S. 696

To amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2013

Mr. Reid (for Mr. Lautenberg (for himself, Mrs. Gillibrand, Mr. Schumer, Mr. Durbin, Mrs. Murray, Mrs. Boxer, Mr. Udall of New Mexico, Mr. Baucus, Ms. Mikulski, Mr. Bennett, Ms. Klobuchar, Mr. Franken, Mr. Tester, Mr. Whitehouse, Mrs. Feinstein, Mr. Blumenthal, Mr. Cowan, Mr. Sanders, Ms. Warren, Mr. Harkin, Mr. Merkley, Mr. Wyden, Mr. Cardin, Mr. Leahy, Mr. Menendez, Mr. Schatz, Mr. Nelson, Ms. Cantwell, and Mr. King)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe Chemicals Act of 2013”.

SEC. 2. PURPOSES.

The purpose of this Act is to ensure that risks from chemicals are adequately understood and managed.

SEC. 3. FINDINGS, POLICY, AND GOAL.

Section 2 of the Toxic Substances Control Act (15 U.S.C. 2601) is amended—

(1) in the heading, by striking “INTENT” and inserting “GOAL”; and

(2) by striking subsections (a) through (c) and inserting the following:

“(a) FINDINGS.—Congress finds that—

“(1) each year human beings and the environment are exposed to a large number of chemical substances;

“(2) the chemical industry, an important part of the United States economy, provides valuable products that are used in diverse manufacturing industries and other commercial, institutional, and consumer applications;

“(3) more than 3 decades after the enactment of this Act, people and the environment in the United States are still exposed to thousands of chemicals whose safety has not been adequately reviewed and may harm health and the environment;
“(4) the incidence of some diseases and disorders linked to chemical substance exposures is on the rise;

“(5) biomonitoring of chemical substances in humans reveals that people in the United States carry hundreds of hazardous chemicals in their bodies;

“(6) the concentrations of certain chemical substances that persist and accumulate are increasing in the environment and in human bodies and are found across the world, including in the remote Arctic in which Native Americans face increasing contamination of traditional foods;

“(7) differences in metabolism and physiology at certain stages of development can make infants and children more vulnerable than adults to the effects of chemical exposure, especially exposure that occurs in utero, during infancy, and during other critical periods of development;

“(8) manufacturers and processors of chemicals should supply sufficient health and environmental information before distributing products in commerce;

“(9) the Administrator must have and exercise the authority to develop sufficient information to as-
sess chemical safety, and to act effectively when the Administrator obtains information that indicates there are risks of harmful exposure to chemical substances;

“(10) there is significant global trade in the chemical sector and many of the companies that conduct business in the United States must also comply with chemical safety regulatory programs in other countries, and the data that is generated to comply with those other regulatory programs may be useful in understanding hazards and exposures of chemical substances presented in the United States; and

“(11) a revised policy on the safety of chemical substances will assist in renewing the manufacturing sector of the United States, create new and safer jobs, spur innovations in green chemistry, restore confidence domestically and internationally in the safety of products of the United States, and ensure that products of the United States remain competitive in the global market.

“(b) POLICY.—It is the policy of the United States—

“(1) to protect the health of children, workers, consumers, and the public, and to protect the environment from harmful exposures to chemical substances;
“(2) to promote the use of safer alternatives and other actions that reduce the use of and exposure to hazardous chemical substances and reward innovation toward safer chemicals, processes, and products;

“(3) to require that chemicals in commerce meet a risk-based safety standard that protects vulnerable and affected populations and the environment;

“(4) to require companies to provide sufficient health and environmental information for the chemical substances that the companies manufacture, process, or import as a condition of allowing those companies to distribute chemical substances in commerce;

“(5) to improve the quality of information on chemical safety and use;

“(6) to guarantee the right of the public and workers to know about the hazards and uses of chemical substances that the public and workers may be exposed to by maximizing public access to information on chemical safety and use; and

“(7) to strengthen cooperation between and among the Federal Government and State, municipal, tribal, and foreign governments.
“(c) GOAL.—It is the goal of the United States to address the harmful exposure of vulnerable or affected populations to chemical substances caused by the distribution of chemical substances in commerce by—

“(1) reviewing all chemical substances for safety and identifying the highest priority chemical substances for expedited review;

“(2) determining whether chemical substances in commerce meet the safety standard under this title;

“(3) applying appropriate restrictions to the use of a chemical substance, where warranted; and

“(4) encouraging the replacement of harmful chemicals and processes with safer alternatives.”.

SEC. 4. DEFINITIONS.

Section 3 of the Toxic Substances Control Act (15 U.S.C. 2602) is amended—

(1) by striking paragraph (12);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (13), and (14), as paragraphs (5), (6), (8), (10), (12), (13), (14), (15), (18), (19), (21), and (24), respectively;

(3) by inserting after paragraph (1) the following:

“(2) AGGREGATE EXPOSURE.—
“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘aggregate exposure’ means exposure from all sources of a chemical substance, including exposure from—

“(i) the manufacture, processing, distribution, use, and disposal of that chemical substance; and

“(ii) all other sources of that chemical substance, including—

“(I) contamination of food, air, water, soil, and house dust from current or prior uses or activity;

“(II) accidental releases;

“(III) permitted sources of pollution;

“(IV) nonpoint sources of pollution;

“(V) documented background levels from natural and anthropogenic sources; and

“(VI) a mixture or article containing that chemical substance.

“(B) INCLUSIONS.—The term ‘aggregate exposure’ includes exposure from a chemical substance that is not considered to be a chem-
ical substance under this Act solely because of
the use of that substance as, or in, a food, food
additive, cosmetic, or device (as those terms are
defined in section 201 of the Federal Food,
Drug, and Cosmetic Act (21 U.S.C. 321)).

“(3) BIOACCUMULATIVE.—

“(A) IN GENERAL.—The term ‘bioaccumu-
late’ means, with respect to a chemical sub-
stance or mixture, that the chemical substance
or mixture, as determined by the Administrator,
can significantly accumulate in biota, as indi-
cated through monitoring data, or is highly
likely to accumulate in biota, as indicated by
other evidence.

“(B) UPDATE.—To reflect the best avail-
able science, the Administrator may, by rule,
revise the definition of the term ‘bioaccumula-
tive’ in such a way that reflects the state of the
science and provides for equal or greater protec-
tion of human health and the environment.

“(4) CHEMICAL IDENTITY.—The term ‘chemical
identity’ includes—

“(A) each common and trade name of a
chemical substance;
“(B) the name of a chemical substance appearing in International Union of Pure and Applied Chemistry nomenclature and the most current Collective Index format;

“(C) each Chemical Abstracts Service registration number of a chemical substance; and

“(D) the molecular structure of a chemical substance.”;

(4) in paragraph (5) (as redesignated by paragraph (2))—

(A) by striking “(2)(A) Except as provided in subparagraph (B)” and inserting the following:

“(5) CHEMICAL SUBSTANCE.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C)”;

(B) in subparagraph (B), by striking “(B) Such term” and inserting the following:

“(B) EXCLUSIONS.—The term ‘chemical substance’”; and

(C) by adding at the end the following:

“(C) INCLUSIONS.—Notwithstanding molecular identity, the Administrator may determine that a variant of a chemical substance is
a new chemical substance under section 5(a)(6).”;

(5) by inserting after paragraph (6) (as redesignated by paragraph (2)) the following:

“(7) CUMULATIVE EXPOSURE.—The term ‘cumulative exposure’ means the sum of aggregate exposure to each of the chemical substances that are known or suspected to contribute appreciably to the risk of the same or a similar adverse effect.”;

(6) by striking paragraph (8) (as redesignated by paragraph (2)) and inserting the following:

“(8) DISTRIBUTE IN COMMERCE.—The terms ‘distribute in commerce’ and ‘distribution in commerce’, when used to describe an action taken with respect to a chemical substance (or mixture or article containing that chemical substance), mean—

“(A) to sell, or the sale of, the substance, mixture, or article in commerce;

“(B) to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article;

“(C) to hold, or the holding of, the substance, mixture, or article after its introduction into commerce; or
“(D) to export or offer for export the substance, mixture, or article.”;

(7) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

“(9) END CONSUMER.—The term ‘end consumer’ means an individual or other entity that purchases and uses or consumes a chemical substance (or mixture or article containing that chemical substance).”;

(8) in paragraph (10) (as redesignated by paragraph (2)), by inserting “ambient and indoor” after “includes water,”;

(9) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

“(11) FEDERAL AGENCY.—The term ‘Federal agency’ means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.”;

(10) in paragraph (15) (as redesignated by paragraph (2)), by striking “which is not included in the chemical substance list compiled and published under section 8(b)” and inserting “for which the
manufacturer or processor of the chemical substance has not submitted a declaration under section 8(a)”; (11) by inserting after paragraph (15) (as redesignated by paragraph (2)) the following: “(16) PERSISTENT.—

“(A) IN GENERAL.—The term ‘persistent’ means, with respect to a chemical substance or mixture, that the chemical substance or mixture, as determined by the Administrator, significantly persists in 1 or more environmental media, as indicated by monitoring data or other evidence.

“(B) UPDATE.—To reflect the best available science, the Administrator may, by rule, revise the definition of the term ‘persistent’ in such a way that reflects the state of the science and provides for equal or greater protection of human health and the environment.

“(17) PERSON.—

“(A) IN GENERAL.—The term ‘person’ means 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.
“(B) **INCLUSIONS.**—The term ‘person’ includes each Federal agency and any officer, agent, or employee of a Federal agency.”;

(12) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

“(20) **SPECIAL SUBSTANCE CHARACTERISTIC.**—

“(A) **IN GENERAL.**—The term ‘special substance characteristic’ means a physical, chemical, or biological characteristic, other than molecular identity, that the Administrator determines, by order or rule, may significantly affect the risks posed by substances exhibiting that characteristic.

“(B) **CONSIDERATIONS.**—In determining the existence of special substance characteristics, the Administrator may consider—

“(i) size or size distribution;

“(ii) shape and surface structure;

“(iii) reactivity; and

“(iv) any other properties that may significantly affect the risks posed.”;

(13) by inserting after paragraph (21) (as redesignated by paragraph (2)) the following:

“(22) **TOXIC.**—The term ‘toxic’, with respect to a chemical substance or mixture, means that the
chemical substance or mixture has a toxicological property—

“(A) meeting the criteria for Category 1 or Category 2 for any of the toxicity endpoints established by the Globally Harmonized System for the Classification and Labeling of Hazardous Substances;

“(B) that causes an adverse effect that has been demonstrated in humans or other exposed organisms; or

“(C) for which the weight of evidence (such as demonstration of an adverse effect described in subparagraph (B), laboratory studies, or data for a chemical from the same chemical class that exhibits that adverse effect) demonstrates the potential for an adverse effect in humans or other exposed organisms.

“(23) TOXICOLOGICAL PROPERTY.—The term ‘toxicological property’ means actual or potential toxicity or other adverse effects of a chemical substance or mixture, including actual or potential effects of exposure to a chemical substance or mixture on—

“(A) mortality;

“(B) morbidity, including carcinogenesis;
“(C) reproduction;
“(D) growth and development;
“(E) the immune system;
“(F) the endocrine system;
“(G) the brain or nervous system;
“(H) other organ systems; or
“(I) any other biological functions in humans or nonhuman organisms.”; and

(14) by adding at the end the following:

“(25) VULNERABLE HUMAN POPULATION.—
The term ‘vulnerable human population’ means a human population that is subject to disproportionate exposure to, or the potential for disproportionate adverse effect from exposure to, a chemical substance or mixture, including—

“(A) infants, children, and adolescents;
“(B) pregnant women;
“(C) elderly;
“(D) individuals with preexisting medical conditions;
“(E) workers that work with chemical substances and mixtures; and
“(F) members of any other appropriate population identified by the Administrator.”.
SEC. 5. MINIMUM INFORMATION SETS AND TESTING OF CHEMICAL SUBSTANCES.

Section 4 of the Toxic Substances Control Act (15 U.S.C. 2603) is amended to read as follows:

“SEC. 4. MINIMUM INFORMATION SETS AND TESTING OF CHEMICAL SUBSTANCES.

“(a) Minimum Information Sets.—

“(1) Rule.—

“(A) In general.—Subject to subparagraphs (B) and (C), and not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish, by rule, such minimum information sets as the Administrator determines to be appropriate to evaluate chemical substances under sections 5 and 6.

“(B) General requirements.—The rule promulgated pursuant to subparagraph (A) shall—

“(i) provide for varied or tiered information to be provided for different chemical substances;

“(ii) identify the particular minimum information set that applies to a chemical substance;
“(iii) require each minimum information set to include sufficient information for the Administrator to conduct a screening-level risk assessment of the chemical substance, including information on the characteristics, toxicological properties, environmental and biological fate and behavior, exposure, and use of a chemical substance;

“(iv) specify information quality and reliability requirements applicable to the information submitted in the minimum information sets; and

“(v) accommodate the use of alternative testing methods and testing strategies to generate information quickly, at low cost, and with reduced use of animal-based testing, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening, to the extent such methods and strategies would yield information of equivalent quality and reliability.
“(C) SPECIFIC REQUIREMENTS.—The rule promulgated pursuant to subparagraph (A) shall establish minimum information sets sufficient for the Administrator to administer this Act, including to carry out—

“(i) categorization of new chemical substances under section 5(b)(2), including the identification of information—

“(I) sufficiently robust to generally support the categorization of a new chemical substance as a substance of very low concern under section 5(b)(2)(D)(iii)(II); and

“(II) in the absence of which the Administrator shall designate a new chemical substance to be a substance with insufficient information under section 5(b)(2)(D)(iv);

“(ii) categorization of existing chemical substances under section 6(b)(3), including the identification of information—

“(I) sufficiently robust to generally support the categorization of an existing chemical substance as a sub-
stance of very low concern under section 6(b)(3)(B)(ii); and

“(II) in the absence of which the Administrator shall designate an existing chemical substance to be a substance with insufficient information under section 6(b)(3)(B)(iv);

“(iii) assignment of chemical substances to priority classes under section 6(b)(4);

“(iv) safety standard determinations—

“(I) for new uses of existing chemical substances under section 5(b)(2); and

“(II) for chemical substances under section 6(d); and

“(v) safety standard redeterminations under section 6(d)(5)(E).

