
17 Act.

18 “(B) CONTENTS.—The rules promulgated
19 pursuant to subparagraph (A)—

20 “(i) may impose different reporting
21 and recordkeeping requirements on manu-
22 facturers and processors; and

23 “(ii) shall include the level of detail
24 necessary to be reported, including the

1 manner by which use and exposure infor-
2 mation may be reported.

3 “(C) ADMINISTRATION.—In implementing
4 the reporting and recordkeeping requirements
5 under this paragraph, the Administrator shall
6 take measures—

7 “(i) to limit the potential for duplica-
8 tion in reporting requirements;

9 “(ii) to minimize the impact of the
10 rules on small manufacturers and proc-
11 essors; and

12 “(iii) to apply any reporting obliga-
13 tions to those persons likely to have infor-
14 mation relevant to the effective implemen-
15 tation of this title.”;

16 (2) in subsection (b), by adding at the end the
17 following:

18 “(3) NOMENCLATURE.—

19 “(A) IN GENERAL.—In carrying out para-
20 graph (1), the Administrator shall—

21 “(i) maintain the use of Class 2 no-
22 menclature in use on the date of enact-
23 ment of the Frank R. Lautenberg Chem-
24 ical Safety for the 21st Century Act;

1 “(ii) maintain the use of the Soap and
2 Detergent Association Nomenclature Sys-
3 tem, published in March 1978 by the Ad-
4 ministrator in section 1 of addendum III
5 of the document entitled ‘Candidate List of
6 Chemical Substances’, and further de-
7 scribed in the appendix A of volume I of
8 the 1985 edition of the Toxic Substances
9 Control Act Substances Inventory (EPA
10 Document No. EPA-560/7-85-002a); and

11 “(iii) treat all components of cat-
12 egories that are considered to be statutory
13 mixtures under this Act as being included
14 on the list published under paragraph (1)
15 under the Chemical Abstracts Service
16 numbers for the respective categories, in-
17 cluding, without limitation—

18 “(I) cement, Portland, chemicals,
19 CAS No. 65997-15-1;

20 “(II) cement, alumina, chemicals,
21 CAS No. 65997-16-2;

22 “(III) glass, oxide, chemicals,
23 CAS No. 65997-17-3;

24 “(IV) frits, chemicals, CAS No.
25 65997-18-4;

1 “(V) steel manufacture, chemi-
2 cals, CAS No. 65997–19–5; and

3 “(VI) ceramic materials and
4 wares, chemicals, CAS No. 66402–
5 68–4.

6 “(B) MULTIPLE NOMENCLATURE CONVEN-
7 TIONS.—

8 “(i) IN GENERAL.—If an existing
9 guidance allows for multiple nomenclature
10 conventions, the Administrator shall—

11 “(I) maintain the nomenclature
12 conventions for substances; and

13 “(II) develop new guidance
14 that—

15 “(aa) establishes equivalency
16 between the nomenclature con-
17 ventions for chemical substances
18 on the list published under para-
19 graph (1); and

20 “(bb) permits persons to
21 rely on the new guidance for pur-
22 poses of determining whether a
23 chemical substance is on the list
24 published under paragraph (1).

1 “(ii) MULTIPLE CAS NUMBERS.—For
2 any chemical substance appearing multiple
3 times on the list under different Chemical
4 Abstracts Service numbers, the Adminis-
5 trator shall develop guidance recognizing
6 the multiple listings as a single chemical
7 substance.

8 “(4) CHEMICAL SUBSTANCES IN COMMERCE.—
9 “(A) RULES.—

10 “(i) IN GENERAL.—Not later than 1
11 year after the date of enactment of the
12 Frank R. Lautenberg Chemical Safety for
13 the 21st Century Act, the Administrator,
14 by rule, shall require manufacturers and
15 processors to notify the Administrator, by
16 not later than 180 days after the date of
17 promulgation of the rule, of each chemical
18 substance on the list published under para-
19 graph (1) that the manufacturer or proc-
20 essor, as applicable, has manufactured or
21 processed for a nonexempt commercial pur-
22 pose during the 10-year period ending on
23 the day before the date of enactment of the
24 Frank R. Lautenberg Chemical Safety for
25 the 21st Century Act.

1 turer or processor seeks to maintain any
2 existing claim for protection against disclo-
3 sure of the specific identity of the sub-
4 stance as confidential pursuant to section
5 14; and

6 “(iii) require the substantiation of
7 those claims pursuant to section 14 and in
8 accordance with the review plan described
9 in subparagraph (C).

10 “(C) REVIEW PLAN.—Not later than 1
11 year after the date on which the Administrator
12 compiles the initial list of active substances pur-
13 suant to subparagraph (A), the Administrator
14 shall promulgate a rule that establishes a plan
15 to review all claims to protect the specific iden-
16 tities of chemical substances on the confidential
17 portion of the list published under paragraph
18 (1) that are asserted pursuant to subparagraph
19 (B).

20 “(D) REQUIREMENTS OF REVIEW PLAN.—
21 Under the review plan under subparagraph (C),
22 the Administrator shall—

23 “(i) require, at the time requested by
24 the Administrator, all manufacturers or
25 processors asserting claims under subpara-

1 graph (B) to substantiate the claim unless
2 the manufacturer or processor has sub-
3 stantiated the claim in a submission made
4 to the Administrator during the 5-year pe-
5 riod ending on the date of the request by
6 the Administrator;

7 “(ii) in accordance with section 14—

8 “(I) review each substantiation—

9 “(aa) submitted pursuant to
10 clause (i) to determine if the
11 claim warrants protection from
12 disclosure; and

13 “(bb) submitted previously
14 by a manufacturer or processor
15 and relied on in lieu of the sub-
16 stantiation required pursuant to
17 clause (i), if the substantiation
18 has not been previously reviewed
19 by the Administrator, to deter-
20 mine if the claim warrants pro-
21 tection from disclosure;

22 “(II) approve, modify, or deny
23 each claim; and

24 “(III) except as provided in this
25 section and section 14, protect from

1 disclosure information for which the
2 Administrator approves such a claim
3 for a period of 10 years, unless, prior
4 to the expiration of the period—

5 “(aa) the person notifies the
6 Administrator that the person is
7 withdrawing the claim, in which
8 case the Administrator shall
9 promptly make the information
10 available to the public; or

11 “(bb) the Administrator oth-
12 erwise becomes aware that the
13 need for protection from dislo-
14 sure can no longer be substan-
15 tiated, in which case the Admin-
16 istrator shall take the actions de-
17 scribed in section 14(g)(2); and

18 “(iii) encourage manufacturers or
19 processors that have previously made
20 claims to protect the specific identities of
21 chemical substances identified as inactive
22 pursuant to subsection (f)(2) to review and
23 either withdraw or substantiate the claims.

24 “(E) TIMELINE FOR COMPLETION OF RE-
25 VIEWS.—

1 “(i) IN GENERAL.—The Administrator
2 shall implement the review plan so as to
3 complete reviews of all claims specified in
4 subparagraph (C) not later than 5 years
5 after the date on which the Administrator
6 compiles the initial list of active substances
7 pursuant to subparagraph (A).

8 “(ii) CONSIDERATIONS.—

9 “(I) IN GENERAL.—The Admin-
10 istrator may extend the deadline for
11 completion of the reviews for not more
12 than 2 additional years, after an ade-
13 quate public justification, if the Ad-
14 ministrator determines that the exten-
15 sion is necessary based on the number
16 of claims needing review and the
17 available resources.

18 “(II) ANNUAL REVIEW GOAL AND
19 RESULTS.—At the beginning of each
20 year, the Administrator shall publish
21 an annual goal for reviews and the
22 number of reviews completed in the
23 prior year.

24 “(5) ACTIVE AND INACTIVE SUBSTANCES.—

1 “(A) IN GENERAL.—The Administrator
2 shall maintain and keep current designations of
3 active substances and inactive substances on
4 the list published under paragraph (1).

5 “(B) CHANGE TO ACTIVE STATUS.—

6 “(i) IN GENERAL.—Any person that
7 intends to manufacture or process for a
8 nonexempt commercial purpose a chemical
9 substance that is designated as an inactive
10 substance shall notify the Administrator
11 before the date on which the inactive sub-
12 stance is manufactured or processed.

13 “(ii) CONFIDENTIAL CHEMICAL IDEN-
14 TITY CLAIMS.—If a person submitting a
15 notice under clause (i) for an inactive sub-
16 stance on the confidential portion of the
17 list published under paragraph (1) seeks to
18 maintain an existing claim for protection
19 against disclosure of the specific identity of
20 the inactive substance as confidential, the
21 person shall—

22 “(I) in the notice submitted
23 under clause (i), assert the claim; and

1 “(II) by not later than 30 days
2 after providing the notice under clause
3 (i), substantiate the claim.

4 “(iii) ACTIVE STATUS.—On receiving
5 a notification under clause (i), the Admin-
6 istrator shall—

7 “(I) designate the applicable
8 chemical substance as an active sub-
9 stance;

10 “(II) pursuant to section 14,
11 promptly review any claim and associ-
12 ated substantiation submitted pursu-
13 ant to clause (ii) for protection
14 against disclosure of the specific iden-
15 tity of the chemical substance and ap-
16 prove, modify, or deny the claim;

17 “(III) except as provided in this
18 section and section 14, protect from
19 disclosure the specific identity of the
20 chemical substance for which the Ad-
21 ministrator approves a claim under
22 subclause (II) for a period of 10
23 years, unless, prior to the expiration
24 of the period—

1 “(aa) the person notifies the
2 Administrator that the person is
3 withdrawing the claim, in which
4 case the Administrator shall
5 promptly make the information
6 available to the public; or

7 “(bb) the Administrator oth-
8 erwise becomes aware that the
9 need for protection from diselo-
10 sure can no longer be substan-
11 tiated, in which case the Admin-
12 istrator shall take the actions de-
13 scribed in section 14(g)(2); and

14 “(IV) pursuant to section 4A, re-
15 view the priority of the chemical sub-
16 stance as the Administrator deter-
17 mines to be necessary.

18 “(C) CATEGORY STATUS.—The list of inac-
19 tive substances shall not be considered to be a
20 category for purposes of section 26(c).

21 “(6) INTERIM LIST OF ACTIVE SUBSTANCES.—
22 Prior to the promulgation of the rule required under
23 paragraph (4)(A), the Administrator shall designate
24 the chemical substances reported under part 711 of
25 title 40, Code of Federal Regulations (as in effect on

1 the date of enactment of the Frank R. Lautenberg
2 Chemical Safety for the 21st Century Act), during
3 the reporting period that most closely preceded the
4 date of enactment of the Frank R. Lautenberg
5 Chemical Safety for the 21st Century Act, as the in-
6 terim list of active substances for the purposes of
7 section 4A.

8 “(7) PUBLIC INFORMATION.—Subject to this
9 subsection, the Administrator shall make available to
10 the public—

11 “(A) the specific identity of each chemical
12 substance on the nonconfidential portion of the
13 list published under paragraph (1) that the Ad-
14 ministrator has designated as—

15 “(i) an active substance; or

16 “(ii) an inactive substance;

17 “(B) the accession number, generic name,
18 and, if applicable, premanufacture notice case
19 number for each chemical substance on the con-
20 fidential portion of the list published under
21 paragraph (1) for which a claim of confiden-
22 tiality was received; and

23 “(C) subject to subsections (f) and (g) of
24 section 14, the specific identity of any active
25 substance for which—

1 “(i) a claim for protection against dis-
2 closure of the specific identity of the active
3 chemical substance was not asserted, as re-
4 quired under this subsection or subsection
5 (d) or (f) of section 14;

6 “(ii) a claim for protection against
7 disclosure of the specific identity of the ac-
8 tive substance has been denied by the Ad-
9 ministrator; or

10 “(iii) the time period for protection
11 against disclosure of the specific identity of
12 the active substance has expired.

13 “(8) LIMITATION.—No person may assert a
14 new claim under this subsection for protection from
15 disclosure of a specific identity of any active or inac-
16 tive chemical substance for which a notice is received
17 under paragraph (4)(A)(i) or (5)(C)(i) that is not on
18 the confidential portion of the list published under
19 paragraph (1).

20 “(9) CERTIFICATION.—Under the rules promul-
21 gated under this subsection, manufacturers and
22 processors shall be required—

23 “(A) to certify that each notice or substan-
24 tiation the manufacturer or processor submits
25 complies with the requirements of the rule, and

1 that any confidentiality claims are true and cor-
2 rect; and

3 “(B) to retain a record supporting the cer-
4 tification for a period of 5 years beginning on
5 the last day of the submission period.”;

6 (3) in subsection (e)—

7 (A) by striking “Any person” and inserting
8 the following:

9 “(1) IN GENERAL.—Any person”;

10 (B) by adding at the end the following:

11 “(2) ADDITIONAL INFORMATION.—Any person
12 may submit to the Administrator information rea-
13 sonably supporting the conclusion that a chemical
14 substance or mixture presents, will present, or does
15 not present a substantial risk of injury to health and
16 the environment.”; and

17 (4) in subsection (f), by striking “For purposes
18 of this section, the” and inserting the following: “In
19 this section:

20 “(1) ACTIVE SUBSTANCE.—The term ‘active
21 substance’ means a chemical substance—

22 “(A) that has been manufactured or proc-
23 essed for a nonexempt commercial purpose at
24 any point during the 10-year period ending on

1 the date of enactment of the Frank R. Lauten-
2 berg Chemical Safety for the 21st Century Act;

3 “(B) that is added to the list published
4 under subsection (b)(1) after that date of en-
5 actment; or

6 “(C) for which a notice is received under
7 subsection (b)(5)(C).

8 “(2) INACTIVE SUBSTANCE.—The term ‘inactive
9 substance’ means a chemical substance on the list
10 published under subsection (b)(1) that does not meet
11 any of the criteria described in paragraph (1).

12 “(3) MANUFACTURE; PROCESS.—The”.

