LOTSIXTEEN

Committee:	Senate Environment & Public Works Committee
Event:	A Legislative Hearing to Examine a Discussion Draft, S. ___ the Toxic Substances Control Act Fee Reauthorization and Improvement Act of 2026
Date:	March 4, 2026

Executive Summary:
On March 4, 2026 the Senate Environment & Public Works Committee held a legislative hearing on a Toxic Substances Control Act (TSCA) reauthorization discussion draft (S. ___). Republicans and Democrats differed regarding what reforms may be needed, and whether certain provisions of the draft would undermine EPA's oversight and authority to regulate potentially dangerous substances.

Member Toplines:

Sen. Kevin Cramer (R-ND), on behalf of Chair Shelley Moore Capito (R-WV): Cramer characterized the draft TSCA reauthorization as essential to reforming the Environmental Protection Agency's (EPA) "burdensome" chemicals review process; he argued EPA's current process is driving innovation, investment, and manufacturing overseas. He argued that the proposal before the Committee is a preferred alternative to EPA's current "one-size-fits-all" approach. To illustrate the perceived failures of the current processes, Cramer pointed to a chemical manufacturer who unsuccessfully sought permission to recycle its wastewater and must continue burning its water to comply with EPA requirements. He also highlighted the discussion draft's reauthorization of user fees to ensure EPA is properly-resourced.

Ranking Member Sheldon Whitehouse (D-RI): Whitehouse spoke about the need to protect "scientific integrity" and "public health" within EPA processes, calling attention to staffing shortages and the alleged "corporate capture" of the agency under the Trump administration. The Ranking Member argued that the chemical sector "has yet to prove itself" as trustworthy, citing a hearing last October regarding what PFAS manufacturers knew about the risks of their products. While Whitehouse noted his opposition to certain provisions of the draft – including provisions that could lead to the removal of "dangerous chemicals" from EPA purview – he acknowledged support for other provisions, expressing his hope that Congress can come to a bipartisan agreement soon.

Witness Toplines:

Richard Engler, Ph.D., Director of Chemistry, Bergeson & Campbell, on behalf of the Coalition for Chemical Innovation: Engler argued that delays in EPA's chemicals review under its new program are caused by "statutory ambiguities" rather than a lack of data. He criticizes EPA for conflating "hazard" with "risk," alleging that the agency has unnecessarily restricted a slate of new chemicals under the current review process. Specifically, he spoke about short-chain PFAS, noting that while such chemicals may still pose an "unreasonable risk," not all should

suffer the same fate. He specifically called for Congress to clarify key terms like "unreasonable risk" and "reasonably foreseen" as part of its reauthorization efforts.

David Isaacs, Vice President of Government Affairs, Semiconductor Industry Association: Isaacs spoke about the advanced chip manufacturing sector's reliance on highly specialized chemicals. He outlined his support for the discussion draft's targeted reforms, noting broad support for more defined timelines – offering industry better predictability – as well as a fully-resourced EPA.

Michal Freedhoff, Ph.D., Senior Policy Advisor, Holland & Knight LLP: Freedhoff warns against provisions in the draft legislation that would allow unreviewed chemicals to bypass safety checks. She also argued that the draft's directive to EPA to "stand up new programs, functions, processes, rules, guidance documents and other requirements" is not "implementable" and would result in a further slowdown in processes. She called on Congress to focus instead of on a simple, bipartisan reauthorization of user fees to address EPA's staffing shortages.

Major Takeaways:

- Republicans and Democrats clashed over the course of the hearing regarding how far reform provisions could go without undermining the EPA's oversight and authority to regulate potentially dangerous substances.
    - In general, Republicans criticized EPA's current review process for being burdensome, slow, and unpredictable, and stifling domestic innovation. They argued that targeted reforms to TSCA were needed to create a more efficient and predictable approval pathway for new chemistries.
- A number of Democratic lawmakers including Sens. **Ed Markey** (D-MA) and **Angela Alsobrooks** (D-MD) raise strong concerns regarding the ability for chemical companies or industry-funded third parties to assess chemical risks.
    - Sen. Markey argued that TSCA and EPA's authorities are necessary to ensure that "someone is responsible for the health and well being of the American public." He argued that chemical companies cannot be trusted to self-certify and should not be relied upon to do what's best for the American public, citing an example in the 1980s in Woodburn, Massachusetts a number of children died from leukemia because of chemicals "in their water."
- PFAS concerns were another theme raised during the hearing.
    - Sen. **Jeff Merkley** (D-OR) raised concerns that 600 PFAS chemicals were previously allowed to bypass the full approval process via "low volume exemptions," despite their known environmental damage and the costs associated with cleaning them up.
    - Dr. Freedhoff clarified that during her tenure in the Biden administration, the EPA wrote a rule making PFAS ineligible for low volume exemptions; she argued that this was because such chemicals with complicated chemistries require a robust safety review. When pressed by Merkley to answer whether the draft proposals "equivalency" review is an "open door to unreviewed chemicals," she agreed.