Proposed Amendments to the Toxic Substances Control Act (TSCA): Senate and House Bills Compared with Current Law

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Summary

On April 15, 2010, Senator Lautenberg introduced legislation (S. 3209) to amend the core provisions of the Toxic Substances Control Act (TSCA) Title I. Representatives Waxman and Rush introduced comprehensive legislation to amend TSCA (H.R. 5820) on July 22, 2010. This report compares key provisions of S. 3209, as introduced, H.R. 5820, as introduced, and current law (15 U.S.C. 2601 *et seq.*).

Both bills would amend the 35-year-old law to shift the burden of demonstrating safety for chemicals in commerce from the U.S. Environmental Protection Agency (EPA) to manufacturers and processors of chemicals. Both bills also would prohibit manufacture, processing, and distribution of any chemical substance or mixture for which safety has not been demonstrated. Although they propose somewhat different safety standards for EPA to enforce, both bills suggest a health-based standard. In contrast, current law requires that a chemical not pose "an unreasonable risk of injury to health or the environment," and that any regulation should control unreasonable risk to the extent necessary using the "least burdensome" means of available control. This TSCA standard has been interpreted to require cost-benefit balancing. To facilitate safety assessment, the proposals would require data development and submission to EPA for all chemicals in commerce.

TSCA amendments would direct EPA to target chemicals with particular characteristics (for example, persistence in the environment) for earlier evaluation and possible risk management. Any regulatory action would be expedited, for example, by allowing EPA to issue orders rather than rules. The bills also would add new sections to TSCA. Of particular significance is a section authorizing actions that would allow U.S. implementation of three international agreements, which the United States has signed but not yet ratified. Other new sections would provide authority for EPA to support research in so-called "green" engineering and chemistry, promote alternatives to toxicity testing on animals, encourage research on children's environmental health, and require biomonitoring of pregnant women and infants. A "hot spots" provision would require EPA to identify locations where residents are disproportionately exposed to pollution and to develop strategies for reducing their risks.

The proposals differ in many details and in several noteworthy ways. For example, for all existing chemicals that have not been placed on a priority list, data sets must be submitted within 14 years of the date of enactment of S. 3209, but within five years of enactment of H.R. 5820. The proposals also treat the identification of chemicals of highest concern differently. H.R. 5820 directs EPA to expedite action for 19 specified chemicals, while S. 3209 leaves identification of such chemicals to the Administrator's discretion. These and other provisions of the two legislative proposals are compared with current law in Tables 1 through 6.

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Introduction

In 1976, President Gerald R. Ford signed the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*; TSCA).[1] Thirty-five years of experience with TSCA implementation and enforcement have demonstrated the strengths and weaknesses of the law and led many to propose legislative changes to TSCA's core provisions in Title I.[2] On April 15, 2010, Senator Lautenberg introduced comprehensive legislation (S. 3209) to amend TSCA, and Representatives Waxman and Rush posted draft TSCA reform legislation on the home page of the House Committee on Energy and Commerce. The latter House draft was subjected to stakeholder comments and critiques in a series of meetings during the spring. The proposal was revised and introduced July 22, 2010, as H.R. 5820.

This report compares key provisions of S. 3209, as introduced, H.R. 5820, as introduced, and current law. The major provisions of TSCA Title I are summarized in Tables 1 through 6. The first column of each table describes the provisions of TSCA Title I. The second and third columns summarize provisions of S. 3209 and H.R. 5820, respectively, that are related to the TSCA provisions in the first column. New provisions that would be added to the end of TSCA Title I by one or both proposals—for example, those related to reduced use of animals for toxicity testing—are summarized in **Table 6**.

Effects of the Proposals on Current Law

The basic organization of TSCA would be unaffected by the proposals. For example, provisions related to testing would still be in Section 4, requirements for notifying EPA when a new chemical or new use is proposed would still be in Section 5, and regulatory authorities would remain in Section 6. Also unaffected would be recently enacted changes, such as a provision that bans exports of elemental mercury.

However, most of the original Title I provisions would be amended or deleted by the proposed legislation, and both proposals would make substantial changes to current law. For example, both proposals would shift the burden of demonstrating the safety of chemicals from the U.S. Environmental Protection Agency (EPA) to manufacturers and processors, and would prohibit manufacture, processing, and distribution of any chemical substance or mixture for any use for which safety had not been demonstrated to EPA's satisfaction. Exemptions from prohibitions would be allowed for particular uses only if a use was "in the paramount interest of national security"; lack of the chemical use "would cause significant disruption in the national economy"; the use was essential or critical and there was no safer feasible alternative; or the chemical use, relative to alternatives, provided a benefit to health, the environment, or public safety.

In addition, the proposals would require data development and submission to EPA for all chemicals in commerce, rather than only for chemicals that EPA has found "may present an unreasonable risk of injury to health or the environment" and for which EPA has demonstrated a

[1] For a summary of TSCA provisions and history, see CRS Report RL31905, *The Toxic Substances Control Act (TSCA): A Summary of the Act and Its Major Requirements*.

[2] For more information about issues revolving around TSCA, see CRS Report RL34118, *The Toxic Substances Control Act (TSCA): Implementation and New Challenges*.

data need, as required under current law. The proposed amendments to TSCA would increase public access to information about EPA's decisions as well as to some information about chemicals that currently is treated as confidential business information. Based on the data received, EPA would be directed to target chemicals with particular characteristics (for example, persistence in the environment) for early evaluation and possible risk management.

Once a chemical has been evaluated and EPA has determined whether (or under what conditions) use of the chemical was safe, the proposals would require risk management action to promptly reduce use of, or exposure to, the chemicals of highest concern, and to encourage development of "safer alternatives." Action would be expedited by allowing EPA to issue administrative orders instead of rules (which must be promulgated under current law), exempting certain EPA decisions from judicial review, and removing certain TSCA requirements that are in addition to requirements specified in the Administrative Procedure Act (5 U.S.C. 553) for notice and comment rulemaking.

The scope of EPA oversight also would be expanded by S. 3209 and H.R. 5820. Both include language that would allow EPA to define various distinct forms of substances that are the same in terms of molecular identity but differ in structure and function, such as manufactured nanoscale forms of carbon and silver. Both proposals also broaden the scope of environmental risks that EPA may manage to include risks found in the indoor environment; currently, TSCA applies only to chemicals in the ambient environment. The proposed amendments also appear to more clearly authorize EPA control of risks posed by articles formed from a substance.

Both proposals would authorize EPA activities not currently authorized under TSCA to allow implementation of international agreements pertaining to persistent organic pollutants and other hazardous chemicals. For example, the proposals would authorize EPA to regulate chemicals manufactured solely for export. The authority provided by S. 3209 is specific to three international agreements, while the authority provided by H.R. 5820 applies more generally to any international agreement concerning chemicals. Both proposals would prohibit production and use of some chemicals, but S. 3209 prohibits production and use when it is inconsistent with U.S. obligations under the treaties that have entered into force for the United States. H.R. 5820 directs EPA to ban activities only for specified chemicals that are intentionally produced and are not already regulated under U.S. law.

The effect of TSCA on state and local chemical laws also would be modified by the proposals. Current law, TSCA Section 18, generally does not preempt state laws. However, if EPA requires testing of a chemical under section 4, no state may require testing of the same substance for similar purposes. Similarly, if EPA prescribes a rule or order under section 5 or 6, no state or political subdivision may have a requirement for the same substance to protect against the same risk unless the state or local requirement is identical to the federal requirement, is adopted under authority of another federal law, or generally prohibits the use of the substance in the state or political subdivision. TSCA authorizes states and political subdivisions to petition EPA, and authorizes EPA to grant petitions, by rule, to exempt a law in effect in a state or political subdivision under certain circumstances. A petition may be granted if compliance with the requirement would not cause activities involving the substance to be in violation of the EPA requirement, and the state or local requirement provides a significantly higher degree of protection from the risk than the EPA requirement does, but does not "unduly burden interstate commerce." The proposed amendments would simplify this section of TSCA. S. 3209 provides that TSCA would not preempt laws relating to a chemical substance, mixture, or article unless they were less stringent than federal law. H.R. 5820 provides that the act does not affect the right

of a state or locality to adopt or enforce its own requirements unless compliance with both the state or local requirements and TSCA is "impossible."

Several novel provisions are included in both legislative proposals. One provision, for example, would require definition and listing of localities with populations that are "disproportionately exposed" to toxic chemicals. EPA would be directed to develop an action plan to reduce exposure in such "hot spots." Another provision would direct the EPA Administrator to coordinate with the Secretary of Health and Human Services to conduct a biomonitoring study to determine whether a chemical that research has indicated may be present in human biological substances and that may have adverse effects on human development in fact is present in pregnant women and infants. If the chemical is found to be present, manufacturers and processors must disclose to EPA, commercial customers, consumers, and the general public all known uses of the chemical and all articles in which the chemical is expected to be present.

Children's environmental health also is addressed by the bills. Both proposals would establish a children's environmental health research program at EPA and an advisory committee to provide independent advice relating to implementation of TSCA and protection of children's health.

The proposals also would establish at least four research centers to encourage the development of safer alternatives to existing hazardous chemical substances. "Green chemistry and engineering" also would be promoted through grants.

Finally, the proposed amendments would direct EPA to minimize use of animals in toxicity testing. An advisory committee would be established to publish a list of testing methods that reduce use of animals. So-called "alternative testing methods" have been under development for many years, but remain a minor component of toxicity testing programs.

Alternative Approaches to Reform

The proposals differ in many details (which will not be discussed here) and in several noteworthy ways that are summarized in Tables 1 through 6. One significant difference is the length of time each proposal allows before all chemicals in commerce must be tested for toxicity. For all existing chemicals that have not been placed on a priority list, data sets must be submitted within 14 years of the date of enactment of S. 3209. H.R. 5820 allows five years for data development.

Another difference that may spur debate is the definition of the safety standard that chemicals are required to meet. H.R. 5820 would require that a chemical substance or mixture "is not reasonably anticipated to present a risk of injury to health or the environment," "provides a reasonable certainty of no harm, including to vulnerable populations," taking into account aggregate and cumulative exposure to a chemical, "and protects the public welfare from adverse effects, including effects on the environment." S. 3209 would require that EPA ensure "aggregate exposure and cumulative exposure of the general population or of any vulnerable population to the chemical substance or mixture presents a negligible risk of any adverse effect." Although they propose somewhat different safety standards, both proposals propose a health-based standard, which might generally discourage consideration of other factors, such as benefits of chemical use or costs of alternative chemicals in similar applications. (However, EPA would be authorized to consider such benefits and costs under certain circumstances. See in **Table 4** under the heading "Exceptions to prohibitions and other restrictions" the description of TSCA 6(e) as it would be amended.) In contrast, current law requires that a chemical not pose "an unreasonable risk of

injury to health or the environment," and that regulation should control any unreasonable risk to the extent necessary using the "least burdensome" means of available control. This TSCA standard has been interpreted to require cost-benefit balancing.

The proposals also treat the identification of chemicals of highest concern differently. H.R. 5820 directs EPA to expedite action for 19 specified chemicals. S. 3209 leaves identification of such chemicals to the Administrator's discretion, directing her to "act quickly to manage risks from chemical substances that clearly pose the highest risks to human health or the environment."

Finally, only H.R. 5820 addresses "persistent, bioaccumulative, and toxic" chemicals (PBTs) directly. The bill directs EPA to promulgate a rule establishing criteria for identifying PBTs and requires listing of all PBTs within 18 months of enactment and every three years thereafter. EPA is required to impose conditions on the manufacture, processing, distribution, use, and disposal of PBTs to achieve the "greatest practicable reductions in exposure." EPA then is required to conduct the safety evaluation for all PBTs and to impose further risk management controls as needed.

These and other similarities and differences are summarized in Tables 1 through 6.