13 **SEC. 11. RELATIONSHIP TO OTHER FEDERAL LAWS.**

14 Section 9 of the Toxic Substances Control Act (15
15 U.S.C. 2608) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), in the first sen-
18 tence—

19 (i) by striking “presents or will
20 present an unreasonable risk to health or
21 the environment” and inserting “does not
22 or will not meet the safety standard”; and

23 (ii) by striking “such risk” the first
24 place it appears and inserting “the risk
25 posed by the substance or mixture”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (A), by inserting
3 “within the time period specified by the
4 Administrator in the report” after “issues
5 an order”;

6 (ii) in subparagraph (B), by inserting
7 “responds within the time period specified
8 by the Administrator in the report and”
9 before “initiates, within 90 days”; and

10 (iii) in the matter following subpara-
11 graph (B), by striking “section 6 or 7”
12 and inserting “section 6(d) or section 7”;

13 (C) by redesignating paragraph (3) as
14 paragraph (6);

15 (D) in paragraph (6) (as so redesignated),
16 by striking “section 6 or 7” and inserting “sec-
17 tion 6(d) or 7”; and

18 (E) by inserting after paragraph (2) the
19 following:

20 “(3) The Administrator shall take the actions
21 described in paragraph (4) if the Administrator
22 makes a report under paragraph (1) with respect to
23 a chemical substance or mixture and the agency to
24 which the report was made does not—

1 “(A) issue the order described in para-
2 graph (2)(A) within the time period specified by
3 the Administrator in the report; or

4 “(B)(i) respond under paragraph (1) with-
5 in the time frame specified by the Adminis-
6 trator in the report; and

7 “(ii) initiate action within 90 days of publi-
8 cation in the Federal Register of the response
9 described in clause (i).

10 “(4) If an agency to which a report under para-
11 graph (1) does not take the actions described in sub-
12 paragraphs (A) or (B) of paragraph (3), the Admin-
13 istrator shall—

14 “(A) if a safety assessment and safety de-
15 termination for the substance under section 6
16 has not been completed, complete the safety as-
17 sessment and safety determination;

18 “(B) if the Administrator has determined
19 or determines that the chemical substance does
20 not meet the safety standard, initiate action
21 under section 6(d) with respect to the risk; or

22 “(C) take any action authorized or re-
23 quired under section 7, as appropriate.

24 “(5) This subsection shall not relieve the Ad-
25 ministrator of any obligation to complete a safety as-

1 **SEC. 13. EXPORTS.**

2 Section 12 of the Toxic Substances Control Act (15
3 U.S.C. 2611) is amended—

4 (1) in subsection (a), by striking paragraph (2)
5 and inserting the following:

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to—

8 “(A) any new chemical substance that the
9 Administrator determines is likely to present an
10 unreasonable risk of injury to health within the
11 United States or to the environment of the
12 United States, without taking into account cost
13 or other non-risk factors;

14 “(B) any chemical substance that the Ad-
15 ministrator determines presents or will present
16 an unreasonable risk of injury to health within
17 the United States or to the environment of the
18 United States, without taking into account cost
19 or other non-risk factors; or

20 “(C) any chemical substance that—

21 “(i) the Administrator determines is
22 likely to present an unreasonable risk of
23 injury to health within the United States
24 or to the environment of the United
25 States, without taking into account cost or
26 other non-risk factors; and

1 “(ii) is subject to restriction under
2 section 5(d)(4).

3 “(3) WAIVERS FOR CERTAIN MIXTURES AND
4 ARTICLES.—For a mixture or article containing a
5 chemical substance described in paragraph (2), the
6 Administrator may—

7 “(A) determine that paragraph (1) shall
8 not apply to the mixture or article; or

9 “(B) establish a threshold concentration in
10 a mixture or article at which paragraph (1)
11 shall not apply.

12 “(4) TESTING.—The Administrator may re-
13 quire testing under section 4 of any chemical sub-
14 stance or mixture exempted from this Act under
15 paragraph (1) for the purpose of determining wheth-
16 er the chemical substance meets the safety standard
17 within the United States.”;

18 (2) by striking subsection (b) and inserting the
19 following:

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—A person shall notify the
22 Administrator that the person is exporting or in-
23 tends to export to a foreign country—

24 “(A) a chemical substance or a mixture
25 containing a chemical substance that the Ad-

1 administrator has determined under section 5 is
2 not likely to meet the safety standard and for
3 which a prohibition or other restriction has
4 been proposed or established under that section;

5 “(B) a chemical substance or a mixture
6 containing a chemical substance that the Ad-
7 ministrator has determined under section 6
8 does not meet the safety standard and for
9 which a prohibition or other restriction has
10 been proposed or established under that section;

11 “(C) a chemical substance for which the
12 United States is obligated by treaty to provide
13 export notification;

14 “(D) a chemical substance or mixture con-
15 taining a chemical substance subject to a pro-
16 posed or promulgated significant new use rule,
17 or a prohibition or other restriction pursuant to
18 a rule, order, or consent agreement in effect
19 under this Act;

20 “(E) a chemical substance or mixture for
21 which the submission of information is required
22 under section 4; or

23 “(F) a chemical substance or mixture for
24 which an action is pending or for which relief
25 has been granted under section 7.

1 “(2) RULES.—

2 “(A) IN GENERAL.—The Administrator
3 shall promulgate rules to carry out paragraph
4 (1).

5 “(B) CONTENTS.—The rules promulgated
6 pursuant to subparagraph (A) shall—

7 “(i) include such exemptions as the
8 Administrator determines to be appro-
9 priate, which may include exemptions iden-
10 tified under section 5(h); and

11 “(ii) indicate whether, or to what ex-
12 tent, the rules apply to articles containing
13 a chemical substance or mixture described
14 in paragraph (1).

15 “(3) NOTIFICATION.—The Administrator shall
16 submit to the government of each country to which
17 a chemical substance or mixture is exported—

18 “(A) for a chemical substance or mixture
19 described in subparagraph (A), (B), (D), or (F)
20 of paragraph (1), a notice of the determination,
21 rule, order, consent agreement, action, relief, or
22 requirement;

23 “(B) for a chemical substance described in
24 paragraph (1)(C), a notice that satisfies the ob-

1 ligation of the United States under the applica-
2 ble treaty; and

3 “(C) for a chemical substance or mixture
4 described in paragraph (1)(E), a notice of avail-
5 ability of the information on the chemical sub-
6 stance or mixture submitted to the Adminis-
7 trator.”; and

8 (3) in subsection (c), by striking paragraph (3).

9 **SEC. 14. CONFIDENTIAL INFORMATION.**

10 Section 14 of the Toxic Substances Control Act (15
11 U.S.C. 2613) is amended to read as follows:

12 **“SEC. 14. CONFIDENTIAL INFORMATION.**

13 “(a) IN GENERAL.—Except as otherwise provided in
14 this section, the Administrator shall not disclose informa-
15 tion that is exempt from disclosure pursuant to subsection
16 (a) of section 552 of title 5, United States Code, under
17 subsection (b)(4) of that section—

18 “(1) that is reported to, or otherwise obtained
19 by, the Administrator under this Act; and

20 “(2) for which the requirements of subsection
21 (d) are met.

22 “(b) INFORMATION GENERALLY PROTECTED FROM
23 DISCLOSURE.—The following information specific to, and
24 submitted by, a manufacturer, processor, or distributor
25 that meets the requirements of subsections (a) and (d)

1 shall be presumed to be protected from disclosure, subject
2 to the condition that nothing in this Act prohibits the dis-
3 closure of any such information, or information that is the
4 subject of subsection (g)(3), through discovery, subpoena,
5 other court order, or any other judicial process otherwise
6 allowed under applicable Federal or State law:

7 “(1) Specific information describing the proc-
8 esses used in manufacture or processing of a chem-
9 ical substance, mixture, or article.

10 “(2) Marketing and sales information.

11 “(3) Information identifying a supplier or cus-
12 tomer.

13 “(4) Details of the full composition of a mixture
14 and the respective percentages of constituents.

15 “(5) Specific information regarding the use,
16 function, or application of a chemical substance or
17 mixture in a process, mixture, or product.

18 “(6) Specific production or import volumes of
19 the manufacturer.

20 “(7) Specific aggregated volumes across manu-
21 facturers, if the Administrator determines that dis-
22 closure of the specific aggregated volumes would re-
23 veal confidential information.

24 “(8) Except as otherwise provided in this sec-
25 tion, the specific identity of a chemical substance

1 prior to the date on which the chemical substance is
2 first offered for commercial distribution, including
3 the chemical name, molecular formula, Chemical Ab-
4 stracts Service number, and other information that
5 would identify a specific chemical substance, if the
6 specific identity was claimed as confidential informa-
7 tion at the time it was submitted in a notice under
8 section 5.

9 “(c) INFORMATION NOT PROTECTED FROM DISCLO-
10 SURE.—

11 “(1) IN GENERAL.—Notwithstanding sub-
12 sections (a) and (b), the following information shall
13 not be protected from disclosure:

14 “(A) INFORMATION FROM HEALTH AND
15 SAFETY STUDIES.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii)—

18 “(I) any health and safety study
19 that is submitted under this Act with
20 respect to—

21 “(aa) any chemical sub-
22 stance or mixture that, on the
23 date on which the study is to be
24 disclosed, has been offered for
25 commercial distribution; or

1 “(bb) any chemical sub-
2 stance or mixture for which—

3 “(AA) testing is re-
4 quired under section 4; or

5 “(BB) a notification is
6 required under section 5; or

7 “(II) any information reported
8 to, or otherwise obtained by, the Ad-
9 ministrators from a health and safety
10 study relating to a chemical substance
11 or mixture described in item (aa) or
12 (bb) of subclause (I).

13 “(ii) EFFECT OF SUBPARAGRAPH.—
14 Nothing in this subparagraph authorizes
15 the release of any information that dis-
16 closes—

17 “(I) a process used in the manu-
18 facturing or processing of a chemical
19 substance or mixture; or

20 “(II) in the case of a mixture,
21 the portion of the mixture comprised
22 by any chemical substance in the mix-
23 ture.

24 “(B) OTHER INFORMATION NOT PRO-
25 TECTED FROM DISCLOSURE.—

1 “(i) For information submitted after
2 the date of enactment of the Frank R.
3 Lautenberg Chemical Safety for the 21st
4 Century Act, the specific identity of a
5 chemical substance as of the date on which
6 the chemical substance is first offered for
7 commercial distribution, if the person sub-
8 mitting the information does not meet the
9 requirements of subsection (d).

10 “(ii) A safety assessment developed,
11 or a safety determination made, under sec-
12 tion 6.

13 “(iii) Any general information describ-
14 ing the manufacturing volumes, expressed
15 as specific aggregated volumes or, if the
16 Administrator determines that disclosure
17 of specific aggregated volumes would reveal
18 confidential information, expressed in
19 ranges.

20 “(iv) A general description of a proc-
21 ess used in the manufacture or processing
22 and industrial, commercial, or consumer
23 functions and uses of a chemical sub-
24 stance, mixture, or article containing a
25 chemical substance or mixture, including

1 information specific to an industry or in-
2 dustry sector that customarily would be
3 shared with the general public or within an
4 industry or industry sector.

5 “(2) MIXED CONFIDENTIAL AND NONCON-
6 FIDENTIAL INFORMATION.—Any information that is
7 eligible for protection under this section and is sub-
8 mitted with information described in this subsection
9 shall be protected from disclosure, if the submitter
10 complies with subsection (d), subject to the condition
11 that information in the submission that is not eligi-
12 ble for protection against disclosure shall be dis-
13 closed.

14 “(3) BAN OR PHASE-OUT.—If the Adminis-
15 trator promulgates a rule pursuant to section 6(d)
16 that establishes a ban or phase-out of the manufac-
17 ture, processing, or distribution in commerce of a
18 chemical substance, subject to paragraphs (2), (3),
19 and (4) of subsection (g), any protection from disclo-
20 sure provided under this section with respect to the
21 specific identity of the chemical substance and other
22 information relating to the chemical substance shall
23 no longer apply.

24 “(4) CERTAIN REQUESTS.—If a request is made
25 to the Administrator under section 552(a) of title 5,

1 United States Code, for information that is subject
2 to disclosure under this subsection, the Adminis-
3 trator may not deny the request on the basis of sec-
4 tion 552(b)(4) of title 5, United States Code.

5 “(d) REQUIREMENTS FOR CONFIDENTIALITY
6 CLAIMS.—

7 “(1) ASSERTION OF CLAIMS.—

8 “(A) IN GENERAL.—A person seeking to
9 protect any information submitted under this
10 Act from disclosure (including information de-
11 scribed in subsection (b)) shall assert to the Ad-
12 ministrator a claim for protection concurrent
13 with submission of the information, in accord-
14 ance with such rules regarding a claim for pro-
15 tection from disclosure as the Administrator
16 has promulgated or may promulgate pursuant
17 to this title.

18 “(B) INCLUSION.—An assertion of a claim
19 under subparagraph (A) shall include a state-
20 ment that the person has—

21 “(i) taken reasonable measures to pro-
22 tect the confidentiality of the information;

23 “(ii) determined that the information
24 is not required to be disclosed or otherwise

1 made available to the public under any
2 other Federal law;

3 “(iii) a reasonable basis to conclude
4 that disclosure of the information is likely
5 to cause substantial harm to the competi-
6 tive position of the person; and

7 “(iv) a reasonable basis to believe that
8 the information is not readily discoverable
9 through reverse engineering.

10 “(C) SPECIFIC CHEMICAL IDENTITY.—In
11 the case of a claim under subparagraph (A) for
12 protection against disclosure of a specific chem-
13 ical identity, the claim shall include a struc-
14 turally descriptive generic name for the chem-
15 ical substance that the Administrator may dis-
16 close to the public, subject to the condition that
17 the generic name shall—

18 “(i) be consistent with guidance
19 issued by the Administrator under para-
20 graph (3)(A); and

21 “(ii) describe the chemical structure
22 of the substance as specifically as prac-
23 ticable while protecting those features of
24 the chemical structure—

1 “(I) that are considered to be
2 confidential; and

3 “(II) the disclosure of which
4 would be likely to cause substantial
5 harm to the competitive position of
6 the person.

7 “(D) PUBLIC INFORMATION.—No person
8 may assert a claim under this section for pro-
9 tection from disclosure of information that is al-
10 ready publicly available.