“(2) SUBMISSION OF MINIMUM INFORMATION SET.—Each manufacturer and processor of a chemical substance shall submit the minimum information set for the chemical substance to the Administrator—

“(A) for new chemical substances, concurrent with the notice required under section (5)(b)(1)(A); and

“(B) for existing chemical substances, as specified in section 6 or otherwise specified by the Administrator in the rule promulgated pursuant to paragraph (1)(A).

“(3) PROHIBITION.—In addition to any other authorities available under this Act, the Administrator may, by order, take any action authorized under section 6(f) if a manufacturer or processor is in violation of paragraph (2).

“(b) TESTING.—

“(1) GENERAL SUBMISSIONS.—

“(A) IN GENERAL.—The Administrator may, by rule or order, require testing with respect to any chemical substance, and the submission of test results by a specified date, as appropriate for making any determination or carrying out any provision of this Act. Such testing may be required—

“(i) to provide information in addition to the information specified in any applicable minimum information set under subsection (a); and
“(ii) of persons to whom the Administrator decides not to apply a requirement to submit a minimum information set under subsection (a).

“(B) Effect on other authority.—Nothing in this paragraph limits the authority of the Administrator under paragraph (2).

“(2) Sample submissions.—

“(A) In general.—The Administrator may, by rule or order, require the submission of a sample of any chemical substance in such manner as the Administrator determines enables the Administrator to conduct any tests necessary for making any determination or carrying out any provision of this Act.

“(B) Effect on other authority.—Nothing in this paragraph limits the authority of the Administrator under paragraph (1).

“(3) Prohibition.—In addition to any other authorities available under this Act, the Administrator may, by order, take any action authorized under section 6(f) if a manufacturer or processor is in violation of a rule or order under paragraph (1).

“(4) Exemption.—If a manufacturer or processor ceases all manufacture or processing of a
chemical substance pursuant to its submission of a declaration of cessation of manufacture or processing under section 8(b)(4) for the chemical substance, the manufacturer or processor shall be exempted from the requirements of this subsection.

“(c) TEST RULES OR ORDERS.—

“(1) IN GENERAL.—A rule or order issued under subsection (b) shall include—

“(A) identification of the chemical substance for which testing is required under the rule or order;

“(B) standards for the development of test information for that substance; and

“(C) a specification of the period (which may not be of unreasonable duration) within which the persons required to conduct the testing shall submit to the Administrator information developed in accordance with the standards referred to in subparagraph (B).

“(2) CONSIDERATIONS.—

“(A) IN GENERAL.—In determining the standards and period to be required under subparagraphs (B) and (C) of paragraph (1), the Administrator shall consider—
“(i) the relative costs of the various
test protocols and methodologies that may
be required under the rule or order; and
“(ii) the reasonably foreseeable avail-
ability of the facilities and personnel need-
ed to perform the testing required under
the rule.
“(B) Preliminary Information.—Any
rule or order issued by the Administrator under
this subsection may require a manufacturer or
processor to submit preliminary information
during the period described in paragraph
(1)(C).
“(3) Types of Health and Environmental
Information.—
“(A) In General.—The Administrator
may prescribe standards for the development of
test information under this subsection for
health and environmental information, includ-
ing—
“(i) information pertaining to carcino-
genesis, mutagenesis, teratogenesis, behav-
ioral disorders, or cumulative, synergistic,
or any other effect that may be considered
in a safety standard determination;
“(ii) information pertaining to exposure to the chemical substance, including information regarding the presence of the chemical substance in human blood, fluids, or tissue; and

“(iii) information pertaining to—

“(I) bioaccumulation;
“(II) persistence;
“(III) acute toxicity;
“(IV) subacute toxicity;
“(V) chronic toxicity; and
“(VI) any other characteristic that may present an adverse effect.

“(B) METHODOLOGIES.—

“(i) IN GENERAL.—The Administrator may prescribe methodologies in standards for the development of test information, including—

“(I) epidemiologic studies;
“(II) biomonitoring or environmental monitoring studies;
“(III) serial or hierarchical tests;
“(IV) in vitro tests;
“(V) whole animal tests, consistent with section 30; and
“(VI) any other methodology deemed appropriate by the Administrator.

“(ii) REQUIREMENT.—Prior to prescribing epidemiologic studies of employees, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

“(C) REVIEW.—Periodically, but not less frequently than once every 3 years, the Administrator shall—

“(i) review the adequacy of the standards for development of information prescribed under subparagraph (A); and

“(ii) if necessary, institute proceedings to make appropriate revisions of those standards.

“(4) PERSONS REQUIRED TO CONDUCT TESTS AND SUBMIT INFORMATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a rule or order under subsection (b) respecting a chemical substance shall specify the persons required to conduct tests and submit information to the Administrator on the substance.
“(B) Exception.—The Administrator may permit 2 or more of the persons described in subparagraph (A) to designate 1 of the persons or a qualified third party to conduct the tests and submit the information on behalf of the persons making the designation.

“(C) Liability.—All persons described in subparagraphs (A) and (B) shall remain liable for compliance with any requirements subject to the designation.

“(5) Expiration of Rules and Orders.—

“(A) In General.—Any rule or order under subsection (b) that requires the testing and submission of information for a particular chemical substance shall expire at the end of the applicable reimbursement period (as defined in subsection (d)(3)) unless, prior to that date, the Administrator withdraws the rule or order.

“(B) Category of Chemical Substances.—A rule or order under subsection (b) that requires the testing and submission of information for a category of chemical substances shall expire with respect to a chemical substance included in the category at the end of the applicable reimbursement period (as defined
in subsection (d)(3)) unless, prior to that date, the Administrator withdraws the rule or order with respect to the substance entirely.

“(d) EXEMPTIONS.—

“(1) IN GENERAL.—Any person required by a rule or order under subsections (a) or (b) to conduct tests and submit information for a chemical substance may apply to the Administrator (in such form and manner as the Administrator determines necessary) for an exemption from the requirement.

“(2) ACTION BY ADMINISTRATOR.—In accordance with paragraph (3) or (4), the Administrator shall exempt an applicant under paragraph (1), if, on receipt of the application, the Administrator determines that—

“(A) the chemical substance for which the application was submitted is equivalent to a chemical substance for which—

“(i) information has been submitted to the Administrator in accordance with a rule or order under subsection (a) or (b); or

“(ii) information is being developed in accordance with the rule or order; and
“(B) submission of information by the applicant for the substance would be duplicative of information that—

“(i) has been submitted to the Administrator in accordance with the rule or order under subsection (a) or (b); or

“(ii) is being developed in accordance with the rule or order.

“(3) REIMBURSEMENT DUE TO EXEMPTION.—

“(A) DEFINITION OF REIMBURSEMENT PERIOD.—In this paragraph, the term ‘reimbursement period’, with respect to any test information for a chemical substance, means a period that—

“(i) begins on the date on which the test information is submitted in accordance with a rule or order issued under subsection (a) or (b); and

“(ii) ends on the later of—

“(I) 5 years after the date referred to in clause (i); and

“(II) the date which, as determined by the Administrator, provides the applicant with a time period which
is sufficient to develop the test information.

“(B) Reimbursement for previously submitted test information.—

“(i) In general.—Except as provided in clause (ii), for an exemption under paragraph (2)(B)(i), if the exemption is granted during the reimbursement period for the test information, the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined by the Administrator) to—

“(I) the person who previously submitted the test information, for a portion of the costs incurred by the person in complying with the information submission requirement; and

“(II) any other person who has been required under this subsection to contribute with respect to the costs, for a portion of the amount the person was required to contribute.

“(ii) Exception.—Clause (i) shall not apply if there is agreement on the
amount and method of reimbursement between an exempted person described in clause (i) and the persons described in subclauses (I) and (II) of that clause.

“(iii) CONSIDERATIONS.—In promulgating rules for the determination of fair and equitable reimbursement to the persons described in subclauses (I) and (II) of clause (i) for costs incurred with respect to a chemical substance, the Administrator shall, after consultation with the Attorney General and the Federal Trade Commission, consider all relevant factors, including—

“(I) the effect on the competitive position of the person required to provide reimbursement in relation to the person to be reimbursed; and

“(II) the share of the market for the substance of the person required to provide reimbursement in relation to the share of the market of the persons to be reimbursed.

“(C) REIMBURSEMENT DUE TO EXEMPTION FOR TEST INFORMATION BEING DEVELOP-
OPED IN ACCORDANCE WITH RULE OR ORDER.—

“(i) IN GENERAL.—Except as provided in clause (ii), for an exemption under paragraph (2)(B)(ii), the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined by the Administrator) to—

“(I) each person who is developing the test information, for the portion of the costs incurred by each person in complying with the rule or order; and

“(II) any other person who has been required under this subsection to contribute with respect to the costs of complying with the rule or order, for a portion of the amount the person was required to contribute.

“(ii) EXCEPTION.—Clause (i) shall not apply if there is agreement on the amount and method of reimbursement between an exempted person described in
clause (i) and the persons described in sub-
clauses (I) and (II) of that clause.

“(iii) CONSIDERATIONS.—In promul-
gating rules for the determination of fair
and equitable reimbursement to the per-
sons described in subclauses (I) and (II) of
clause (i) for costs incurred with respect to
a chemical substance, the Administrator
shall, after consultation with the Attorney
General and the Federal Trade Commiss-
ion, consider the factors described in sub-
paragraph (B)(iii).

“(iv) LACK OF COMPLIANCE.—If any
exemption is granted under paragraph (2)
on the basis that 1 or more persons are de-
veloping test information pursuant to a
rule or order promulgated or issued under
subsection (a) or (b), and after the exemp-
tion is granted, the Administrator deter-
mines that no person has complied with
the rule or order, the Administrator
shall—

“(I) after providing written no-
tice and an opportunity for a hearing
to the person who holds the exemp-
tion, by order, terminate the exemp-
tion; and

“(II) notify in writing the person
of the requirements of the rule or
order with respect to which the ex-
emption was granted.

“(e) NOTICE.—

“(1) IN GENERAL.—Not later than 15 days
after the date of receipt of any test information pur-
suant to a rule or order under subsection (a) or (b),
the Administrator shall publish in the Federal Reg-
ister a notice of the receipt of the test information.

“(2) REQUIREMENTS.—Subject to section 14,
each notice shall—

“(A) identify the chemical substance for
which information has been received;

“(B) list—

“(i) the commercial and consumer
uses or intended commercial and consumer
uses of the substance known to the Admin-
istrator; and

“(ii) the information required by the
applicable standards for the development
of test information; and
“(C) describe the nature of the test information developed.

“(3) Availability.—Subject to section 14, the Administrator shall make the test information described in this subsection available on a publicly accessible Internet site.

“(f) Requests From Other Agencies for Additional Information or Testing.—

“(1) In general.—The head of a Federal agency may request the Administrator to seek the information on behalf of that agency if the head of that Federal agency determines that—

“(A) information relating to a chemical substance, including information derived from new testing or monitoring, would assist that Federal agency in carrying out the duties or exercising the authority of that agency; but

“(B) the requested information is not available to that agency.

“(2) Duty of Administrator.—Not later than 60 days after the date of receipt of a request under paragraph (1), the Administrator shall—

“(A) subject to section 14, make the information available to the requesting agency or institution;
“(B) issue a request under section 8(k) to require—

“(i) the submission of existing pertinent information to the Administrator; and

“(ii) a copy of any such submission to be furnished to the requesting agency or institution;

“(C) issue a rule or order under subsection (b)—

“(i) to develop the information; and

“(ii) to require the developed information to be furnished to the requesting agency or institution; or

“(D) publish in the Federal Register the reason for which none of the actions described in this paragraph were taken.

“(g) CERTIFICATION.—Each person who submits information under this section or under a rule or an order promulgated or issued by the Administrator under this section shall accompany the information with a certification signed by a responsible official that each statement contained in the submission—

“(1) is accurate and reliable; and
“(2) includes all material facts known to, in the possession or control of, or reasonably ascertainable by, the person.”.

SEC. 6. NEW CHEMICAL SUBSTANCES AND NEW USES OF CHEMICAL SUBSTANCES.

Section 5 of the Toxic Substances Control Act (15 U.S.C. 2604) is amended to read as follows:

“SEC. 5. NEW CHEMICAL SUBSTANCES AND NEW USES OF CHEMICAL SUBSTANCES.

“(a) DEFINITIONS.—In this section:

“(1) MANUFACTURE AND PROCESS.—The terms ‘manufacture’ and ‘process’ mean manufacture or process, respectively, for commercial purposes.

“(2) TEST MARKETING.—The term ‘test marketing’ does not include any provision of a chemical substance or mixture, or an article containing a chemical substance or mixture, to an end consumer of the chemical substance, mixture, or article.

“(b) NEW CHEMICAL SUBSTANCES.—

“(1) NOTICES.—Except as provided in subsection (h), no person may manufacture a new chemical substance, or process the chemical substance for a use that is proposed to meet the criteria described in section 6(h)(2)(B), unless—
“(A) the person submits to the Administrator a notice, in accordance with subsection (g)(1)(A), of the intention of the person to manufacture or process the substance;

“(B) the person complies with subsection (f); and

“(C) the Administrator finds that—

“(i) the new chemical substance is likely to meet the safety standard under section 6(d), which shall be limited to substances assigned by the Administrator to 1 of the categories described in paragraph (2)(D)(iii); or

“(ii) the person has established by clear and convincing evidence that 1 or more uses of the new chemical substance meet the criteria described in section 6(h)(2)(B), in which case—

“(I) the Administrator may by order allow the person to manufacture or process the substance only for such use or uses in accordance with subparagraph (A) of section 6(h)(2);

“(II) the procedures and requirements specified in subparagraphs (A),
(C), (D), and (E) of section 6(h)(2) shall apply; and

“(III) the Administrator shall not, upon receipt of a notice of commencement for the chemical substance under subsection (d), add the chemical substance to the active inventory established under section 8(h)(1).