Table 1. Titles and Definitions in Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Title	Toxic Substances Control Act (TSCA)	Safe Chemicals Act of 2010 (SCA)	Toxic Chemicals Safety Act of 2010 (TCSA)
Revised definitions	TSCA definitions are in alphabetical order in section 3 (15 U.S.C. 2602.)	S. 3209 section 4 amends definitions in TSCA section 3.	Section 3 of H.R. 5820 amends definitions in TSCA section 3.
Chemical substance	"[A]ny organic or inorganic substance of a particular molecular identity, including - (i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature and (ii) any element or uncombined radical." The term does not include any mixture, pesticide, tobacco, nuclear material, firearms, shells or cartridges for firearms, food, food additive, drug, cosmetic, or devices regulated by other specified federal laws. [TSCA 3(2)]	Amended TSCA 3(2) is the same as 15 U.S.C. 2602(2), but also includes in the definition "any chemical substance contained in or formed into an article." In addition, adds a new subparagraph to the definition authorizing EPA to determine that "a variant of a chemical substance is a new chemical substance," notwithstanding molecular identity.	Amended TSCA 3(2) is the same as 15 U.S.C. 2602(2), but excludes alcoholic beverages and does not exclude pesticides, firearms, shells or cartridges for firearms, foods, food additives, drugs, cosmetics, or devices regulated under other federal laws. Does not include articles. New clause includes in the definition "any form of a substance determined by the Administrator to be a chemical substance under subsection (b)(1)" which refers to a new TSCA 3(b)(1).
Distribute in commerce / Distribution in commerce	"[T]o sell, or the sale of the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce." [TSCA 3(4)]	Amends the TSCA 3(4) definition to include "to export or offer for export the substance, mixture, or article."	Amended TSCA 3(4) is the same as S. 3209, but excepts export of a substance "for demonstrated use solely as a pesticide, … food, food additive, drug, cosmetic, or device ..."
Environment	"[I]ncludes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things." [TSCA 3(5)]	Amends the TSCA 3(5) definition to include "ambient" and "indoor air."	Amended TSCA 3(5) is the same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Health and safety study	"[S]tudy of any effect of a chemical substance or mixture on health or the environment or on both, including underlying data and epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this chapter" [which corresponds to TSCA]. [TSCA 3(6)]	Amends the TSCA 3(6) definition to specifically include any test that relates to a chemical substance or mixture or to a specific chemical identity.	Same as S. 3209.
Manufacture	To import into the United States, produce, or manufacture. [TSCA 3(7)]	Same as TSCA 3(7).	Amended TSCA 3(7) is the same as 15 U.S.C. 2602(7) "except for demonstrated use solely as a pesticide, … food, food additive, drug, cosmetic, or device …"
Mixture	"[A]ny combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined." [TSCA 3(8)]	Same as TSCA 3(8) [15 U.S.C. 2602(8)] but amends the definition to include any mixture contained in or formed into an article.	H.R. 5820, section 10(a) amends TSCA 3(8) [15 U.S.C. 2602(8)] to authorize the Administrator to determine different mixtures comprised of the same chemical substances to be the same mixture if the substance characteristics of the mixtures are identical.
New chemical substance	"[A]ny chemical substance which is not included in the chemical substance list compiled and published under section 2607(b) of this title, [corresponding to TSCA section 6(b)]." [TSCA 3(9)]	Revises the definition of TSCA 3(9), eliminating reference to listing under 15 U.S.C. 2607(b) and instead referring to any chemical substance that does not have a submitted declaration under amended TSCA section 8(a).	Amended TSCA 3(9) is the same as S. 3209, "except that, with respect to the first year after the date of enactment … such term shall not include a chemical substance distributed in commerce as of such date of enactment."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Process	Preparation of a chemical, after its manufacture, for distribution in commerce. [TSCA 3(10)]	Same as TSCA 3(10).	Amended TSCA 3(10) is the same as 15 U.S.C. 2602(10) but excepts preparation for use as a pesticide, food, food additive, drug, cosmetic, or device. Also states that relabeling, redistributing, or repackaging an article does not constitute processing.
Standards for the development of test data	A "prescription of (A) the - (i) health and environmental effects, and (ii) information relating to toxicity, persistence, and other characteristics which affect health and the environment, for which test data for a chemical substance or mixture are to be developed and any analysis that is to be performed on such data, and (B) to the extent necessary to assure that data respecting such effects and characteristics are reliable and adequate (i) the manner in which such data are to be developed, (ii) the specification of any test protocol or methodology to be employed in the development of such data, and (iii) such other requirements as are necessary to provide such assurance." [TSCA 3(12)]	Eliminates this definition.	Same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
New definitions			
Adverse effect	No comparable definition.	"A biochemical change, anatomic change, functional impairment, or pathological lesion, or its known precursor, that" either (a) "affects or alters performance of an anatomic structure of a vital system of an organism or progeny"; (b) "causes irreversible change in homeostasis of an organism"; (c) "increases the susceptibility of an organism or progeny … to other chemical or biological stressors or reduces the ability of an organism or progeny of an organism to respond to additional health or environmental challenges"; or (d) "affects, alters, or harms the environment such that the health of humans or other organisms is directly or indirectly threatened." [Amended TSCA 3(14)]	Amended TSCA 3(14) is similar to S. 3209, except that the effect is one that "has the potential to impair" rather than one that "affects or alters" the performance of an anatomic structure of a vital system of an organism or progeny of an organism. The definition does not specify that it includes a "pathological lesion." Finally, H.R. 5820 authorizes the Administrator to revise this definition, by rule, to reflect the state of the science and provide for equal or greater protection of health and the environment.
Aggregate exposure	No comparable definition.	Total exposure to a chemical substance or mixture regardless of the source of exposure, including activities involved in the manufacture, processing, distribution, use, or disposal of chemicals used in food, cosmetics, or medical devices. [Amended TSCA 3(15)]	Amended TSCA 3(15) is similar to S. 3209, but omits mention of exposure from mixtures and explicitly includes exposure from contamination of food, air, water, soil, house dust, and any other environmental media from current or prior uses or activity.
Bioaccumulative	No comparable definition.	As defined in the policy statement entitled "Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances" (64 *Federal Register* 60194, Nov. 4, 1999). EPA is authorized to revise this definition. [Amended TSCA 3(16)]	Can significantly accumulate in biota, as indicated through monitoring data, or is highly likely to accumulate in biota. EPA is authorized by rule to revise the definition to reflect the state of the science and to provide "equal or greater protection of health and the environment." [Amended TSCA 3(16)]

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Chemical identity	No comparable definition.	Each common and trade name, the most current internationally standardized name, the Chemical Abstracts Service registration number, and the molecular structure of a chemical substance, and for a mixture, the chemical identities and proportions of the components. [Amended TSCA 3(17)]	Amended TSCA 3(17) is similar to S. 3209, but refers to the 9th Collective Index of the internationally standardized name (rather than the most current index) and the molecular identity, as well as the molecular structure, and does not specifically refer to chemical identities in a mixture.
Cumulative exposure	No comparable definition.	The sum of aggregate exposure to each chemical substance that is known or suspected to contribute "appreciably to the risk of an adverse effect," and mixtures containing those chemical substances. [Amended TSCA 3(18)]	Amended TSCA 3(18) is similar to S. 3209, but exposure is cumulative across chemical substances and mixtures that are known or, "where supported by scientific consensus, suspected to contribute appreciably to the risk of the same adverse effect."
End consumer	No comparable definition.	An "individual or other entity that purchases and uses or consumes a chemical substance, mixture, or article." [Amended TSCA 3(19)]	No comparable definition.
Federal agency	No comparable definition.	"[A]ny department, agency, or other independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office." [Amended TSCA 3(20)]	Amended TSCA 3(19) is similar to S. 3209, but also refers to any "other instrumentality" of the Federal Government.
Importer	No comparable definition.	No comparable definition.	"[A]ny person who imports a chemical substance or mixture, or any article containing a chemical substance or mixture, for distribution in commerce." [Amended TSCA 3(20)]
Persistent	No comparable definition.	As defined in the policy statement entitled "Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances" (64 *Federal Register* 60194, Nov. 4, 1999). Authorizes EPA to revise this definition by rule. [Amended TSCA 3(21)]	Significantly persists in one or more environmental media, as indicated by monitoring data or other evidence. Authorizes EPA to revise the definition by rule to reflect the state of the science and provide for equal or greater protection of health and the environment. [Amended TSCA 3(21)]

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Person	No comparable definition.	An "individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each Federal agency and any officer, agent, or employee thereof." [Amended TSCA 3(22)]	No comparable definition.
Reasonable certainty of no harm	No comparable definition.	"[I]n establishing whether a chemical substance or mixture meets the safety standard under this subchapter, aggregate exposure and cumulative exposure of the general population or of any vulnerable population to the chemical substance or mixture presents a negligible risk of any adverse effect …"[Amended TSCA 3(23)]	No comparable definition.
Special substance characteristics	No comparable definition.	Defines "special substance characteristics" to mean "such physical, chemical, or biological characteristics, other than molecular identity, that the Administrator determines, by order or rule, may significantly affect the risks posed by substances exhibiting those characteristics." Allows consideration of size, shape, reactivity, and any other properties that may significantly affect risks posed. [Amended TSCA 3(24)]	Defines "substance characteristic" as "the physical and chemical characteristics that may vary for such substance, and whose variation may bear on the toxicological properties or the exposure potential of the chemical substance." Includes structure and composition, size, shape, surface structure, reactivity, and "other characteristics that may bear on toxicological properties." [Amended TSCA 3(22)]

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Toxic	No comparable definition.	Satisfies one of the following conditions: has a toxicological property meeting criteria for Category 1 or 2 for any toxicity endpoint established by the Globally Harmonized System for the Classification and Labeling of Hazardous Substances; "causes an adverse effect that has been demonstrated in humans or other exposed organisms"; or "the weight of evidence … demonstrates the potential for an adverse effect in humans or other exposed organisms." [Amended TSCA 3(25)]	Similar to S. 3209, but includes a metabolite or degradation product of a substance or mixture and omits the first condition—that is, it does not define the term by reference to the categories of the Globally Harmonized System for the Classification and Labeling of Hazardous Substances. Also, the word "exposed" is omitted from the third defining condition. [Amended TSCA 3(23)]
Toxicological property	No comparable definition.	"[A]ctual or potential toxicity or other adverse effects of a chemical substance or mixture, including actual or potential effects of exposure" on mortality, morbidity, reproduction, growth and development, the immune system, the endocrine system, brain or nervous system, other organ systems, or "any other biological functions in humans or nonhuman organisms." [Amended TSCA 3(26)]	Amended TSCA 3(24) is similar to S. 3209 but includes established precursors to such toxicity or adverse effects and explicitly includes effects on genetics, including mutagenicity, genotoxicity, and epigenetics.
Use	No comparable definition.	No comparable definition.	Any utilization of a chemical substance or mixture that is not otherwise covered by the terms manufacture or process, such as "any composition of the chemical substance with other chemical substances" or any group of utilizations determined by EPA to be a single use under new TSCA 3(b)(2). [Amended TSCA 3(25)]

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Vulnerable population	No comparable definition.	A "population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, a chemical substance or mixture …" and includes those who work with chemical substances and mixtures, individuals with preexisting medical conditions, the elderly, pregnant women, infants, children, adolescents, and "members of any other appropriate population identified by the Administrator." [Amended TSCA 3(27)]	Amended TSCA 3(26) is similar to S. 3209, except that workers are included in the definition without regard to their work with chemicals and effects on pregnant women include effects on fetal development. Other appropriate populations may be identified based on consideration of socioeconomic status, racial or ethnic background, cultural practices, or similar factors identified by the Administrator.
EPA authority to define	No comparable provision.	No comparable provision.	Adds a new subsection (b) to TSCA section 3 (15 U.S.C. 2602). New TSCA 3(b)(1) authorizes the Administrator to determine different forms of a chemical substance with a particular molecular identity to be different chemical substances for purposes of the act based on variations in the substance characteristics. Such distinct substances are to be considered new chemical substances. New TSCA 3(b)(2) authorizes the Administrator to determine different uses of a chemical substance or mixture to be the same use for purposes of the act, based on industry classification systems or factors determined by the Administrator to indicate similarity in use and exposure.

Table 2. Testing in Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Testing authorities and requirements	TSCA 4(a) [15 U.S.C. 2603(a)] directs the EPA Administrator to promulgate a rule requiring that testing be conducted on a substance or mixture to develop health and environmental effects data if: (1) the manufacture, processing, distribution, use, or disposal of the chemical "may present an unreasonable risk of injury to health or the environment," or (2) the chemical is produced in very large volume and there is a potential for a substantial quantity to be released into the environment or for substantial or significant human exposure. In either case, EPA also must find that (a) existing data are insufficient to resolve the question of safety, and (b) testing is necessary to develop the data.	S. 3209, section 5, amends TSCA 4. Amended TSCA 4(a) directs the EPA Administrator within one year of enactment of S. 3209 to promulgate a rule establishing a minimum data set and requiring submission to EPA of such data by manufacturers and processors of new chemical substances or existing chemical substances on a priority list [established in amended TSCA 6(a)]. Also requires updates of minimum data set submissions. Amended TSCA 4(b) authorizes EPA to require, by rule or by order, testing and submission of test results by a specified date "as necessary for making any determination or carrying out any provision" of TSCA. Authorizes EPA to require submission of a sample of any chemical for the purpose of conducting tests and making a determination or carrying out any provision of the act.	H.R. 5820, section 4, amends TSCA 4. Similar to S. 3209, but amended TSCA 4(a) requires manufacturers and processors to submit a minimum data set for mixtures as well as chemical substances. In addition, the Administrator is required to update the rule establishing the minimum data set at least once every 5 years. Amended TSCA 4(a)(3) excepts several categories of chemical substances (see Exemptions below). Amended TSCA 4(b) explicitly authorizes EPA to issue a rule or order, after notice and opportunity for comment, for collection of data in addition to the minimum data set, but the bill does not authorize chemical sample collection (except for enforcement purposes under amended TSCA 11).
Test rule requirements	TSCA 4(b) [15 U.S.C. 2603(b)] requires EPA in any test rule to identify the chemical substance or mixture for which testing is required, specify standards for the development of test data, and specify the period during which test results must be submitted.	Amended TSCA 4(c) is similar to 15 U.S.C. 2603(b), but is applicable to EPA orders as well as rules.	Like S. 3209 in applying to orders as well as rules, but EPA is authorized rather than required to specify test protocols and methodology, and the bill does not refer to "standards for the development of test data."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Deadlines for data submission	No comparable provision.	Amended TSCA 4(a) requires submission to EPA of the minimum data set within 18 months of the date that EPA places a chemical on the chemical substance priority list, or at the time notice is provided to EPA [under revised TSCA section 5(a)] that a new chemical will be manufactured. Amended TSCA 6(b)(2) requires submission of the minimum data set within 30 months of the date that EPA places a chemical on the chemical substance priority list, or for existing chemicals not placed on the priority list, within 14 years of the date of enactment of S. 3209.	Amended TSCA 4(a) requires minimum data set submission within 18 months of the date that EPA places a chemical or mixture on the chemical substance priority list; at the time notice is provided to EPA that a new chemical will be manufactured; or, for existing chemicals (but not mixtures) not placed on the priority list, within 3 years of the date of enactment of H.R. 5820 for high production volume chemicals, within 4 years for chemicals produced in moderate volumes, and within 5 years for chemicals produced in low volumes, as determined by the Administrator.
Persons required to submit data	TSCA 4(b) [15 U.S.C. 2603(b)] requires manufacturers and processors to conduct tests in response to a rule issued by EPA, but allows EPA to permit such persons to designate one person or a qualified third party to conduct such tests and submit data on their behalf.	Amended TSCA 4(c) directs EPA to specify in any rule or order persons required to conduct tests and submit data, but allows designation of a single data provider, as is allowed under current law. In the event that a single data provider is designated, all parties remain individually liable for testing requirements	Amended TSCA 4(b)(5) is the same as S. 3209.
Failure to submit data	No comparable provision.	Amended TSCA 4(b)(3) authorizes EPA to, by order, prohibit manufacture, processing, or distribution in commerce for a chemical if a manufacturer or processor fails to submit required data.	Amended TSCA 4(a)(4) authorizes penalties for noncompliance as provided in amended TSCA section 16, or imposition of conditions, by order, including prohibitions on the manufacture, processing, or distribution in commerce of the chemical substance, mixture or article containing the substance. Failure to submit required information is grounds for determining that the chemical substance or mixture does not meet the safety standard under amended TSCA 6(b)(3)(D).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Data exemption	TSCA 4(c) [15 U.S.C. 2603(c)] allows manufacturers and processors to request an exemption, and directs EPA to grant an exemption if data would be duplicative. Provides for reimbursement by the exempted persons to manufacturers and processors who collected and submitted data. EPA is required to order a manufacturer or processor who is exempt to reimburse the entity that submitted data. Such an order is a final agency action for the purpose of judicial review.	Amended TSCA 4(d) would have the same effect as TSCA, except exemptions could apply to orders as well as rules, and the bill does not provide that the Administrator's order to reimburse is a final agency action for the purpose of judicial review.	Similar to 15 U.S.C. 2603(c), but amended TSCA 4(c) applies to orders as well as rules. In addition, amended TSCA 4(a)(3) exempts from data requirements: (1) chemicals for which EPA first is required to make a safety determination under amended TSCA 6(a)(1)(A); (2) chemicals determined by the Administrator to be persistent, bioaccumulative, and toxic and to which people are exposed; (3) chemicals EPA exempts because, due to their intrinsic properties, they do not pose any risk of injury to health or the environment; and (4) chemicals that EPA determines are safer substitutes for chemicals already in commerce.
Cessation of manufacture or processing	No comparable provision.	Amended TSCA 4(b)(4) explicitly exempts from requirements any manufacturer or processor who has submitted a declaration of cessation of manufacture or processing of a chemical substance.	Amended TSCA 4(b)(5) is the same as S. 3209, but only if the declaration is of permanent cessation.
Contents of minimum data set	No comparable provision.	Amended TSCA 4(a) directs EPA to include in the minimum data set information on substance characteristics and on hazard, exposure, and use of chemical substances and mixtures, information that the EPA anticipates will be useful in conducting safety standard determinations as required by amended TSCA section 6(b). Allows EPA to provide for varied or tiered testing for different chemicals or categories of chemicals.	Similar to S. 3209, but amended TSCA 4(b)(3) also requires that the set include information on chemical identity; biological and environmental fate and transport; toxicological properties; volume manufactured, processed, or imported; intended uses; and "exposures from all stages of the chemical substance or mixture's lifecycle that are known or reasonably foreseeable to the party submitting the data set."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Prescribed data needs	TSCA 4(b) [15 U.S.C. 2603(b)] authorizes EPA to prescribe data development standards for effects which may present an unreasonable risk of injury to health or the environment and for characteristics of chemical substances and mixtures which may present such a risk, as well as for methodologies including epidemiological studies, serial or hierarchical tests, in vitro tests, and whole animal tests.	Amended TSCA 4(c) authorizes EPA to prescribe data development standards for effects which may be considered in a safety determination, assessing exposure, including presence in human tissues and fluids, and characteristics of chemicals that may present an adverse effect. Also authorizes EPA to prescribe biomonitoring studies, in addition to methodologies already permitted under 15 U.S.C. 2603(b).	Similar to 15 U.S.C. 2603(b) but amended TSCA 4(b)(4)(A) does not refer to test standards, and it provides broad authority to prescribe testing for "any toxicological property and any other adverse effect which may be considered in a safety standard determination under [amended TSCA] section 6(b)." Specifies exposure information for which testing may be prescribed, and explicitly authorizes testing for bioaccumulation, biomonitoring studies, and in amended TSCA 4(b)(4)(B), industrial hygiene surveys.
Petition for standards for development of test data	TSCA 4(g) [15 U.S.C. 2603(g)] authorizes manufacturers to petition EPA to prescribe standards for the development of test data for a new chemical.	Eliminates this provision.	Same as S. 3209.
Alternatives to animal testing	No comparable provision.[3]	Requires that animal tests are consistent with provisions of amended TSCA section 31, promoting alternatives to animal testing.	Amended TSCA 4(b)(4)(B) requires that whole animal studies be consistent with amended TSCA section 34.
Biomonitoring by the Centers for Disease Control and Prevention	No comparable provision.	No comparable provision.	New TSCA 4(b)(6) requires that any biomonitoring study of the public regarding a chemical substance or any metabolite or degradation byproduct be conducted by the Director of the Centers for Disease Control and Prevention in collaboration with the Administrator at the expense of the manufacturers and processors of the substance.

