

Oral Testimony of Chris Jahn, President and CEO of the American Chemistry Council

House Committee on Energy and Commerce Environment Subcommittee:

A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act

January 22, 2025

Chairman Griffith, Ranking Member Tonko, Chairman Guthrie, Ranking Member Pallone and Members of the Subcommittee, thank you for holding this important hearing and giving me the opportunity to testify.

When I last appeared before this committee in October 2023, I focused on a central theme – **American success relies on American chemistry.**

Americans want a stronger, more affordable nation. America's chemical manufacturers can help. Not only are we the driving force for the entire manufacturing economy that produces everyday products businesses and families rely upon, but our members are safer and cleaner than ever before.

But to provide what Americans are asking for; we need practical policy that protects the environment and human health without sacrificing manufacturing jobs and America's competitive advantage.

Nearly 10 years ago, Congress updated the Toxic Substances Control Act (TSCA) for the first time in decades by passing the Lautenberg Act.

Congress included a 10-year expiration of the fees chemical manufacturers pay to the Environmental Protection Agency to conduct reviews. Like any other user fee program, this gives Congress the ability to assess whether improvements are necessary.

Improvements are necessary. Delays and the lack of sound-science are jeopardizing chemical manufacturing here in the United States. But let me be clear – I am not talking about “opening up” TSCA again.

Instead, I’d like to discuss Congress utilizing its built-in oversight through the fees reauthorization to assess the program and make necessary improvements.

Dr. Michal Freedhoff, who ran the chemicals office under the Biden Administration recently called such an approach “healthy and reasonable.”

Chemistry Lessons

We have a unique opportunity to reform our regulatory environment to help U.S. manufacturing and allow us to outcompete other countries for years to come.

To accomplish this, ACC is guided by principles that we ask Congress and the incoming Administration to heed:

- Put science first – drive predictable, transparent, fact-based policies.

- Create a sensible regulatory environment that fosters innovation here in the United States, instead of offshoring it to foreign countries.
- Safeguard our communities and protect the environment. We are safer and cleaner than ever before because of ACC's mandatory, third party verified, safety and environmental performance program, Responsible Care.
- Put supply chain problems behind us by unlocking the full capability of the entire transportation network.

Timely Review of New Chemicals

American innovation relies on new chemicals entering commerce in a timely, predictable manner. Unfortunately, the new chemical program is broken.

New chemicals cannot be manufactured, imported or placed on the market without EPA's approval. The statute requires a determination within 90 days. However, the EPA has consistently missed the mark, hindering innovation and ceding our nation's competitive advantage to manufacturers overseas.

At the beginning of December, there were 407 chemicals under review. More than three quarters of these have been under review for more than 90 days. Sixty-three percent have been under review for a year or more. This is a permitting reform issue.

What does this mean for U.S. competitiveness?

First, delays and uncertainty mean that manufacturers are less likely to invest in R&D and bring new, innovative, more sustainable products to market in America. Their customers – whether they are producing autos, semiconductors, or anything else – are not willing to wait.

Second, delays and uncertainty make it more likely that manufacturers will bring products to market overseas.

We conducted a survey of ACC members and 70% reported choosing to introduce products outside the U.S. due to the problems with EPA's New Chemical program.

Through policy changes and efficiencies at EPA, **as well as improvements to the law**, EPA should be held accountable to the 90-day requirement. This would provide the certainty manufacturers need to drive innovation.

Threatening Critical Chemistries

The 2016 updates to TSCA direct EPA to assess risk of chemicals already in commerce.

However, due to unrealistic assumptions about exposures to chemicals, the EPA's approach has led to unnecessary overregulation that is out of step with the rest of the world.

This means critical building block chemistries needed for products from fighter jets to medical devices are at risk. We need these products, but production may be shuttered or forced offshore.

Congress should ensure common-sense regulations by updating the law to strengthen the requirements for best available science and interagency coordination.

Chemistry Creates, America Competes

Chemistry is essential to American success. Our economy, our health, our national security rely on it. For America to have a manufacturing renaissance, it requires a vibrant chemical sector.

I urge this committee to work with us to address these challenges, and course correct EPA's implementation of TSCA, to ensure America's success. Again, American success relies on American chemistry.

Thank you. I look forward to your questions.