11 “(2) ADDITIONAL REQUIREMENTS FOR CON-
12 FIDENTIALITY CLAIMS.—Except for information de-
13 scribed in subsection (b), a person asserting a claim
14 to protect information from disclosure under this
15 Act shall substantiate the claim, in accordance with
16 the rules promulgated and consistent with the guid-
17 ance issued by the Administrator.

18 “(3) GUIDANCE.—The Administrator shall de-
19 velop guidance regarding—

20 “(A) the determination of structurally de-
21 scriptive generic names, in the case of claims
22 for the protection against disclosure of specific
23 chemical identity; and

1 “(B) the content and form of the state-
2 ments of need and agreements required under
3 paragraphs (4), (5), and (6) of subsection (e).

4 “(4) CERTIFICATION.—An authorized official of
5 a person described in paragraph (1)(A) shall certify
6 that the statement required to assert a claim sub-
7 mitted pursuant to paragraph (1)(B) and any infor-
8 mation required to substantiate a claim submitted
9 pursuant to paragraph (2) are true and correct.

10 “(e) EXCEPTIONS TO PROTECTION FROM DISCLO-
11 SURE.—Information described in subsection (a)—

12 “(1) shall be disclosed if the information is to
13 be disclosed to an officer or employee of the United
14 States in connection with the official duties of the
15 officer or employee—

16 “(A) under any law for the protection of
17 health or the environment; or

18 “(B) for a specific law enforcement pur-
19 pose;

20 “(2) shall be disclosed if the information is to
21 be disclosed to a contractor of the United States and
22 employees of that contractor—

23 “(A) if, in the opinion of the Adminis-
24 trator, the disclosure is necessary for the satis-
25 factory performance by the contractor of a con-

1 tract with the United States for the perform-
2 ance of work in connection with this Act; and

3 “(B) subject to such conditions as the Ad-
4 ministrator may specify;

5 “(3) shall be disclosed if the Administrator de-
6 termines that disclosure is necessary to protect
7 health or the environment;

8 “(4) shall be disclosed if the information is to
9 be disclosed to a State or political subdivision of a
10 State, on written request, for the purpose of develop-
11 ment, administration, or enforcement of a law, if 1
12 or more applicable agreements with the Adminis-
13 trator that are consistent with the guidance issued
14 under subsection (d)(3)(B) ensure that the recipient
15 will take appropriate measures, and has adequate
16 authority, to maintain the confidentiality of the in-
17 formation in accordance with procedures comparable
18 to the procedures used by the Administrator to safe-
19 guard the information;

20 “(5) shall be disclosed if a health or environ-
21 mental professional employed by a Federal or State
22 agency or a treating physician or nurse in a non-
23 emergency situation provides a written statement of
24 need and agrees to sign a written confidentiality

1 agreement with the Administrator, subject to the
2 conditions that—

3 “(A) the statement of need and confiden-
4 tiality agreement are consistent with the guid-
5 ance issued under subsection (d)(3)(B);

6 “(B) the written statement of need shall be
7 a statement that the person has a reasonable
8 basis to suspect that—

9 “(i) the information is necessary for,
10 or will assist in—

11 “(I) the diagnosis or treatment of
12 1 or more individuals; or

13 “(II) responding to an environ-
14 mental release or exposure; and

15 “(ii) 1 or more individuals being diag-
16 nosed or treated have been exposed to the
17 chemical substance concerned, or an envi-
18 ronmental release or exposure has oc-
19 curred; and

20 “(C) the confidentiality agreement shall
21 provide that the person will not use the infor-
22 mation for any purpose other than the health or
23 environmental needs asserted in the statement
24 of need, except as otherwise may be authorized
25 by the terms of the agreement or by the person

1 submitting the information to the Adminis-
2 trator, except that nothing in this Act prohibits
3 the disclosure of any such information through
4 discovery, subpoena, other court order, or any
5 other judicial process otherwise allowed under
6 applicable Federal or State law;

7 “(6) shall be disclosed if in the event of an
8 emergency, a treating physician, nurse, agent of a
9 poison control center, public health or environmental
10 official of a State or political subdivision of a State,
11 or first responder (including any individual duly au-
12 thorized by a Federal agency, State, or political sub-
13 division of a State who is trained in urgent medical
14 care or other emergency procedures, including a po-
15 lice officer, firefighter, or emergency medical techni-
16 cian) requests the information, subject to the condi-
17 tions that—

18 “(A) the treating physician, nurse, agent,
19 public health or environmental official of a
20 State or a political subdivision of a State, or
21 first responder shall have a reasonable basis to
22 suspect that—

23 “(i) a medical or public health or en-
24 vironmental emergency exists;

1 “(ii) the information is necessary for,
2 or will assist in, emergency or first-aid di-
3 agnosis or treatment; or

4 “(iii) 1 or more individuals being di-
5 agnosed or treated have likely been ex-
6 posed to the chemical substance concerned,
7 or a serious environmental release of or ex-
8 posure to the chemical substance con-
9 cerned has occurred;

10 “(B) if requested by the person submitting
11 the information to the Administrator, the treat-
12 ing physician, nurse, agent, public health or en-
13 vironmental official of a State or a political sub-
14 division of a State, or first responder shall, as
15 described in paragraph (5)—

16 “(i) provide a written statement of
17 need; and

18 “(ii) agree to sign a confidentiality
19 agreement; and

20 “(C) the written confidentiality agreement
21 or statement of need shall be submitted as soon
22 as practicable, but not necessarily before the in-
23 formation is disclosed;

24 “(7) may be disclosed if the Administrator de-
25 termines that disclosure is relevant in a proceeding

1 under this Act, subject to the condition that the dis-
2 closure shall be made in such a manner as to pre-
3 serve confidentiality to the maximum extent prac-
4 ticable without impairing the proceeding;

5 “(8) shall be disclosed if the information is to
6 be disclosed, on written request of any duly author-
7 ized congressional committee, to that committee; or

8 “(9) shall be disclosed if the information is re-
9 quired to be disclosed or otherwise made public
10 under any other provision of Federal law.

11 “(f) DURATION OF PROTECTION FROM DISCLO-
12 SURE.—

13 “(1) IN GENERAL.—

14 “(A) INFORMATION NOT SUBJECT TO TIME
15 LIMIT FOR PROTECTION FROM DISCLOSURE.—

16 Subject to paragraph (2), the Administrator
17 shall protect from disclosure information de-
18 scribed in subsection (b) that meets the require-
19 ments of subsections (a) and (d), unless—

20 “(i) the person that asserted the claim
21 notifies the Administrator that the person
22 is withdrawing the claim, in which case the
23 Administrator shall promptly make the in-
24 formation available to the public; or

1 “(ii) the Administrator otherwise be-
2 comes aware that the information does not
3 qualify or no longer qualifies for protection
4 against disclosure under subsection (a), in
5 which case the Administrator shall take
6 any actions required under subsection
7 (g)(2).

8 “(B) INFORMATION SUBJECT TO TIME
9 LIMIT FOR PROTECTION FROM DISCLOSURE.—
10 Subject to paragraph (2), the Administrator
11 shall protect from disclosure information, other
12 than information described in subsection (b),
13 that meets the requirements of subsections (a)
14 and (d) for a period of 10 years, unless, prior
15 to the expiration of the period—

16 “(i) the person that asserted the claim
17 notifies the Administrator that the person
18 is withdrawing the claim, in which case the
19 Administrator shall promptly make the in-
20 formation available to the public; or

21 “(ii) the Administrator otherwise be-
22 comes aware that the information does not
23 qualify or no longer qualifies for protection
24 against disclosure under subsection (a), in
25 which case the Administrator shall take

1 any actions required under subsection
2 (g)(2).

3 “(C) EXTENSIONS.—

4 “(i) IN GENERAL.—Not later than the
5 date that is 60 days before the expiration
6 of the period described in subparagraph
7 (B), the Administrator shall provide to the
8 person that asserted the claim a notice of
9 the impending expiration of the period.

10 “(ii) STATEMENT.—

11 “(I) IN GENERAL.—Not later
12 than the date that is 30 days before
13 the expiration of the period described
14 in subparagraph (B), a person re-
15 asserting the relevant claim shall sub-
16 mit to the Administrator a request for
17 extension substantiating, in accord-
18 ance with subsection (d)(2), the need
19 to extend the period.

20 “(II) ACTION BY ADMINIS-
21 TRATOR.—Not later than the date of
22 expiration of the period described in
23 subparagraph (B), the Administrator
24 shall, in accordance with subsection
25 (g)(1)(C)—

1 “(aa) review the request
2 submitted under subclause (I);

3 “(bb) make a determination
4 regarding whether the claim for
5 which the request was submitted
6 continues to meet the relevant
7 criteria established under this
8 section; and

9 “(cc)(AA) grant an exten-
10 sion of 10 years; or

11 “(BB) deny the request.

12 “(D) NO LIMIT ON NUMBER OF EXTEN-
13 SIONS.—There shall be no limit on the number
14 of extensions granted under subparagraph (C),
15 if the Administrator determines that the rel-
16 evant request under subparagraph (C)(ii)(I)—

17 “(i) establishes the need to extend the
18 period; and

19 “(ii) meets the requirements estab-
20 lished by the Administrator.

21 “(2) REVIEW AND RESUBSTANTIATION.—

22 “(A) DISCRETION OF ADMINISTRATOR.—
23 The Administrator may review, at any time, a
24 claim for protection of information against dis-
25 closure under subsection (a) and require any

1 person that has claimed protection for that in-
2 formation, whether before, on, or after the date
3 of enactment of the Frank R. Lautenberg
4 Chemical Safety for the 21st Century Act, to
5 withdraw or reassert and substantiate or re-
6 substantiate the claim in accordance with this
7 section—

8 “(i) after the chemical substance is
9 identified as a high-priority substance
10 under section 4A;

11 “(ii) for any chemical substance for
12 which the Administrator has made a deter-
13 mination under section 6(c)(1)(C);

14 “(iii) for any inactive chemical sub-
15 stance identified under section 8(b)(5); or

16 “(iv) in limited circumstances, if the
17 Administrator determines that disclosure
18 of certain information currently protected
19 from disclosure would assist the Adminis-
20 trator in conducting safety assessments
21 and safety determinations under sub-
22 sections (b) and (c) of section 6 or promul-
23 gating rules pursuant to section 6(d).

24 “(B) REVIEW REQUIRED.—The Adminis-
25 trator shall review a claim for protection of in-

1 formation against disclosure under subsection
2 (a) and require any person that has claimed
3 protection for that information, whether before,
4 on, or after the date of enactment of the Frank
5 R. Lautenberg Chemical Safety for the 21st
6 Century Act, to withdraw or reassert and sub-
7 stantiate or resubstantiate the claim in accord-
8 ance with this section—

9 “(i) as necessary to determine wheth-
10 er the information qualifies for an exemp-
11 tion from disclosure in connection with a
12 request for information received by the Ad-
13 ministrator under section 552 of title 5,
14 United States Code;

15 “(ii) if the Administrator has a rea-
16 sonable basis to believe that the informa-
17 tion does not qualify for protection against
18 disclosure under subsection (a); or

19 “(iii) for any substance for which the
20 Administrator has made a determination
21 under section 6(c)(1)(B).

22 “(C) ACTION BY RECIPIENT.—If the Ad-
23 ministrator makes a request under subpara-
24 graph (A) or (B), the recipient of the request
25 shall—

1 “(i) reassert and substantiate or re-
2 substantiate the claim; or

3 “(ii) withdraw the claim.

4 “(D) PERIOD OF PROTECTION.—Protec-
5 tion from disclosure of information subject to a
6 claim that is reviewed and approved by the Ad-
7 ministrator under this paragraph shall be ex-
8 tended for a period of 10 years from the date
9 of approval, subject to any subsequent request
10 by the Administrator under this paragraph.

11 “(3) UNIQUE IDENTIFIER.—The Administrator
12 shall—

13 “(A)(i) develop a system to assign a
14 unique identifier to each specific chemical iden-
15 tity for which the Administrator approves a re-
16 quest for protection from disclosure, other than
17 a specific chemical identity or structurally de-
18 scriptive generic term; and

19 “(ii) apply that identifier consistently to all
20 information relevant to the applicable chemical
21 substance;

22 “(B) annually publish and update a list of
23 chemical substances, referred to by unique iden-
24 tifier, for which claims to protect the specific
25 chemical identity from disclosure have been ap-

1 proved, including the expiration date for each
2 such claim;

3 “(C) ensure that any nonconfidential infor-
4 mation received by the Administrator with re-
5 spect to such a chemical substance during the
6 period of protection from disclosure—

7 “(i) is made public; and

8 “(ii) identifies the chemical substance
9 using the unique identifier; and

10 “(D) for each claim for protection of spe-
11 cific chemical identity that has been denied by
12 the Administrator or expired, or that has been
13 withdrawn by the submitter, provide public ac-
14 cess to the specific chemical identity clearly
15 linked to all nonconfidential information re-
16 ceived by the Administrator with respect to the
17 chemical substance.

18 “(g) DUTIES OF ADMINISTRATOR.—

19 “(1) DETERMINATION.—

20 “(A) IN GENERAL.—Except as provided in
21 subsection (b), the Administrator shall, subject
22 to subparagraph (C), not later than 90 days
23 after the receipt of a claim under subsection
24 (d), and not later than 30 days after the receipt
25 of a request for extension of a claim under sub-

1 section (f), review and approve, modify, or deny
2 the claim or request.

3 “(B) REASONS FOR DENIAL OR MODIFICA-
4 TION.—If the Administrator denies or modifies
5 a claim or request under subparagraph (A), the
6 Administrator shall provide to the person that
7 submitted the claim or request a written state-
8 ment of the reasons for the denial or modifica-
9 tion of the claim or request.

10 “(C) SUBSETS.—The Administrator
11 shall—

12 “(i) except for claims described in
13 subsection (b)(8), review all claims or re-
14 quests under this section for the protection
15 against disclosure of the specific identity of
16 a chemical substance; and

17 “(ii) review a representative subset,
18 comprising at least 25 percent, of all other
19 claims or requests for protection against
20 disclosure.