“(2) CATEGORIZATION OF NEW CHEMICAL SUBSTANCES.—

“(A) RULE.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall promulgate a rule that—

“(i) designates the categories in accordance with subparagraph (D) and specifies the process and criteria the Administrator will use to categorize new chemical substances; and

“(ii) describes criteria and factors the Administrator will use to assess weight of evidence and the quality and reliability of information used to inform categorization decisions.
“(B) INFORMATION SOURCES.—In categorizing a new chemical substance, the Administrator shall consider information on the substance available to the Administrator at the time the categorization decision is to be made, including information—

“(i) received by the Administrator from the manufacturer or processor of the substance in accordance with subsection (f);

“(ii) submitted to a governmental body in another jurisdiction, to the extent that the information is accessible to the Administrator;

“(iii) derived through application of validated structure-activity relationship or other models developed by the Administrator to estimate the environmental and human health effects, environmental and biological fate and behavior, and exposure potential of chemical substances;

“(iv) inferred based on the degree of similarity of the structure or properties of the new chemical substance to those of 1 or more other chemical substances for...
which reliable information exists that is relevant to predicting the potential environmental or human health effects, environmental or biological fate and behavior, or exposure potential of the new chemical substance; and

“(v) any additional information the Administrator determines is needed to categorize the substance, including information identified as needed based on the analysis by the Administrator of estimated or inferred information described in clauses (iii) and (iv).

“(C) Timing.—Not later than 90 days after the date of receipt of a notice under paragraph (1)(A), the Administrator shall assign the new chemical substance for which the notice was submitted to 1 of the categories described in subparagraph (D).

“(D) Categories.—

“(i) In general.—The rule promulgated pursuant to subparagraph (A) shall incorporate, establish criteria for, and further specify as needed, the categories described in this subparagraph, to 1 of which
each new chemical substance for which a notice is submitted pursuant to paragraph (1) shall be assigned.

“(ii) SUBSTANCES OF VERY HIGH CONCERN.—

“(I) IN GENERAL.—The Administrator shall designate as a substance of very high concern any new chemical substance that—

“(aa) is toxic, persists in the environment, and is bioaccumulative; or

“(bb) is highly hazardous.

“(II) REQUIREMENTS.—

“(aa) IN GENERAL.—The Administrator shall allow the submitter of a notice under paragraph (1)(A) for a new chemical substance assigned to the category described in this clause to manufacture or process the new chemical substance only in accordance with paragraph (1)(C)(ii).
“(bb) PROHIBITION.—No other person may manufacture or process the chemical substance unless the person has submitted a notice pursuant to paragraph (1) and the requirements of paragraph (1)(C)(ii) have been met with respect to that notice.

“(iii) SUBSTANCES LIKELY TO MEET THE SAFETY STANDARD.—

“(I) IN GENERAL.—

“(aa) The Administrator shall designate as a substance likely to meet the safety standard any new chemical substance that the Administrator determines, based on available information, would likely meet the safety standard under section 6(d)—

“(AA) for uses and under conditions specified by the submitter of the notice for the new chemical substance pursuant to paragraph (1); or
“(BB) for uses and under additional conditions that could be specified by the Administrator in making a safety standard determination for the substance.

“(bb) The Administrator shall assign to the category described in item (aa) any new chemical substance that meets the criteria specified in subclause (II) or (III).

“(II) SUBSTANCES OF VERY LOW CONCERN.—

“(aa) IN GENERAL.—Within the category described in subclause (I), the Administrator shall designate as a substance of very low concern any new chemical substance that, based on robust information, the Administrator determines possesses intrinsic low-hazard properties so that no further action by the Administrator is warranted unless
and until the Administrator receives new information that warrants a different categorization of the chemical substance.

“(bb) BASIS OF DESIGNATION.—In identifying new chemical substances to be placed in the category described in this subclause, the Administrator shall base the designation of a new chemical substance as a substance of very low concern on the applicable minimum information set required under section 4, unless the Administrator determines that such designation of a particular new chemical substance—

“(AA) can be made to a high degree of confidence based on less information; or

“(BB) requires information in addition to the full minimum information set to address conflicting or ambiguous findings, in
which case the Administrator may require the development and submission of the additional information.

“(III) Substances to undergo safety standard determinations.—Within the category described in subclause (I), the Administrator shall designate as a substance to undergo a safety standard determination any new chemical substance that the Administrator determines, based on a screening of available use, hazard, and exposure information, has information available for the chemical substance that is sufficiently robust to determine that the chemical substance does not meet the criteria for the categories described in subclause (II) or clause (ii) or (iv).

“(IV) Requirement.—For a new chemical substance designated as likely to meet the safety standard pursuant to subclause (II) or (III), the Administrator shall, upon submission
of a notice of commencement de-
scribed in subsection (d)—

“(aa) add the chemical sub-
stance to the active inventory de-
scribed in section 8(h)(1); and

“(bb) for a chemical sub-
stance designated to undergo a
safety standard determination, at
the discretion of the Adminis-
trator accounting for timing of
the submission and workload con-
iderations, add the chemical
substance to the current batch or
hold the substance until the next
batch of substances to be
prioritized in accordance with
section 6(b)(4).

“(V) MANUFACTURING AND
PROCESSING.—Pending the comple-
tion of a safety standard determi-
ation under section 6(d), a chemical
substance designated as a substance
likely to meet the safety standard may
be manufactured or processed for uses
and under conditions specified by the
Administrator in determining that the chemical substance is likely to meet the safety standard—

“(aa) by the submitter of the notice for the chemical substance submitted pursuant to paragraph (1)(A), upon submission of a notice for the chemical substance pursuant to subsection (d);

“(bb) by other manufacturers of the chemical substance, once the chemical substance has been placed on the active inventory described in section 8(h)(1), upon submission of a declaration for the chemical substance pursuant to section 8(b)(1)(B); or

“(cc) by processors of the substance, upon compliance with the requirements of section 8(e).

“(iv) SUBSTANCES WITH INSUFFICIENT INFORMATION.—

“(I) IN GENERAL.—The Administrator shall designate as a substance
with insufficient information any new chemical substance for which the Administrator concludes, after gathering and screening available use, hazard, and exposure information, that needed information for the chemical substance is not available, is insufficient, or is not of sufficient quality and reliability to allow for an informed categorization decision.

“(II) REQUIRED SUBMISSION.—
For substances designated under this clause, the Administrator shall require submission of the applicable minimum information set specified under section 4 as needed to inform categorization decisionmaking for new chemical substances.

“(III) RECATEGORIZATION.—
Following submission of the applicable minimum information set for the chemical substance pursuant to subclause (II), the Administrator shall re-categorize the chemical substance
using the categories and process described in this paragraph.

“(IV) Prohibition.—Notwithstanding paragraph (1)(C)(ii), no person may manufacture or process a chemical substance designated under this clause until and unless the information described in subclause (II) has been submitted and the Administrator has recategorized the substance, at which time the provisions applicable to the category to which the substance has been assigned shall apply.

“(v) Substances unlikely to meet the safety standard.—

“(I) In general.—The Administrator shall designate as a substance unlikely to meet the safety standard any new chemical substance that the Administrator determines, based on available information, would be unlikely to meet the safety standard under section 6(d)—

“(aa) for uses and under conditions specified by the sub-
mitter of the notice for the chemical substance pursuant to paragraph (1); or

“(bb) for other uses or under additional conditions that the Administrator may evaluate in making a safety standard determination for the chemical substance.

“(II) PROHIBITION.—Except as provided under clause (ii), no person may manufacture or process a chemical substance designated under this clause.

“(c) NEW USES OF EXISTING CHEMICAL SUBSTANCES.—

“(1) NEW USES OF EXISTING CHEMICAL SUBSTANCES PRIOR TO SAFETY STANDARD DETERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), with respect to an existing chemical substance for which the Administrator has not made a safety standard determination under section 6(d), no person may manufacture or process the chemical substance—
“(i) for a use that was not ongoing on the date of enactment of the Safe Chemicals Act of 2013; or

“(ii) at a volume that is significantly increased from the volume as of the date of enactment of the Safe Chemicals Act of 2013.

“(B) EXCEPTION.—A person may manufacture or process a chemical substance in a manner prohibited by subparagraph (A) if—

“(i) the person submits to the Administrator the notice specified in subsection (g)(1)(B);

“(ii) the person complies with subsection (f); and

“(iii) such manufacturing or processing is consistent with subsection (b)(2)(D)(iii)(V).

“(C) GUIDANCE.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall issue guidance for the purpose of identifying what constitute new uses and significantly increased production volumes under this paragraph.
“(2) New uses of existing chemical substances that meet the safety standard.—

“(A) In general.—For an existing chemical substance for which the Administrator has determined under section 6(d) that the manufacturers and processors of the chemical substance have established that the substance meets the applicable safety standard, no person may manufacture, process, distribute in commerce, use, or dispose of the chemical substance, or a mixture or article containing the chemical substance for uses, at production volumes, or in manners other than those the Administrator specified in the safety standard determination, unless—

“(i) the person submits to the Administrator a notice in accordance with subsection (g)(1)(C) of the intention of the person to manufacture, process, distribute in commerce, use, or dispose of the chemical substance, or a mixture or article containing the chemical substance, for the new use or at a new production volume, or in such other manner that is inconsistent with a specified condition or term in the
safety standard determination made by the Administrator for that substance; and

“(ii) the Administrator determines that the person submitting the notice has established that the chemical substance will continue to meet the safety standard if the allowed uses, production volumes, or other specified conditions or terms for that substance, are revised to encompass the new use, new production volume, or other manner of manufacturing, processing, distribution in commerce, use, or disposal.

“(B) Amendment to safety standard determination.—If the conditions described in clauses (i) and (ii) of subparagraph (A) are satisfied, the Administrator shall, by order, amend the safety standard determination for the chemical substance to include the new use, production volume, or other manner of manufacturing or processing among the allowed uses, production volumes, or manners of manufacturing, processing, distribution in commerce, use, or disposal of the chemical substance.

“(C) Safety standard determination.—
“(i) In general.—Except as provided in clauses (ii) and (iii), not later than 180 days after the date of receipt of a notice pursuant to subparagraph (A)(i), the Administrator shall determine whether the person submitting the notice has established that the chemical substance will continue to meet the safety standard under section 6(d).

“(ii) Extension.—The Administrator may extend the determination deadline under clause (i) by 1 or more additional periods not to exceed 1 year in the aggregate, in such manner as the Administrator determines necessary.

“(iii) Failure to make a timely determination.—The failure of the Administrator to make a timely determination in accordance with this paragraph shall not be sufficient to satisfy subparagraph (A)(ii).

“(d) Notice of commencement.—

“(1) In general.—Not later than 30 days after the date on which a manufacturer or processor commences manufacturing or processing of a new
chemical substance, the manufacturer or processor shall submit to the Administrator a notice of commencement of manufacture or processing.

“(2) REQUIREMENTS.—The notice of commencement shall—

“(A) be considered equivalent to the declaration required under subparagraph (A) or (C) of section 8(b)(2); and

“(B) include the information described in section 8(b)(5).

“(3) WITHDRAWAL.—A person who has submitted a notice for a chemical substance under subsection (b) or (e), and has not commenced with manufacture or processing of the substance, may withdraw the notice.

“(e) CHEMICAL SUBSTANCES EXHIBITING SPECIAL SUBSTANCE CHARACTERISTICS.—

“(1) DETERMINATION.—The Administrator shall determine by order or rule that a variant of a chemical substance exhibiting 1 or more special substance characteristics—

“(A) is a use that is separate from any use of the chemical substance that does not exhibit the special substance characteristics; or

“(B) is a distinct chemical substance.
“(2) Requirements for variants that are separate uses.—In the case of a chemical substance that the Administrator determines to be a separate use based on the special substance characteristics of the chemical substance, the manufacturer or processor shall satisfy such further conditions as the Administrator establishes, by order or rule.

“(3) Requirements for variants that are distinct chemical substances.—In the case of a chemical substance that the Administrator determines to be a distinct chemical substance based on the special substance characteristics of the chemical substance, and that is not listed on the active inventory established under section 8(h)(1), the manufacturer or processor shall comply with the requirements of subsection (b).

“(f) Submission of Data.—

“(1) In general.—A person shall submit to the Administrator data in accordance with the rule or order at the time that notice is submitted under subsection (b) or (c) if the person is required to submit to the Administrator—

“(A) under subsection (b) or (c), a notice prior to beginning the manufacture or processing of a chemical substance; and
“(B) under section 4(b), test data for the chemical substance prior to the submission of the notice.

“(2) AVAILABILITY.—Subject to section 14, the Administrator shall make any test data submitted under paragraph (1) available on a publicly accessible Internet site.

“(3) TIMING.—Except as provided under subsection (b)(2)(D)(iv), the Administrator may require a person subject to an information requirement for a chemical substance under this subsection or section 4 to submit the information—

“(A) prior to and as a condition of the Administrator assigning the substance to a category;

“(B) as a condition of commencement of manufacture or processing; or

“(C) as a condition of exceeding a specified manufacturing volume or expanding use of the substance.

“(g) CONTENT AND AVAILABILITY OF NOTICE.—

“(1) CONTENT.—

“(A) NEW CHEMICAL SUBSTANCES.—A notice under subsection (b)(1) shall include—
“(i) the chemical identity and any special substance characteristics of the chemical substance;

“(ii) the identity and primary business location of the manufacturer;

“(iii) the information described in section 8(h)(5)(B)(ii);

“(iv) the minimum information set described in section 4(a), where applicable; and

“(v) a statement that—

“(I) the new chemical substance is likely to meet the safety standard under section 6(d); or

“(II) the 1 or more uses proposed for the new chemical substance meet the criteria described in section 6(h)(2)(B).