[3] However, EPA "is committed to examining alternative test methods that reduce the number of animals needed for testing, reduce pain and suffering of test animals, and whenever possible, replace animals in testing with validated in vitro (non-animal) test systems. EPA has released guidance on this issue …" (U.S. EPA, "Fact Sheet on Animal Welfare," April 2001, EPA 745-F-99-003, http://www.epa.gov/HPV/pubs/general/anfacs.pdf.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Review and revision of data needs	TSCA 4(b) [15 U.S.C. 2603(b)]requires annual review and revision, if necessary, of standards for the development of data.	Changes the interval between required reviews and revisions, if necessary, from one to 3 years.	Similar to 15 U.S.C. 2603(b), but amended TSCA 4(b)(4)(C) refers to "methodology" rather than "standards for the development of test data."
Rulemaking process	TSCA 4(b) [15 U.S.C. 2603(b)] directs EPA to issue test rules pursuant to 5 U.S.C. 553 (Administrative Procedure Act, procedures for informal notice and comment rulemaking). In addition, persons must be given an opportunity for oral presentation of data, views, or arguments and to make written submissions; a transcript must be made of oral presentations; and the Administrator must publish findings required by TSCA 4(a)(1)(A) or (B).	Amended TSCA 4(c) omits TSCA requirements for rulemaking that go beyond the requirements of 5 U.S.C. 553. Amended TSCA 4(b) authorizes EPA to issue orders in lieu of rules.	Amended TSCA 4(b)(8) is the same as S. 3209.
Interagency testing committee	TSCA 4(e) [15 U.S.C. 2603(e)] establishes the Interagency Testing Committee (ITC) to advise the Administrator regarding chemicals that should receive priority consideration for promulgation of a test rule [under subsection (a)].	Amended TSCA 6(a)(3) establishes the Interagency Prioritization and Testing Committee, which is similar to the ITC in composition.	Amended TSCA 4(e) is similar to current law, but amended TSCA 4(e) directs the ITC also to make recommendations for listing chemical substances and mixtures under amended TSCA 6(a)(1). The bill raises the number of committee members from 8 to 10, including a representative of the Food and Drug Administration and one from the Consumer Product Safety Commission.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Committee recommendations for testing	TSCA 4(e) [15 U.S.C. 2603(e)] directs the interagency testing committee to establish a prioritized list of chemicals for the Administrator to consider testing and to designate up to 50 chemicals on the list as the highest priority. In selecting chemicals, the committee is authorized to consider all relevant factors, including "the extent to which the substance or mixture is closely related to a chemical substance or mixture which is known to present an unreasonable risk of injury to health or the environment." Priority attention is to be given to chemicals "known to cause or contribute to or which are suspected of causing or contributing to cancer, gene mutations, or birth defects."	Amended TSCA 6(a)(3) changes the directive to the committee with respect to the basis for recommendations for issuance of test rules or orders. The committee is directed to make recommendations for issuance of test rules or orders based on "all factors relevant to risk" including presence in biological and environmental media, use, production volume, toxicity, persistence, or bioaccumulation. The committee also is to make recommendations for placement of chemical substances on the priority list based on criteria identified pursuant to amended TSCA 6(a)(1). Recommendations are to be in the form of one or more lists of chemical substances and mixtures and are to be updated annually, if necessary. The Administrator is directed to provide reasonable opportunity to any interested person to file written comments on the recommendations.	Amended TSCA 4(e) is similar to 15 U.S.C. 2603(e), but authorizes consideration of chemicals posing a "substantial risk" rather than those posing "an unreasonable risk" of injury to health or the environment, and directs the committee to provide priority attention to chemicals suspected of causing or contributing to "adverse effects on health or the environment" rather than those that might cause or contribute to cancer, gene mutations, or birth defects. The requirement that the list of chemicals designated for testing should remain less than 50 is eliminated. The chemicals listed are to be those that should be subject to test rules or orders, in the view of the committee.
Public notice of receipt of data	TSCA 4(d) [15 U.S.C. 2603(d)] requires that EPA provide public notice of receipt of data and make data available for examination by any person (subject to section 14).	Amended TSCA 4(e) is similar to 15 U.S.C. 2603(d) in requiring public notice of the receipt of data, but applies also to data submitted in accord with an EPA order, and requires that data be made available on the internet.	Similar to 15 U.S.C. 2603(d), but amended TSCA 4(d) applies also to data submitted in accord with an EPA order and requires that notices be added to the public database established in amended TSCA 8(d).
Judicial review prohibited for committee recommendations	No comparable provision.	Amended TSCA 6(a)(4) protects from judicial review recommendations by the Interagency Prioritization and Testing Committee.	No comparable provision.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Required agency actions	TSCA 4(f) [15 U.S.C. 2603(f)] requires the EPA Administrator to respond within 180 days to new information indicating "that there may be a reasonable basis to conclude that a chemical substance or mixture presents or will present a significant risk of serious or widespread harm to human beings from cancer, gene mutations, or birth defects." Requires EPA to "initiate appropriate action under section 5, 6, or 7 to prevent or reduce to a sufficient extent such risk or publish in the *Federal Register* a finding that such risk is not unreasonable." A finding that a risk is not unreasonable is a final agency action for purposes of judicial review.	Eliminates this provision, but TSCA 4(a) as amended requires EPA, within 180 days of receipt of a data submission, to determine, by order, whether the manufacturers and processors of the substance have established that the substance meets the safety standard. If data are not submitted, S. 3209 authorizes EPA to prohibit, by order, manufacture, processing, or distribution in commerce of the substance, mixture, or article containing the substance.	Eliminates this provision, but amended TSCA 6(b)(3)(D) requires that the Administrator complete and publish the safety standard determination within 30 months of the date on which the chemical substance or mixture is placed on the priority list, or, within 18 months of the date of enactment of H.R. 5820 for chemicals listed in amended TSCA 6(a)(1)(A). However, if additional information is needed, the determination must be completed and published within 12 months after submission of all required information.
Requests from other federal agencies	No comparable provision.	Amended TSCA 4(f) authorizes any federal agency to request that EPA seek information unavailable to that other agency which it has determined would assist it in carrying out its duties or exercising its authority. Requires EPA to collect and provide such information to the requesting agency or to publish in the *Federal Register* the reason for not doing so.	Amended TSCA 4(f) is the same as S. 3209.
Certification of data submitted	No comparable provision.	Amended TSCA 4(g) requires that each submission of information under a rule or order be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.	Amended TSCA 4(a)(2)and 8(i) require each submission of a minimum data set to be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.

Table 3. Notices in Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Notices concerning new chemicals or uses	TSCA 5(a)(1) [15 U.S.C. 2604(a)(1)] prohibits manufacture of a new chemical and prohibits manufacture or processing of any chemical for a use which is a significant new use unless notice is submitted to EPA 90 days prior to such manufacture or processing.	Amended TSCA 5(a)(1)-(3) is similar to current law, but it also requires notice prior to processing of a new chemical substance or mixture. Requires notice prior to manufacture or processing of an existing chemical that has met the safety standard for a use, at a production volume, or in a manner other than specified in the safety determination. It is unclear whether notice is required for an existing chemical for which EPA has not made a safety determination when a new use is proposed. However, it appears that the law would require a new declaration under amended TSCA 8(a) and data submission under amended TSCA 5(b) prior to manufacturing or processing.	Amended TSCA 5(a) is similar to S. 3209 in that it prohibits manufacturing and processing of new chemical substances and mixtures unless notice is provided to EPA. H.R. 5820 also requires notice prior to manufacture or processing of a new mixture or an existing chemical or mixture for a use that EPA determines is a new use [see "New use determination" below].
New use determination	TSCA 5(a)(2) [15 U.S.C. 2604(a)(2)]directs EPA to designate a significant new use of an existing chemical by promulgating a rule after considering "all relevant factors, including—(A) the projected volume of manufacturing and processing of a chemical substance, (B) the extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance, (C) the extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance, and (D) the reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance."	Amended TSCA 5(a)(2) and (3) designate use of an existing chemical as new if at the time of enactment of S. 3209—such use was not ongoing, use would be at a significantly increased volume, or the person who would be manufacturing or processing the chemical had not previously done so.	Amended TSCA 5(a)(2) designates a use as new if—1) the substance or mixture already received a safety standard determination which did not include the use; or (2) the proposed use will result in manufacturing or processing of the chemical substance or mixture at a significantly increased volume from that previously considered in the safety determination made under amended TSCA 6(b).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Special substance characteristics	No comparable provision.	Amended TSCA 5(a)(6) directs Administrator to determine by order or rule that a variant of a chemical substance exhibiting one or more "special substance characteristics" [such as size or reactivity, as defined in amended TSCA 3(24)] is a new use or a new chemical substance.	No comparable provision.
Notice content	TSCA 5(d) [15 U.S.C. 2604(d)] requires that notices contain the information required by TSCA 8(a)(2)(A)-(D), (F), and (G). [See "Reporting and record keeping" below.]	Amended TSCA 5(c) requires a notice to include the declaration made under amended TSCA 8(a)(2), the minimum data set, and a statement that the chemical will meet the safety standard.	Amended TSCA 5(c) is similar to S. 3209, but the statement required is that the chemical is "reasonably anticipated to meet the safety standard under section 6(b)," and H.R. 5820 requires a justification for such statement.
Certification	No comparable provision.	Amended TSCA 5(e) requires that each submission of information under a rule or order be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.	Amended TSCA 8(i) requires each submission of information that is required pursuant to "this title" to be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Submission of test data with notice	TSCA 5(b) [15 U.S.C. 2604(b)] requires persons who propose to manufacture a new chemical or to manufacture or process a chemical for a significant new use to submit with such notice any test data that are required by rule under TSCA 4(a). If no test data are required under TSCA 4(a), but the chemical has been listed under TSCA 5(b)(4), indicating that the Administrator has determined that it "presents or may present an unreasonable risk," manufacturers and processors must submit data showing that manufacture, processing, distribution in commerce, use, and disposal (in the case of a new chemical or mixture), or the new use (in the case of a significant new use), "will not present an unreasonable risk of injury to health or the environment."	Amended TSCA 5(b) requires submission to EPA of any data required for a chemical under a test rule or order, as well as the declaration and minimum data set at the time notice is provided to EPA. With respect to a new use of a chemical for which the Administrator previously has made the safety determination, manufacturers must provide an update for the minimum data set. With respect to a new use of a chemical which has not been evaluated for safety, manufacturers must submit to EPA a new or updated declaration under amended TSCA 8(a) and comply with amended TSCA 5(b).	Amended TSCA 5(b) is similar to S. 3209 in requiring data submission for chemicals subject to test rules or orders at the time notice is provided, but requires submission for new mixtures as well as new chemical substances. H.R. 5820 also requires submission of the declaration and minimum data set when notice is provided regarding production of a chemical substance or mixture. Also requires that any chemical substance subject to a Significant New Use Rule as of the date of enactment of H.R. 5820 remain subject to that rule until it receives a safety standard determination and any conditions are imposed.
Public availability of data	TSCA 5(b)(3) [15 U.S.C. 2604(b)(3)] directs EPA to make such data publicly available, subject to protections for confidential business information in section 14.	Amended TSCA 5(b)(2) requires EPA to make data available on the internet, subject to amended TSCA 14.	Requires EPA to publish each new chemical and new use pre-manufacture notice. Also requires that EPA publish notice regarding the chemical identity, intended uses, the nature and results of tests performed, and availability of the declaration under amended section 8(a) and the minimum data set under amended TSCA 4(a). Internet publication is not explicitly required.
EPA's response to notice	No comparable provision, but EPA has 90 days to decide whether the chemical or chemical use may present an unreasonable risk of injury to health or the environment.	Amended TSCA 5(a)(4) requires EPA to determine within 180 days after receiving notice and data whether it has been established that the chemical substance or mixture meets the safety standard under amended TSCA section 6(b).	Requires EPA to determine within 90 days after receiving notice and data whether the use is a critical use or whether a safety standard determination is required by amended TSCA 5(a)(1)(B). Within 9 months of that determination, the Administrator is required to "complete any such required safety standard determination."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Extension of the notice period	TSCA 5(c) [15 U.S.C. 2604(c)] authorizes EPA to extend the period between notice and manufacture for additional periods of up to a total of 90 days "for good cause."	Eliminates this provision.	Same as S. 3209.
Publication of notice	TSCA 5(d) [15 U.S.C. 2604(d)(1)] requires notice to be available for examination by interested persons, subject to disclosure restrictions at TSCA 14 [15 U.S.C. 2613]. [See "Disclosure of data" section below.] Directs EPA to publish a notice identifying the chemical, listing the intended uses, and describing the nature of tests performed and data that were developed pursuant to a rule.	Amended TSCA 5(b)(3)-(4) is similar to current law [TSCA 5(d)(1)], but specifies that EPA must make notices available on the internet and requires disclosure of the availability of the minimum data set. In addition, requires EPA to make available on the internet a list of chemical substances for which notice has been received monthly. [Also, see "Disclosure of data" section below.]	Amended TSCA 5(c)(3) is similar to current TSCA 5(d), but H.R. 5820 specifies that data must be placed in the public database established pursuant to amended TSCA 8(d). Eliminates specific content requirements for published notices. [Also, see "Disclosure of data" section below.]
"Manufacture" and "process"	TSCA 5(i) [15 U.S.C. 2604(i)] defines "manufacture" and "process" as used in TSCA section 5 to mean manufacturing and processing for commercial purposes.	Amended TSCA 5(f) provides the same definition as current law.	Same as current law [TSCA 5(i)].