21 “(D) EFFECT OF FAILURE TO ACT.—The
22 failure of the Administrator to make a decision
23 regarding a claim or request for protection
24 against disclosure or extension under this sec-
25 tion shall not be the basis for denial or elimi-

1 nation of a claim or request for protection
2 against disclosure.

3 “(2) NOTIFICATION.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B) and subsections (c), (e), and
6 (f), if the Administrator denies or modifies a
7 claim or request under paragraph (1), intends
8 to release information pursuant to subsection
9 (e), or promulgates a rule under section 6(d)
10 establishing a ban or phase-out of a chemical
11 substance, the Administrator shall notify, in
12 writing and by certified mail, the person that
13 submitted the claim of the intent of the Admin-
14 istrator to release the information.

15 “(B) RELEASE OF INFORMATION.—Except
16 as provided in subparagraph (C), the Adminis-
17 trator shall not release information under this
18 subsection until the date that is 30 days after
19 the date on which the person that submitted the
20 request receives notification under subpara-
21 graph (A).

22 “(C) EXCEPTIONS.—

23 “(i) IN GENERAL.—For information
24 under paragraph (3) or (8) of subsection
25 (e), the Administrator shall not release

1 that information until the date that is 15
2 days after the date on which the person
3 that submitted the claim or request re-
4 ceives a notification, unless the Adminis-
5 trator determines that release of the infor-
6 mation is necessary to protect against an
7 imminent and substantial harm to health
8 or the environment, in which case no prior
9 notification shall be necessary.

10 “(ii) NOTIFICATION AS SOON AS PRAC-
11 TICABLE.—For information under para-
12 graphs (4) and (6) of subsection (e), the
13 Administrator shall notify the person that
14 submitted the information that the infor-
15 mation has been disclosed as soon as prac-
16 ticable after disclosure of the information.

17 “(iii) NO NOTIFICATION REQUIRED.—
18 Notification shall not be required—

19 “(I) for the disclosure of infor-
20 mation under paragraph (1), (2), (7),
21 or (9) of subsection (e); or

22 “(II) for the disclosure of infor-
23 mation for which—

1 “(aa) a notice under sub-
2 section (f)(1)(C)(i) was received;
3 and

4 “(bb) no request was re-
5 ceived by the Administrator on or
6 before the date of expiration of
7 the period for which protection
8 from disclosure applies.

9 “(3) REBUTTABLE PRESUMPTION.—

10 “(A) IN GENERAL.—With respect to notifi-
11 cations provided by the Administrator under
12 paragraph (2) with respect to information per-
13 taining to a chemical substance subject to a
14 rule as described in subsection (c)(3), there
15 shall be a rebuttable presumption that the pub-
16 lic interest in disclosing confidential information
17 related to a chemical substance subject to a rule
18 promulgated under section 6(d) that establishes
19 a ban or phase-out of the manufacture, proc-
20 essing, or distribution in commerce of the sub-
21 stance outweighs the proprietary interest in
22 maintaining the protection from disclosure of
23 that information.

24 “(B) REQUEST FOR NONDISCLOSURE.—A
25 person that receives a notification under para-

1 graph (2) with respect to the information de-
2 scribed in subparagraph (A) may submit to the
3 Administrator, before the date on which the in-
4 formation is to be released pursuant to para-
5 graph (2)(B), a request with supporting docu-
6 mentation describing why the person believes
7 some or all of that information should not be
8 disclosed.

9 “(C) DETERMINATION BY ADMINIS-
10 TRATOR.—

11 “(i) IN GENERAL.—Not later than 30
12 days after the Administrator receives a re-
13 quest under subparagraph (B), the Admin-
14 istrator shall determine whether the docu-
15 mentation provided by the person making
16 the request rebuts or does not rebut the
17 presumption described in subparagraph
18 (A), for all or a portion of the information
19 that the person has requested not be dis-
20 closed.

21 “(ii) OBJECTIVE.—The Administrator
22 shall make the determination with the ob-
23 jective of ensuring that information rel-
24 evant to protection of health and the envi-

1 ronment is disclosed to the maximum ex-
2 tent practicable.

3 “(D) TIMING.—Not later than 30 days
4 after making the determination described in
5 subparagraph (C), the Administrator shall
6 make public the information the Administrator
7 has determined is not to be protected from dis-
8 closure.

9 “(E) NO TIMELY REQUEST RECEIVED.—If
10 the Administrator does not receive, before the
11 date on which the information described in sub-
12 paragraph (A) is to be released pursuant to
13 paragraph (2)(B), a request pursuant to sub-
14 paragraph (B), the Administrator shall prompt-
15 ly make public all of the information.

16 “(4) APPEALS.—

17 “(A) IN GENERAL.—If a person receives a
18 notification under paragraph (2) and believes
19 disclosure of the information is prohibited
20 under subsection (a), before the date on which
21 the information is to be released pursuant to
22 paragraph (2)(B), the person may bring an ac-
23 tion to restrain disclosure of the information
24 in—

1 “(i) the United States district court of
2 the district in which the complainant re-
3 sides or has the principal place of business;
4 or

5 “(ii) the United States District Court
6 for the District of Columbia.

7 “(B) NO DISCLOSURE.—The Adminis-
8 trator shall not disclose any information that is
9 the subject of an appeal under this section be-
10 fore the date on which the applicable court
11 rules on an action under subparagraph (A).

12 “(5) REQUEST AND NOTIFICATION SYSTEM.—
13 The Administrator, in consultation with the Director
14 of the Centers for Disease Control and Prevention,
15 shall develop a request and notification system that
16 allows for expedient and swift access to information
17 disclosed pursuant to paragraphs (5) and (6) of sub-
18 section (e) in a format and language that is readily
19 accessible and understandable.

20 “(h) CRIMINAL PENALTY FOR WRONGFUL DISCLO-
21 SURE.—

22 “(1) OFFICERS AND EMPLOYEES OF UNITED
23 STATES.—

24 “(A) IN GENERAL.—Subject to paragraph
25 (2), a current or former officer or employee of

1 the United States described in subparagraph
2 (B) shall be guilty of a misdemeanor and fined
3 under title 18, United States Code, or impris-
4 oned for not more than 1 year, or both.

5 “(B) DESCRIPTION.—A current or former
6 officer or employee of the United States re-
7 ferred to in subparagraph (A) is a current or
8 former officer or employee of the United States
9 who—

10 “(i) by virtue of that employment or
11 official position has obtained possession of,
12 or has access to, material the disclosure of
13 which is prohibited by subsection (a); and

14 “(ii) knowing that disclosure of that
15 material is prohibited by subsection (a),
16 willfully discloses the material in any man-
17 ner to any person not entitled to receive
18 that material.

19 “(2) OTHER LAWS.—Section 1905 of title 18,
20 United States Code, shall not apply with respect to
21 the publishing, divulging, disclosure, making known
22 of, or making available, information reported or oth-
23 erwise obtained under this Act.

24 “(3) CONTRACTORS.—For purposes of this sub-
25 section, any contractor of the United States that is

1 provided information in accordance with subsection
2 (e)(2), including any employee of that contractor,
3 shall be considered to be an employee of the United
4 States.

5 “(i) APPLICABILITY.—

6 “(1) IN GENERAL.—Except as otherwise pro-
7 vided in this section, section 8, or any other applica-
8 ble Federal law, the Administrator shall have no au-
9 thority—

10 “(A) to require the substantiation or re-
11 substantiation of a claim for the protection
12 from disclosure of information reported to or
13 otherwise obtained by the Administrator under
14 this Act before the date of enactment of the
15 Frank R. Lautenberg Chemical Safety for the
16 21st Century Act; or

17 “(B) to impose substantiation or re-
18 substantiation requirements under this Act that
19 are more extensive than those required under
20 this section.

21 “(2) ACTIONS PRIOR TO PROMULGATION OF
22 RULES.—Nothing in this Act prevents the Adminis-
23 trator from reviewing, requiring substantiation or re-
24 substantiation for, or approving, modifying or deny-
25 ing any claim for the protection from disclosure of

1 information before the effective date of such rules
2 applicable to those claims as the Administrator may
3 promulgate after the date of enactment of the Frank
4 R. Lautenberg Chemical Safety for the 21st Century
5 Act.”.

6 **SEC. 15. PROHIBITED ACTS.**

7 Section 15 of the Toxic Substances Control Act (15
8 U.S.C. 2614) is amended by striking paragraph (1) and
9 inserting the following:

10 “(1) fail or refuse to comply with—

11 “(A) any rule promulgated, consent agree-
12 ment entered into, or order issued under section
13 4;

14 “(B) any requirement under section 5 or 6;

15 “(C) any rule promulgated, consent agree-
16 ment entered into, or order issued under section
17 5 or 6; or

18 “(D) any requirement of, or any rule pro-
19 mulgated or order issued pursuant to title II;”.

20 **SEC. 16. PENALTIES.**

21 Section 16 of the Toxic Substances Control Act (15
22 U.S.C. 2615) is amended—

23 (1) in subsection (a)(1)—

24 (A) in the first sentence, by striking

25 “\$25,000” and inserting “\$37,500”; and

1 (B) in the second sentence, by striking“
2 violation of section 15 or 409” and inserting
3 “violation of this Act”; and
4 (2) in subsection (b)—

5 (A) by striking “Any person who” and in-
6 serting the following:

7 “(1) IN GENERAL.—Any person that”;

8 (B) by striking “\$25,000” and inserting
9 “\$50,000”; and

10 (C) by adding at the end the following:

11 “(2) IMMINENT DANGER OF DEATH OR SERIOUS
12 BODILY INJURY.—

13 “(A) IN GENERAL.—Any person that
14 knowingly or willfully violates any provision of
15 section 15 or 409, and that knows at the time
16 of the violation that the violation places an indi-
17 vidual in imminent danger of death or serious
18 bodily injury, shall be subject on conviction to
19 a fine of not more than \$250,000, or imprison-
20 ment for not more than 15 years, or both.

21 “(B) ORGANIZATIONS.—An organization
22 that commits a violation described in subpara-
23 graph (A) shall be subject on conviction to a
24 fine of not more than \$1,000,000 for each vio-
25 lation.

1 “(iii) an order issued by the Adminis-
2 trator.

3 “(B) CHEMICAL SUBSTANCES FOUND TO
4 MEET THE SAFETY STANDARD OR RE-
5 STRICTED.—A statute or administrative action
6 to prohibit or otherwise restrict the manufac-
7 ture, processing, or distribution in commerce or
8 use of a chemical substance—

9 “(i) found to meet the safety standard
10 and consistent with the scope of the deter-
11 mination made under section 6; or

12 “(ii) found not to meet the safety
13 standard, after the effective date of the
14 rule issued under section 6(d) for the sub-
15 stance, consistent with the scope of the de-
16 termination made by the Administrator.

17 “(C) SIGNIFICANT NEW USE.—A statute or
18 administrative action requiring the notification
19 of a use of a chemical substance that the Ad-
20 ministrator has specified as a significant new
21 use and for which the Administrator has re-
22 quired notification pursuant to a rule promul-
23 gated under section 5.

24 “(2) EFFECTIVE DATE OF PREEMPTION.—
25 Under this subsection, Federal preemption of stat-

1 utes and administrative actions applicable to specific
2 substances shall not occur until the effective date of
3 the applicable action described in paragraph (1)
4 taken by the Administrator.

5 “(b) NEW STATUTES OR ADMINISTRATIVE ACTIONS
6 CREATING PROHIBITIONS OR OTHER RESTRICTIONS.—

7 “(1) IN GENERAL.—Except as provided in sub-
8 sections (c), (d), (e), (f), and (g), beginning on the
9 date on which the Administrator defines and pub-
10 lishes the scope of a safety assessment and safety
11 determination under section 6(a)(2) and ending on
12 the date on which the deadline established pursuant
13 to section 6(a) for completion of the safety deter-
14 mination expires, or on the date on which the Ad-
15 ministrator publishes the safety determination under
16 section 6(a), whichever is earlier, no State or polit-
17 ical subdivision of a State may establish a statute or
18 administrative action prohibiting or restricting the
19 manufacture, processing, distribution in commerce
20 or use of a chemical substance that is a high-priority
21 substance designated under section 4A.

22 “(2) EFFECT OF SUBSECTION.—

23 “(A) IN GENERAL.—This subsection does
24 not restrict the authority of a State or political
25 subdivision of a State to continue to enforce

1 any statute enacted, or administrative action
2 taken, prior to the date on which the Adminis-
3 trator defines and publishes the scope of a safe-
4 ty assessment and safety determination under
5 section 6(a)(2).

6 “(B) LIMITATION.—Subparagraph (A)
7 does not allow a State or political subdivision of
8 a State to enforce any new prohibition or re-
9 striction under a statute or administrative ac-
10 tion described in that subparagraph, if the pro-
11 hibition or restriction is established after the
12 date described in that subparagraph.

13 “(c) SCOPE OF PREEMPTION.—Federal preemption
14 under subsections (a) and (b) of statutes and administra-
15 tive actions applicable to specific substances shall apply
16 only to—

17 “(1) the chemical substances or category of
18 substances subject to a rule, order, or consent agree-
19 ment under section 4;

20 “(2) the hazards, exposures, risks, and uses or
21 conditions of use of such substances that are identi-
22 fied by the Administrator as subject to review in a
23 safety assessment and included in the scope of the
24 safety determination made by the Administrator for

1 the substance, or of any rule the Administrator pro-
2 mulgates pursuant to section 6(d); or

3 “(3) the uses of such substances that the Ad-
4 ministrator has specified as significant new uses and
5 for which the Administrator has required notifica-
6 tion pursuant to a rule promulgated under section 5.