“(B) NEW USES OF EXISTING CHEMICAL SUBSTANCES PRIOR TO SAFETY STANDARD DETERMINATION.—A notice under subsection (c)(1) shall include all updates to the declaration described in section 8(b)(2) and information described in section 8(h)(5)(B)(ii) that is relevant to the new use, new production volume,
or other new manner of manufacturing or processing.

“(C) NEW USES OF EXISTING CHEMICAL SUBSTANCES THAT MEET THE SAFETY STANDARD.—A notice under subsection (c)(2) shall include—

“(i) all updates to the declaration described in section 8(b)(2);

“(ii) information described in section 8(h)(5)(B)(ii) that is relevant to the new use, new production volume, or other new manner of manufacturing or processing;

“(iii) all updates to the minimum information set described in section 4(a) relevant to the new use, new production volume, or other new manner of manufacturing or processing; and

“(iv) a statement that the chemical substance will continue to meet the safety standard if the allowed uses, production volumes, or other specified conditions or terms for that chemical substance are revised to encompass the new use, production volume, or other manner of manufacturing or processing.
“(2) AVAILABILITY.—Subject to section 14, the Administrator shall make the notices under paragraph (1) available on a publicly accessible Internet site.

“(3) PUBLIC INFORMATION.—Subject to section 14, not later than 5 days (excluding Saturdays, Sundays, and legal holidays) after the date of the receipt of a notice under subsection (b), (c), or (d), or of data under subsection (f), the Administrator shall make available on a publicly accessible Internet site a notice that—

“(A) identifies the chemical substance for which notice or information has been received;

“(B) lists the uses or intended uses of the chemical substance;

“(C) for substances for which a notice is submitted under subsection (b)(1), is promptly updated to specify the category to which the Administrator has assigned the substance pursuant to subsection (b)(2) once the assignment has been made;

“(D) in the case of the receipt of data under subsection (f), describes—

“(i) the nature of the tests performed with respect to the chemical substance; and
“(ii) any data that were received under subsection (f) or a rule or order under section 4; and

“(E) references the availability of the minimum information set, where applicable.

“(4) LIST OF NOTICES.—At the beginning of each month, the Administrator shall make available on a publicly accessible Internet site a list of each chemical substance for which a notice has been received under subsection (b), (c), or (d).

“(h) EXEMPTIONS.—

“(1) INTRINSICALLY SAFE SUBSTANCES.—

“(A) EXEMPTION.—

“(i) IN GENERAL.—If the Administrator determines that scientific consensus exists that the intrinsic properties of a new chemical substance are such that the chemical substance does not and would not pose any risk of injury to human health or the environment under any intended or reasonably anticipated levels of production, patterns of use, or exposures arising at any stage across the lifecycle of the chemical substance, the Administrator may, by order, exempt the chemical substance, or
particular uses of such substances, from 1 or more of the requirements of this section.

“(ii) Basis of determination.—A determination under clause (i)—

“(I) shall be based on consideration of the intrinsic properties of the chemical substance; and

“(II) shall not be based on findings or assumptions of low human or environmental exposure to such substances.

“(B) Notice of determination and exemption.—Not later than 30 days after providing an exemption pursuant to subparagraph (A), the Administrator shall publish in the Federal Register a notice that—

“(i) subject to section 14, provides the specific identity of the chemical substance or category;

“(ii) if a particular use of the chemical substance is exempted under subparagraph (A), describes the particular use of the chemical substance that the Administrator has exempted; and
“(iii) explains and documents the basis for the determination and exemption of the Administrator.

“(C) RECONSIDERATION OF EXEMPTION.—

“(i) IN GENERAL.—The Administrator may reconsider and revoke or modify any exemption provided under subparagraph (A) at any time if the Administrator determines that—

“(I) the conditions specified in subparagraph (A) are no longer met; or

“(II) such action is necessary to protect human health or the environment or is otherwise in the public interest.

“(ii) PUBLICATION.—In the event of a revocation or modification under clause (i), the Administrator shall publish a notice of the grounds for the revocation.

“(D) PRIOR REGULATORY EXEMPTIONS.—

“(i) REVIEW.—

“(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Safe Chemicals Act of
2013, the Administrator shall review exemptions that were granted pursuant to subsection (h)(4) of this section as in effect on the day before that date of enactment.

“(II) EFFECT OF EXEMPTION.—
An exemption described in subclause (I) shall continue to be in effect until the date on which the Administrator determines, by order, that—

“(aa) the exemption is not appropriate under this section, at which time the exemption shall cease to be in effect; or

“(bb) the exemption is appropriate under this section, at which time the Administrator may issue an order to modify or continue in effect the exemption pursuant to subparagraph (A).

“(ii) POLYMERIC CHEMICAL SUBSTANCES.—Notwithstanding subparagraph (A) and any previously issued exemption applicable to polymeric chemical substances—
“(I) subsection (d) shall apply to new polymeric chemical substances eligible for the previously issued exemption—

“(aa) during the period prior to a determination by the Administrator pursuant to clause (i) applicable to such substances; and

“(bb) after a determination by the Administrator pursuant to clause (i)(II)(bb) that continuation of the prior exemption is appropriate for some or all such substances, for such substances to which the continuation applies; and

“(II) all of this section shall apply to new polymeric chemical substances eligible for the previously issued exemption after a determination by the Administrator pursuant to clause (i)(II)(aa) that continuation of the prior exemption is not appropriate for some or all such substances, for
such substances to which the determination applies.

“(E) NO LIMITATION ON AUTHORITY.—Nothing in this paragraph limits or otherwise affects the authority of the Administrator under any other provision of this Act.

“(2) TEST MARKETING PURPOSES.—Subject to paragraph (6), the Administrator may, upon application, exempt any person from any requirement of subsection (b), (c), or (f) to permit the person to manufacture or process a chemical substance for test marketing purposes—

“(A) upon a showing by the person, in a manner that the Administrator determines, that the manufacture, processing, distribution in commerce, use, and disposal of the chemical substance (including any combination of those activities) will not endanger human health or the environment; and

“(B) under such restrictions as the Administrator considers appropriate.

“(3) EQUIVALENT CHEMICAL SUBSTANCES.—

“(A) IN GENERAL.—The Administrator shall, upon application, fully or partially exempt any person from the requirement to submit any
data under subsection (b) or (f) if, on receipt of an application, the Administrator determines that—

“(i) the chemical substance for which the application was submitted is equivalent to a chemical substance for which data has been submitted to the Administrator as required by this Act; and

“(ii) submission of data by the applicant on the chemical substance would be duplicative of data which has been submitted to the Administrator in accordance with this Act.

“(B) EFFECTIVE DATE.—No exemption under this paragraph may take effect before the beginning of the reimbursement period applicable to the data.

“(C) FAIR AND EQUITABLE REIMBURSEMENT.—

“(i) DEFINITION OF REIMBURSEMENT PERIOD.—In this subparagraph, the term ‘reimbursement period’, with respect to any previously submitted data for a chemical substance, means a period—
“(I) beginning on the date of the termination of the prohibition, imposed under this section, on the manufacture or processing of the chemical substance by the person who submitted the data to the Administrator; and

“(II) ending on the later of—

“(aa) the date that is 5 years after the date referred to in subclause (I); or

“(bb) the expiration of the period, which begins on the date referred to in subclause (I) and is equal to the period that the Administrator determines to be necessary to develop the data.

“(ii) Reimbursement.—Except as provided in clause (iii), if the Administrator exempts any person, under subparagraph (A), and the exemption is granted during the reimbursement period for that data, the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an
amount determined by the Administrator)—

“(I) to the person who previously submitted the data on which the exemption was based, for a portion of the costs incurred by the person in complying with the requirement under this title to submit the data; and

“(II) to any other person who has been required under this subparagraph to contribute with respect to the costs, for a portion of the amount the person was required to contribute.

“(iii) EXCEPTION.—Clause (ii) shall not apply if the person exempted under that clause and the persons described in subclauses (I) and (II) of that clause agree on the amount and method of reimbursement.

“(iv) CONSIDERATIONS.—In promulgating rules for the determination of fair and equitable reimbursement to the persons described in subclauses (I) and (II) of clause (ii) for costs incurred with respect to a chemical substance, the Administrator
shall, after consultation with the Attorney
General and the Federal Trade Commis-
sion, consider all relevant factors, includ-
ing—

“(I) the effect on the competitive
position of the person required to pro-
vide reimbursement in relation to the
persons to be reimbursed; and

“(II) the share of the market for
the chemical substance of the person
required to provide reimbursement to
the share of the market of the persons
to be reimbursed.

“(4) SMALL QUANTITIES SOLELY FOR EXPERI-
MENTATION, RESEARCH, AND ANALYSIS.—

“(A) IN GENERAL.—If the conditions de-
dcribed in subparagraph (B) are met, sub-
sections (b), (c), and (f) shall not apply with re-
spect to the manufacturing or processing of any
chemical substance that is manufactured or
processed, or proposed to be manufactured or
processed, only in small quantities (as defined
by the Administrator by rule) solely for pur-
poses of—
“(i) scientific experimentation or analysis; or

“(ii) chemical research on, or analysis of the chemical substance or another chemical substance, including such research or analysis for the development of a product.

“(B) CONDITIONS.—All persons engaged in the experimentation, research, or analysis for a manufacturer or processor shall be notified (in such form and manner as the Administrator may prescribe) of any risk to human health that the manufacturer, processor, or the Administrator has reason to believe may be associated with that chemical substance.

“(5) TEMPORARY EXISTENCE.—Subject to paragraph (6), the Administrator may, upon application, exempt from subsections (b), (c), and (f) the manufacturing or processing of any chemical substance—

“(A) that exists temporarily as a result of a chemical reaction in the manufacturing or processing of a mixture or another chemical substance; and

“(B) to which there is no, and will not be, human or environmental exposure.
“(6) Publication.—

“(A) In general.—As soon as practicable after the date of receipt of an application under paragraph (2) or (5), the Administrator shall publish in the Federal Register notice of the receipt of the application.

“(B) Requirements.—The Administrator shall—

“(i) give interested persons an opportunity to comment upon any application described in subparagraph (A);

“(ii) not later than 45 days after the date of receipt of an application, approve or deny the application; and

“(iii) publish in the Federal Register notice of the approval or denial of the application.

“(i) Certification.—Each submission required under this section or under a rule or an order promulgated or issued by the Administrator under this section shall be accompanied by a certification signed by a responsible official of the manufacturer or processor that each statement contained in the submission—

“(1) is accurate and reliable; and
“(2) includes all material facts required by the applicable provision of this section or rule or order under this section.”.

SEC. 7. BATCHING, CATEGORIZATION, PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT.

(a) IN GENERAL.—Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended—

(1) by striking subsection (f);

(2) by redesignating subsection (e) as subsection (i);

(3) by striking the section heading and designation and all that follows through subsection (d) and inserting the following:

“SEC. 6. BATCHING, CATEGORIZATION, PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT.

“(a) BATCHING.—

“(1) IN GENERAL.—To ensure that an efficient and orderly process and pace is established for the determination of safety of chemical substances in commerce and the application of risk management measures as needed, the Administrator shall establish a system for assigning chemical substances into batches in accordance with this subsection.
“(2) Requirements.—

“(A) Timing.—Not later than 270 days after the date of enactment of the Safe Chemicals Act of 2013, and not less frequently than once every 5 years thereafter until all chemical substances listed on the active portion of the inventory established under section 8(h)(1) have been assigned to a batch, the Administrator shall assign chemical substances on the active portion of the inventory to batches of chemical substances under this subsection.

“(B) Number.—Each batch established under this subsection shall include a number of chemical substances approximately equal to the number of chemical substances for which reports are submitted to the Administrator under the chemical data reporting rule as of the date of enactment of the Safe Chemicals Act of 2013.

“(C) Publication.—The Administrator shall publish, subject to section 14, the list of chemical substances assigned to each batch promptly on designation of the chemical substances to the batch.

“(3) Initial Batch.—
“(A) IN GENERAL.—Subject to subparagraph (B), the initial batch of chemical substances designated under paragraph (2)(A) shall include the chemical substances for which reports are submitted to the Administrator under the chemical data reporting rule as of the date of enactment of the Safe Chemicals Act of 2013.

“(B) INCLUSIONS AND EXCLUSIONS.—Notwithstanding subparagraph (A), the Administrator may—

“(i) include in the initial batch chemical substances that—

“(I) are manufactured at volumes below the threshold used under the chemical data reporting rule to designate chemical substances subject to basic reporting under that rule; but

“(II) are used or released into the environment in a manner that the Administrator determines warrants early evaluation; and

“(ii) exclude from the initial batch chemical substances that—
“(I) are reported to the Administrator under the chemical data reporting rule; but

“(II) are used or released into the environment in a manner that the Administrator determines does not warrant early evaluation.

“(4) SUBSEQUENT BATCHES.—The Administrator shall assign chemical substances to subsequent batches in a manner that the Administrator determines reflects the extent to which the chemical substances warrant earlier or later evaluation.

“(b) CATEGORIZATION AND PRIORITIZATION.—

“(1) REGULATIONS.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall promulgate regulations that—

“(A) establish the categories and specify the process and criteria the Administrator will use to categorize chemical substances, which shall be consistent with paragraph (3)(B), beginning with those chemical substances assigned to the initial batch described in subsection (a)(3);
“(B) designate the process and criteria the Administrator will use to prioritize chemical substances that are placed in the category of chemical substances to undergo safety standard determinations, which shall be consistent with the priorities described in paragraph (4);

“(C) describe how the categorization and prioritization process and criteria relate to, and take into account, the categorization and prioritization decisions made in other jurisdictions, including States and foreign governments; and

“(D) describe criteria and factors the Administrator will use to weigh evidence and assess the quality and reliability of information used to inform categorization and prioritization decisions.

“(2) INFORMATION SOURCES.—

“(A) IN GENERAL.—In making categorization and prioritization decisions, the Administrator shall take into consideration information regarding chemical substances that is available to the Administrator at the time the decisions are made, including information that is—
“(i) received by the Administrator from manufacturers or processors pursuant to requirements under section 8(b) and (c);

“(ii) included in any minimum information set required under section 4;

“(iii) submitted to the Administrator that is relevant to the categorization or prioritization of the chemical substance; and

“(iv) identified through an active search by the Administrator of information sources that are publicly available or otherwise accessible to the Administrator.