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Safety determination for new chemical or new use	No specific provision, but TSCA requires an EPA finding that manufacture, processing, distribution in commerce, use, and disposal of a chemical "may present an unreasonable risk of injury to health or the environment," when the agency issues a test rule under TSCA 4(a). Similarly, EPA must find that a chemical substance "presents an unreasonable risk" before EPA can issue a rule to ensure that risks are adequately regulated.	Amended TSCA 5(a) prohibits manufacture and processing of a chemical for which notice is required unless the Administrator finds either: (1) that the manufacturers and processors have established that the chemical meets the safety standard under proposed TSCA 6(b), or (2) that the new chemical substance or its metabolite or degradation product is not, and is not expected to be—manufactured in a volume of more than one million pounds annually or released into the environment in a volume of more than 100,000 pounds annually; a known, probable, or suspected reproductive, developmental, neurological, or immunological toxicant, carcinogen, mutagen, or endocrine disruptor, or has other toxicological properties of concern; persistent and bioaccumulative; found in human cord blood, or otherwise found in human blood, fluids, or tissue, unless it is naturally present at the level commonly found in that medium; or found in food, drinking water, ambient or indoor air, residential soil, or house dust, unless it is naturally present at the level commonly found in that medium. With respect to a new use of a chemical for which the Administrator previously has made the safety determination, manufacturers must provide evidence that permits the Administrator to amend the safety determination.	Amended TSCA 5(a) imposes an additional condition on any new chemical or use: manufacture or processing is permitted only if the Administrator finds—the use is a critical use as determined pursuant to amended TSCA 6(e), or the substance or mixture meets the safety standard for all intended uses under amended TSCA 6(b).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Protection against unreasonable risks	TSCA 5(f) [15 U.S.C. 2604(f)] directs EPA to control an unreasonable risk posed by a new chemical or a significant new use of a chemical in the interim between the expiration of the notification period and the effective date of a rule that is being developed to control such risk. EPA is directed to issue a proposed rule or an order. If the Administrator issues a proposed rule, it is effective on the date it is issued.	This provision is eliminated. S. 3209 requires risk management prior to production and distribution.	Same as S. 3209.
Regulation pending development of information	TSCA 5(e) [15 U.S.C. 2604(e)] authorizes the Administrator to issue a proposed order to prohibit or limit manufacture, processing, distribution in commerce, use, or disposal of a new chemical or significant new use in the event that the Administrator determines that: the information available "is insufficient to permit a reasoned evaluation of the health and environmental effects" of the chemical; and either the chemical may present an unreasonable risk, or it will be produced in substantial quantities and "may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance." If EPA makes such a determination but no order is issued or objections are filed to the order, then EPA must apply to the District Court to prohibit or limit activities with respect to the chemical, unless EPA finds on the basis of the objections that the determination cannot be made.	This provision is eliminated. Amended TSCA 5(a) requires submission of data and a safety determination prior to production and distribution of a new chemical or of an existing chemical for a new use.	Same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Statement of reasons for not taking action	If EPA does not take action with respect to a chemical covered by a test rule [under TSCA 4(a)], a significant new use rule [under TSCA 5(a)(1)(B)], or listed under TSCA 5(b)(4), then TSCA 5(g) directs the Administrator to publish a statement of reasons for not taking action.	This provision is eliminated.	This provision is eliminated.
Exemptions from notice requirements			
General authority	TSCA 5(h)(4) [15 U.S.C. 2604(h)(4)] authorizes EPA upon application and by rule to exempt a manufacturer of a new chemical substance from notification and data requirements, if the Administrator determines it will not "present an unreasonable risk of injury to health or the environment." Any such rule must be promulgated in accord with TSCA section 6(c)(2) and (3) (see below).	Eliminates this provision.	Same as S. 3209, but amended TSCA 39(d) directs EPA to review existing exemptions granted under TSCA 5(h)(4) within a year of enactment of H.R. 5820 to determine whether chemicals exempted under current law meet the "intrinsic properties" requirements to qualify for an exemption under amended TSCA 39(d).
Intermediate production chemicals	TSCA 5(h)(5) [15 U.S.C. 2604(h)(5)] authorizes exemptions upon application for production-related (temporary, so-called "intermediate") chemicals when no human or environmental exposure will occur.	Amended TSCA 5(d)(4) is the same as current law.	Same as current law.
Test marketing	TSCA 5(h)(1) [15 U.S.C. 2604(h)(1)] authorizes EPA to exempt any person from notification or data requirements so as to permit manufacture or processing for test marketing purposes, if the person applies for such exemption and demonstrates the chemical will not present an "unreasonable risk."	Amended TSCA 5(d)(1) is similar to current law but a person must show that it "will not endanger the health [sic] or the environment." "Test marketing" is defined in amended TSCA 5(f) to exclude provision of a chemical or article containing a chemical to an end consumer.	Amended TSCA 5(d)(1) is similar to current law but specifies that exemptions are made "by order," authorizes exemptions for mixtures as well as chemical substances, and requires that the applicant show the chemical or mixture will not present "a substantial" risk.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Equivalent chemicals and duplicative data	TSCA 5(h)(2) [15 U.S.C. 2604(h)(2)] allows manufacturers and processors of new chemicals or chemicals with significant new uses that are on the priority list but are not subject to a section 2603 data submission requirement to request from EPA an exemption from the requirement in 2604(b)(2) that they submit data showing that manufacture, processing, distribution in commerce, use, and disposal of the chemical substance, or the significant new use, will not present an unreasonable risk. Directs EPA to grant such exemption if the chemical is equivalent to a substances for which data has been submitted and data would be duplicative. Provides for reimbursement by the exempted persons to manufacturers and processors who collected and submitted data. EPA is required to order a manufacturer or processor who is exempt to reimburse the entity that submitted data. Such an order is a final agency action for the purpose of judicial review.	Amended TSCA 5(d)(2) allows manufacturers and processors of new chemicals or chemicals with new uses to request, and EPA to grant, full or partial exemption from data submission requirements if the chemical is equivalent to a chemical substance for which data have been submitted and submission would be duplicative of data previously submitted to EPA. Provides for reimbursement by the exempted persons to those who collected and submitted data in the same manner as current law.	Amended TSCA 5(d)(2) concerns any new use of a chemical substance or mixture subject to a data collection rule or order under section 4. H.R. 5820 directs the Administrator upon application to exempt the manufacturer or processor of such a chemical or mixture from the amended TSCA 5 requirement to submit data along with the required new use notice, if the chemical is equivalent to a substance for which data have been submitted previously and submission would be duplicative. Provides for reimbursement by the exempted persons to those who collected and submitted data in the same manner as current law.
Small quantities	TSCA 5(h)(3) [15 U.S.C. 2604(h)(3)] exempts from notification and data requirements manufacturing and processing of small quantities for purposes of scientific experimentation or chemical research on, or analysis of, such substances or another substance, including product development.	Amended TSCA 5(d)(3) is the same as current law.	Amended TSCA 5(d)(3) is similar to current law, but it also applies to mixtures.
EPA response to exemption requests	TSCA 5(h)(6) [15 U.S.C. 2604(h)(6)] requires EPA to publish notices of, and request comments on, requests for exemptions that the agency receives. EPA must issue an approval or disapproval within 45 days.	Amended TSCA 5(d)(5) is the same as current law.	Same as current law.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Safer chemical substances or mixtures	No comparable provision.	No comparable provision.	Amended TSCA 5(d)(1) exempts from section 5 requirements any new chemical substance or mixture approved pursuant to amended TSCA 35 as a safer alternative. Amended TSCA 5(d)(2) authorizes the Administrator to exempt any new chemical substance or new use of a chemical substance or mixture from the requirements of amended TSCA section 5 pursuant to section 39, based on intrinsic properties which render the substance harmless.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Chemicals of concern list (priority list)	TSCA 5(b)(4) [15 U.S.C. 2604(b)(4)] authorizes EPA to "by rule, compile and keep current a list of chemical substances with respect to which the Administrator finds that the manufacture, processing, distribution in commerce, use, or disposal, or any combination of such activities, presents or may present an unreasonable risk of injury to health or the environment." In listing decisions the Administrator is directed to consider "all relevant factors, including—(I) the effects of the chemical substance to health and the magnitude of human exposure to such substance; and (II) the effects of the chemical substance on the environment and the magnitude of environmental exposure to such substance." Any rule listing a chemical must identify "uses that the Administrator determines, by rule under subsection (a)(2), would constitute a significant new use of such substance." Any rulemaking under this provision must be promulgated pursuant to the procedures specified in 5 U.S.C. 553 and must provide opportunity for oral and written presentation of data, views, or arguments. In addition, a transcript must be kept of any oral presentation and the Administrator must make and publish with the rule the finding that an activity related to the chemical "presents or may present an unreasonable risk of injury to health or the environment."	Amended TSCA 6(a) directs EPA by order to develop and publish a priority list of not less than 300 chemical substances "for which safety standard determinations shall first be made" within 18 months of S. 3209 enactment. Failure of EPA to establish the priority list or to update it is defined to be a failure to perform a nondiscretionary duty and subject to judicial review. Chemicals must be selected based on: available scientific evidence, relative risk, presence in biological and environmental media, use, production volume, toxicity, persistence, bioaccumulation, "or other properties indicating risk." Requires removal of a substance from the list only after a safety standard determination has been made for it. Requires EPA to add chemical substances or mixtures periodically to keep the number greater than 300 at all times until all substances and mixtures distributed in commerce have had a safety standard determination. EPA must give due consideration in listing decisions to recommendations provided by the Interagency Prioritization and Testing Committee which is to base its recommendations on the criteria listed (above) in amended TSCA 6(a). Amended TSCA 6(a)(4) protects from judicial review EPA's decisions about whether to place particular chemicals on the priority list, including any EPA response to a petition to list a particular chemical substance.	Amended TSCA 6(a) establishes a list of 19 specified chemical substances for which safety standards must first be made. Twelve months after H.R. 5820 is enacted, the Administrator must update the list to consist of at least 300 chemical substances. Listing is at the Administrator's discretion, "based on available scientific evidence and consideration of their hazard, exposure, or risk relative to other chemical substances, aggregate or cumulative exposure, evidence of exposure to humans including presence in human or animal biological and environmental media including in the workplace, use, volume of manufacture, toxicological properties, persistence, bioaccumulation, or other properties indicating risk." Otherwise similar to S. 3209, but does not require the list to be developed and published "by order" and may include mixtures. H.R. 5820 also does not explicitly require that EPA consider listing recommendations provided by the Interagency Prioritization and Testing Committee.