7 “(d) EXCEPTIONS.—

8 “(1) NO PREEMPTION OF STATUTES AND AD-
9 MINISTRATIVE ACTIONS.—

10 “(A) IN GENERAL.—Nothing in this Act,
11 nor any amendment made by this Act, nor any
12 rule, standard of performance, safety deter-
13 mination, or scientific assessment implemented
14 pursuant to this Act, shall affect the right of a
15 State or a political subdivision of a State to
16 adopt or enforce any rule, standard of perform-
17 ance, safety determination, scientific assess-
18 ment, or any protection for public health or the
19 environment that—

20 “(i) is adopted or authorized under
21 the authority of any other Federal law or
22 adopted to satisfy or obtain authorization
23 or approval under any other Federal law;

24 “(ii) implements a reporting, moni-
25 toring, disclosure, or other information ob-

1 ligation for the chemical substance not oth-
2 erwise required by the Administrator under
3 this Act or required under any other Fed-
4 eral law;

5 “(iii) is adopted pursuant to authority
6 under a law of the State or political sub-
7 division of the State related to water qual-
8 ity, air quality, or waste treatment or dis-
9 posal, except to the extent that the ac-
10 tion—

11 “(I) imposes a restriction on the
12 manufacture, processing, distribution
13 in commerce, or use of a chemical
14 substance; and

15 “(II)(aa) addresses the same haz-
16 ards and exposures, with respect to
17 the same conditions of use as are in-
18 cluded in the scope of the safety de-
19 termination pursuant to section 6, but
20 is inconsistent with the action of the
21 Administrator; or

22 “(bb) would cause a violation of
23 the applicable action by the Adminis-
24 trator under section 5 or 6; or

1 “(iv) subject to subparagraph (B), is
2 identical to a requirement prescribed by
3 the Administrator.

4 “(B) IDENTICAL REQUIREMENTS.—

5 “(i) IN GENERAL.—The penalties and
6 other sanctions applicable under a law of a
7 State or political subdivision of a State in
8 the event of noncompliance with the iden-
9 tical requirement shall be no more strin-
10 gent than the penalties and other sanctions
11 available to the Administrator under sec-
12 tion 16 of this Act.

13 “(ii) PENALTIES.—In the case of an
14 identical requirement—

15 “(I) a State or political subdivi-
16 sion of a State may not assess a pen-
17 alty for a specific violation for which
18 the Administrator has assessed an
19 adequate penalty under section 16;
20 and

21 “(II) if a State or political sub-
22 division of a State has assessed a pen-
23 alty for a specific violation, the Ad-
24 ministrator may not assess a penalty
25 for that violation in an amount that

1 would cause the total of the penalties
2 assessed for the violation by the State
3 or political subdivision of a State and
4 the Administrator combined to exceed
5 the maximum amount that may be as-
6 sessed for that violation by the Ad-
7 ministrator under section 16.

8 “(2) APPLICABILITY TO CERTAIN RULES OR OR-
9 DERS.—Notwithstanding subsection (e)—

10 “(A) nothing in this section shall be con-
11 strued as modifying the effect under this sec-
12 tion, as in effect on the day before the effective
13 date of the Frank R. Lautenberg Chemical
14 Safety for the 21st Century Act, of any rule or
15 order promulgated or issued under this Act
16 prior to that effective date; and

17 “(B) with respect to a chemical substance
18 or mixture for which any rule or order was pro-
19 mulgated or issued under section 6 prior to the
20 effective date of the Frank R. Lautenberg
21 Chemical Safety for the 21st Century Act with
22 regards to manufacturing, processing, distribu-
23 tion in commerce, use, or disposal of a chemical
24 substance, this section (as in effect on the day
25 before the effective date of the Frank R. Lau-

1 tenberg Chemical Safety for the 21st Century
2 Act) shall govern the preemptive effect of any
3 rule or order that is promulgated or issued re-
4 specting such chemical substance or mixture
5 under section 6 of this Act after that effective
6 date, unless the latter rule or order is with re-
7 spect to a chemical substance or mixture con-
8 taining a chemical substance and follows a des-
9 ignation of that chemical substance as a high-
10 priority substance under subsection (b) or (c) of
11 section 4A or as an additional priority for safe-
12 ty assessment and safety determination under
13 section 4A(c).

14 “(e) PRESERVATION OF CERTAIN LAWS.—

15 “(1) IN GENERAL.—Nothing in this Act, sub-
16 ject to subsection (g) of this section, shall—

17 “(A) be construed to preempt or otherwise
18 affect the authority of a State or political sub-
19 division of a State to continue to enforce any
20 action taken before August 1, 2015, under the
21 authority of a law of the State or political sub-
22 division of the State that prohibits or otherwise
23 restricts manufacturing, processing, distribution
24 in commerce, use, or disposal of a chemical sub-
25 stance; or

1 “(B) be construed to preempt or otherwise
2 affect any action taken pursuant to a State law
3 that was in effect on August 31, 2003.

4 “(2) EFFECT OF SUBSECTION.—This sub-
5 section does not affect, modify, or alter the relation-
6 ship between Federal law and laws of a State or po-
7 litical subdivision of a State pursuant to any other
8 Federal law.

9 “(f) WAIVERS.—

10 “(1) DISCRETIONARY EXEMPTIONS.—Upon ap-
11 plication of a State or political subdivision of a
12 State, the Administrator may by rule, exempt from
13 subsection (a), under such conditions as may be pre-
14 scribed in the rule, a statute or administrative action
15 of that State or political subdivision of the State
16 that relates to the effects of, or exposure to, a chem-
17 ical substance under the conditions of use if the Ad-
18 ministrator determines that—

19 “(A) compelling conditions warrant grant-
20 ing the waiver to protect health or the environ-
21 ment;

22 “(B) compliance with the proposed require-
23 ment of the State or political subdivision of the
24 State would not unduly burden interstate com-
25 merce in the manufacture, processing, distribu-

1 tion in commerce, or use of a chemical sub-
2 stance;

3 “(C) compliance with the proposed require-
4 ment of the State or political subdivision of the
5 State would not cause a violation of any appli-
6 cable Federal law, rule, or order; and

7 “(D) in the judgment of the Adminis-
8 trator, the proposed requirement of the State or
9 political subdivision of the State is designed to
10 address a risk of a chemical substance, under
11 the conditions of use, that was identified—

12 “(i) consistent with the best available
13 science;

14 “(ii) using supporting studies con-
15 ducted in accordance with sound and ob-
16 jective scientific practices; and

17 “(iii) based on the weight of the sci-
18 entific evidence.

19 “(2) REQUIRED EXEMPTIONS.—Upon applica-
20 tion of a State or political subdivision of a State, the
21 Administrator shall exempt from subsection (b) a
22 statute or administrative action of a State or polit-
23 ical subdivision of a State that relates to the effects
24 of exposure to a chemical substance under the condi-
25 tions of use if the Administrator determines that—

1 “(A) compliance with the proposed require-
2 ment of the State or political subdivision of the
3 State would not unduly burden interstate com-
4 merce in the manufacture, processing, distribu-
5 tion in commerce, or use of a chemical sub-
6 stance;

7 “(B) compliance with the proposed require-
8 ment of the State or political subdivision of the
9 State would not cause a violation of any appli-
10 cable Federal law, rule, or order; and

11 “(C) the State or political subdivision of
12 the State has a concern about the chemical sub-
13 stance or use of the chemical substance based
14 in peer-reviewed science.

15 “(3) DETERMINATION OF A WAIVER RE-
16 QUEST.—The duty of the Administrator to grant or
17 deny a waiver application shall be nondelegable and
18 shall be exercised—

19 “(A) not later than 180 days after the date
20 on which an application under paragraph (1) is
21 submitted; and

22 “(B) not later than 110 days after the
23 date on which an application under paragraph
24 (2) is submitted.

1 “(4) FAILURE TO MAKE DETERMINATION.—If
2 the Administrator fails to make a determination
3 under paragraph (3)(B) during the 110-day period
4 beginning on the date on which an application under
5 paragraph (2) is submitted, the statute or adminis-
6 trative action of the State or political subdivision of
7 the State that was the subject of the application
8 shall not be considered to be an existing statute or
9 administrative action for purposes of subsection (b)
10 by reason of the failure of the Administrator to
11 make a determination.

12 “(5) NOTICE AND COMMENT.—Except in the
13 case of an application approved under paragraph
14 (9), the application of a State or political subdivision
15 of a State shall be subject to public notice and com-
16 ment.

17 “(6) FINAL AGENCY ACTION.—The decision of
18 the Administrator on the application of a State or
19 political subdivision of a State shall be—

20 “(A) considered to be a final agency ac-
21 tion; and

22 “(B) subject to judicial review.

23 “(7) DURATION OF WAIVERS.—A waiver grant-
24 ed under paragraph (2) or approved under para-
25 graph (9) shall remain in effect until such time as

1 the Administrator publishes the safety determination
2 under section 6(a)(4).

3 “(8) JUDICIAL REVIEW OF WAIVERS.—Not later
4 than 60 days after the date on which the Adminis-
5 trator makes a determination on an application of a
6 State or political subdivision of a State under para-
7 graph (1) or (2), any person may file a petition for
8 judicial review in the United States Court of Appeals
9 for the District of Columbia Circuit, which shall
10 have exclusive jurisdiction over the determination.

11 “(9) APPROVAL.—

12 “(A) AUTOMATIC APPROVAL.—If the Ad-
13 ministrator fails to meet the deadline estab-
14 lished under paragraph (3)(B), the application
15 of a State or political subdivision of a State
16 under paragraph (2) shall be automatically ap-
17 proved, effective on the date that is 10 days
18 after the deadline.

19 “(B) REQUIREMENTS.—Notwithstanding
20 paragraph (6), approval of a waiver application
21 under subparagraph (A) for failure to meet the
22 deadline under paragraph (3)(B) shall not be
23 considered final agency action or be subject to
24 judicial review or public notice and comment.

25 “(g) SAVINGS.—

1 “(1) NO PREEMPTION OF COMMON LAW OR
2 STATUTORY CAUSES OF ACTION FOR CIVIL RELIEF
3 OR CRIMINAL CONDUCT.—

4 “(A) IN GENERAL.—Nothing in this Act,
5 nor any amendment made by this Act, nor any
6 safety standard, rule, requirement, standard of
7 performance, safety determination, or scientific
8 assessment implemented pursuant to this Act,
9 shall be construed to preempt, displace, or sup-
10 plant any state or Federal common law rights
11 or any state or Federal statute creating a rem-
12 edy for civil relief, including those for civil dam-
13 age, or a penalty for a criminal conduct.

14 “(B) CLARIFICATION OF NO PREEMP-
15 TION.—Notwithstanding any other provision of
16 this Act, nothing in this Act, nor any amend-
17 ments made by this Act, shall preempt or pre-
18 clude any cause of action for personal injury,
19 wrongful death, property damage, or other in-
20 jury based on negligence, strict liability, prod-
21 ucts liability, failure to warn, or any other legal
22 theory of liability under any State law, mari-
23 time law, or Federal common law or statutory
24 theory.

25 “(2) NO EFFECT ON PRIVATE REMEDIES.—

1 “(A) IN GENERAL.—Nothing in this Act,
2 nor any amendments made by this Act, nor any
3 rules, regulations, requirements, safety assess-
4 ments, safety determinations, scientific assess-
5 ments, or orders issued pursuant to this Act
6 shall be interpreted as, in either the plaintiff’s
7 or defendant’s favor, dispositive in any civil ac-
8 tion.

9 “(B) AUTHORITY OF COURTS.—This Act
10 does not affect the authority of any court to
11 make a determination in an adjudicatory pro-
12 ceeding under applicable State or Federal law
13 with respect to the admission into evidence or
14 any other use of this Act or rules, regulations,
15 requirements, standards of performance, safety
16 assessments, scientific assessments, or orders
17 issued pursuant to this Act.”.

18 **SEC. 18. JUDICIAL REVIEW.**

19 Section 19 of the Toxic Substances Control Act (15
20 U.S.C. 2618) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) in the first sentence—

1 (aa) by striking “Not” and
2 inserting “Except as otherwise
3 provided in this title, not”;

4 (bb) by striking “section
5 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e),
6 or 8, or under title II or IV” and
7 inserting “this title or title II or
8 IV, or an order under section
9 6(e)(1)(A)”;

10 (cc) by striking “judicial re-
11 view of such rule” and inserting
12 “judicial review of such rule or
13 order”; and

14 (II) in the second sentence, by
15 striking “such a rule” and inserting
16 “such a rule or order”; and

17 (ii) in subparagraph (B)—

18 (I) by striking “Courts” and in-
19 serting “Except as otherwise provided
20 in this title, courts”; and

21 (II) by striking “an order issued
22 under subparagraph (A) or (B) of sec-
23 tion 6(b)(1)” and inserting “an order
24 issued under this title”;

1 (B) in paragraph (2), in the second sen-
2 tence, by striking “the filing of the rulemaking
3 record of proceedings on which the Adminis-
4 trator based the rule being reviewed” and in-
5 serting “the filing of the record of proceedings
6 on which the Administrator based the rule or
7 order being reviewed”; and

8 (C) by striking paragraph (3) and insert-
9 ing the following:

10 “(3) JUDICIAL REVIEW OF LOW-PRIORITY DECI-
11 SIONS.—

12 “(A) IN GENERAL.—Not later than 60
13 days after the publication of a designation
14 under section 4A(b)(4), or a designation under
15 section 4A(b)(8) of a chemical substance as a
16 low-priority substance, any person may com-
17 mence a civil action to challenge the designa-
18 tion.

19 “(B) JURISDICTION.—The United States
20 Court of Appeals for the District of Columbia
21 Circuit shall have exclusive jurisdiction over a
22 civil action filed under this paragraph.”; and

23 (2) in subsection (c)(1)(B)—

24 (A) in clause (i)—

1 (i) by striking “section 4(a), 5(b)(4),
2 6(a), or 6(e)” and inserting “section 4(a),
3 6(d), or 6(g), or an order under section
4 6(c)(1)(A)”; and

5 (ii) by striking “evidence in the rule-
6 making record (as defined in subsection
7 (a)(3)) taken as a whole;” and inserting
8 “evidence (including any matter) in the
9 rulemaking record, taken as a whole; and”;
10 and

11 (B) by striking clauses (ii) and (iii) and
12 the matter following clause (iii) and inserting
13 the following:

14 “(ii) the court may not review the
15 contents and adequacy of any statement of
16 basis and purpose required by section
17 553(e) of title 5, United States Code, to be
18 incorporated in the rule, except as part of
19 the rulemaking record, taken as a whole.”.

