NATIONAL ASSOCIATION OF Manufacturers

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The Honorable Gary Palmer
Chairman
Subcommittee on Environment
Committee on Energy & Commerce
170 Cannon House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy & Commerce
2269 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

RE: Support for Reforming and Modernizing the Toxic Substance Control Act (TSCA)

Dear Chairman Palmer and Ranking Member Tonko:

On behalf of the National Association of Manufacturers—the largest manufacturing trade association in the U.S., representing companies of all sizes, in every industrial sector, and in all 50 states—we write to submit comments and support for the record ahead of today's hearing held by the Subcommittee on Environment entitled "Chemicals in Commerce: Legislative Proposal to Modernize America's Chemical Safety Law, Strengthen Critical Supply Chains, and Grow Domestic Manufacturing."

Manufacturers support the Energy and Commerce Committee's efforts to improve TSCA while reauthorizing TSCA fee authority and believe both are of critical importance for U.S. manufacturing competitiveness.

Chemistry is foundational to every manufacturing sector—from semiconductors and batteries to agriculture, automotive manufacturing, and consumer products. It provides building blocks for the world around us and underpins many of the innovations that have driven leaps in productivity and quality of life, from the Haber-Bosch process that enabled large scale ammonia production to breakthroughs in electrochemistry that made lithium-ion batteries viable for widespread use.

The responsible use and management of chemicals is critical for manufacturers because it directly affects the safety of workers in facilities, consumers of products being made, and the communities in which facilities operate. To support these goals, TSCA implementation should provide downstream manufacturers with clear, actionable information and regulatory certainty so they can make informed decisions, invest in innovation, and strengthen safety throughout the supply chain.

In 2016, Congress enacted the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, taking a major step in modernizing chemical regulation in the U.S. and establishing an ambitious implementation agenda for the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention (OCSPP). The Lautenberg Amendments also established TSCA fee authority to help support EPA's expanded responsibility, an authority that expires in September 2026 and currently accounts for approximately one-quarter of OCSPP's operating budget. If this fee authority were to

lapse, it would pose a significant challenge to all manufacturers – not just chemical manufacturers, but to companies in every downstream sector who rely on TSCA-approved chemistries and products.

Since enactment of the Lautenberg Amendments, manufacturers have worked closely with EPA across the full scope of TSCA implementation — including existing chemical evaluations and risk management, new chemical reviews, testing, and reporting requirements. That experience has provided a clearer understanding of what is working, what is not, and where targeted statutory improvements could better deliver what Congress intended.

TSCA reflects a careful and inherently complex policy balance of ensuring the development of adequate information on chemical risks, providing EPA authority to address chemicals that present an unreasonable risk or imminent hazard, and exercising that authority in a way that avoids unnecessary barriers to innovation and commerce. However, in practice TSCA implementation since 2016 has too often led to uncertainty and delays that undermine the objectives of the statute and weaken U.S. manufacturing competitiveness and resilient supply chains. Targeted statutory improvements paired with the reauthorization of fees authority would provide OSCPP with the clarity and stable support needed to administer TSCA effectively and efficiently.

As Congress considers targeted improvements to TSCA, manufacturers encourage reforms that:

- Improve timeliness and predictability of review processes so regulated entities can plan investments and compliance with confidence;
- Ensure a risk-based approach that reflects real-world exposure and use conditions, uses sound science and transparent assumptions, and ensures decisions are durable and defensible; and
- Support effective and efficient coordination across federal programs to reduce duplicative requirements and support meaningful regulatory outcomes.

Challenges in TSCA Implementation

New Chemicals Program

The TSCA new chemicals program is intended to enable timely, risk-based review of new substances and their significant new uses so that manufacturers can innovate and bring safer chemistries to market. In practice, review deadlines required by statute are frequently missed, and companies are left with uncertainty about what information will be required and when a determination will be reached. These delays can postpone or prevent market entry in the U.S., slow the adoption of safer alternatives, and undermine domestics competitiveness.

New chemical reviews are also often conducted in a silo, without consideration of legacy chemistries a substance may replace and the net safety or exposure benefit of substitution. As a result, some decisions to transition to lower-risk chemistries have been deferred because the significant new use rules associated with the new chemistry can be so prescriptive as to deter adoption even where the alternative could reduce risk in real world use.

Manufacturers appreciate the Energy and Commerce Committee's proposal to establish formal prioritization categories for new chemicals to support risk reduction and supply chain security, as well

as the proposal to allow recognition of approval by other Organisation for Economic Co-operation and Development member countries. These proposals would support more efficient reviews and help ensure Manufacturers in the U.S. have timely access to innovative chemistries need to compete globally.

The NAM also supports the proposal to establish a “meet-and-confer” process for new chemical submissions. Such a process would improve transparency, clarify information expectations early, and reduce avoidable delays.

Existing Chemicals Program

The existing chemicals program is intended to deliver timely, science-based evaluations of chemicals already in commerce and to support targeted risk management that addresses unreasonable risk in real-world conditions of use. Implementation of the existing chemicals program has contributed to increased regulatory uncertainty for chemical manufacturers and downstream users, particularly when assumptions and requirements are not aligned with real-world exposure conditions and established workplace safety programs. In occupational settings, manufacturers rely on robust industrial hygiene practices that are supported by well-established frameworks and expertise across federal workplace agencies. When TSCA existing chemical evaluations and risk management rules do not appropriately account for these protections, or when overlapping or inconsistent requirements are not properly coordinated across federal programs, it creates uncertainty around compliance obligations, complicates compliance planning, and diverts resources from risk-reduction actions.

Manufacturers support the Energy and Commerce Committee’s proposal to mandate an interagency review process—with a 30-day comment period—for existing chemical risk evaluations and to require consideration of exposure limits developed by other federal departments or agencies. Strengthening interagency coordination early in the process will improve the quality, consistency, and durability of risk evaluation to better support practical risk management. Manufacturers also appreciate the Energy and Commerce Committee’s proposal, in developing risk management requirements, to require consideration of already existing occupational safety and health standards promulgated by the Occupational Safety and Health Administration. Meaningful consideration of these existing standards will prevent conflicting compliance obligations and support clear workable requirements for manufacturers.

Manufacturers support a regulatory system that protects public health and the environment while facilitating the timely review, approval, and risk-based regulation of chemical essential to modern manufacturing. Accordingly, manufacturers encourage Congress to lay the statutory groundwork to strengthen TSCA implementation and ensure the program operates with the efficiency, certainty, and consistency needed to support investment, innovation, and jobs across the United States.

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Manufacturers strongly support the Energy and Commerce Committee’s efforts to improve TSCA while extending TSCA fee authority. Targeted improvements that enhance program efficiency, predictability, and certainty will help unlock manufacturing investment, strengthen domestic supply chains, and support American competitiveness—while continuing to protect public health and the environment.

The NAM appreciates the Subcommittee's attention to these issues and stands ready to serve as a resource as Congress considers practical, bipartisan solutions to strengthen TSCA implementation.

Sincerely,



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