Table 4. Restrictions in Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Regulation	TSCA 6(a) [15 U.S.C. 2605(a)] directs EPA by rule to apply one or more requirements "to the extent necessary to protect adequately against" an "unreasonable risk" "using the least burdensome requirements," if EPA finds that "there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture … presents or will present an unreasonable risk of injury to health or the environment." Specifies various regulatory options. Authorizes regulations to—prohibit or limit the amount of substance manufactured, processed, or distributed in commerce, generally or for a specific use; require labeling, recordkeeping, provision of notice to distributors and to the public of unreasonable risk of injury, or replacement or repurchase of a substance; and specify methods of disposal. TSCA 6(c) [15 U.S.C. 2605(c)] specifies procedures for rulemaking that allow for informal hearings and requires EPA to publish a statement describing the health and environmental effects, level of exposure, benefits of the substance, and "reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health." Requires that EPA's decisions be based on the rulemaking record. Directs EPA to promulgate needed rules under other environmental laws, unless it is in the public interest to issue rules under TSCA.	S. 3209 does not require rulemaking, but section 7 amends TSCA 6(b) and (c) to authorize EPA to specify allowed uses of any substance that meets the safety standard and to impose conditions on its manufacture, processing, use, distribution in commerce, or disposal to "ensure the safety standard is met." Many of the conditions that EPA is authorized to impose are the same as the regulatory options listed in current law, but S. 3209 also authorizes EPA to impose a requirement that the manufacturers and processors of a chemical substance or mixture or article containing it develop a risk reduction management plan to achieve a risk reduction specified by the Administrator. The bill does not authorize the option of requiring manufacturers or processors to give notice of unreasonable risk of injury to distributors or the public or to replace or repurchase a substance. In addition, S. 3209 differs from current law in that the bill does not authorize limiting conditions to specified geographic areas, nor does it prohibit requiring a person to take an action that would be in violation of a law or requirement of a state or political subdivision.	Amended TSCA 6(c)(2) is similar to S. 3209, but the bill authorizes prescription for specific control measures to reduce occupational exposures and requires that any such measures must reflect the industrial hygiene hierarchy of controls. Any warnings or instructions required must be consistent with the Globally Harmonized System of Labeling and Classification of Chemicals. In determining the conditions necessary to ensure the substance or mixture meets the safety standard, the Administrator must "consider human health and the environment as the primary and paramount concern, and shall also consider the technological feasibility of compliance, the economic impact of compliance, and benefits of earlier compliance, and other relevant considerations."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
General process for safety determinations	No comparable provision.	Amended TSCA 6(b)(1) requires that EPA produce a risk assessment addressing health and environmental impacts using "the best available science" in support of any determination that a manufacturer or processor of a chemical substance has met the burden of proof. Risk assessments must be transparent and understandable to the public and to risk managers. No risk assessment is required when EPA determines that the burden of proof has not been met, and such determination is not subject to judicial review. Amended TSCA 6(b)(1) also establishes that manufacturers and processors of a chemical substance are responsible for proving that the substance meets the applicable safety standard, and that the EPA Administrator has the responsibility of determining within 180 days of data submission whether the manufacturers and processors have met the burden of proof.	Amended TSCA 6(b)(1) requires the Administrator to apply a safety standard that "takes into account aggregate exposure to a chemical substance or mixture and ensures that, for all intended uses—(i) with regard to public health, there is a reasonable certainty that no harm will result, including to vulnerable populations; and (ii) the public welfare is protected." The Administrator is required to consider the lifecycle of the substance or mixture and "available information concerning the cumulative effects of exposure to chemical substances or mixtures." H.R. 5820 is similar to S. 3209 in that amended TSCA 6(b)(2) assigns the burden of proving that a chemical meets the safety standard to manufacturers and processors. Amended TSCA 6(b)(3) requires the Administrator to "determine whether the chemical substance or mixture meets the safety standard, taking into account any existing conditions or controls already in effect, or can be made to meet the safety standard through the imposition of additional conditions … and whether intended uses that do not meet the safety standard are critical." A safety determination must be completed and published not later than 30 months after the date on which a chemical is placed on the priority list, or within 18 months of the date of enactment for the 19 chemicals listed in amended TSCA 6(a)(1)(A). The determinations must be made in keeping with "standards for assessment" developed by the Administrator under amended TSCA 6(b)(4).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Scientific standards for data assessment	No comparable provision.	Amended TSCA 6(b)(1)(C) requires The Administrator to "use the best available science" in conducting a risk assessment considering the most recent recommendations of the National Academy of Sciences "on ways to better protect people, including pregnant women, infants, children and other vulnerable populations from harm by exposure to toxic substances when assessing such potential risks."	Within 18 months of the date of enactment of H.R. 5820, amended TSCA 6(b)(4) directs the Administrator, after providing for notice and opportunity for comment, to develop and publish guidance regarding the use of science in making safety determinations. Requires that the Administrator rely on the recommendations of the National Academy of Sciences report entitled *Science and Decisions*. Such guidance must be reviewed and may be revised to reflect new scientific developments or understanding at least once every 5 years.
Safety of chemicals for export	No comparable provision.	Directs EPA to consider risks that a chemical manufactured for export may pose in the United States during production and distribution in commerce, including in imported products containing the substance.	No comparable provision.
Safety determinations for existing chemicals			
EPA's determination	No comparable provision.	Within 180 days of receipt of a data submission, EPA is directed to determine, by order, whether the manufacturers and processors of the substance have established that the substance meets the safety standard.	Amended TSCA 6(b)(3)(D) requires that the Administrator complete and publish the safety standard determination within 30 months of the date on which the chemical substance or mixture is placed on the priority list, or, within 18 months of the date of enactment of H.R. 5820 for chemicals listed in amended TSCA 6(a)(1)(A). However, if additional information is needed, the determination must be completed and published within 12 months after submission of all required information.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Failure to submit data	No comparable provision.	If data are not submitted, amended TSCA 6(b)(2) authorizes EPA to prohibit, by order, manufacture, processing, or distribution in commerce of the substance, mixture, or article containing the substance.	Amended TSCA 6(b)(3) provides that failure to submit required information is grounds for determining that the chemical substance or mixture does not meet the safety standard.
Failure by EPA	No comparable provision.	If EPA fails to meet the deadline for a safety determination, amended TSCA 6(b)(2) provides that manufacturers and processors are required to notify EPA, the public, their employees, and customers written notice that a determination by EPA of the safety of the chemical is pending.	Amended TSCA 6(b)(7) requires EPA promptly to publish notice of a failure to publish or renew a determination by the applicable deadline. Directs the Administrator to prohibit new manufacturers or processors or new uses of the chemical substance or mixture until the determination is published and requires manufacturers and processors to provide written notice to the public, their employees, and their commercial customers that a safety standard determination is pending.
Resubmission	No comparable provision.	Amended TSCA 6(b)(2) provides that at least every 15 years, manufacturers and processors of each chemical substance must submit the minimum dataset and indicate whether the substance and specified uses meet the safety standard.	Amended TSCA 6(b)(6) provides that a safety determination remains in effect for up to 15 years, if no new use or information warrants a redetermination.
Redetermination	No comparable provision.	EPA may initiate a redetermination of whether the chemical meets the safety standard if new information raises a question in that regard, on the receipt of a renewal submission, or 15-years following the previous determination.	The Administrator may renew a determination for additional 15 year periods but the burden of proof for renewal remains with the manufacturers and processors.
Petition for redetermination	No comparable provision.	Authorizes any person to petition the Administrator for a redetermination. The Administrator must decide whether to make the requested redetermination and publish the decision and its basis in the *Federal Register* within 180 days.	No comparable provision.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Restrictions on substances that do not meet the safety standard	No comparable provision, but TSCA 6(a) directs EPA by rule to apply one or more requirements (such as labeling or banning particular uses) "to the extent necessary to protect adequately against" an "unreasonable risk" "using the least burdensome requirements," if the Administrator finds that "there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or that any combination of such activities, presents or will present an unreasonable risk of injury to health or the environment."	Amended TSCA 6(b)(3) prohibits manufacture, processing, and distribution in commerce of a chemical substance, mixture, or article if EPA makes a safety determination and does not determine that a substance meets the safety standard. Such prohibition is effective immediately for a new chemical or after one year for any other chemical.	Amended TSCA 6(c)(3) is similar to S. 3209 but also immediately prohibits activities with respect to a new use of an existing substance, mixture, or article if EPA determines that the manufacturers and processors have not shown that the use meets the safety standard.
Unrestricted distribution in commerce	No comparable provision, but current law allows unrestricted distribution in commerce of chemicals and mixtures unless EPA determines that a substance presents an unreasonable risk and then promulgates a rule to regulate it.	No comparable provision. If EPA determines that the substance meets the safety standard, the allowed uses of the substance must be specified as well as any conditions on those specified uses to ensure that the safety standard is met. S. 3209 prohibits manufacture, processing, and distribution in commerce of a chemical substance, mixture, or article for uses not specified in the safety determination.	Amended TSCA 6(c)(1) authorizes manufacture, processing, and distribution in commerce for any chemical substance or mixture that EPA determines meets the safety standard without imposition of conditions for uses identified and included in the safety standard determination. EPA is authorized to make the determination contingent on the continuation of conditions or controls already in effect.
Uses restricted for substances meeting the safety standard	No comparable provision.	Amended TSCA 6(b) prohibits manufacture, processing, and distribution in commerce of a chemical substance, mixture, or article for any use not specified in the safety determination if EPA determines that the chemical and its specified uses meet the safety standard.	Amended TSCA 6(c)(2) requires EPA to impose conditions on manufacture, processing, use, distribution in commerce, or disposal of a chemical substance or mixture to ensure that it meets the safety standard. Such conditions must "be identified in a manner that ensures effective and efficient protection of health and the environment."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Effective date of Section 6 rules	TSCA 6(d) [15 U.S.C. 2605(d)] directs EPA to make such rules effective "as soon as feasible," and allows EPA to make a proposed rule effective upon publication until the effective date of the final rule if there is an unreasonable risk of serious or widespread injury to health or the environment and a court has granted relief under section 7.	Amended TSCA 6(i) directs EPA to specify a date on which a rule or order shall take effect and that such date should be "as soon as feasible."	Amended TSCA 6(c)(2)(H) requires that conditions be met within one year after publication of the determination, or as quickly as feasible and in no case later than 3 years after publication. Prohibits activities with respect to a chemical if such conditions are not met by the applicable deadline.
Quality control	TSCA 6(b) [15 U.S.C. 2605(b)] authorizes EPA to review and regulate a manufacturer's or processor's quality control procedures if there is "a reasonable basis to conclude" that the manner of manufacturing or processing "unintentionally causes a chemical … to present or which will cause it to present an unreasonable risk of injury to health or the environment." EPA also is authorized to order the manufacturer or processor to provide notice to its customers of such risk and to replace or repurchase the substance as is necessary to adequately protect health or the environment. Requires any determination that a chemical presents an unreasonable risk to be made on the record after opportunity for hearing.	Amended TSCA 6(d) is similar to current law but applies when there is "a reasonable basis to conclude" that the manner of manufacturing or processing "may present a substantial endangerment to health or the environment." Does not require such determination to be made on the record after opportunity for hearing.	Amended TSCA 6(d) is similar to current law but applies when there is a reasonable basis to conclude that the manner of manufacturing or processing "causes the chemical substance or mixture to present or which will cause it to present a significant risk of injury to health or the environment."
Resale of used articles	No comparable provision.	Restrictions established under sections 4(a)(3), 4(b)(3), 6(b)(2)(A)(iv), 6(b)(3), 8(b)(6), 8(c)(3), or 29 do not apply to resale of an article subject to a restriction under amended TSCA 6(b) if the article has previously been used.	No comparable provision.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Delay of effective date of restrictions	No comparable provision.	Authorizes EPA to order delay in the effective date of a restriction for 3 years for retail sales to an end consumer of a chemical substance, mixture, or article subject to a restriction under sections 4(a)(3), 4(b)(3), 6(b)(2)(A)(iv), 6(b)(3), 8(b)(6), 8(c)(3), or 29, if necessary and appropriate, if it "will not present a substantial endangerment to human health or the environment." EPA authority does not extend to any retailer who has failed to comply with an order requesting information under amended TSCA section 8.	No comparable provision, but conditions may be imposed up to 3 years after they are established (see above "Effective date of Section 6 rules").
Exemptions from prohibitions and other restrictions	No comparable provision.	Amended TSCA 6(e) authorizes EPA to grant, by order, exemptions (and renewals of exemptions) to restrictions established under sections 4(a)(3), 4(b)(3), 6(b)(2)(A)(iv), 6(b)(3), 8(b)(6), 8(c)(3), and 29 for particular uses. Exemptions and renewals may be granted for up to 5 years, if manufacturers and processors "have established by clear and convincing evidence that the uses to be exempted meet the exemption criteria." Those criteria are: (1) that the exemption is in the paramount interest of national security; (2) lack of availability would cause significant disruption in the national economy; or (3) the use is a critical or essential use, and there is no safer feasible alternative, or the specified use compared to available alternatives provides benefit to health, the environment, or public safety. The manufacturer or processor must notify customers and the public of any exemptions granted. EPA is directed to impose any condition on a granted exemption that is necessary to ensure the protection of human health and the environment.	Amended TSCA 6(e) authorizes manufacturers and processors to request exemptions from restrictions under amended TSCA 6(c) for a specific use by a manufacturer or processor. The procedure for granting exemptions is the same as under S. 3209, but H.R. 5820 requires that EPA impose conditions on any use receiving an exemption "to reduce risk from the chemical substance or mixture to the greatest extent feasible."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Certification of the quality of submitted information	No comparable provision.	Amended TSCA 6(h) requires that each submission of information under a rule or order be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.	Amended TSCA 8(i) requires each submission of information that is required pursuant to "this title" or pursuant to a rule or order issued under this title to be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.
Mercury	15 U.S.C. 2605(f) prohibits federal agencies from conveying, selling, or distributing elemental mercury to any federal agency, state or local government, or private entity, except to facilitate storage at a federal agency.	Amended TSCA 6(g) is the same as current law.	Amended TSCA 6(g) is the same as current law.
Polychlorinated biphenyls (PCBs)	TSCA 6(e) [15 U.S.C. 2605(e)] directs EPA to prescribe methods of disposal for PCBs and to require PCBs to be marked with clear and adequate warnings and instructions regarding processing, distribution in commerce, use, or disposal. Prohibits use of any PCB other than "in a totally enclosed manner," unless EPA finds that such activity "will not present an unreasonable risk of injury to health or the environment." Prohibits manufacture, processing, and distribution in commerce. Authorizes any person to petition for an exemption and authorizes EPA to grant such exemption if EPA finds that an unreasonable risk would not result, and "good faith efforts have been made to develop a chemical substance which does not present an unreasonable risk … and which may be substituted for such [PCB]." Requires use of rulemaking procedure in TSCA 6(c).	Amended TSCA 6(f) is similar to existing law but authorizes the Administrator to act by order or rule, and to grant exemptions from the general prohibitions when the activities "will not present a substantial endangerment to health or the environment" rather than when activities "will not present an unreasonable risk."	Amended TSCA 6(f) is similar to current law, but authorizes EPA to grant exemptions if activities will not "present a substantial risk to health or the environment" and will comply with section 37 (concerning data quality).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Imminent hazards			
Relief	Authorizes an appropriate district court to grant relief necessary to protect health or the environment from unreasonable risk.	Similar to current law, but authorizes court to grant relief necessary to protect health or the environment from "the risk associated with the activity involved in the action."	Similar to current law, but authorizes court to grant relief necessary to protect health or the environment from "imminent and substantial endangerment."
Civil actions	TSCA 7(a) [15 U.S.C. 2606(a)] authorizes EPA to begin a civil action: for seizure of "an imminently hazardous" chemical substance, mixture, or article; for relief against any person who manufactures, processes, distributes in commerce, or uses, or disposes of such chemical or article; or for both seizure and relief. Requires EPA to commence such civil action if the agency has not made a rule under TSCA 6(a) effective immediately. Requires that EPA "where appropriate, concurrently with the filing of an action … initiate a proceeding for the promulgation of a rule" under TSCA 6(a). Defines "imminently hazardous chemical substance or mixture" to mean a chemical that "presents an imminent and unreasonable risk of serious or widespread injury to health or the environment."	Similar to current law, but authorizes EPA action against a person when a chemical, mixture, or article "may present an imminent and substantial endangerment to health or the environment." S. 3209 does not require EPA to commence action if the agency has not made a rule effective immediately concerning the chemical. S. 3209 also authorizes EPA to issue orders to protect health or the environment from a chemical substance or mixture or article containing such substance or mixture that may present an imminent and substantial endangerment to health or the environment. Eliminates authority concurrently to initiate a proceeding for the promulgation of a rule under TSCA 6(a) [15 U.S.C. 2605(a)]. Also eliminates the definition for "imminently hazardous chemical substance or mixture."	Amended TSCA 7 is similar to S. 3209, but amended TSCA 7(d) directs the Administrator, as appropriate, concurrently with the filing of an action under amended TSCA 7(a)(1), to add the chemical substance or mixture to the priority list under amended TSCA 6(a) or to initiate a redetermination of whether the substance meets the safety standard under amended TSCA 6(b).