20 **SEC. 19. CITIZENS’ CIVIL ACTIONS.**

21 Section 20 of the Toxic Substances Control Act (15
22 U.S.C. 2619) is amended—

23 (1) in subsection (a)(1), by striking “or order
24 issued under section 5” and inserting “or order
25 issued under section 4 or 5”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)(B), by striking “or”
3 at the end;

4 (B) in paragraph (2), by striking the pe-
5 riod at the end and inserting “, except that no
6 prior notification shall be required in the case
7 of a civil action brought to compel a decision by
8 the Administrator pursuant to section
9 18(f)(3)(B); or”; and

10 (C) by adding at the end the following:

11 “(3) in the case of a civil action brought to
12 compel a decision by the Administrator pursuant to
13 section 18(f)(3)(B), after the date that is 60 days
14 after the deadline specified in section 18(f)(3)(B).”.

15 **SEC. 20. CITIZENS’ PETITIONS.**

16 Section 21 of the Toxic Substances Control Act (15
17 U.S.C. 2620) is amended—

18 (1) in subsection (a), by striking “an order
19 under section 5(e) or 6(b)(2)” and inserting “an
20 order under section 4 or 5(d)”; and

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “an
23 order under section 5(e), 6(b)(1)(A), or
24 6(b)(1)(B)” and inserting “an order under sec-
25 tion 4 or 5(d)”; and

1 (B) in paragraph (4), by striking subpara-
2 graph (B) and inserting the following:

3 “(B) DE NOVO PROCEEDING.—

4 “(i) IN GENERAL.—In an action
5 under subparagraph (A) to initiate a pro-
6 ceeding to issue a rule pursuant to section
7 4, 5, 6, or 8 or issue an order under sec-
8 tion 4 or 5(d), the petitioner shall be pro-
9 vided an opportunity to have the petition
10 considered by the court in a de novo pro-
11 ceeding.

12 “(ii) DEMONSTRATION.—

13 “(I) IN GENERAL.—The court in
14 a de novo proceeding under this sub-
15 paragraph shall order the Adminis-
16 trator to initiate the action requested
17 by the petitioner if the petitioner dem-
18 onstrates to the satisfaction of the
19 court by a preponderance of the evi-
20 dence that—

21 “(aa) in the case of a peti-
22 tion to initiate a proceeding for
23 the issuance of a rule or order
24 under section 4, the information

1 is needed for a purpose identified
2 in section 4(a);

3 “(bb) in the case of a peti-
4 tion to issue an order under sec-
5 tion 5(d), the chemical substance
6 is not likely to meet the safety
7 standard;

8 “(cc) in the case of a peti-
9 tion to initiate a proceeding for
10 the issuance of a rule under sec-
11 tion 6(d), the chemical substance
12 does not meet the safety stand-
13 ard; or

14 “(dd) in the case of a peti-
15 tion to initiate a proceeding for
16 the issuance of a rule under sec-
17 tion 8, there is a reasonable basis
18 to conclude that the rule is nec-
19 essary to protect health or the
20 environment or ensure that the
21 chemical substance meets the
22 safety standard.

23 “(II) DEFERMENT.—The court
24 in a de novo proceeding under this
25 subparagraph may permit the Admin-

1 istrator to defer initiating the action
2 requested by the petitioner until such
3 time as the court prescribes, if the
4 court finds that—

5 “(aa) the extent of the risk
6 to health or the environment al-
7 leged by the petitioner is less
8 than the extent of risks to health
9 or the environment with respect
10 to which the Administrator is
11 taking action under this Act; and

12 “(bb) there are insufficient
13 resources available to the Admin-
14 istrator to take the action re-
15 quested by the petitioner.”.

16 **SEC. 21. EMPLOYMENT EFFECTS.**

17 Section 24(b)(2)(B)(ii) of the Toxic Substances Con-
18 trol Act (15 U.S.C. 2623(b)(2)(B)(ii)) is amended by
19 striking “section 6(c)(3),” and inserting “the applicable
20 requirements of this Act;”.

21 **SEC. 22. STUDIES.**

22 Section 25 of the Toxic Substances Control Act (15
23 U.S.C. 2624) is repealed.

1 **SEC. 23. ADMINISTRATION.**

2 Section 26 of the Toxic Substances Control Act (15
3 U.S.C. 2625) is amended—

4 (1) by striking subsection (b) and inserting the
5 following:

6 “(b) FEES.—

7 “(1) IN GENERAL.—The Administrator shall es-
8 tablish, not later than 1 year after the date of enact-
9 ment of the Frank R. Lautenberg Chemical Safety
10 for the 21st Century Act, by rule—

11 “(A) the payment of 1 or more reasonable
12 fees as a condition of submitting a notice or re-
13 questing an exemption under section 5; and

14 “(B) the payment of 1 or more reasonable
15 fees by a manufacturer or processor that—

16 “(i) is required to submit a notice
17 pursuant to the rule promulgated under
18 section 8(b)(4)(A)(i) identifying a chemical
19 substance as active;

20 “(ii) is required to submit a notice
21 pursuant to section 8(b)(5)(B)(i) changing
22 the status of a chemical substance from in-
23 active to active;

24 “(iii) is required to report information
25 pursuant to the rules promulgated under
26 paragraph (1) or (4) of section 8(a); or

1 “(iv) manufactures or processes a
2 chemical substance subject to a safety as-
3 sessment and safety determination pursu-
4 ant to section 6.

5 “(2) UTILIZATION AND COLLECTION OF
6 FEES.—The Administrator shall—

7 “(A) utilize the fees collected under para-
8 graph (1) only to defray costs associated with
9 the actions of the Administrator—

10 “(i) to collect, process, review, provide
11 access to, and protect from disclosure
12 (where appropriate) information on chem-
13 ical substances under this Act;

14 “(ii) to review notices and make de-
15 terminations for chemical substances under
16 paragraphs (1) and (3) of section 5(d) and
17 impose any necessary restrictions under
18 section 5(d)(4);

19 “(iii) to make prioritization decisions
20 under section 4A;

21 “(iv) to conduct and complete safety
22 assessments and determinations under sec-
23 tion 6; and

24 “(v) to conduct any necessary rule-
25 making pursuant to section 6(d);

1 “(B) insofar as possible, collect the fees
2 described in paragraph (1) in advance of con-
3 ducting any fee-supported activity;

4 “(C) deposit the fees in the Fund estab-
5 lished by paragraph (4)(A); and

6 “(D) insofar as possible, not collect excess
7 fees or retain a significant amount of unused
8 fees.

9 “(3) AMOUNT AND ADJUSTMENT OF FEES; RE-
10 FUNDS.—In setting fees under this section, the Ad-
11 ministrator shall—

12 “(A) prescribe lower fees for small busi-
13 ness concerns, after consultation with the Ad-
14 ministrator of the Small Business Administra-
15 tion;

16 “(B) set the fees established under para-
17 graph (1) at levels such that the fees will, in
18 aggregate, provide a sustainable source of funds
19 to annually defray—

20 “(i) the lower of—

21 “(I) 25 percent of the costs of
22 conducting the activities identified in
23 paragraph (2)(A), other than the
24 costs to conduct and complete safety
25 assessments and determinations under

1 section 6 for chemical substances
2 identified pursuant to section 4A(c);
3 or

4 “(II) \$25,000,000 (subject to ad-
5 justment pursuant to subparagraph
6 (F)); and

7 “(ii) the full costs and the 50-percent
8 portion of the costs of safety assessments
9 and safety determinations specified in sub-
10 paragraph (D);

11 “(C) reflect an appropriate balance in the
12 assessment of fees between manufacturers and
13 processors, and allow the payment of fees by
14 consortia of manufacturers or processors;

15 “(D) notwithstanding subparagraph (B)
16 and paragraph (4)(D)—

17 “(i) for substances designated pursu-
18 ant to section 4A(c)(1), establish the fee at
19 a level sufficient to defray the full annual
20 costs to the Administrator of conducting
21 the safety assessment and safety deter-
22 mination under section 6; and

23 “(ii) for substances designated pursu-
24 ant to section 4A(c)(3), establish the fee at
25 a level sufficient to defray 50 percent of

1 the annual costs to the Administrator of
2 conducting the safety assessment and safe-
3 ty determination under section 6;

4 “(E) prior to the establishment or amend-
5 ment of any fees under paragraph (1), consult
6 and meet with parties potentially subject to the
7 fees or their representatives, subject to the con-
8 dition that no obligation under the Federal Ad-
9 visory Committee Act (5 U.S.C. App.) or sub-
10 chapter III of chapter 5 of title 5, United
11 States Code, is applicable with respect to such
12 meetings;

13 “(F) beginning with the fiscal year that is
14 3 years after the date of enactment of the
15 Frank R. Lautenberg Chemical Safety for the
16 21st Century Act, and every 3 years thereafter,
17 after consultation with parties potentially sub-
18 ject to the fees and their representatives pursu-
19 ant to subparagraph (E), increase or decrease
20 the fees established under paragraph (1) as
21 necessary to adjust for inflation and to ensure,
22 based on the audit analysis required under
23 paragraph (5)(B), that funds deposited in the
24 Fund are sufficient to defray—

1 “(i) approximately but not more than
2 25 percent of the annual costs to conduct
3 the activities identified in paragraph
4 (2)(A), other than the costs to conduct and
5 complete safety assessments and deter-
6 minations under section 6 for chemical
7 substances identified pursuant to section
8 4A(c); and

9 “(ii) the full annual costs and the 50-
10 percent portion of the annual costs of safe-
11 ty assessments and safety determinations
12 specified in subparagraph (D);

13 “(G) adjust fees established under para-
14 graph (1) as necessary to vary on account of
15 differing circumstances, including reduced fees
16 or waivers in appropriate circumstances, to re-
17 duce the burden on manufacturing or proc-
18 essing, remove barriers to innovation, or where
19 the costs to the Administrator of collecting the
20 fees exceed the fee revenue anticipated to be
21 collected; and

22 “(H) if a notice submitted under section 5
23 is refused or subsequently withdrawn, refund
24 the fee or a portion of the fee if no substantial
25 work was performed on the notice.

1 “(4) TSCA IMPLEMENTATION FUND.—

2 “(A) ESTABLISHMENT.—There is estab-
3 lished in the Treasury of the United States a
4 fund, to be known as the ‘TSCA Implementa-
5 tion Fund’ (referred to in this subsection as the
6 ‘Fund’), consisting of—

7 “(i) such amounts as are deposited in
8 the Fund under paragraph (2)(C); and

9 “(ii) any interest earned on the in-
10 vestment of amounts in the Fund; and

11 “(iii) any proceeds from the sale or
12 redemption of investments held in the
13 Fund.

14 “(B) CREDITING AND AVAILABILITY OF
15 FEES.—

16 “(i) IN GENERAL.—Fees authorized
17 under this section shall be collected and
18 available for obligation only to the extent
19 and in the amount provided in advance in
20 appropriations Acts, and shall be available
21 without fiscal year limitation.

22 “(ii) REQUIREMENTS.—Fees collected
23 under this section shall not—

24 “(I) be made available or obli-
25 gated for any purpose other than to

1 defray the costs of conducting the ac-
2 tivities identified in paragraph (2)(A);

3 “(II) otherwise be available for
4 any purpose other than implementa-
5 tion of this Act; and

6 “(III) so long as amounts in the
7 Fund remain available, be subject to
8 restrictions on expenditures applicable
9 to the Federal government as a whole.

10 “(C) UNUSED FUNDS.—Amounts in the
11 Fund not currently needed to carry out this
12 subsection shall be—

13 “(i) maintained readily available or on
14 deposit;

15 “(ii) invested in obligations of the
16 United States or guaranteed by the United
17 States; or

18 “(iii) invested in obligations, partici-
19 pations, or other instruments that are law-
20 ful investments for fiduciary, trust, or pub-
21 lic funds.

22 “(D) MINIMUM AMOUNT OF APPROPRIA-
23 TIONS.—Fees may not be assessed for a fiscal
24 year under this section unless the amount of
25 appropriations for the Chemical Risk Review

1 and Reduction program project of the Environ-
2 mental Protection Agency for the fiscal year
3 (excluding the amount of any fees appropriated
4 for the fiscal year) are equal to or greater than
5 the amount of appropriations for that program
6 project for fiscal year 2014.

7 “(5) AUDITING.—

8 “(A) FINANCIAL STATEMENTS OF AGEN-
9 CIES.—For the purpose of section 3515(c) of
10 title 31, United States Code, the Fund shall be
11 considered a component of an executive agency.

12 “(B) COMPONENTS.—The annual audit re-
13 quired under sections 3515(b) and 3521 of that
14 title of the financial statements of activities
15 under this subsection shall include an analysis
16 of—

17 “(i) the fees collected under para-
18 graph (1) and disbursed;

19 “(ii) compliance with the deadlines es-
20 tablished in section 6 of this Act;

21 “(iii) the amounts budgeted, appro-
22 priated, collected from fees, and disbursed
23 to meet the requirements of sections 4, 4A,
24 5, 6, 8, and 14, including the allocation of

1 full time equivalent employees to each such
2 section or activity; and

3 “(iv) the reasonableness of the alloca-
4 tion of the overhead associated with the
5 conduct of the activities described in para-
6 graph (2)(A).

7 “(C) INSPECTOR GENERAL.—The Inspec-
8 tor General of the Environmental Protection
9 Agency shall—

10 “(i) conduct the annual audit required
11 under this subsection; and

12 “(ii) report the findings and rec-
13 ommendations of the audit to the Adminis-
14 trator and to the appropriate committees
15 of Congress.

16 “(6) TERMINATION.—The authority provided by
17 this section shall terminate at the conclusion of the
18 fiscal year that is 10 years after the date of enact-
19 ment of the Frank R. Lautenberg Chemical Safety
20 for the 21st Century Act, unless otherwise reauthor-
21 ized or modified by Congress.”;

22 (2) in subsection (e), by striking “Health, Edu-
23 cation, and Welfare” each place it appears and in-
24 serting “Health and Human Services”; and

25 (3) adding at the end the following:

1 Agriculture, the Environmental Protection Agency,
2 the National Institute of Standards and Technology,
3 the Department of Defense, the National Institutes
4 of Health, and other related Federal agencies.

5 “(2) CHAIRMAN.—The entity described in para-
6 graph (1) shall be chaired by the Director of the Na-
7 tional Science Foundation and the Assistant Admin-
8 istrator for the Office of Research and Development
9 of the Environmental Protection Agency, or their
10 designees.

