

TSCA Reform: Comparative Advantage of H.R.2576 and S.697

Toxic Substances Control Act (TSCA)	Advantage: (YELLOW = Slight, GREEN = Significant)		
	HOUSE	SENATE	ANALYSIS
Safety Standard	✓		Both bills say that "unreasonable risk" does not include costs or other non-risk factors. The House bill explicitly protects all vulnerable populations against unreasonable risk, while the Senate bill includes just "relevant" subgroups.
Restrictions		✓	Both bills require EPA to impose restrictions when a chemical presents an unreasonable risk, but they need not be the "least burdensome." Both require costs to be considered, but the House bill prefers "cost effective" rules.
Low / High Priority	✓		EPA already prioritized 90 chemicals under TSCA. The Senate bill reinvents the wheel, sets aside "low priority" chemicals without safety assessment, and requires notice of state actions that invite "high priority" federal preemption.
Minimum Pace	✓		The House bill requires safety assessments to be initiated at double the pace of the Senate (10 per year versus 25 in first 5 years). However, the House bill is "subject to the availability of appropriations," which makes it less enforceable.
Testing	✓		Both bills allow EPA to require testing by order rather than rule, and for safety assessments. The House bill also allows testing for any reason (with findings), but the Senate limits that to prioritization and adds animal testing hurdles.
State Authority	✓		Both bills preempt the states when a chemical passes a safety assessment or new restrictions take effect. The Senate bill preempts states years earlier during an EPA review and makes it harder for states to get a waiver from EPA.
PBTs	✓		Persistent, Bioaccumulative and Toxic chemicals: The House requires listing, then maximum exposure reduction in 2 years, unless industry opts for risk evaluation. The Senate bill just prioritizes (fewer) PBTs for risk evaluation.
Industry Requests		✓	Both bills require EPA to evaluate chemicals upon industry request and payment of fees. The Senate bill caps industry-requested risk assessments at 30% of all evaluations. The House bill provides no cap on industry requests.
New Chemicals	-	-	The House bill makes no changes to TSCA Section 5. The Senate bill would codify existing EPA practice on new chemicals, which has never been legally challenged, and which EPA and industry both agree maintains the status quo.
Secrecy		✓	Both bills require substantiation of certain new claims of confidential business information (CBI) and improve sharing with states and health providers. The Senate bill would require substantiation of old CBI claims when they expire.
Fees		✓	The Senate bill authorizes EPA to assess industry to pay for various program activities but caps fees at \$18 million; EPA is required to consult with industry before adjusting fees. Both bills require fees for industry requested reviews.
Policies and Procedures	✓		EPA already has extensive guidance on chemical assessment and management. The Senate bill diverts EPA resources to developing four major policies and procedures within 2 years. The House requirement is far less prescriptive.
Inventory Update	✓		The Senate wastes EPA resources to determine how many chemicals on the TSCA inventory are still "active", for no public interest benefit but to allow industry to say "it's fewer than you think." The House does not require this.
Roll Backs	✓		The House bill requires EPA to find "significant exposure" before it can restrict chemicals in "replacement parts." The Senate bill settles a dispute over the "nomenclature" of certain chemicals in industry's favor, to uncertain effect. The Senate bill requires a new finding in a Significant New Use Rule (SNUR) before EPA notification can be required for imported articles (i.e. products).