“(B) INFORMATION FROM MANUFACTURERS AND PROCESSORS.—

“(i) IN GENERAL.—Subject to clause (ii), on designation by the Administrator under paragraph (3)(B)(iii) of a chemical substance safety standard determination, any manufacturer or processor of a designated chemical substance and any trade association or voluntary consortium that represents a manufacturer or processor of a designated chemical substance may pro-
vide to the Administrator information that—

“(I) relates to the chemical substances manufactured or processed by the applicable manufacturer or processor;

“(II) is in the possession of, or known to, the manufacturer, processor, trade association, or consortium; and

“(III) is not already available to the Administrator.

“(ii) REQUIREMENT.—If a manufacturer, processor, trade association, or consortium elects to provide information to the Administrator under clause (i), the manufacturer, processor, trade association, or consortium shall provide all relevant information in the possession of, or known to, the manufacturer, processor, trade association, or consortium for each chemical substance designated by the Administrator that is manufactured or processed by the applicable manufacturer or processor.
“(iii) Method of submission.—Information described in this subparagraph may be submitted to the Administrator by—

“(I) a manufacturer or processor—

“(aa) on an individual basis;

or

“(bb) through a trade association or voluntary consortium;

and

“(II) a trade association or voluntary consortium that has developed relevant information on behalf of the manufacturers or processors of designated chemical substances represented by the trade association or voluntary consortium.

“(3) Categorization of chemical substances.—

“(A) Timing.—

“(i) Initial batch.—Not later than 180 days after the date of promulgation of regulations pursuant to paragraph (1), the Administrator shall publish, subject to sec-
tion 14, the category assignments for the
initial batch of chemical substances identi-
fied under subsection (a)(3), using the cat-
egories described in subparagraph (B).

“(ii) SUBSEQUENT BATCHES.—Not
later than 180 days after the date on
which the Administrator designates each
subsequent batch of chemical substances
under subsection (a)(2)(A), the Adminis-
trator shall publish the category assign-
ments for the chemical substances in the
batch.

“(B) CATEGORIES.—The regulation pro-
mulgated pursuant to paragraph (1) shall incor-
porate, establish criteria for, and further specify
as needed, the following categories into which
chemical substances in each batch shall be
placed:

“(i) SUBSTANCES OF VERY HIGH CON-
cERN.—

“(I) IN GENERAL.—The Admin-
istrator shall designate as substances
of very high concern those chemical
substances—
“(aa) for which there is evidence of widespread exposure and that—

“(AA) are toxic, persist in the environment, and are bioaccumulative; or

“(BB) are highly hazardous; or

“(bb) that are subject to regulation under section 6 or 7 of this Act (as in effect on the day before the date of enactment of the Safe Chemicals Act of 2013).

“(II) INFORMATION SET.—A minimum information set, as specified under section 4, need not be submitted or otherwise available for a chemical substance to be designated a substance of very high concern under this clause.

“(ii) SUBSTANCES OF VERY LOW CONCERN.—

“(I) IN GENERAL.—The Administrator shall designate as substances of very low concern those chemical
substances that, based on robust information, the Administrator determines possess intrinsic low-hazard properties such that no further action by the Administrator is warranted, unless the Administrator receives new information that warrants a different categorization of the chemical substance.

"(II) FACTORS FOR CONSIDERATION.—In designating chemical substances to be placed in the very low concern category under this clause, the Administrator shall—

"(aa) take into consideration whether chemical substances in commerce have received, as of the date of enactment of the Safe Chemicals Act of 2013, exemptions under section 5 of this Act (as in effect on the day before the date of enactment of the Safe Chemicals Act of 2013) based on anticipated low intrinsic hazard; and
“(bb) in general, base the designation on a minimum information set as required under section 4, unless the Administrator determines that such designation of a particular chemical substance—

“(AA) can be made to a high degree of confidence based on less information; or

“(BB) requires information in addition to the full minimum information set to address conflicting or ambiguous findings, in which case the Administrator may require the development and submission of the additional information.

“(iii) Substances to undergo safety standard determinations.—The Administrator shall designate as substances to undergo safety standard determinations those chemical substances that the Administrator determines—
“(I) based on a screening of available use, hazard, and exposure information, do not meet the criteria for the categories described in clauses (i) and (ii); and

“(II) are the subject of available information that is sufficiently robust to inform prioritization decisions to be made for the chemical substances under paragraph (4).

“(iv) Substances with insufficient information.—

“(I) In general.—The Administrator shall designate as substances with insufficient information those chemical substances for which the Administrator determines, after gathering and screening available use, hazard, and exposure information, that information is not available, is insufficient, or is not of sufficient quality and reliability to allow for an informed categorization decision.

“(II) Minimum information set.—
“(aa) IN GENERAL.—For chemical substances designated under this clause, the Administrator shall require submission of the applicable minimum information set specified under section 4 as needed to inform categorization decisionmaking.

“(bb) TIMING.—The minimum information set shall be submitted to the Administrator—

“(AA) not later than 5 years after the date of enactment of the Safe Chemicals Act of 2013 for the initial batch of chemical substances identified under subsection (a)(3); and

“(BB) not later than 5 years after the assignment of a chemical substance to the category under this clause for subsequent batches.

“(III) RECATEGORIZATION.—
“(aa) IN GENERAL.—After submission of the minimum information set for a chemical substance pursuant to subclause (I), the Administrator shall recategorize the chemical substance using the categories and process described in this paragraph.

“(bb) DISCRETION OF ADMINISTRATOR.—The Administrator, taking into account the timing of the submission and workload considerations, may—

“(AA) add a chemical substance to a current batch; or

“(BB) hold the chemical substance until the next batch of chemical substances for recategorization.

“(v) DESIGNATION TO ONLY 1 CATEGORY.—A chemical substance shall not be simultaneously in more than 1 of the categories designated under clause (i) through (iv).
“(4) Prioritization of chemical substances.—

“(A) Timing.—

“(i) Initial batch.—Not later than 270 days after the date of promulgation of regulations pursuant to paragraph (1), the Administrator shall publish, subject to section 14, the priority class assignments, using the priority classes described in subparagraph (B), for the chemical substances in the initial batch of chemical substances identified under subsection (a)(3) that the Administrator has assigned to the category of chemical substances to undergo safety standard determinations.

“(ii) Subsequent batches.—Not later than 270 days after the date on which the Administrator designates each subsequent batch of chemical substances under subsection (a)(2)(A), the Administrator shall publish the priority class assignments for the chemical substances in the batch that the Administrator has assigned to the category of chemical sub-
stances to undergo safety standard determinations.

“(B) CRITERIA.—The criteria used by the Administrator to assign chemical substances to priority classes shall take into account—

“(i) potential impacts of the chemical substance on human health and the environment;

“(ii) the hazard potential of the chemical substance, including classifications and designations of hazard characteristics by other authoritative entities;

“(iii) the potential for exposure to the chemical substance; and

“(iv) measurements of exposure for a given pathway of exposure, if available and reliable, in preference to less direct indicators of, or surrogates for, exposure potential for the same pathway.

“(C) PRIORITY CLASSES.—The regulations promulgated pursuant to paragraph (1) shall establish the following priority classes and criteria, and further specify the process the Administrator will use to assign to the priority classes the chemical substances in each batch
that the Administrator has assigned to the category of chemical substances to undergo safety standard determinations:

“(i) PRIORITY CLASS 1.—

“(I) IN GENERAL.—In each batch, the Administrator shall designate as Priority Class 1 those chemical substances that the Administrator determines warrant safety standard determinations in the near term.

“(II) INITIAL ASSIGNMENT.—The Administrator shall in each batch initially designate as Priority Class 1 chemical substances that possess relatively greater hazard potential and for which there is evidence of more significant or widespread exposure.

“(III) REASSIGNMENT.—As safety standard determinations for the chemical substance are completed, the Administrator may designate as Priority Class 1 any chemical substance initially assigned to a lower priority class, including chemical substances—
“(aa) posing significant hazard concerns but of less or unknown exposure concern;

“(bb) posing significant exposure concern but of less or unknown hazard concern; or

“(cc) posing less hazard and exposure concerns.

“(IV) FACTORS FOR CONSIDERATION.—In determining the number of chemical substances to be placed in Priority Class 1, the Administrator shall seek to balance considerations relating to—

“(aa) the number of chemical substances for which safety standard determinations need to be conducted;

“(bb) the resources available to the Administrator for conducting safety standard determinations; and

“(cc) the deadlines for completion of safety standard deter-
minations specified in subsection (d)(4).

“(ii) PRIORITY CLASS 2.—

“(I) IN GENERAL.—The Administrator shall designate as Priority Class 2 those chemical substances that the Administrator determines are of lower priority than Priority Class 1 substances with respect to the timing for conducting safety standard determinations.

“(II) MINIMUM INFORMATION SET.—

“(aa) IN GENERAL.—For chemical substances designated under this clause, the Administrator shall require submission of the applicable minimum information set specified under section 4 as needed to inform prioritization decisionmaking.

“(bb) TIMING.—The minimum information set shall be submitted to the Administrator—
“(AA) not later than 5 years after the date of enactment of the Safe Chemicals Act of 2013 for chemical substances in the initial batch identified under subsection (a)(3) that are assigned to Priority Class 2; and

“(BB) not later than 5 years after the assignment of a chemical substance to Priority Class 2 under this clause for subsequent batches.

“(III) REPRIORITIZATION.—After submission of the minimum information set for a chemical substance under subclause (II), the Administrator shall, if warranted, recategorize or otherwise reprioritize the chemical substance using the priority classes and process described in this paragraph, together with other chemical substances in the batch undergoing
prioritization at the time of the submission.

“(IV) Reprioritization to Priority Class 1.—As safety standard determinations are completed on Priority Class 1 chemical substances pursuant to subsection (d), the Administrator shall reprioritize Priority Class 2 substances as Priority Class 1 at a pace consistent with—

“(aa) the resources available to the Administrator for conducting safety standard determinations; and

“(bb) the deadlines for completion of safety standard determinations specified in subsection (d)(4).

“(iii) Priority Class 3.—

“(I) In general.—The Administrator shall designate as Priority Class 3 those chemical substances that the Administrator determines may be set aside for further assessment until such time as—
“(aa) safety standard determinations are completed on all Priority Class 1 and 2 substances; or

“(bb) new information arises that warrants reprioritization of such a substance to a higher priority class.

“(II) MINIMUM INFORMATION SET.—

“(aa) IN GENERAL.—For a chemical substance designated under this clause, the Administrator shall not require submission of the applicable minimum information set specified under section 4 until such time as the chemical substance is reassigned to Priority Class 1 or 2.

“(bb) SUBMISSION.—On reassignment of a chemical substance to Priority Class 1 or 2 under item (aa), the minimum information set shall be submitted to the Administrator not
later than 5 years after the date of the reassignment.

“(III) Reprioritization.—After submission of the minimum information set for a chemical substance pursuant to subclause (II), the Administrator shall reprioritize the chemical substance using the priority classes and process described in this paragraph, together with chemical substances in the batch undergoing prioritization at the time of the submission.

“(IV) Reprioritization to Priority Classes 1 and 2.—In conjunction with the reprioritization by the Administrator of Priority Class 2 substances as Priority Class 1, the Administrator shall reprioritize Priority Class 3 substances as Priority Class 1 or 2, at a pace consistent with—

“(aa) the resources available to the Administrator for conducting safety standard determinations; and
“(bb) the deadlines for completion of safety standard determinations specified in subsection (d)(4).

“(c) Treatment as Final Agency Action; No Judicial Review; Nondiscretionary Duty.—

“(1) In General.—The designation by the Administrator of batches of chemical substances pursuant to subsection (a), the assignment of chemical substances to categories pursuant to subsection (b)(3), and the assignment of chemical substances to priority classes pursuant to subsection (b)(4), including any determination of the Administrator to include a specific chemical substance in, or exclude a specific chemical substance from, a designated batch, category, or priority class under this section, shall not be—

“(A) considered to be a final agency action for the purpose of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as ‘the Administrative Procedure Act’); or

“(B) subject to judicial review.

“(2) Failure to Act.—A failure by the Administrator to designate or publish a list of chemical
substances assigned to a batch, category, or priority class in accordance with this subsection shall be—

“(A) considered to be a failure to perform a nondiscretionary duty; and

“(B) subject to judicial review.

“(d) Safety Standard Determinations for Chemical Substances.—

“(1) In general.—

“(A) Application.—This paragraph applies to any determination or redetermination regarding whether a chemical substance meets the safety standards of this Act.

“(B) Responsibilities.—

“(i) In general.—For purposes of this Act, each manufacturer and processor of a chemical substance shall at all times bear the burden of proof in any legal proceeding relating to a decision of the Administrator regarding whether the chemical substance meets the safety standard.

“(ii) Duties.—For purposes of this Act—

“(I) it shall be the duty of the manufacturer or processor of a chemical substance to provide sufficient in-
formation for the Administrator to determine whether the chemical substance meets the safety standard; and

“(II) it shall be the duty of the Administrator to determine whether a chemical substance meets the safety standard.

“(2) ASSESSMENT OF RISK.—

“(A) ASSESSMENT.—

“(i) IN GENERAL.—A chemical substance that undergoes a safety standard determination under this section may be manufactured, processed, or distributed in commerce only if the Administrator determines that the chemical substance—

“(I) meets the safety standard, taking into account any existing conditions or controls already in effect; or

“(II) can meet the safety standard for all or some uses through the imposition of additional conditions.

“(ii) REQUIREMENT.—Any assessment of risk used to support a determination that a chemical substance meets the safety standard under clause (i) shall be
conducted by employees of the Environmental Protection Agency who are competent to conduct such assessments.

“(B) SAFETY STANDARD.—

“(i) IN GENERAL.—The Administrator shall base a determination of whether a safety standard for a chemical substance has been met under subparagraph (A) solely on considerations of human health and the environment, including the health of vulnerable populations.