11 “(3) DUTIES.—

12 “(A) IN GENERAL.—The entity described
13 in paragraph (1) shall—

14 “(i) develop a working definition of
15 sustainable chemistry, after seeking advice
16 and input from stakeholders as described
17 in clause (v);

18 “(ii) oversee the planning, manage-
19 ment, and coordination of the Sustainable
20 Chemistry Initiative described in sub-
21 section (d);

22 “(iii) develop a national strategy for
23 sustainable chemistry as described in sub-
24 section (f);

1 “(iv) develop an implementation plan
2 for sustainable chemistry as described in
3 subsection (g); and

4 “(v) consult and coordinate with
5 stakeholders qualified to provide advice
6 and information on the development of the
7 initiative, national strategy, and implemen-
8 tation plan for sustainable chemistry, at
9 least once per year, to carry out activities
10 that may include workshops, requests for
11 information, and other efforts as nec-
12 essary.

13 “(B) STAKEHOLDERS.—The stakeholders
14 described in subparagraph (A)(v) shall include
15 representatives from—

16 “(i) industry (including small- and
17 medium-sized enterprises from across the
18 value chain);

19 “(ii) the scientific community (includ-
20 ing the National Academy of Sciences, sci-
21 entific professional societies, and aca-
22 demia);

23 “(iii) the defense community;

24 “(iv) State, tribal, and local govern-
25 ments;

1 “(v) State or regional sustainable
2 chemistry programs;

3 “(vi) nongovernmental organizations;
4 and

5 “(vii) other appropriate organizations.

6 “(4) SUNSET.—

7 “(A) IN GENERAL.—On completion of the
8 national strategy and accompanying implemen-
9 tation plan for sustainable chemistry as de-
10 scribed in paragraph (3), the Director of the
11 Office of Science and Technology Policy—

12 “(i) shall review the need for further
13 work; and

14 “(ii) may disband the entity described
15 in paragraph (1) if no further efforts are
16 determined to be necessary.

17 “(B) NOTICE AND JUSTIFICATION.—The
18 Director of the Office of Science and Tech-
19 nology Policy shall provide notice and justifica-
20 tion, including an analysis of options to estab-
21 lish the Sustainable Chemistry Initiative de-
22 scribed in subsection (d) and the partnerships
23 described in subsection (e) within 1 or more ap-
24 propriate Federal agencies, regarding a decision
25 to disband the entity not less than 90 days

1 prior to the termination date to the Committee
2 on Science, Space, and Technology and the
3 Committee on Energy and Commerce of the
4 House of Representatives and the Committee
5 on Environment and Public Works and the
6 Committee on Commerce, Science, and Trans-
7 portation of the Senate.

8 “(d) SUSTAINABLE CHEMISTRY INITIATIVE.—The
9 entity described in subsection (c)(1) shall oversee the es-
10 tablishment of an interagency Sustainable Chemistry Ini-
11 tiative to promote and coordinate activities designed—

12 “(1) to provide sustained support for sustain-
13 able chemistry research, development, demonstra-
14 tion, technology transfer, commercialization, edu-
15 cation, and training through—

16 “(A) coordination and promotion of sus-
17 tainable chemistry research, development, dem-
18 onstration, and technology transfer conducted
19 at Federal and national laboratories and Fed-
20 eral agencies and at public and private institu-
21 tions of higher education; and

22 “(B) to the extent practicable, encourage-
23 ment of consideration of sustainable chemistry
24 in, as appropriate—

1 “(i) the conduct of Federal, State,
2 and private science and engineering re-
3 search and development; and

4 “(ii) the solicitation and evaluation of
5 applicable proposals for science and engi-
6 neering research and development;

7 “(2) to examine methods by which the Federal
8 Government can offer incentives for consideration
9 and use of sustainable chemistry processes and prod-
10 ucts that encourage competition and overcoming
11 market barriers, including grants, loans, loan guar-
12 antees, and innovative financing mechanisms;

13 “(3) to expand the education and training of
14 undergraduate and graduate students and profes-
15 sional scientists and engineers, including through
16 partnerships with industry as described in subsection
17 (e), in sustainable chemistry science and engineer-
18 ing;

19 “(4) to collect and disseminate information on
20 sustainable chemistry research, development, and
21 technology transfer, including information on—

22 “(A) incentives and impediments to devel-
23 opment, manufacturing, and commercialization;

24 “(B) accomplishments;

25 “(C) best practices; and

1 “(D) costs and benefits; and

2 “(5) to support (including through technical as-
3 sistance, participation, financial support, or other
4 forms of support) economic, legal, and other appro-
5 priate social science research to identify barriers to
6 commercialization and methods to advance commer-
7 cialization of sustainable chemistry.

8 “(e) PARTNERSHIPS IN SUSTAINABLE CHEMISTRY.—

9 “(1) IN GENERAL.—The entity described in
10 subsection (c)(1), itself or through an appropriate
11 subgroup designated or established by the entity,
12 shall work through the agencies described in sub-
13 section (c)(1) to support, through financial, tech-
14 nical, or other assistance, the establishment of part-
15 nerships between institutions of higher education,
16 nongovernmental organizations, consortia, and com-
17 panies across the value chain in the chemical indus-
18 try, including small- and medium-sized enterprises—

19 “(A) to establish collaborative research, de-
20 velopment, demonstration, technology transfer,
21 and commercialization programs; and

22 “(B) to train students and retrain profes-
23 sional scientists and engineers in the use of sus-
24 tainable chemistry concepts and strategies by
25 methods including—

1 “(i) developing curricular materials
2 and courses for undergraduate and grad-
3 uate levels and for the professional devel-
4 opment of scientists and engineers; and

5 “(ii) publicizing the availability of pro-
6 fessional development courses in sustain-
7 able chemistry and recruiting scientists
8 and engineers to pursue those courses.

9 “(2) PRIVATE SECTOR ENTITIES.—To be eligi-
10 ble for support under this section, a partnership in
11 sustainable chemistry shall include at least 1 private
12 sector entity.

13 “(3) SELECTION OF PARTNERSHIPS.—In select-
14 ing partnerships for support under this section, the
15 entity and the agencies described in subsection
16 (c)(1) shall also consider the extent to which the ap-
17 plicants are willing and able to demonstrate evidence
18 of support for, and commitment—

19 “(A) to achieving the goals of the Sustain-
20 able Chemistry Initiative described in sub-
21 section (d); and

22 “(B) to sustaining any new innovations,
23 tools, and resources generated from funding
24 under the program.

1 “(4) PROHIBITED USE OF FUNDS.—Financial
2 support provided under this section may not be
3 used—

4 “(A) to support or expand a regulatory
5 chemical management program at an imple-
6 menting agency under a State law; or

7 “(B) to construct or renovate a building or
8 structure.

9 “(f) NATIONAL STRATEGY TO CONGRESS.—

10 “(1) IN GENERAL.—Not later than 2 years
11 after the date of enactment of the Frank R. Lauten-
12 berg Chemical Safety for the 21st Century Act, the
13 entity described in subsection (c)(1) shall submit to
14 the Committee on Science, Space, and Technology
15 and the Committee on Energy and Commerce of the
16 House of Representatives and the Committee on En-
17 vironment and Public Works and the Committee on
18 Commerce, Science, and Transportation of the Sen-
19 ate, a national strategy that shall include—

20 “(A) a summary of federally funded sus-
21 tainable chemistry research, development, dem-
22 onstration, technology transfer, commercializa-
23 tion, education, and training activities;

24 “(B) a summary of the financial resources
25 allocated to sustainable chemistry initiatives;

1 “(C) an analysis of the progress made to-
2 ward achieving the goals and priorities of the
3 Sustainable Chemistry Initiative described in
4 subsection (d), and recommendations for future
5 initiative activities, including consideration of
6 options to establish the Sustainable Chemistry
7 Initiative and the partnerships described in sub-
8 section (e) within 1 or more appropriate Fed-
9 eral agencies;

10 “(D) an assessment of the benefits of ex-
11 panding existing, federally supported regional
12 innovation and manufacturing hubs to include
13 sustainable chemistry and the value of directing
14 the establishment of 1 or more dedicated sus-
15 tainable chemistry centers of excellence or hubs;

16 “(E) an evaluation of steps taken and fu-
17 ture strategies to avoid duplication of efforts,
18 streamline interagency coordination, facilitate
19 information sharing, and spread best practices
20 between participating agencies in the Sustain-
21 able Chemistry Initiative; and

22 “(F) a framework for advancing sustain-
23 able chemistry research, development, tech-
24 nology transfer, commercialization, and edu-
25 cation and training.

1 “(2) SUBMISSION TO GAO.—The entity de-
2 scribed in subsection (c)(1) shall submit the national
3 strategy described in paragraph (1) to the Govern-
4 ment Accountability Office for consideration in fu-
5 ture Congressional inquiries.

6 “(g) IMPLEMENTATION PLAN.—Not later than 3
7 years after the date of enactment of the Frank R. Lauten-
8 berg Chemical Safety for the 21st Century Act, the entity
9 described in subsection (c)(1) shall submit to the Com-
10 mittee on Science, Space, and Technology and the Com-
11 mittee on Energy and Commerce of the House of Rep-
12 resentatives and the Committee on Environment and Pub-
13 lic Works and the Committee on Commerce, Science, and
14 Transportation of the Senate, an implementation plan,
15 based on the findings of the national strategy and other
16 assessments, as appropriate, for sustainable chemistry.”.

17 (b) SUSTAINABLE CHEMISTRY BASIC RESEARCH.—
18 Subject to the availability of appropriated funds, the Di-
19 rector of the National Science Foundation shall continue
20 to carry out the Green Chemistry Basic Research program
21 authorized under section 509 of the National Science
22 Foundation Authorization Act of 2010 (42 U.S.C. 1862p-
23 3).

1 **SEC. 25. STATE PROGRAMS.**

2 Section 28 of the Toxic Substances Control Act (15
3 U.S.C. 2627) is amended—

4 (1) in subsection (b)(1)—

5 (A) in subparagraphs (A) through (D), by
6 striking the comma at the end of each subpara-
7 graph and inserting a semicolon; and

8 (B) in subparagraph (E), by striking “,
9 and” and inserting “; and”; and

10 (2) by striking subsections (c) and (d).

11 **SEC. 26. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 29 of the Toxic Substances Control Act (15
13 U.S.C. 2628) is repealed.

14 **SEC. 27. ANNUAL REPORT.**

15 Section 30 of the Toxic Substances Control Act (15
16 U.S.C. 2629) is amended by striking paragraph (2) and
17 inserting the following:

18 “(2)(A) the number of notices received during
19 each year under section 5; and

20 “(B) the number of the notices described in
21 subparagraph (A) for chemical substances subject to
22 a rule, testing consent agreement, or order under
23 section 4;”.

24 **SEC. 28. EFFECTIVE DATE.**

25 Section 31 of the Toxic Substances Control Act (15
26 U.S.C. 2601 note; Public Law 94–469) is amended—

1 (1) by striking “Except as provided in section
2 4(f), this” and inserting the following:

3 “(a) IN GENERAL.—This”; and

4 (2) by adding at the end the following:

5 “(b) RETROACTIVE APPLICABILITY.—Nothing in this
6 Act shall be interpreted to apply retroactively to any State,
7 Federal, or maritime legal action commenced prior to the
8 effective date of the Frank R. Lautenberg Chemical Safety
9 for the 21st Century Act.”.

10 **SEC. 29. ELEMENTAL MERCURY.**

11 (a) TEMPORARY GENERATOR ACCUMULATION.—Sec-
12 tion 5 of the Mercury Export Ban Act of 2008 (42 U.S.C.
13 6939f) is amended—

14 (1) in subsection (a)(2), by striking “2013” and
15 inserting “2019”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by redesignating subparagraphs
19 (A), (B), and (C), as clauses (i), (ii), and
20 (iii), respectively and indenting appro-
21 priately;

22 (ii) in the first sentence, by striking
23 “After consultation” and inserting the fol-
24 lowing:

1 “(A) ASSESSMENT AND COLLECTION.—
2 After consultation”;

3 (iii) in the second sentence, by strik-
4 ing “The amount of such fees” and insert-
5 ing the following:

6 “(B) AMOUNT.—The amount of the fees
7 described in subparagraph (A)”;

8 (iv) in subparagraph (B) (as so des-
9 ignated)—

10 (I) in clause (i) (as so redesign-
11 ated), by striking “publically avail-
12 able not later than October 1, 2012”
13 and inserting “publicly available not
14 later than October 1, 2018”;

15 (II) in clause (ii) (as so redesign-
16 ated), by striking “and”;

17 (III) in clause (iii) (as so redesign-
18 ated), by striking the period at the
19 end and inserting “, subject to clause
20 (iv); and”; and

21 (IV) by adding at the end the fol-
22 lowing:

23 “(iv) for generators temporarily accu-
24 mulating elemental mercury in a facility
25 subject to subparagraphs (B) and (D)(iv)

1 of subsection (g)(2) if the facility des-
2 ignated in subsection (a) is not operational
3 by January 1, 2019, shall be adjusted to
4 subtract the cost of the temporary accumu-
5 lation during the period in which the facil-
6 ity designated under subsection (a) is not
7 operational.”; and

8 (v) by adding at the end the following:

9 “(C) CONVEYANCE OF TITLE AND PERMIT-
10 TING.—If the facility designated in subsection
11 (a) is not operational by January 1, 2020, the
12 Secretary—

13 “(i) shall immediately accept the con-
14 veyance of title to all elemental mercury
15 that has accumulated in facilities in ac-
16 cordance with subsection (g)(2)(D), before
17 January 1, 2020, and deliver the accumu-
18 lated mercury to the facility designated
19 under subsection (a) on the date on which
20 the facility becomes operational;

21 “(ii) shall pay any applicable Federal
22 permitting costs, including the costs for
23 permits issued under section 3005(c) of
24 the Solid Waste Disposal Act (42 U.S.C.
25 6925(c)); and

1 “(iii) shall store, or pay the cost of
2 storage of, until the time at which a facil-
3 ity designated in subsection (a) is oper-
4 ational, accumulated mercury to which the
5 Secretary has title under this subpara-
6 graph in a facility that has been issued a
7 permit under section 3005(e) of the Solid
8 Waste Disposal Act (42 U.S.C. 6925(c)).”;
9 and

10 (B) in paragraph (2), in the first sentence,
11 by striking “paragraph (1)(C)” and inserting
12 “paragraph (1)(B)(iii)”;
13 (3) in subsection (g)(2)—

14 (A) in the undesignated material at the
15 end, by striking “This subparagraph” and in-
16 serting the following:

17 “(C) Subparagraph (B)”;

18 (B) in subparagraph (C) (as added by
19 paragraph (1)), by inserting “of that subpara-
20 graph” before the period at the end; and

21 (C) by adding at the end the following:

22 “(D) A generator producing elemental
23 mercury incidentally from the beneficiation or
24 processing of ore or related pollution control ac-
25 tivities, may accumulate the mercury produced

1 onsite that is destined for a facility designated
2 by the Secretary under subsection (a), for more
3 than 90 days without a permit issued under
4 section 3005(e) of the Solid Waste Disposal Act
5 (42 U.S.C. 6925(e)), and shall not be subject to
6 the storage prohibition of section 3004(j) of
7 that Act (42 U.S.C. 6924(j)), if—

8 “(i) the Secretary is unable to accept
9 the mercury at a facility designated by the
10 Secretary under subsection (a) for reasons
11 beyond the control of the generator;

12 “(ii) the generator certifies in writing
13 to the Secretary that the generator will
14 ship the mercury to a designated facility
15 when the Secretary is able to accept the
16 mercury;

17 “(iii) the generator certifies in writing
18 to the Secretary that the generator is stor-
19 ing only mercury the generator has pro-
20 duced or recovered onsite and will not sell,
21 or otherwise place into commerce, the mer-
22 cury; and

23 “(iv) the generator has obtained an
24 identification number under section 262.12
25 of title 40, Code of Federal Regulations,

1 and complies with the requirements de-
2 scribed in paragraphs (1) through (4) of
3 section 262.34(a) of title 40, Code of Fed-
4 eral Regulations (as in effect on the date
5 of enactment of this subparagraph).