Table 5. Reporting Requirements in Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Reporting and record keeping (declaration)	TSCA 8(a) [15 U.S.C. 2607(a)] authorizes EPA, to the extent necessary for the effective enforcement of the law, to promulgate rules requiring maintenance of records and submission of reports to EPA by persons who manufacture or process or who propose to manufacture or process a chemical substance. Prohibits a rule requiring maintenance of records or submission of reports with respect to changes in the proportions of the components of a mixture unless necessary for effective enforcement.	Amended TSCA 8(a) requires each manufacturer and processor of a chemical substance to submit a declaration of current manufacturing or processing for each substance, mixture, or article manufactured or processed containing information that will assist the Administrator in making a safety determination or otherwise in administering the law. Each declaration must be accompanied by certification of its accuracy, reliability, and comprehensiveness. Amended TSCA 8(b) authorizes EPA by rule or order to require any person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance, mixture, or article to maintain records of and report any information that would assist the Administrator in administering TSCA. Authorizes EPA to require information concerning chemical identity.	Amended TSCA 8(a) is the same as S. 3209, but in addition authorizes EPA to require submission of a declaration by manufacturers and processors of mixtures, when the Administrator determines that the substance characteristics of the mixture are different from those of the constituent chemical substances, "in kind or in degree." Amended TSCA 8(b) is similar to S. 3209.
Failure to submit declaration	No comparable provision.	EPA may by order prohibit manufacture, processing, or distribution of any substance if a manufacturer or processor violates EPA requirements for submitting or updating declarations.	Amended TSCA 8(a)(6) authorizes the Administrator to impose penalties pursuant to section 16 or, by order, prohibit, or otherwise impose conditions under amended TSCA 6(c) on a manufacturer or processor in violation of an 8(a) reporting requirement.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Information submitted	TSCA 8(a) authorizes collection of information including: trade name or common name, chemical identity, categories of use, amount of each chemical manufactured or processed, byproducts resulting from such manufacture or processing, "all existing data concerning the environmental and health effects," number of individuals exposed, and, in the initial report, the manner of disposal.	Amended TSCA 8(a) requires the declaration to state: the chemical identity and substance characteristics; name and location of each facility where the substance is manufactured or processed or from which it is distributed; a list and copies of health and safety studies that are reasonably ascertainable; and all other information not previously submitted to EPA regarding the physical, chemical, and toxicological properties of the substance, the annual production volume and known uses of, exposure and fate information, and the name and location of each facility to which the substance is sent for processing, distribution, or use. Or, the declaration may say that all production, importation, processing, and export of a substance has ceased or will cease within 180 days. Declarations must be updated and submitted at least every 3 years, and immediately when new information becomes available regarding a physical, chemical, or toxicological property or use of, or exposure to the substance.	Similar to S. 3209, but also requires information regarding the number of individuals exposed, classification of the toxicity of the chemical, categories of intended use of the substance or mixture, total amount of substance and mixture manufactured or processed, byproducts resulting from manufacture, processing, use, or disposal, exposure information, any condition currently placed on the substance or mixture due to regulation under any federal law or due to voluntary action, and for a processor of a chemical substance, information indicating that the mixture has substance characteristics that are different from the characteristics of the individual substances. Updates are required when the Administrator receives information "indicating a new potential adverse effect of the chemical substance or mixture, suggesting an adverse effect at a lower dose than previously demonstrated, or otherwise reasonably relevant to an analysis of whether the chemical substance or mixture meets the safety standard under section 6."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Inventory	TSCA 8(b) [15 U.S.C. 2607(b)] directs EPA to compile, keep current, and publish an inventory of each chemical manufactured or processed in the United States. New chemicals are to be listed when manufacture or processing begins. The list should exclude chemicals produced in small quantities for purposes of scientific experimentation, analysis, or research. Authorizes EPA to list chemicals by category rather than individually.	Amended TSCA 8(c) is the same as TSCA 8(b), except that it omits the authority in current law to list chemicals by category rather than individually. In addition, S. 3209 requires that EPA publish in the *Federal Register* a list of all chemical substances distributed in commerce that categorizes the substances based on existing information available into categories based on known health or environmental effects, exposure, insufficient data, or other category that EPA considers appropriate.	Amended TSCA 8(c)(1) directs the Administrator to compile, keep current, publish and enter into the public database established under amended TSCA 8(d) a list of each chemical substance and mixture for which a declaration (under amended TSCA 8(a)) is received which is manufactured or processed in the United States. Omits the authority in current law to list chemicals by category rather than individually. The list shall not include any chemical substance or mixture for which all manufacturers and processors have submitted declarations of permanent cessation. Also requires the categorization of substances as in S. 3209, but includes mixtures.
Small quantities for research and development	TSCA 8(a)(3) [15 U.S.C. 2607(a)(3)] explicitly authorizes EPA to require by rule reporting from small manufacturers and processors of chemicals substances or mixtures subject to a rule proposed or promulgated under TSCA 4, 5(b)(4), or 6 or an order under TSCA 5(e) or with respect to which relief has been granted under TSCA 5 or 6. Reporting also may be required once under TSCA 8(b) for the original inventory (see below) from processors and manufacturers who are small (as determined by the Administrator after consultation with the Small Business Administration). TSCA 8(b) [15 U.S.C. 2607(b)]directs EPA to limit record keeping and reporting requirements for those who manufacture or process a chemical in small quantities solely for purposes of scientific experimentation or analysis of a chemical substance.	Amended TSCA 8(b)(2) authorizes EPA by rule to define manufacture, processing, distribution in commerce, use, or disposal of a chemical substance in small quantities solely for purposes of research, and to issue a rule or order under this subsection only if EPA determines maintenance of records or submission of reports is necessary for effective enforcement of the law.	Amended TSCA 8(b)(2) is the same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Public access	No comparable provision.	Amended TSCA 8(d) directs EPA to establish an electronic database of information relating to the toxicity and use of and exposure to chemical substances. It is required to include descriptions of "all significant decisions made by the Administrator" and significant information submitted under TSCA Title I.	Same as S. 3209.
Records of significant adverse reactions	TSCA 8(c) [15 U.S.C. 2607(c)] requires all manufacturers and processors to keep records of all reports of significant adverse reactions to health or the environment alleged to have resulted from exposure to a chemical substance.	Amended TSCA 8(e) is similar to TSCA but also requires submission of such records to EPA.	Similar to S. 3209 but requires submission to EPA annually or immediately upon request by the Administrator, while current law and S. 3209 do not require reports at specific times.
Disclosure to commercial purchasers	No comparable provision.	No comparable provision.	Amended TSCA 8(f) requires all manufacturers and processors of chemical substances and mixtures to provide to all known commercial purchasers, with shipment or promptly thereafter, and by request, a disclosure, subject to amended TSCA 14 (which protects confidential business information), of the chemical identity of the substances or mixture ingredients, their toxicological properties, health and safety studies submitted to EPA, and records of significant adverse reactions submitted under amended TSCA 8(e).

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Information from other federal agencies	No comparable provision.	Amended TSCA 8(f) requires each federal agency and institution to submit to EPA a synopsis of the data and records in its control that may be useful to EPA in carrying out TSCA Title I. Such synopsis shall be updated and resubmitted at least once every 3 years. On request by the EPA Administrator, federal agencies are directed to submit information relating to hazard, use, exposure, or risk of a chemical substance or mixture.	Similar to S. 3209, but agencies are to respond to a request from EPA, not to submit reports every 3 years, and the bill directs EPA to prescribe by order the format, content, and level of detail of the requested report. Also directs the Administrator to make such a request from each federal agency which the Administrator reasonably expects may have information on chemical substances or mixtures that would assist in making a safety standard determination. Requests must be issued no more than 12 months after a substance or mixture is added to the priority list under amended TSCA 6(a) or within 12 months of enactment of H.R. 5820 for substances listed in amended TSCA 6(a)(1)(A).
Health and safety studies	TSCA 8(d) [15 U.S.C. 2607(d)] directs EPA to require manufacturers, processors, and distributors to submit lists and copies of health and safety studies for each chemical manufactured or processed.	S. 3209 requires submission of such studies as part of the declaration under amended TSCA 8(a).	Same as S. 3209.
Substantial risk notice	TSCA 8(e) [15 U.S.C. 2607(e)] requires manufacturers, processors, and distributors who obtain information "which reasonably supports the conclusion" that a chemical substance or mixture "presents a substantial risk of injury to health or the environment" to inform EPA.	Amended TSCA 8(g) is the same as current law.	Amended TSCA 8(h) is the same as current law.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Certification	No comparable provision.	Amended TSCA 8(h) requires that each submission of information under a rule or order be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.	Amended TSCA 8(i) requires each submission of information that is required pursuant to "this title" or pursuant to a rule or order issued under this title, other than a submission under section 8(g) (relating to submissions from federal agencies), to be accompanied by a certification of the accuracy, reliability, and completeness (to the extent reasonably ascertainable) of the information provided. Such certification must be signed by a responsible official of the manufacturer or processor.
"Manufacture" and "process"	TSCA 8(f) [15 U.S.C. 2607(f)] defines "manufacture" and "process" to mean manufacture or process for commercial purposes.	Amended TSCA 8(i) is the same as current law.	Amended TSCA 8(j) is the same as current law.

Table 6. Other Selected Provisions of TSCA (15 U.S.C. 2601 et seq.), the Safe Chemicals Act (S. 3209), as Introduced, and the Toxic Chemicals Safety Act of 2010 (H.R. 5820), as Introduced