“(ii) CONSIDERATIONS.—In making a safety standard determination under this subsection, for each chemical substance, the Administrator shall—

“(I) to the extent practicable, review and incorporate any available scientific information relating to the effect of cumulative exposure relevant to that chemical substance on human health and the environment; and

“(II) find that a chemical substance meets the safety standard only if the Administrator finds that there is a reasonable certainty that no harm
will result to human health or the environment from aggregate exposure to the chemical substance.

“(C) Financial interests.—No person conducting an assessment described in subparagraph (A), or a peer review of such an assessment, may have a direct or indirect financial interest in the outcome of the assessment.

“(D) Methodology.—

“(i) In general.—Subject to clause (ii), the Administrator shall use the best available science when conducting an assessment described in subparagraph (A).

“(ii) Considerations.—For the purpose of determining the current best available science the Administrator shall base the determination on the recommendations of the National Academy of Sciences in the report entitled ‘Science and Decisions’.

“(iii) Review.—Not later than 5 years after the date of enactment of the Safe Chemicals Act of 2013, and not less frequently than once every 5 years thereafter, the Administrator shall review the methodology under this paragraph and
may revise the methodology to reflect new scientific developments or understandings.

“(E) SCOPE.—An assessment described in subparagraph (A) shall address health or environmental impacts including potential or demonstrated cancer and nonecancer endpoints.

“(F) TRANSPARENCY.—In carrying out this subsection, the Administrator shall ensure that the approaches and resulting assessments are communicated in a manner that is transparent and understandable to—

“(i) the public; and

“(ii) risk managers.

“(G) MANUFACTURE OR PROCESSING FOR EXPORT.—In the case of a chemical substance that is manufactured or processed in whole or in part for export, in determining whether the chemical substance meets the safety standard under subparagraph (A)(i), the Administrator shall take into account any risk—

“(i) that the chemical substance may pose in the United States, including risks involving long-range transport of the chemical substance in the environment; or
“(ii) involving the import of articles and mixtures containing the chemical substance.

“(H) Risk assessment not required.—The Administrator shall not be required to conduct a risk assessment to determine that a manufacturer or processor has not met the burden of proof under paragraph (1)(B).

“(I) No judicial review.—A determination by the Administrator that a manufacturer or processor has not established that the chemical substance meets the applicable safety standard under this subsection shall not be subject to judicial review.

“(3) Information for safety standard determinations.—

“(A) In general.—In making a safety standard determination with respect to a chemical substance, the Administrator—

“(i) shall take into consideration information regarding the chemical substance that is already available to the Administrator at the time the determination is to be made, including information—
“(I) received by the Administrator from manufacturers or processors under this section or section 8;

“(II) contained in any minimum information sets previously required under section 4;

“(III) voluntarily submitted by manufacturers and processors in accordance with subsection (b)(2)(B);

“(IV) submitted by any other party to the Administrator that is relevant to the conduct of a safety standard determination of the chemical substance; or

“(V) identified through an active search by the Administrator of information sources that are publicly available or otherwise accessible to the Administrator;

“(ii) shall require information needed to complete the applicable minimum information set for the chemical substance required under section 4(a);

“(iii) may require, by regulation or order pursuant to section 4(b) or 8(e),
manufacturers or processors of the chemical substance to develop and submit any additional information the Administrator determines is needed to conduct the safety standard determination of the chemical substance; and

“(iv) shall take into consideration, but not rely on, assessments of safety or analyses of the effectiveness of existing control measures—

“(I) submitted to the Administrator by any party; or

“(II) conducted by a governmental entity in another jurisdiction.

“(4) TIMING OF SAFETY STANDARD DETERMINATIONS.—

“(A) PRIORITY CLASS 1.—

“(i) IN GENERAL.—Beginning with chemical substances initially designated as Priority Class 1 under subsection (b)(4)(C)(i), the Administrator shall conduct safety standard determinations of all chemical substances assigned to the category of substances to undergo safety
standard determinations pursuant to sub-
section (b)(3)(B)(iii).

“(ii) Initial Batch.—Not later than
5 years after the date of enactment of the
Safe Chemicals Act of 2013, the Adminis-
trator shall complete and publish safety
standard determinations for all chemical
substances designated as Priority Class 1
substances in the initial batch of chemical
substances identified under subsection
(a)(3).

“(iii) Subsequent Batches.—Not
later than 5 years after the date on which
the Administrator designates chemical sub-
stances as Priority Class 1 in each subse-
quent batch of chemical substances under
subsection (a)(2)(A), the Administrator
shall complete and publish safety standard
determinations for those Priority Class 1
substances in the batch.

“(B) Priority Classes 2 and 3.—

“(i) In General.—Each chemical
substance initially designated as Priority
Class 2 or 3 shall become subject to
re prioritization and safety standard deter-
minations in accordance with subsection (b)(4).

“(ii) Reprioritization.—Not later than 5 years after the date on which the Administrator designates a Priority Class 2 or 3 substance to be Priority Class 1, the Administrator shall complete and publish the safety standard determination on the chemical substance.

“(C) Notice of overdue determination.—If the Administrator fails to act by an applicable deadline under subparagraph (A) or (B), each manufacturer and processor of a chemical substance for which the Administrator has failed to act shall provide to the Administrator, the public, employees and recognized bargaining agents of any employees who are represented by bargaining agents of the manufacturer or processor, and each known customer who has purchased the chemical substance within a reasonable timeframe, as determined by the Administrator by regulation or order, a written notice that a determination by the Administrator of the safety of the chemical substance is pending.
“(D) Failure of manufacturer or processor to meet duties.—If a manufacturer or processor fails to meet any duty under this paragraph for a chemical substance, the Administrator, by order, may take any action authorized under subsection (f).

“(5) Outcome of safety standard determinations.—

“(A) Determination.—

“(i) In general.—In making a safety standard determination for a chemical substance, the Administrator, by order, shall determine or redetermine, as appropriate, whether the manufacturers and processors of the chemical substance have established that the chemical substance meets the safety standard.

“(ii) Concurrent publication.—The Administrator—

“(I) shall seek to publish safety standard determination and risk management decisions concurrently, to the maximum extent practicable; but

“(II) shall not unduly delay the issuance of any safety standard deter-
mination if more information or analysis is required to make a determination regarding risk management.

“(iii) OTHER REQUIREMENTS.—The Administrator—

“(I) may publish safety standard determinations for chemical substances individually or in groups; but

“(II) shall publish completed determinations—

“(aa) not less frequently than annually; and

“(bb) at a pace sufficient to demonstrate steady progress toward completing all such safety standard determinations within the required timeframe.

“(iv) PUBLIC NOTICE AND COMMENT.—The Administrator shall provide reasonable public notice and opportunity for comment on all published safety standard determinations through any reasonable means of publication and solicitation of comments, including electronic means.
“(B) Positive safety standard determination without new conditions.—If the Administrator determines that a chemical substance meets the safety standard for all current uses and under conditions currently used, the Administrator shall specify in the order—

“(i) the allowed uses of the chemical substance, which shall be limited to the uses evaluated in the determination; and

“(ii) conditions on the specified uses that are currently used and are to be followed to ensure the safety standard is met, including conditions relating to the manufacture, processing, use, distribution in commerce, or disposal of a chemical substance or mixture or article containing the chemical substance.

“(C) Positive safety standard determination with new conditions.—If the Administrator determines that a chemical substance can only meet the safety standard for a subset of all current uses or only under conditions beyond those currently used, the Administrator shall specify in the order—
“(i) the allowed uses of the chemical substance, which shall be limited to the uses evaluated in the determination that the Administrator determines meet the safety standard; and

“(ii) all current and all newly required conditions on the specified uses needed to ensure the safety standard is met, including conditions relating to the manufacture, processing, use, distribution in commerce, or disposal of a chemical substance or mixture or article containing the chemical substance, and any conditions described in subsection (f).

“(D) EFFECTIVE DATE FOR POSITIVE SAFETY STANDARD DETERMINATION.—

“(i) WITHOUT NEW CONDITIONS.—

Effective beginning on the date that is 90 days after the date of a determination by the Administrator under subparagraph (B), no person shall manufacture, process, or distribute in commerce the chemical substance subject to the determination, or any mixture or article containing the chemical substance, for any use or under
any condition other than those specified in
the determination order.

“(ii) With new conditions.—Effective beginning on the date that is 18
months after the date of a determination
by the Administrator under subparagraph
(C), except as provided in clause (iii), no
person shall manufacture, process, or dis-
tribute in commerce the chemical sub-
stance subject to the determination, or any
mixture or article containing the chemical
substance, for any use or under any condi-
tion other than those specified in the deter-
mination order.

“(iii) Exceptional circumstance.—The Administrator may
grant a manufacturer or processor of a
chemical substance a 1-time extension of
the deadline for complying with a restric-
tion under clause (ii), for a period of not
longer than 5 years after the date of the
determination by the Administrator under
subparagraph (C), if the manufacturer or
processor demonstrates—
“(I) a compelling technological need to continue a restricted activity beyond the applicable 18-month time period; or

“(II) that a factor wholly beyond the control of the manufacturer or processor prevents compliance with the restriction within that 18-month time period.

“(E) REDETERMINATION.—

“(i) IN GENERAL.—The Administrator shall initiate a redetermination of whether a chemical substance meets the safety standard if new information or significant changes in manufacture, processing, use, or distribution in commerce of the chemical substance, or mixtures or articles containing the chemical substance, raise a credible question as to whether the chemical substance continues to meet the safety standard.

“(ii) NEW METHODOLOGIES.—The Administrator may initiate a redetermination of whether a chemical substance meets the safety standard if significant changes
have occurred in the methodologies used in the initial safety standard determination such that a redetermination using the newer methodologies would provide a significantly improved determination of the safety of the chemical substance.

“(iii) NEW INFORMATION.—For a chemical substance for which a safety standard determination has been completed, the Administrator shall assess, on an ongoing basis, new information, including that obtained from reporting under section 8, to decide whether such information raises a credible question as to whether a chemical substance continues to meet the safety standard.

“(iv) PETITION FOR REDETERMINATION.—

“(I) IN GENERAL.—Any person may petition the Administrator for a redetermination of whether a chemical substance continues to meet the safety standard.

“(II) BASIS.—A person shall include in a petition under this clause a
description of the basis for requesting the redetermination.

“(III) Action by Administrator.—On receipt of a petition under this clause, the Administrator shall—

“(aa) not later than 30 days after the date of receipt, publish in the Federal Register a notice of receipt of the petition that specifies the chemical identity of the chemical substance to which the petition pertains;

“(bb) make the petition available on request;

“(cc) provide a reasonable opportunity for public review and comment on the petition and give due consideration to any comments received;

“(dd) decide whether to make the requested redetermination; and

“(ee) not later than 180 days after the date of receipt,
publish in the Federal Register
the decision and the basis for the
decision.

“(v) Deadline for completion.—
Each redetermination carried out under
this subparagraph shall be completed by
not later than 3 years after the date of the
decision to make the redetermination.

“(F) Negative safety standard de-
termination.—

“(i) Restriction.—Except as pro-
vided in clause (ii) and subsection (h), ef-
effective beginning on the date that is 18
months after the date on which the Admin-
istrator makes a determination under this
subsection that a chemical substance fails
to meet the safety standard, regardless of
whether additional restrictions on use or
risk management conditions are imposed,
no person shall manufacture, process, or
distribute in commerce that chemical sub-
stance or any mixture or article containing
the chemical substance.

“(ii) Exceptional circumstance.—
The Administrator may grant a manufac-
manufacturer or processor of a chemical substance a 1-time extension of the deadline for complying with the restriction under clause (i), for a period of not longer than 5 years after the date of the determination by the Administrator under this subparagraph, if the manufacturer or processor demonstrates—

“(I) a compelling technological need to continue a restricted activity beyond the applicable 18-month time period; or

“(II) that a factor wholly beyond the control of the manufacturer or processor prevents compliance with the restriction within that 18-month time period.

“(e) EXPEDITED ACTION FOR SUBSTANCES OF VERY HIGH CONCERN.—

“(1) USE AND EXPOSURE ASSESSMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date on which a chemical substance is assigned to the category of substances of very high concern under subsection (b)(3)(B)(i), the Administrator may require, by
order pursuant to section 8(g), the submission
by manufacturers or processors of the chemical
substance of any additional information the Ad-
mnistrator determines to be necessary to con-
duct an expedited assessment of the known uses
of, and exposures to, the chemical substance.

“(B) PUBLICATION.—Not later than 1
year after the date on which a chemical sub-
stance is assigned to the category of substances
of very high concern under subsection
(b)(3)(B)(i), the Administrator shall complete
and publish an identification and assessment of
the known uses of, and exposures to, the chem-
ical substance.

“(2) EXPOSURE REDUCTION.—

“(A) USE RESTRICTIONS AND OTHER CON-
dITIONS.—As soon as practicable, but not later
than 18 months, after the date on which a
chemical substance is assigned to the category
of substances of very high concern under sub-
section (b)(3)(B)(i), the Administrator shall im-
pose, by order, use restrictions and other condi-
tions, including the conditions specified in sub-
section (f), on the manufacturing, processing,
use, distribution in commerce, and disposal of
the chemical substance that the Administrator
determines to be necessary to achieve the max-
imum practicable reduction in human or envi-
ronmental exposure to the chemical substance.

“(B) TIMING.—Except as provided in sub-
paragraph (C) and subsection (h), effective be-
ingning on the date that is 18 months after the
date of issuance by the Administrator of the
order described in subparagraph (A), no person
shall manufacture, process, or distribute in
commerce the chemical substance subject to the
determination, or any mixture or article con-
taining the chemical substance, for any use or
under any condition other than those specified
in the order issued under subparagraph (A).

