Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 11/8/2018 10:03:56 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]
Subject: sorry I missed you today!

I'll be around tomorrow – let me know if you a have any down time!

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News

Democratic House Likely to Grill EPA on Chemicals Law

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By Pat Rizzuto

- Tonko plans TSCA oversight hearings if selected to chair subcommittee with jurisdiction
- Subpoena powers to uncover information about EPA's chemical decisions in Democrats' hands

Democrats will likely grill the Environmental Protection Agency next year on its implementation of the primary U.S. chemicals law.

Rep. Paul Tonko (D-N.Y.), will seek the chairmanship of the House Energy and Commerce's Environment Subcommittee, which has primary jurisdiction over the Toxic Substances Control Act, a committee aide told Bloomberg Environment Nov. 7.

If elected, Tonko plans to hold a TSCA oversight hearing early next year, the aide said.

"The effort to reform the law was a bipartisan achievement done in good faith. There is no reason that members on both sides of the aisle, environmental and public health groups, and the chemical industry should not want to ensure that the law is working as Congress intended," Tonko told Bloomberg Environment by email.

"Americans need a chemical safety program that works. Conducting oversight to understand if EPA is adequately protecting consumers, workers, and vulnerable populations—as required by the law—should be a top priority," he said.

Rep. Frank Pallone Jr. (D-N.J.), ranking member of the full committee, would like to become its chairman, an aide for his office said Nov. 7. It is too early to say what Pallone's priorities would be, the aide said.

In his position as ranking member, Pallone repeatedly asked for TSCA oversight hearings, most recently during a Sept. 6 hearing on perfluorinated chemicals.

The breadth of companies affected by chemical policy includes major chemical manufacturers such as BASF Corp. and DowDuPont Inc. as well as automobile, aircraft, and information technology companies like Tesla Inc., Boeing Co., and the Intel Corp., all of which have weighed in on recent chemical regulations either directly or through trade groups.

Hearing Strategies

The new House will likely hold oversight hearings on many environmental issues, with a particular interest in TSCA, because that law was just overhauled in 2016, Stephen Owens, a partner with Squire Patton Boggs LLP's Phoenix office, told Bloomberg Environment.

Lawmakers "spent a lot of time working on it when the legislation was going through," said Owens, who testified before Congress about the chemicals law while serving as the EPA's assistant administrator for chemical safety and pollution prevention under President Obama. "They have a lot of sweat equity invested."

As the majority party, Democrats next year will enjoy powers they don't have for the remainder of this Congress, said Owens, who also served as counsel to a House Science and Technology oversight subcommittee in the early 1980s.

If the agency isn't responsive to initial requests, Democrats can now subpoena information, Owens said. If committees have reason to believe the agency hasn't fully disclosed information it should have, Democrats will be able to have EPA witnesses testify under oath, he said.

"Initially, they may try to be more collegial, but it wouldn't surprise me if they do that for some higher profile issues," Owens said.

Broader Support

Owens, Liz Hitchcock, acting director of Safer Chemicals Healthy Families, and Joanna Slaney, legislative director for health at the Environmental Defense Fund, said a wealth of chemical issues could be fodder for hearings.

Any of the issues environmental groups have teed up in their lawsuits challenging three agency rules could be subjects, Owens said.

Those lawsuits challenge the EPA's approach to selecting chemicals for risk assessment, its conduct of those risk analyses, and its alleged failure to ensure that the public has as much access to chemical information as the law requires.

The American Chemistry Council, which represents most of the U.S. chemical manufacturing industry, also welcomes oversight hearings, it said in a statement provided to Bloomberg Environment.

"Congress should continue to exercise its oversight responsibilities to help ensure the law is being implemented as intended," the chemistry council said.

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