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Action under laws administered by other federal agencies	If EPA has a reasonable basis to conclude that activities with respect to a chemical substance or mixture present or will present an unreasonable risk, and EPA determines that such risk may be prevented or reduced to a sufficient extent by action taken under a federal law not administered by EPA, then TSCA 9(a) [15 U.S.C. 2608(a)] directs EPA to submit to the agency which administers such law a report describing the risk and activities that present such risks. The EPA report must request that the other federal agency (1) tell EPA whether the risk may be prevented or reduced under the law the agency administers, and (2) issue an order declaring whether the activities present a risk. If EPA makes a report and the other agency either (1) issues an order declaring that the activities do not present the risk, or (2) initiates action to protect against such risk, then EPA may not take regulatory action under TSCA 6 or 7.	Amended TSCA 9(a) is similar to current law, but the criterion for EPA action differs. If the Administrator determines "that the manufacture, processing, distribution in commerce, use, or disposal of a chemical … either does not meet the safety standard … or requires conditions or restrictions" to do so, and "that action may be taken under a Federal law not administered by the Administrator" then EPA must submit a report to the other agency describing the activities that prevent the chemical from meeting the safety standard or restrictions or conditions required to meet the safety standard. The report must request that the other agency (1) determine if the action may be taken under a law administered by the agency, and if so, (2) initiate such action and provide a timetable for action, and (3) respond to EPA's report. If the other agency initiates action within the timeframe specified, EPA may not take regulatory action, except under TSCA 7. If the other agency determines that action cannot be taken under its authorities; does not initiate action or complete action within the timeframe provided; or fails to respond, then EPA may, by order, initiate action to ensure compliance with the safety standard.	Similar to current law, except that EPA must submit a report to another agency if "the Administrator has reasonable basis to conclude that a chemical substance or mixture does not meet the safety standard under section 6(b)." Also, information that is to be published in the *Federal Register* must be entered into the public database established in amended TSCA 8(d).
Action under other EPA-administered laws	TSCA 9(b) [15 U.S.C. 2608(b)] directs EPA to coordinate actions taken under TSCA with actions taken under other federal laws administered by EPA.	Same as current law.	Same as current law.
Occupational safety and health	TSCA 9(c) states that any EPA exercise of authority under TSCA is deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.	Same as current law. In addition, S. 3209 directs EPA to ensure that any EPA actions to address workplace exposures "are consistent with the industrial hygiene hierarchy of controls."	Same as current law.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Coordination	TSCA 9(d) directs EPA to consult and coordinate with appropriate federal agency heads to achieve "maximum enforcement" "while imposing the least burdens of duplicative requirements" on those being regulated.	S. 3209 strikes the requirement that coordination for the purpose of enforcement should impose the least burdens of duplicative requirements.	Same as S. 3209.
Mixture survey	No comparable provision.	No comparable provision.	Amended TSCA 8(c)(3) directs EPA to characterize the number of mixtures introduced into commerce and the number of such mixtures that may have different substance characteristics from the constituent chemical substances. Such survey shall be based on declarations and a survey of processors. The characterization of mixtures in commerce must be published in the *Federal Register* and entered into the public database established in amended TSCA 8(d).
Subpoenas and warrants	TSCA 11(c) [15 U.S.C. 2610(c)] authorizes EPA to require by subpoena attendance and testimony of witnesses, production of reports, documents, answers to questions, and other information. Authorizes district courts to order compliance in the event of contumacy, failure, or refusal to obey.	Amended TSCA section 11(c) authorizes EPA to require attendance, testimony, and production of documents, items, answers to questions and other information deemed necessary. In the event that "there is reason to believe that the provisions" of the law have been violated, EPA is empowered to obtain and to execute warrants authorizing entry, inspection, and copying of records, or seizures of any chemical in violation.	Amended TSCA 11 is the same as current law.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Inspections	TSCA 11 [15 U.S.C. 2610] authorizes EPA to inspect premises in which chemicals are manufactured, processed, stored, or held before or after distribution in commerce and any conveyance used to transport chemicals in commerce. Limits inspections by requiring presentation of appropriate credentials and written notice to the person in charge of the premises or conveyance to be inspected on each occasion of inspection. Requires inspections to begin and end with reasonable promptness and to "be conducted at reasonable times, within reasonable limits, and in a reasonable manner." Prohibits inspection of financial, sales, pricing, personnel, or research data, unless they are described specifically in the required written notice.	Similar to TSCA but also applies to premises and conveyances handling articles subject to TSCA, and S. 3209 does not limit inspections by requiring presentation of credentials or provision of written notice. Additionally authorizes EPA to inspect any place where records relating to compliance with the law are held and to inspect and obtain samples of any chemicals, containers, or labeling. Does not prohibit inspection of any data.	Amended TSCA 11 is similar to current law, but also applies to commercial premises in which articles containing such substances or mixtures are manufactured, processed, stored, or held, and to any place where records relating to such substances or mixtures or articles are held. Like S. 3209, authorizes EPA to inspect and obtain samples. The bill also authorizes EPA to collect containers and labeling of substances, mixtures, products, or articles.
Exports			
Exclusion from requirements	TSCA 12(a) [15 U.S.C. 2611(a)] excludes chemical products manufactured for export (other than elemental mercury) from TSCA requirements except for reporting and record keeping requirements in Section 8. This exclusion applies as long as the products are labeled for export only and their manufacture, processing, and distribution do not pose an unreasonable risk within the United States. EPA may require testing to allow assessment of the risk within the United States.	Amended TSCA 12 eliminates the current exclusion from requirements for chemicals manufactured, processed, or distributed in commerce solely for the purpose of export.	Same as S. 3209.
Mercury	TSCA 12(c) [15 U.S.C. 2611(c)] prohibits the export of elemental mercury (but not of coal). Authorizes exemptions from this prohibition for essential uses.	Same as current law.	Same as current law.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Notice of export	TSCA 12(b) [15 U.S.C. 2611(b)] requires anyone who exports or intends to export a substance that is subject to a test rule or order under section 4 or a proposed or final rule under section 5 or 6, or for which action is pending or relief has been granted under section 5 or 7, to notify EPA of such exportation or intent, and EPA must then notify the countries that will be receiving the substance that data are available or that restrictions are in place in the United States for such substance.	Amended TSCA 12(a) is similar to current law, but excludes from requirements those who "intend" to export, and applies only to exports of chemicals subject to data submission requirements under amended TSCA 5 or 6(b), or for which action has been taken under TSCA 6 or 7. Also, S. 3209 allows exporters 30 days from the date of export for providing notice to EPA, and specifies that EPA must provide notice to countries "promptly thereafter." Requires exporters to notify EPA, and EPA to notify receiving countries, of any change in the status of a chemical. EPA also must notify receiving countries that it has received new data or if there is any change in risk management action taken under section 6 or 7. Requires EPA to maintain copies of current notices provided to other governments and to make them available to the public electronically.	Similar to S. 3209, but requires exporters of substances contained in Annex III of the Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (including any amendment or protocol) to file notice of export at least 30 days prior to the date of exportation. (Note that the United States has not yet ratified this treaty.)
Imports	TSCA 13 [15 U.S.C. 2612] directs the Secretary of the Treasury to refuse entry into the United States of chemicals that fail to comply with a rule under TSCA or that are in violation of TSCA.	Amended TSCA 13 is similar to current law but transfers authority to the Secretary of the Department of Homeland Security.	Amended TSCA 13 is similar to S. 3209, but requires importers of substances, mixtures, or articles to satisfy all requirements under amended TSCA 4, 5, 6, and 8.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Disclosure of data	TSCA 14 [15 U.S.C. 2613] provides broad protection of proprietary confidential information about chemicals in commerce. Disclosure by EPA employees of such information generally is not permitted, except to other federal employees or when relevant in any proceeding under TSCA. Disclosure of information is required when "necessary to protect health or the environment against an unreasonable risk of injury to health or the environment." Manufacturers, processors, or distributors in commerce may designate data that they believe is entitled to confidential treatment. If EPA proposes to release such data the Administrator must notify the manufacturer, processor, or distributor who designated the data.	Amended TSCA 14 requires conformance to the standards of the Freedom of Information Act (FOIA). Like current law, S. 3209 prohibits disclosure of proprietary confidential information by EPA employees except to other federal agencies and EPA contractors, but it specifically directs EPA to disclose information upon request to a state, tribal, or municipal government for the purpose of administration or enforcement of a law if an agreement ensures that the recipient government will take appropriate steps to maintain the confidentiality of the information in accordance with amended TSCA 14 and 40 CFR 350.27, which refers to the substantiation form to accompany claims of trade secrecy under the Emergency Planning and Community Right-to-Know Act. Directs EPA to release information if it is necessary to protect health or the environment against "an imminent and substantial endangerment" to health or the environment. Requires those designating data as confidential to justify such claims and to certify that the information is not otherwise publicly available. The Administrator is required to by order develop standards for justifying claims and necessary documentation. Requests must be reviewed by EPA within 90 days. If approved, submitted information will be protected from disclosure for up to 5 years.	Amended TSCA 14 is similar to S. 3209 in that it requires conformance to the standards of the FOIA and allows disclosure to state, tribal, and municipal governments. It also generally prohibits disclosure by EPA employees, but only if the designation is not determined to be inappropriate. Like S. 3209, H.R. 5820 provides for disclosure to state, tribal, and municipal governments. Directs EPA to release information if it is necessary to protect health and the environment from a "substantial" risk of injury. The procedure in amended TSCA 14(f) for requesting and receiving designation of information as confidential is similar to that in S. 3209, but submitters must pay a fee, and the Administrator is not required to approve each request. Rather the Administrator is required to review and approve a representative sample of requests.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Health and safety information	Disclosure of health and safety information is not prohibited when it relates to a chemical which has been offered for commercial distribution, or for which testing is being required under section 4, or for which notification is required under section 5, unless data disclosure would reveal a chemical process or chemical proportion in a mixture.	Amended TSCA 14 specifies data that are not to be protected, including the identity of a chemical, any safety standard determination, and information "indicating the presence of a chemical in a consumer article intended for use or reasonably expected to be used by children or to which children can otherwise be reasonably expected to be exposed."	Similar to S. 3209. In addition, H.R. 5820 denies protection for information about the components of a mixture, when included in a health and safety study, safety standard determination, or information indicating presence in a consumer article intended for use or reasonably expected to be used by children or indicating exposure to the mixture in children. Any other information indicating exposure to a chemical substance or mixture in children also is denied disclosure protection.
Penalties for disclosure and inappropriate designation	TSCA 14(d) provides that knowing and willful disclosure of protected information by a federal employee may result in a fine of up to $5,000 or imprisonment for up to one year, or both.	Amended TSCA 14(f) is the same as current law.	Amended TSCA 14(g) retains the penalties for disclosure in current law. In addition, it authorizes administrative penalties for a manufacturer or processor whose designation of information is found not to have met the criteria for protection. Knowing and willful designation of information that does not meet the criteria may result in a fine of not more than $5,000 or imprisonment for up to one year, or both.
Fees for designating information confidential	No comparable provision.	No comparable provision.	Amended TSCA 14(i) authorizes the Administrator, by rule, to require payment of a reasonable fee from any person designating information for protection or seeking to renew such designation.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Risk information for workers	No comparable provision.	Amended TSCA 14(h) requires EPA to provide standards for and facilitate sharing with each certified or recognized bargaining agent information regarding chemical identity, safety standard determination, and health and safety data that pertains to substances that workers may come into contact with or otherwise be exposed to during the course of work.	Amended TSCA 14(j) is the same as S. 3209.
Prohibited Acts	TSCA 15 [15 U.S.C. 2614] prohibits any person from failing or refusing to comply with rules, orders, or other requirements of TSCA, using for commercial purposes a chemical substance or mixture that was known to be manufactured, processed, or distributed in commerce in violation of the law, failing or refusing to establish and maintain records, submit reports, notices, or other information, or to permit access to or copying of records, or failing or refusing to permit entry or inspection.	Amended TSCA 15 is similar to current law and prohibits all the same actions, but also prohibits manufacturing, processing, distributing in commerce, or disposing of a chemical or article or using an article that was known to have been manufactured, processed, or distributed in commerce in violation of the law. S. 3209 also prohibits failing or refusing to establish and maintain "accurate and complete" records, reports, notices, information, disclosures, declarations, certifications, or other information. Prohibits submitting information "that is materially false, in whole or in part," or falsifying or concealing "any material fact." Prohibits taking any action prohibited by amended TSCA.	Similar to S. 3209, but also prohibits failing or refusing to permit access to or copying of records and introducing or knowingly distributing in commerce a substance or mixture, or an article containing a substance or mixture, that lacks or fails to comply with labeling requirements, or that has misleading advertising or labeling. It also prohibits making or employing without proper authority any identification device authorized or required under TSCA.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Penalties	TSCA 16 [15 U.S.C. 2615] authorizes civil penalties, not to exceed $25,000 per violation per day, and affords the defendant an opportunity to request a hearing before an order is issued and to petition for judicial review of an order after it is issued with the U.S. Court of Appeals for the District of Columbia circuit or for any other circuit in which the person resides or transacts business. Criminal penalties of up to $25,000 per day of violation or up to one year of imprisonment, or both, also are authorized for knowing or willful violations.	Amended TSCA 16 increases the maximum per violation per day civil penalty to $37,500 and authorizes EPA to commence a civil action in an appropriate U.S. district court to assess penalties. Changes the court in which a person may file a petition for judicial review to eliminate jurisdiction in any federal circuit court, instead vesting jurisdiction in the appropriate district court for the district in which the person resides or transacts business. Removes criminal sanctions for "willfully" violating any provision of TSCA, as amended, but increases the maximum penalty for "knowing" violations to $50,000 per day of violation or up to 5 years of imprisonment, or both. Adds a provision that any person who knowingly violates any provision of the law and "who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury to any person shall upon conviction be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both." A person who is not an individual is subject to a fine of not more than $1,000,000.	Similar to S. 3209 for civil penalties and criminal penalties, but as in current law, criminal penalties apply to persons who "knowingly or willfully" violate the act.
Seizure	TSCA 17 [15 U.S.C. 2616] makes substances produced in violation of Title IV (Lead Exposure Reduction) liable to be proceeded against, by process of libel, for seizure and condemnation in any district where the substance is found.	Amended TSCA 17 is similar to current law but in addition to substances and mixtures, S. 3209 applies to "articles" rather than "products" and to any such items that are subject to any title of TSCA.	Same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Enforcement	TSCA 17 [15 U.S.C. 2616] provides jurisdiction to district courts over civil actions to restrain any violation or any person from taking any action prohibited, to compel the taking of any action required, or to direct any manufacturer or processor in violation of section 5 or 6 or of Title IV (or a rule or order under those provisions): to give notice to distributors and to others in possession of the substance, to give public notice of risk, and to replace or repurchase the substance. Authorizes civil actions brought in the U.S. district court for the judicial district wherein any violation occurred or where the defendant is found or transacts business.	Amended TSCA 17 authorizes the EPA Administrator to commence a civil action in the appropriate district court to compel compliance of any person with any provision of TSCA or any rule or order promulgated pursuant to it. Authorizes EPA to seek civil or criminal penalties, enjoin any violation, or order compliance, through an administrative proceeding, with any provision of TSCA or with any rule or order issued under it. Gives district courts jurisdiction over civil actions to seek penalties or enjoin violations in the U.S. district court for the judicial district wherein any violation occurred or where the defendant is found or transacts business. Gives jurisdiction over civil actions ordering compliance to the U.S. district court for the judicial district where the defendant is found or transacts business.	Same as S. 3209.
Preemption of state law	TSCA 18 [15 U.S.C. 2617] does not preempt state laws with two exceptions: (1) when EPA requires testing of a chemical under section 4, no state may require testing of the same substance for similar purposes; and (2) if EPA prescribes a rule or order under section 5 or 6 to protect against a risk, no state or political subdivision may have a requirement for such substance to protect against such risk unless it is identical to the EPA requirement, is adopted under authority of the Clean Air Act or another federal law, or prohibits the use of such substance in such state or political subdivision (other than use in manufacture or processing of other substances or mixtures).	Amended TSCA 18 would not preempt laws relating to a chemical substance, mixture, or article of states or political subdivisions unless they were less stringent than federal law.	Amended TSCA 18 provides that the act does not affect the right of a state or political subdivision to adopt or enforce its own laws or requirements with regard to a chemical unless compliance with both the requirement and TSCA is "impossible."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Exemption from preemption	TSCA 18 [15 U.S.C. 2617] authorizes EPA, upon application by a state or political subdivision, by rule to exempt a law in effect in the state or political subdivision, if compliance with the requirement would not cause activities involving the substance to be in violation of the EPA requirement, and the requirement of the state or political subdivision provides a significantly higher degree of protection from the risk than the EPA requirement does and does not "unduly burden interstate commerce."	No comparable provision. (Since state laws are not preempted, there is no need for an exemption.)	Same as S. 3209.
Standard for judicial review	TSCA 19 [15 U.S.C. 2618] authorizes any person to file a petition with the U.S. Court of Appeals for the District of Columbia Circuit or for the circuit in which such person resides or in which the person's principal place of business is located, for judicial review of rules promulgated under TSCA sections 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8. within 60 days of issuance. The appropriate district court is directed to set aside specified rules if they are not supported by "substantial evidence in the rulemaking record … taken as a whole" which is defined in TSCA 19(a)(3).	Similar to current law, but TSCA 19, as amended, authorizes filing a petition for judicial review of any rule or order issued under TSCA, as amended, rather than only specified rules, and eliminates the directive in current law to the court (to set aside a rule not supported by substantial evidence in the rulemaking record taken as a whole).	Same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Citizen suits	TSCA 20 [15 U.S.C. 2619] authorizes civil suits by any person against any person in violation of TSCA or rules or orders promulgated under specified sections of TSCA. It also authorizes suits against EPA to compel performance of nondiscretionary actions under TSCA.	Amended TSCA 20 is similar to current law, but authorizes suits against any person in violation of rules or orders promulgated under any provision of TSCA, as amended.	Same as S. 3209.
Citizen petitions	TSCA 21 [15 U.S.C. 2620] provides the public with the right to petition EPA to initiate rulemaking or repeal of specified rules. Requires the Administrator to grant or deny the petition within 90 days of its filing.	Amended TSCA 21 is similar to current law, but authorizes petitions for EPA to initiate any action authorized under the law.	Amended TSCA 21 is the same as S. 3209.
Employee protection	TSCA 23 [15 U.S.C. 2622] prohibits employers from discriminating against an employee because the employee has acted or is about to act in a way that would further the purposes of TSCA. Authorizes filing of complaints by employees who believe they have been discriminated against. Describes remedies, procedures, and enforcement.	Same as current law.	H.R. 5820, section 22 amends TSCA 23 to elaborate the procedures, authorize protection for employees who refuse to violate TSCA or who share information about violations of TSCA with government officials, shorten the time between the filing of a complaint and issuance of a preliminary order by the Secretary of Labor, and describe the criteria that are to be used by the Secretary to deal with complaints.
Employment effects	TSCA 24 [15 U.S.C. 2623] directs the Administrator to continually evaluate the potential effects of specified rules, orders, and requirements under specified TSCA provisions on employment.	Amended TSCA 24 is similar to current law, but directs the Administrator to evaluate potential effects of the law as a whole, rather than specific provisions, and reporting is to be "periodic," rather than continual.	Same as S. 3209.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Administration	TSCA 26(a) [15 U.S.C. 2625(a)] authorizes federal agencies, upon request from EPA, to provide services, personnel, facilities, and information to EPA to assist in implementation of TSCA. TSCA 26(b) [15 U.S.C. 2625(b)] authorizes collection of fees for EPA processing of data submitted in response to an order under Section 4 or 5. TSCA 26(c) [15 U.S.C. 2625(c)] authorizes EPA to impose regulatory controls on categories of chemicals, rather than on a case-by-case basis. Prohibits regulation of a group based solely on the fact that it consists of new chemical substances. TSCA 26(d) [15 U.S.C. 2625(d)] directs EPA to establish an office to assist the regulated community. TSCA 26(e) [15 U.S.C. 2625(e)] requires that EPA establish a procedure to ensure disclosure of financial interests in the regulated community by EPA employees. TSCA 26(f) [15 U.S.C. 2625(f)] provides that final orders issued under TSCA must contain a statement of basis and purpose. TSCA 26(g) [15 U.S.C. 2625(g)] requires appointment of an Assistant Administrator for Toxic Substances.	Amended TSCA 26 is similar to current law, except for subsection (b) and a new subsection (h). Amended TSCA 26(b) authorizes collection of fees from data submitters to defray the cost of administering TSCA, as amended. It removes the restrictions in the original TSCA 26(b) on the amount of such fees. New TSCA 26(h) authorizes the Administrator to issue orders and prescribe regulations as necessary to carry out the law.	H.R. 5820, section 24 is similar to current law, except that it amends TSCA 26(b) in the same way as S. 3209. In addition, the bill amends TSCA 26(d) to direct the Administrator to take actions by order when the action applies to a single chemical substance or single category of chemical substances. Amended TSCA 26(e) also provides that no action will apply to articles already introduced or delivered for introduction into commerce, unless the action is taken to address an imminent hazard and is necessary to protect health or the environment. Finally, amended TSCA 26(j) authorizes the Administrator to prescribe regulations as are necessary to carry out the act.
State programs	TSCA 28 [15 U.S.C. 2627] authorizes grants to states to establish and operate programs to prevent or eliminate unreasonable risks to health or the environment which EPA is unable or is not likely to address under TSCA.	Amended TSCA 28 is similar to current law, but grants are authorized to prevent or eliminate any risks that EPA has not addressed. In addition, EPA is directed to establish a process to coordinate with the states "to share data and priorities relating to the management of chemical substances" under TSCA, as amended, and under state programs.	Amended TSCA 28 is similar to S. 3209 except that tribes are eligible for grants, and the specific reference to "cancer, birth defects, and gene mutations" is eliminated. Amended TSCA 28(b) also specifies the areas for coordination.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Children's environmental health research	No comparable provision.	New TSCA 30 establishes a Children's Environmental Health Research Program at EPA and authorizes the Administrator to enter into contracts and make grants to conduct research that will "further understanding of the vulnerability of children to chemical substances and mixtures." Establishes an Interagency Science Advisory Board on Children's Health Research subject to the Federal Advisory Committee Act (FACA) to provide independent advice upon request of the Administrator or Congress relating to the implementation of the amended TSCA "with respect to protecting children's health and research." The committee members would include representatives of the National Institute of Environmental Health Sciences, the Centers for Disease Control and Prevention, the National Toxicology Program, the National Cancer Institute, the National Tribal Science Council, and not fewer than 3 centers of children's health at leading universities.	New TSCA 33 is similar to S. 3209, but does not establish a research program at EPA. It does direct the Administrator to enter into contracts and make grants, subject to amounts made available in advance in appropriations acts. Establishes the Science Advisory Board on Children's Health and Toxic Substances, an advisory committee subject to FACA, to consult with the Administrator on the scientific and technical aspects of issues relating to the implementation of the amended TSCA. Membership is the same as for the interagency committee established by S. 3209. The appointment process for members of the committee is to be publicly disclosed. A transcript or audio or video recording of each advisory committee meeting must be made available electronically on the EPA website within 30 days of the meeting.
Monitoring exposures	No comparable provision.	New TSCA 30 directs EPA to coordinate with the Secretary of Health and Human Services (HHS) to conduct a biomonitoring study to determine the presence of a chemical in human biological media in pregnant women and infants, if research has indicated that it may be present and may have adverse effects on development. Study results must be published. If the study finds that the chemical is present in human biological media, manufacturers and processors must disclose to EPA, commercial customers, consumers, and the public all known uses of the chemical and all articles in which the chemical is expected to be present.	New TSCA 33(c) is similar to S. 3209, except that a study need not be conducted if the Administrator determines that the substance already is subject to equivalent testing or meets the safety standard, or a safety standard determination is pending and a study is not required to complete the determination.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Animal-based testing	No comparable provision.[4]	New TSCA 31 directs the Administrator to minimize the use of animals in testing of chemical substances or mixtures. Establishes an Interagency Science Advisory Board on Alternative Testing Methods subject to FACA. The Board is directed to provide independent advice and peer review to the Administrator and Congress and to publish a list of testing methods that reduce the use of animals in testing under amended TSCA 4. Directs the Administrator in consultation with the Board to develop a strategic plan, biennially report to Congress on progress in implementing this section, and fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and strategies for use in safety standard determinations under amended TSCA 6(b). Authorizes the Administrator, on request of a manufacturer or processor, to adapt or waive animal-based testing of a chemical substance or mixture under specific conditions.	New TSCA 34 is similar to S. 3209, but does not require EPA to fund and carry out research, development, performance assessment, and translational studies to accelerate development of test methods and strategies. H.R. 5820 also does not establish a new interagency advisory board, instead directing EPA to consult with the Interagency Coordinating Committee on the Validation of Alternative Methods, which already is established (P.L. 106-545, 42 U.S.C. 285l-3). Specifies that a waiver of animal-based testing does not waive the duty of the manufacturer or processor to demonstrate that the substance or mixture meets the safety standard.