“(C) EXCEPTIONAL CIRCUMSTANCE.—The
Administrator may grant a manufacturer or
processor of a chemical substance a 1-time ex-
tension of the deadline for complying with the
restriction under subparagraph (B), for a pe-
riod of not longer than 5 years after the date
of the determination by the Administrator
under this paragraph, if the manufacturer or
processor demonstrates—
“(i) a compelling technological need to continue a restricted activity beyond the applicable 18-month time period; or

“(ii) that a factor wholly beyond the control of the manufacturer or processor prevents compliance with the restriction within that 18-month time period.

“(3) RESIDUAL RISK ASSESSMENT.—Not later than 1 year after the deadline specified in paragraph (2)(B), or of an alternative deadline provided under paragraph (2)(C), the Administrator shall—

“(A) determine whether the chemical substance meets the safety standard for the chemical substance, taking into account the residual risk posed by continued exposure to the chemical substance; and

“(B) impose any additional restrictions on use or other conditions under subsection (f) that the Administrator determines to be necessary to ensure that the chemical substance meets the safety standard.

“(f) RISK MANAGEMENT.—In issuing an order under subsection (d) or (e), the Administrator may impose conditions on the manufacture, processing, use, distribution in commerce, or disposal of a chemical substance, or mixture
or article containing a chemical substance, including a re-
quirement—

“(1) limiting the quantity of the chemical sub-
stance (or mixture or article containing that chem-
ical substance) that may be manufactured, proc-
essed, or distributed in commerce;

“(2)(A) prohibiting the manufacturing, proc-
essing, or distribution in commerce of the chemical
substance (or mixture or article containing that
chemical substance) for a particular use in a con-
centration in excess of a level specified by the Ad-
ministrator; or

“(B) limiting the quantity of the chemical sub-
stance (or mixture or article containing that chem-
ical substance) that may be manufactured, proc-
essed, or distributed in commerce for—

“(i) a particular use; or

“(ii) a particular use in a concentration in
excess of a level specified by the Administrator;

“(3) that the chemical substance (or mixture,
or article containing that chemical substance) be
marked with, or accompanied by, clear and adequate
warnings and instructions with respect to use, dis-
tribution in commerce, or disposal, or any combina-
tion of such activities, with the form and content of
the warnings and instructions prescribed by the Administrator;

“(4) that manufacturers and processors of the chemical substance (or mixture or article containing that chemical substance)—

“(A) make and retain records of the processes used to manufacture or process the chemical substance (or mixture or article containing that chemical substance); and

“(B) monitor or conduct tests that are reasonable and necessary to ensure compliance with this Act;

“(5) prohibiting or otherwise regulating any manner or method of commercial use of the chemical substance (or mixture or article containing that chemical substance);

“(6) prohibiting or otherwise regulating any manner or method of disposal of the chemical substance, mixture, or article, by—

“(A) the manufacturer or processor of the chemical substance (or mixture or article containing that chemical substance); or

“(B) any other person that uses or disposes of the chemical substance (or mixture or
article containing that chemical substance) for commercial purposes;

“(7) that the manufacturers and processors of the chemical substance, mixture, or article develop a risk reduction management plan, under subsection (h) or (e) of this section, to achieve a risk reduction specified by the Administrator; or

“(8) that the Administrator otherwise determines is appropriate.

“(g) QUALITY CONTROL ORDERS.—

“(1) IN GENERAL.—If the Administrator has a reasonable basis to conclude that a particular manufacturer or processor is manufacturing or processing a chemical substance in a manner that may present a substantial endangerment to health or the environment, the Administrator may require, by order, that the manufacturer or processor submit to the Administrator a description of the quality control procedures followed in the manufacturing or processing of the chemical substance or mixture.

“(2) ORDERS.—

“(A) IN GENERAL.—If the Administrator determines that quality control procedures described in paragraph (1) are inadequate to prevent a chemical substance from presenting a
risk of injury to human health or the environ-
ment, the Administrator may order the manu-
facturer or processor to revise the quality con-
trol procedures to the extent necessary to rem-
edy the inadequacy.

“(B) SUBSTANTIAL ENDANGERMENT.—If
the Administrator determines that quality con-
trol procedures described in paragraph (1) have
resulted in the distribution in commerce of a
chemical substance that may present a substan-
tial endangerment to human health or the envi-
ronment, the Administrator may order the man-
ufacturer or processor—

“(i) to give notice of the
endangerment to—

“(I) processors or distributors (or
both) in commerce of the chemical
substance or mixture; and

“(II) to the extent reasonably as-
certainable, any other person in pos-
session of or exposed to the chemical
substance or mixture;

“(ii) to give public notice of the
endangerment; and
“(iii) to provide for the replacement or repurchase, as prescribed by the Administrator, of the chemical substance as the Administrator determines to be necessary to adequately protect human health or the environment.

“(h) Exemptions to Restrictions.—

“(1) Application.—This subsection applies to the restrictions established under section 5(b)(1)(C)(ii)(I), subsection (d)(5), and subsections (e) and (f).

“(2) Exemptions.—

“(A) In General.—

“(i) Request.—A person who manufacturers, processes, distributes in commerce, uses, or disposes of a chemical substance, or a mixture or article containing a chemical substance may request an exemption from any restriction referred to in paragraph (1) to which they are subject for a specified use of the chemical substance.

“(ii) Order.—The Administrator may grant, by order, an exemption from any restriction referred to in paragraph (1)
for a period of not longer than 5 years if
the person has established by clear and
convincing evidence that the uses to be ex-
empted meet the exemption criteria de-
described in subparagraph (B).

“(B) CRITERIA.—The Administrator may
grant an exemption for the use of a chemical
substance under subparagraph (A)(ii) if—

“(i) the exemption is in the para-
mount interest of national security;

“(ii) the lack of availability of the
chemical substance would cause significant
disruption in the national economy; or

“(iii) the use for which the exemption
is sought is a critical or essential use for
which—

“(I) no feasible safer alternative
for the specified use of the chemical
substance is available; or

“(II) the specified use of the
chemical substance, as compared to
all available alternatives, provides a
substantial net benefit to human
health, the environment, or public
safety.
“(C) Public Notice.—If the Administrator grants an exemption for a chemical substance under this paragraph—

“(i) the manufacturer or processor of the chemical substance shall provide a notice of the exemption to each known purchaser of—

“(I) the chemical substance; and

“(II) a mixture or article containing the chemical substance; and

“(ii) the Administrator shall provide the public with a notice of the exemption.

“(D) Renewal.—The Administrator may renew, by order, an exemption under this paragraph for 1 or more additional 5-year periods if the Administrator concludes, after providing public notice and an opportunity for comment, that the use of the chemical substance continues to meet the criteria described in subparagraph (B).

“(E) Conditions.—

“(i) In General.—The Administrator may impose, by order, any condition on an exemption issued under this paragraph that the Administrator determines to be
necessary to ensure the protection of human health and the environment on the use of a chemical substance exempted under this paragraph.

“(ii) COMPLIANCE.—Effective immediately after the Administrator establishes conditions on an exempted use under clause (i), the manufacturing, processing, or distribution in commerce of the chemical substance, or any mixture or article containing the chemical substance, shall be prohibited except to the extent that the conditions are satisfied.

“(3) SALE OF USED ARTICLES AND LEASE OF EXISTING ARTICLES.—Any restriction referred to in paragraph (1) that would otherwise be applicable to the sale or lease of an article shall not apply to—

“(A) the sale of an article that was previously purchased by an end consumer; or

“(B) the lease of an article that was purchased by the lessor subsequent to the manufacture of the article.

“(4) EXTENSIONS OF EFFECTIVE DATES FOR RETAIL SALE OF ARTICLES TO END CONSUMERS.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of the retail sale to an end consumer of a chemical substance (or mixture or article containing that chemical substance) that is subject to a restriction described in paragraph (1), the Administrator may extend, by order, the effective date of the restriction by a period of not longer than 3 years, if the Administrator determines that the extension—

“(i) is necessary and appropriate to allow for depletion of the existing retail inventory; and

“(ii) will not present a substantial endangerment to human health or the environment.

“(B) EXCEPTION.—An extension under subparagraph (A) shall not apply to any retailer that the Administrator determines has failed to comply with an order requesting information issued by the Administrator pursuant to section 8.”;

(4) in subsection (i) (as redesignated by paragraph (2))—

(A) by striking paragraph (4); and
(B) by redesignating paragraph (5) as paragraph (4); and
(5) by inserting after subsection (i) (as redesignated by paragraph (2)) the following:

“(j) MERCURY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury, other than mercury contained within an article, under the control or jurisdiction of the Federal agency.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

“(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

“(B) a conveyance, sale, distribution, or transfer of coal.

“(3) LEASES OF FEDERAL COAL.—Nothing in this subsection prohibits the leasing of coal.

“(k) ASBESTOS.—

“(1) EXPOSURE REDUCTION.—
“(A) CATEGORY.—Not later than 90 days after the enactment of the Safe Chemicals Act of 2013, the Administrator shall designate asbestos as a chemical substance of very high concern under subsection (b)(3)(B)(i).

“(B) USE AND EXPOSURE ASSESSMENT.—Not later than 90 days after the date on which asbestos is assigned to the category of substances of very high concern under subsection (b)(3)(B)(i), the Administrator shall complete and publish an identification and assessment of the known uses of, and exposures to asbestos.

“(C) EXPOSURE REDUCTION.—As soon as practicable, but not later than 12 months after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall impose, by order, use restrictions and other conditions, including the conditions specified in subsection (f) on the manufacturing, processing, use, distribution in commerce, and disposal of asbestos that the Administrator determines to be necessary to achieve the maximum practicable reduction in human or environmental exposure to asbestos. The Administrator shall select conditions that permanently reduce or eliminate the possibility
of exposures to the maximum extent prac-
ticable.

“(D) Timing of Exposure Reduc-
tions.—Except as provided in clauses (i) and
(ii) of subsection (h)(2)(B), effective beginning
on the date that is 12 months after the date of
issuance by the Administrator of the order de-
scribed in subparagraph (C), no person shall
manufacture, process, or distribute in commerce
asbestos subject to the determination, or any
mixture or article containing asbestos, for any
use or under any condition other than those
specified in the order issued under subpara-
graph (C).

“(2) Management of Material.—

“(A) Draft Guidance.—Not later than
180 days after the date of enactment of the
Safe Chemicals Act of 2013, the Administrator,
in consultation with the Director of the Na-
tional Institutes of Occupational Safety and
Health, shall publish draft guidance describing
the steps that Federal agencies and contractors
of Federal agencies shall take to enhance pro-
tections for public health and safety and the en-
vironment, and to better solicit information
from members of the public who may potentially be affected by asbestos, when Federal agencies and contractors of Federal Agencies handle or dispose of asbestos. The Administrator shall allow 30 days of public comment on this draft guidance and hold no fewer than two public meetings on this draft guidance in communities impacted by asbestos contamination.

“(B) Final guidance.—Not later than 12 months after the date of enactment of the Safe Chemicals Act of 2013, the Administrator, in consultation with the Director of the National Institutes of Occupational Safety and Health, shall publish final guidance describing the steps that Federal agencies and contractors of Federal Agencies shall take to enhance protections for public health and safety and the environment when handling and disposing of asbestos. The final guidance shall also include steps that shall be taken to better solicit information from and protect the health and safety of people located near areas where asbestos is located, where asbestos is transported, and where asbestos disposal occurs.
“(3) DEFINITION.—For purposes of this section, the term ‘asbestos’ has the meaning given such term under section 202(3).

“(4) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in paragraph (2) or any amendment made by paragraph (2) shall be construed to affect or limit the application of or obligation to comply with any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(l) CERTIFICATION.—Each submission required under this section (or a regulation or order promulgated or issued by the Administrator pursuant to this section) shall be accompanied by a certification signed by a responsible official of the manufacturer or processor that each statement contained in the submission—

“(1) is accurate and reliable; and

“(2) includes all material facts required by the applicable provision of this section or rule or order under this section.

“(m) EFFECTIVE DATE.—In any regulation or order under this section, the Administrator shall specify the date on which the regulation or order shall take effect, which
date shall be as soon as practicable after the date of promulgation or issuance of the regulation or order.”.

(b) **Definition of Asbestos.**—Section 202(3) of the Toxic Substances Control Act (15 U.S.C. 2642(3)) is amended—

(1) in subparagraph (E), by striking “or”;

(2) in subparagraph (F), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following

“(G) any material formally classified as tremolite, including—

“(i) winchire asbestos, and

“(ii) richterite asbestos, and

“(H) any asbestiform amphibole mineral.”.

**SEC. 8. IMMINENT HAZARDS.**

Section 7 of the Toxic Substances Control Act (15 U.S.C. 2606) is amended to read as follows:

“**SEC. 7. IMMINENT HAZARDS.**

“(a) **Actions Authorized and Required.**—

“(1) **In general.**—The Administrator may commence a civil action in an appropriate district court of the United States for—

“(A) seizure of a chemical substance or mixture, or any article containing a chemical substance or mixture, that may present an im-
minent and substantial endangerment to health
or the environment;

“(B) relief authorized under subsection (b)
against any person that—

“(i) manufactures, processes, distrib-
utes in commerce, uses, or disposes of a
chemical substance or mixture, or any arti-
cle containing a chemical substance or mix-
ture, if the manufacture, processing, dis-
tribution in commerce, use, or disposal
may present an imminent and substantial
endangerment to health or the environ-
ment; or

“(ii) contributes to an activity de-
scribed in clause (i); or

“(C) both seizure and relief described in
subparagraphs (A) and (B), respectively.

“(2) OTHER ACTIONS.—

“(A) IN GENERAL.—The Administrator
may issue such orders as are necessary to pro-
tect health or the environment from any manu-
facturing, processing, distribution in commerce,
use, or disposal of a chemical substance or mix-
ture, or any article containing such a substance
or mixture, that may present an imminent and
substantial endangerment to health or the envi-
ronment, as determined by the Administrator.

“(B) REQUIREMENT.—An order under
subparagraph (A) may include such require-
ments imposed on the manufacture, processing,
distribution in commerce, use, or disposal of a
chemical substance or mixture, or article con-
taining the chemical substance or mixture, as
the Administrator determines are necessary to
protect health or the environment, including—

“(i) the requirements described in sec-
tion 6(c); and

“(ii) the relief authorized under sub-
section (b).