6 “(E) MANAGEMENT STANDARDS FOR TEM-
7 PORARY STORAGE.—Not later than January 1,
8 2017, the Secretary, after consultation with the
9 Administrator of the Environmental Protection
10 Agency and State agencies in affected States,
11 shall develop and make available guidance that
12 establishes procedures and standards for the
13 management and short-term storage of ele-
14 mental mercury at a generator covered under
15 subparagraph (D), including requirements to
16 ensure appropriate use of flasks or other suit-
17 able containers. Such procedures and standards
18 shall be protective of human health and the en-
19 vironment and shall ensure that the elemental
20 mercury is stored in a safe, secure, and effec-
21 tive manner. A generator may accumulate mer-
22 cury in accordance with subparagraph (D) im-
23 mediately upon enactment of this Act, and not-
24 withstanding that guidance called for by this

1 paragraph (E) has not been developed or made
2 available.”.

3 (b) INTERIM STATUS.—Section 5(d)(1) of the Mer-
4 cury Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1)) is
5 amended—

6 (1) in the fourth sentence, by striking “in exist-
7 ence on or before January 1, 2013,”; and

8 (2) in the last sentence, by striking “January
9 1, 2015” and inserting “January 1, 2020”.

10 (c) MERCURY INVENTORY.—Section 8(b) of the Toxic
11 Substances Control Act (15 U.S.C. 2607(b)) (as amended
12 by section 10(2)) is amended by adding at the end the
13 following:

14 “(10) MERCURY.—

15 “(A) DEFINITION OF MERCURY.—In this
16 paragraph, notwithstanding section 3(2)(B), the
17 term ‘mercury’ means—

18 “(i) elemental mercury; and

19 “(ii) a mercury compound.

20 “(B) PUBLICATION.—Not later than April
21 1, 2017, and every 3 years thereafter, the Ad-
22 ministrator shall publish in the Federal Reg-
23 ister an inventory of mercury supply, use, and
24 trade in the United States.

1 “(C) PROCESS.—In carrying out the inven-
2 tory under subparagraph (B), the Adminis-
3 trator shall—

4 “(i) identify any remaining manufac-
5 turing processes or products that inten-
6 tionally add mercury; and

7 “(ii) recommend actions, including
8 proposed revisions of Federal law (includ-
9 ing regulations), to achieve further reduc-
10 tions in mercury use.

11 “(D) REPORTING.—

12 “(i) IN GENERAL.—To assist in the
13 preparation of the inventory under sub-
14 paragraph (B), any person who manufac-
15 tures mercury or mercury-added products
16 or otherwise intentionally uses mercury in
17 a manufacturing process shall make peri-
18 odic reports to the Administrator, at such
19 time and including such information as the
20 Administrator shall determine by rule pro-
21 mulgated not later than 2 years after the
22 date of enactment of this paragraph.

23 “(ii) COORDINATION.—To avoid dupli-
24 cation, the Administrator shall coordinate
25 the reporting under this subparagraph

1 with the Interstate Mercury Education and
2 Reduction Clearinghouse.

3 “(iii) EXEMPTION.—This subpara-
4 graph shall not apply to a person engaged
5 in the generation, handling, or manage-
6 ment of mercury-containing waste, unless
7 that person manufactures or recovers mer-
8 cury in the management of that waste.”.

9 (d) PROHIBITION ON EXPORT OF CERTAIN MERCURY
10 COMPOUNDS.—Section 12(c) of the Toxic Substances
11 Control Act (15 U.S.C. 2611(c)) (as amended by section
12 13(3)) is amended—

13 (1) in the subsection heading, by inserting
14 “AND MERCURY COMPOUNDS” after “MERCURY”;
15 and

16 (2) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) PROHIBITION ON EXPORT OF CERTAIN
19 MERCURY COMPOUNDS.—

20 “(A) IN GENERAL.—Effective January 1,
21 2020, the export of the following mercury com-
22 pounds is prohibited:

23 “(i) Mercury (I) chloride or calomel.

24 “(ii) Mercury (II) oxide.

25 “(iii) Mercury (II) sulfate.

1 “(iv) Mercury (II) nitrate.

2 “(v) Cinnabar or mercury sulphide.

3 “(vi) Any mercury compound that the
4 Administrator, at the discretion of the Ad-
5 ministrator, adds to the list by rule, on de-
6 termining that exporting that mercury
7 compound for the purpose of regenerating
8 elemental mercury is technically feasible.

9 “(B) PUBLICATION.—Not later than 90
10 days after the date of enactment of the Frank
11 R. Lautenberg Chemical Safety for the 21st
12 Century Act, and as appropriate thereafter, the
13 Administrator shall publish in the Federal Reg-
14 ister a list of the mercury compounds that are
15 prohibited from export under this paragraph.

16 “(C) PETITION.—Any person may petition
17 the Administrator to add to the list of mercury
18 compounds prohibited from export.

19 “(D) ENVIRONMENTALLY SOUND DIS-
20 POSAL.—This paragraph does not prohibit the
21 export of mercury (I) chloride or calomel for en-
22 vironmentally sound disposal to member coun-
23 tries of the Organization for Economic Coopera-
24 tion and Development, on the condition that no
25 mercury or mercury compounds are to be recov-

1 ered, recycled, or reclaimed for use, or directly
2 reused.

3 “(E) REPORT.—Not later than 5 years
4 after the date of enactment of the Frank R.
5 Lautenberg Chemical Safety for the 21st Cen-
6 tury Act, the Administrator shall evaluate any
7 exports of calomel for disposal that occurred
8 since that date of enactment and shall submit
9 to Congress a report that contains the fol-
10 lowing:

11 “(i) volumes and sources of calomel
12 exported for disposal;

13 “(ii) receiving countries of such ex-
14 ports;

15 “(iii) methods of disposal used;

16 “(iv) issues, if any, presented by the
17 export of calomel;

18 “(v) evaluation of calomel manage-
19 ment options in the United States, if any,
20 that are commercially available and com-
21 parable in cost and efficacy to methods
22 being utilized in the receiving countries;
23 and

1 “(vi) a recommendation regarding
2 whether Congress should further limit or
3 prohibit the export of calomel for disposal.

4 “(F) EFFECT ON OTHER LAW.—Nothing
5 in this paragraph shall be construed to affect
6 the authority of the Administrator under Solid
7 Waste Disposal Act (42 U.S.C. 6901 et seq.).”.

8 **SEC. 30. TREVOR’S LAW.**

9 (a) PURPOSES.—The purposes of this section are—

10 (1) to provide the appropriate Federal agencies
11 with the authority to help conduct investigations into
12 potential cancer clusters;

13 (2) to ensure that Federal agencies have the
14 authority to undertake actions to help address can-
15 cer clusters and factors that may contribute to the
16 creation of potential cancer clusters; and

17 (3) to enable Federal agencies to coordinate
18 with other Federal, State, and local agencies, insti-
19 tutes of higher education, and the public in inves-
20 tigating and addressing cancer clusters.

21 (b) DESIGNATION AND INVESTIGATION OF POTEN-
22 TIAL CANCER CLUSTERS.—Part P of title III of the Pub-
23 lic Health Service Act (42 U.S.C. 280g et seq.) is amended
24 by adding at the end the following:

1 **“SEC. 399V-6. DESIGNATION AND INVESTIGATION OF PO-**
2 **TENTIAL CANCER CLUSTERS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CANCER CLUSTER.—The term ‘cancer
5 cluster’ means the incidence of a particular cancer
6 within a population group, a geographical area, or a
7 period of time that is greater than expected for such
8 group, area, or period.

9 “(2) PARTICULAR CANCER.—The term ‘par-
10 ticular cancer’ means one specific type of cancer or
11 a type of cancers scientifically proven to have the
12 same cause.

13 “(3) POPULATION GROUP.—The term ‘popu-
14 lation group’ means a group, for purposes of calcu-
15 lating cancer rates, defined by factors such as race,
16 ethnicity, age, or gender.

17 “(b) CRITERIA FOR DESIGNATION OF POTENTIAL
18 CANCER CLUSTERS.—

19 “(1) DEVELOPMENT OF CRITERIA.—The Sec-
20 retary shall develop criteria for the designation of
21 potential cancer clusters.

22 “(2) REQUIREMENTS.—The criteria developed
23 under paragraph (1) shall consider, as appropriate—

24 “(A) a standard for cancer cluster identi-
25 fication and reporting protocols used to deter-

1 mine when cancer incidence is greater than
2 would be typically observed;

3 “(B) scientific screening standards that
4 ensure that a cluster of a particular cancer in-
5 volves the same type of cancer, or types of can-
6 cers;

7 “(C) the population in which the cluster of
8 a particular cancer occurs by factors such as
9 race, ethnicity, age, and gender, for purposes of
10 calculating cancer rates;

11 “(D) the boundaries of a geographic area
12 in which a cluster of a particular cancer occurs
13 so as not to create or obscure a potential clus-
14 ter by selection of a specific area; and

15 “(E) the time period over which the num-
16 ber of cases of a particular cancer, or the cal-
17 culation of an expected number of cases, occurs.

18 “(c) GUIDELINES FOR INVESTIGATION OF POTEN-
19 TIAL CANCER CLUSTERS.—The Secretary, in consultation
20 with the Council of State and Territorial Epidemiologists
21 and representatives of State and local health departments,
22 shall develop, publish, and periodically update guidelines
23 for investigating potential cancer clusters. The guidelines
24 shall—

1 “(1) require that investigations of cancer clus-
2 ters—

3 “(A) use the criteria developed under sub-
4 section (b);

5 “(B) use the best available science; and

6 “(C) rely on a weight of the scientific evi-
7 dence;

8 “(2) provide standardized methods of reviewing
9 and categorizing data, including from health surveil-
10 lance systems and reports of potential cancer clus-
11 ters; and

12 “(3) provide guidance for using appropriate epi-
13 demiological and other approaches for investigations.

14 “(d) INVESTIGATION OF CANCER CLUSTERS.—

15 “(1) SECRETARY DISCRETION.—The Sec-
16 retary—

17 “(A) in consultation with representatives of
18 the relevant State and local health departments,
19 shall consider whether it is appropriate to con-
20 duct an investigation of a potential cancer clus-
21 ter; and

22 “(B) in conducting investigations shall
23 have the discretion to prioritize certain poten-
24 tial cancer clusters, based on the availability of
25 resources.

1 “(2) COORDINATION.—In investigating poten-
2 tial cancer clusters, the Secretary shall coordinate
3 with agencies within the Department of Health and
4 Human Services and other Federal agencies, such as
5 the Environmental Protection Agency.

6 “(3) BIOMONITORING.—In investigating poten-
7 tial cancer clusters, the Secretary shall rely on all
8 appropriate biomonitoring information collected
9 under other Federal programs, such as the National
10 Health and Nutrition Examination Survey. The Sec-
11 retary may provide technical assistance for relevant
12 biomonitoring studies of other Federal agencies.

13 “(e) DUTIES.—The Secretary shall—

14 “(1) ensure that appropriate staff of agencies
15 within the Department of Health and Human Serv-
16 ices are prepared to provide timely assistance, to the
17 extent practicable, upon receiving a request to inves-
18 tigate a potential cancer cluster from a State or
19 local health authority;

20 “(2) maintain staff expertise in epidemiology,
21 toxicology, data analysis, environmental health and
22 cancer surveillance, exposure assessment, pediatric
23 health, pollution control, community outreach, health
24 education, laboratory sampling and analysis, spatial
25 mapping, and informatics;

1 “(3) consult with community members as inves-
2 tigations into potential cancer clusters are con-
3 ducted, as the Secretary determines appropriate;

4 “(4) collect, store, and disseminate reports on
5 investigations of potential cancer clusters, the pos-
6 sible causes of such clusters, and the actions taken
7 to address such clusters; and

8 “(5) provide technical assistance for inves-
9 tigating cancer clusters to State and local health de-
10 partments through existing programs, such as the
11 Epi-Aids program of the Centers for Disease Control
12 and Prevention and the Assessments of Chemical
13 Exposures program of the Agency for Toxic Sub-
14 stances and Disease Registry.”.