[4] However, EPA "is committed to examining alternative test methods that reduce the number of animals needed for testing, reduce pain and suffering of test animals, and whenever possible, replace animals in testing with validated in vitro (non-animal) test systems. EPA has released guidance on this issue …" U.S. EPA, "Fact Sheet on Animal Welfare," April 2001, EPA 745-F-99-003, http://www.epa.gov/HPV/pubs/general/anfacs.pdf.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Safer alternatives	No comparable provision.[5]	New TSCA 32 establishes a program to create market incentives for the development of safer alternatives to existing chemical substances that reduce or avoid the use and generation of hazardous substances. Requires that the program include expedited review of new chemical substances for which an alternatives analysis indicates it is a safer alternative, and recognition for a substance or product determined by EPA to be a safer alternative.	New TSCA 35 is similar to S. 3209, except that it: requires the program to apply to mixtures as well as chemical substances; requires the Administrator to provide notice and an opportunity for public comment prior to establishment of the program; and omits the requirement that the program include expedited review of new chemical substances that may be safer alternatives. Also, the Administrator is directed to establish by rule the data that constitute a safer alternative data set to be used in seeking approval for designation as a safer alternative for a particular use. Requires inclusion of specified information. Directs the Administrator to approve an applicant alternative for a proposed use if the manufacturer or processor shows that the product is effective and provides a reasonable certainty of no harm from aggregate exposure through intended uses, protects the public welfare, and reduces the potential for harm relative to the substance it is meant to replace. Such safer alternatives are exempt for 15 years from requirements of amended TSCA 4, 5, and 6 for the uses approved.

[5] Although there is no explicit authority in TSCA, EPA does promote green chemistry (http://www.epa.gov/greenchemistry/), safer products (http://www.epa.gov/dfe/product_label_consumer.html), green engineering (http://www.epa.gov/oppt/greenengineering/pubs/whats_ge.html) and other "green" initiatives.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Green chemistry and green engineering	No comparable provision.[6]	Directs the Administrator to establish a network of at least four green chemistry and engineering centers in various U.S. regions. Directs EPA to make grants to promote and support research, development, and adoption of safer alternatives. Creates a program to facilitate the development of a workforce that produces safer alternatives to existing chemical substances.	Similar to S. 3209, but directs the Administrator within 2 years of the date of enactment of H.R. 5820 to establish an interdisciplinary network of an unspecified number of regional centers to support research, development, and adoption of safer alternatives. All these requirements are made subject "to amounts made available in advance in appropriations Acts."
Reliable information and advice	No comparable provision.	New TSCA 34 directs EPA by order to establish and implement procedures to ensure data reliability by annually inspecting laboratories and performing an annual data audit. Requires that EPA establish a registry of studies. Provides the Administrator with access to all records of health and safety studies initiated in response to requirements of Title I, and requires each submitter of a research study conducted by a third party to disclose the sources of any funding used to conduct or publish the study.	New TSCA 37 is similar to S. 3209, but does not direct EPA to establish a registry of health and safety studies and requires notice and an opportunity to comment on procedures to ensure data reliability.

[6] Ibid.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Hot spots	No comparable provision.	New TSCA 35 requires that EPA promulgate a rule to establish criteria to identify any locality that is disproportionately exposed. Defines "disproportionate exposure" to mean residential population exposure to one or more toxic chemical substances and mixtures at levels that are significantly greater than the average exposure in the United States. Directs EPA, within 120 days of promulgation of the rule, to identify localities subject to such exposure using data in EPA's National Air Toxic Assessment Database and other available data, and providing an opportunity for public nominations of localities. Requires EPA to publish a list of such localities, and to update it at least once every 5 years. The locations on the list are not subject to judicial review. Publication of a list is a nondiscretionary duty and subject to judicial review. Requires the Administrator to develop and publish an action plan that includes an identification of the chemicals that contribute to the disproportionate exposure, and a description of actions to be taken to reduce exposure. Directs EPA to report annually to Congress.	New TSCA 38 is similar to S. 3209, but does not address judicial review or state that listing is a nondiscretionary duty. Requires EPA to initially identify at least 20 localities.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Federal agencies subject to TSCA	No comparable provision.	New TSCA 36 provides that all federal agencies are subject to the provisions of TSCA, as amended, and expressly waives any immunity otherwise applicable to the United States. However, no agent, employee, or officer of the United States is personally liable for any civil penalty under TSCA with respect to any act or omission within the scope of the official duties of that person. Such persons are subject to any criminal sanction under amended TSCA. The President is authorized to grant an exemption for any federal agency from compliance with any requirement of amended TSCA if "the President determines it is in the paramount interest of the United States." An exemption may be granted due to lack of appropriation if the President specifically requested such appropriation and Congress failed to make available such requested appropriation. Directs the President annually to report to Congress all exemptions granted during the previous year. Authorizes enforcement action against any federal agency, as well as voluntary resolution or settlement set forth in a consent order.	New TSCA 40 is the same as S. 3209.
International cooperation	No comparable provision.	New TSCA 33 directs the Administrator to cooperate with the Secretary of State and the head of any other appropriate federal agency with international efforts to develop a common protocol or electronic database relating to chemical substances or to develop safer alternatives for chemical substances.	New TSCA 36 is similar to S. 3209, but directs the Administrator to cooperate with any international effort that "the Administrator determines has broad international support and a reasonable expectation of success" to develop "safer alternatives for chemical substances and mixtures."

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
International agreements	No comparable provision.	New TSCA 37 provides authority for EPA to implement three international agreements: the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), the Aarhus Protocol to the Convention on Long-Range Transboundary Air Pollution (LRTAP Protocol), and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention). Directs the Administrator to implement and support implementation of the provisions of the three agreements that have entered into force for the United States. Prohibits manufacture, processing, distribution in commerce, use, disposal, or any other action with respect to a covered chemical in a manner inconsistent with applicable international obligations. Directs EPA to provide timely public notice and opportunity to comment on: a chemical proposed for listing, a recommendation made to list a chemical on any Annex in advance of any meeting of the Parties at which the recommendation is to be considered, and any decision by the Meeting of the Parties to list a chemical. Authorizes the Administrator to prescribe regulations to carry out provisions of the three agreements or to ensure compliance with obligations under them. Prohibitions and other requirements shall be enforced in the same way as final rules or orders under amended TSCA 6.	New TSCA 36 directs the Administrator to implement international agreements related to chemical substances and subsequent amendments to which the United States becomes a party. It directs the Administrator to prohibit manufacture, processing, distribution in commerce, use, and disposal of specified chemical substances and mixtures (some of which are listed in an annex to the Stockholm Convention and/or the LRTAP Protocol) within 3 years of enactment or in accord with requirements of the Stockholm Convention, the PIC Convention, or the LRTAP Protocol if the United States deposits its instrument of ratification before the prohibition has taken effect. Excepts use of such chemicals for critical uses. Requires the Administrator, in consultation with the Secretary of State, to publish in the *Federal Register* a notice of the chemical substances or mixtures subject to the Stockholm Convention, the PIC Convention, and the LRTAP Protocol. Directs EPA to provide timely public notice and opportunity to comment at various stages of the process of listing or delisting chemicals, as required in agreements to which the United States is a party. Requires that any chemical listed under an international agreement to which the United States is a party must be added to the priority list under amended TSCA 6(a), unless it already is subject to risk management under amended TSCA 6(c). Authorizes the Administrator to prescribe regulations as necessary to cooperate with international efforts and to implement international agreements to which the United States is a party.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Persistent, bioaccumulative, toxic substances (PBTs)	No comparable provision.	No comparable provision.	New TSCA 32 directs the Administrator within one year of enactment of H.R. 5820 to establish criteria by rule to identify chemical substances and mixtures that are persistent, bioaccumulative, and toxic, (PBTs), or are degraded or metabolized into PBTs, and for which there is documented evidence of exposure to humans or the environment. Within 6 months of the promulgation of such rule, and every 3 years thereafter, the Administrator is directed to publish a list of all PBTs based on "available scientific information." The bill requires EPA, within 18 months of listing a PBT, to impose conditions under amended TSCA 6(e), (which provides for critical use exemptions), on its manufacture, processing, use, distribution in commerce, and disposal "to achieve the greatest practicable reductions in exposure." Within one year of the effective date of such conditions, the Administrator is directed to determine whether the PBT meets the safety standard with the conditions imposed, and to impose any further conditions authorized under amended TSCA 6(c) to ensure that it meets the safety standard. Manufacturers and processors of PBTs are not required to submit a minimum data set, unless requested to do so. However, the declaration required by amended TSCA 8(a)(2) must be submitted within 6 months of PBT listing.

Provision	15 U.S.C. 2601 et seq.	S. 3209	H.R. 5820
Exemption based on intrinsic properties	No comparable provision.	No comparable provision.	New TSCA 39 authorizes the Administrator to determine that "scientific consensus exists that the intrinsic properties of a chemical substance or mixture are such that it does not and would not pose any risk of injury to health or the environment under any current, proposed, or anticipated levels of production, patterns of use, or exposures arising at any stage across the lifecycle of the substance or mixture." Authorizes the Administrator, by order, to exempt from requirements of amended TSCA 4, 5, 6, and 8 such substance or mixture, or particular uses of it. Exemptions granted pursuant to TSCA 5(h)(4) prior to enactment of H.R. 5820 may remain in effect but must be reviewed by EPA within one year of enactment.
Authorization of appropriations	TSCA 29 [15 U.S.C. 2628] authorizes appropriations for implementation of specific TSCA provisions for 1982 and 1983. Prohibits expenditures of appropriated funds to construct laboratories.	New TSCA 39 authorizes "such sums as may be necessary" to carry out the law for 2011 through 2018, with no restriction on how those funds might be used.	New TSCA 29 is the same as S. 3209.

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