“(3) RELATIONSHIP TO EXISTING RULES, OR-
DERS, AND PROCEEDINGS.—A civil action may be
commenced under paragraph (1), or other action
may be taken under paragraph (2), notwith-
standing—

“(A) the existence of a rule or order under
this Act; and

“(B) the pendency of any administrative or
judicial proceeding under this Act.

“(b) RELIEF AUTHORIZED.—
“(1) IN GENERAL.—The district court of the United States in which a civil action under subsection (a)(1) is brought shall have jurisdiction to grant such temporary or permanent relief as are necessary to protect health or the environment from the risk associated with the activity involved in the civil action.

“(2) TYPES OF RELIEF.—In the case of a civil action under subsection (a)(1) brought against a person that manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance or mixture or an article containing a chemical substance or mixture, the relief authorized by paragraph (1) may include—

“(A) the issuance of a mandatory order imposing any of the requirements described in section 6(c); and

“(B) in the case of purchasers of the substance, mixture, or article known to the defendant—

“(i) notification to the purchasers of the risk associated with the substance, mixture, or article;

“(ii) public notice of the risk;

“(iii) recall;
“(iv) the replacement or repurchase of
the substance, mixture, or article; or
“(v) any combination of the actions
described in section 6(e) or in clauses (i)
through (iv) of this subparagraph; or
“(C) such other relief as is necessary to
protect health or the environment from the risk
associated with the activity involved in the civil
action.
“(3) SEIZURE AND CONDEMNATION.—
“(A) IN GENERAL.—A civil action under
subsection (a)(1) against a chemical substance,
mixture, or article may be proceeded against by
process of libel for seizure and condemnation of
the chemical substance, mixture, or article.
“(B) PROCEEDINGS.—Proceedings in a
civil action described in subparagraph (A) shall
conform, to the maximum extent practicable, to
proceedings in rem in admiralty.
“(c) VENUE AND CONSOLIDATION.—
“(1) VENUE.—
“(A) IN GENERAL.—A civil action under
subsection (a)(1) against a person that manu-
factures, processes, or distributes a chemical
substance or mixture or an article containing a
chemical substance or mixture may be brought
in the United States District Court for the Dis-
trict of Columbia, or in any judicial district in
which any of the defendants is found, resides,
or transacts business.

“(B) PROCESS.—Process in an action de-
scribed in subparagraph (A) may be served on
a defendant in any other district in which the
defendant resides or may be found.

“(C) CHEMICAL SUBSTANCES, MIXTURES,
or ARTICLES.—A civil action under subsection
(a)(1) against a chemical substance, mixture, or
article may be brought in any United States
district court within the jurisdiction of which
the chemical substance, mixture, or article is
found.

“(D) MULTIPLE JUDICIAL DISTRICTS.—In
determining the judicial district in which a civil
action may be brought under subsection (a)(1)
in instances in which the action may be brought
in more than 1 judicial district, the Adminis-
trator shall take into account the convenience of
the parties.

“(E) SUBPOENAS.—Subpoenas requiring
attendance of witnesses in a civil action brought
under subsection (a)(1) may be served in any
judicial district.

“(2) CONSOLIDATION.—If proceedings under
subsection (a)(1) involving identical chemical sub-
stances, mixtures, or articles are pending in courts
in 2 or more judicial districts, the proceedings shall
be consolidated for trial by order of any such court
on application reasonably made by any party in in-
terest, on notice to all parties in interest.”.

SEC. 9. REPORTING AND RETENTION OF INFORMATION.

Section 8 of the Toxic Substances Control Act (15
U.S.C. 2607) is amended to read as follows:

“SEC. 8. REPORTING AND RETENTION OF INFORMATION.

“(a) DEFINITIONS.—In this section:

“(1) KNOWN TO, OR REASONABLY ASCERTAIN-
able by.—The term ‘known to, or reasonably ascer-
tainable by’ has the meaning given the term in sec-
tion 704.3 of title 40, Code of Federal Regulations
(or successor regulations).

“(2) MANUFACTURE AND PROCESS.—The terms
‘manufacture’ and ‘process’ mean manufacture and
process, respectively, for commercial purposes.

“(b) DECLARATIONS OF CHEMICAL SUBSTANCES IN
COMMERCE.—

“(1) SCOPE AND CRITERIA.—
“(A) Scope.—The declarations described in this subsection shall apply only to chemical substances in commerce as of the date of enactment of the Safe Chemicals Act of 2013.

“(B) Criteria.—The following criteria shall apply in identifying chemical substances to which the declarations described in this subsection apply:

“(i) Current commercial interest.—A chemical substance in which a manufacturer or processor has a current commercial interest shall include only chemical substances that the manufacturer or processor—

“(I) is currently manufacturing or processing; or

“(II) has manufactured or processed in the recent past and expects to manufacture or process again in the near future.

“(ii) Potential commercial interest.—A chemical substance in which a manufacturer or processor has a potential commercial interest shall include only a chemical substance that may serve as a
reasonable substitute for a chemical sub-
stance in which the manufacturer or proc-
essor has declared a current commercial
interest.

“(C) GUIDANCE.—Not later than 90 days
after the date of enactment of the Safe Chemi-
cals Act of 2013, the Administrator shall issue
guidance further describing the criteria de-
scribed in subparagraph (B) and specifying the
supporting information manufacturers and
processors are to include in declarations they
submit pursuant to paragraph (2) or (3) for
chemical substances in which they have a cur-
rent or potential commercial interest.

“(2) DECLARATION OF CURRENT COMMERCIAL
INTEREST IN A CHEMICAL SUBSTANCE.—

“(A) IN GENERAL.—Notwithstanding any
other provision of law, not later than 180 days
after the date of enactment of the Safe Chemi-
cals Act of 2013, each manufacturer of a chem-
ical substance in which the manufacturer has a
current commercial interest shall submit to the
Administrator a declaration of the interest for
the chemical substance.
“(B) Exclusions or exemptions.—Declarations are required for all chemical substances in which a manufacturer has a current commercial interest, notwithstanding any exclusions or exemptions from other notification or reporting requirements provided in any other provision of this Act.

“(C) Processors.—A processor of a chemical substance in which the processor has a current commercial interest that meets the criteria described in paragraph (1)(B)(i) may voluntarily submit to the Administrator a declaration for the chemical substance. Such a declaration shall be submitted not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013.

“(3) Declaration of potential commercial interest in a chemical substance.—

“(A) A manufacturer or processor may voluntarily submit to the Administrator, not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013, a declaration for a chemical substance in which the manufacturer or processor—
“(i) does not have a current commercial interest; but

“(ii) has a potential commercial interest that meets the criteria described in paragraph (1)(B)(ii).

“(B) If a manufacturer or processor commences the manufacture or processing of a chemical substance for which it submitted a declaration under this paragraph, the manufacturer or processor shall comply with the requirements of subsection (h)(5)(B).

“(4) DECLARATION OF CESSATION OF MANUFACTURING OR PROCESSING.—A former or current manufacturer or processor of a chemical substance in which the manufacturer or processor no longer has a commercial interest may voluntarily submit to the Administrator, not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013, a declaration that the manufacturer or processor has ceased, or will cease not later than 180 days after the date on which the declaration is submitted, all production, importation, processing, and export of the chemical substance.
“(5) CONTENTS.—A declaration submitted under this subsection shall include for each chemical substance—

“(A) the chemical identity and any special substance characteristics of the chemical substance;

“(B) the identity and primary business location of the manufacturer or processor; and

“(C) information supporting the declarant’s basis for meeting the applicable criteria under paragraph (1)(B).

“(6) REVIEW BY ADMINISTRATOR.—

“(A) IN GENERAL.—The Administrator shall—

“(i) review each declaration received under this subsection to determine whether the declaration conforms to the criteria and requirements of this subsection; and

“(ii)(I) for a chemical substance for which 1 or more conforming declarations are submitted under paragraph (2), add the chemical substance to the list of active chemical substances in the inventory established under subsection (h)(1);
“(II) for a chemical substance for which the only conforming declarations submitted for the substance are submitted under paragraph (3), add the chemical substance to the list of inactive chemical substances in the inventory established under subsection (h)(5); and

“(III) for a chemical substance for which the only conforming declarations submitted for the substance are submitted under paragraph (4), or for which no declaration has been submitted, remove the chemical substance from the inventories established under subsection (h).

“(B) Revisions.—The Administrator shall allow a manufacturer or processor, as applicable, to promptly revise and resubmit any declaration submitted to the Administrator under this subsection if the Administrator determines that any omission or error in the original declaration was not intentional.

“(c) Periodic Reporting by Manufacturers.—

“(1) In general.—The Administrator shall—

“(A) maintain the periodic reporting program of the agency applicable to manufacturers
of chemical substances set forth in part 711 of title 40, Code of Federal Regulations (as in effect on the date of enactment of the Safe Chemicals Act of 2013), unless such reporting requirements are superseded pursuant to subparagraph (B); or

“(B) establish a new periodic reporting program consistent with this subsection.

“(2) Rulemaking.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall specify, by rule—

“(i) the chemical substances for which periodic reporting is required; and

“(ii) the information a chemical manufacturer is required to submit to the Administrator for the chemical substances included under the periodic reporting program.

“(B) EXEMPTIONS.—The rule promulgated under subparagraph (A) may exempt certain manufacturers, including small manufacturers, from—
“(i) a requirement to participate in the periodic reporting program, if the Administrator determines that the participation of those manufacturers would not assist in the administration of this Act; or

“(ii) specific reporting requirements, if the Administrator determines that the value of a particular reporting requirement, for the administration of this Act, would not be commensurate with the burden of the requirement on submitters.

“(C) CONTENTS.—The rule promulgated under subparagraph (A) shall, at a minimum, require each manufacturer of a chemical substance included in the periodic reporting program to submit to the Administrator—

“(i) the chemical identity and any special substance characteristics of the chemical substance, the identity and primary business location of the manufacturer, and any updates to the supporting information submitted by the manufacturer in any declaration for an included chemical substance submitted under subsection (b);
“(ii) a list of health and safety studies conducted or initiated by or for, known to, or reasonably ascertainable by, the manufacturer with respect to each included chemical substance;

“(iii) a copy of each study described in clause (ii) in the possession or control of the manufacturer that has not previously been submitted to the Administrator; and

“(iv) all other information specified by the Administrator in the rules promulgated under this subsection that is known to, in the possession or control of, or reasonably ascertainable by, the manufacturer or processor that has not previously been submitted to the Administrator regarding—

“(I) the physical, chemical, and toxicological properties of the chemical substance;

“(II) the manufacturer’s annual production volume of the chemical substance;

“(III) the uses of, and exposure and fate information relating to the
manufacturer’s production or import of the chemical substance; and

“(IV) the name and location of each facility to which the manufac-
turer sends the chemical substance after manufacture for subsequent processing, distribution, or use.

“(d) RECORDS TO SUPPORT DECLARATIONS AND PERIODIC REPORTS.—

“(1) IN GENERAL.—Each manufacturer and processor of a chemical substance that is distributed in commerce shall—

“(A) maintain records of the information submitted to the Administrator under sub-
sections (b) and (c), as well as supporting informa-
information; and

“(B) submit those records or that informa-
tion to the Administrator upon request by the Administrator.

“(2) BURDEN OF PROOF.—Each manufacturer and processor that submits to the Administrator a declaration under subsection (b) or a notice under subsection (h)(5)(B) shall at all times bear the bur-
den of proving that the manufacturer or processor—
“(A) has a current or potential commercial interest in the applicable chemical substance; or
“(B) has ceased the production, importation, processing, and export of, the applicable chemical substance.

“(e) Substance Identification and Information for Chemical Processors.—

“(1) Rulemaking.—

“(A) In general.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall specify, by rule, the information that chemical processors are required to submit for chemical substances under this subsection as will assist the Administrator in the administration of this Act.

“(B) Exemptions.—The rule promulgated under this paragraph may exempt certain processors, including small processors, from—

“(i) a requirement to participate in the periodic reporting program, if the Administrator determines that the participation of those processors would not assist in the administration of this Act; or

“(ii) specific reporting requirements, if the Administrator determines that the
value of a particular reporting require-
ment, for the administration of this Act,
would not be commensurate with the bur-
den of the requirement on submitters.

“(2) INFORMATION REQUIREMENTS.—The rule
promulgated under paragraph (1) shall—

“(A) specify the information that proc-
ессors are required to submit for chemical sub-
stances that are—

“(i) processed for use in 1 or more
consumer or commercial product cat-
egories, as determined by the Adminis-
trator; and

“(ii) intentionally added to 1 or more
products during processing and not inci-
dental to the end uses of the products;

“(B) require each processor of a chemical
substance identified under subparagraph (A) to
submit the information specified in clauses (i)
through (iii) of subparagraph (C) for the chem-
ical substance, and to submit the information
specified in clauses (iv) through (viii) of sub-
paragraph (C)—
“(i) separately for each applicable consumer and commercial product category; and

“(ii) in aggregate form, taking into account the use by the processor of the chemical substance in all product categories;

“(C) require each processor of a chemical substance identified under subparagraph (A) to identify in the submission of the processor—

“(i) the corporate name and primary business location of the processor;

“(ii) the chemical identity and any special substance characteristics of the chemical substance;

“(iii) the applicable consumer or commercial product category or categories for which the processor processes the chemical substance;

“(iv) the annual volume of the chemical substance processed by the submitter;

“(v) any products intended for use by children aged 14 years or younger for use in which the processor processes the chemical substance;
“(vi) the concentration range within which the maximum concentration of the substance used in each consumer and commercial product category falls;

“(vii) the range within which the total number of commercial workers reasonably likely to be exposed to the chemical substance at the processing site falls; and

“(viii) any other information regarding processing activities or product descriptors relating to the processor’s processing of the chemical substance identified by the Administrator as necessary to understand the potential exposure from processed chemical substances or products in which the chemical substances are used; and

“(D) require each processor to periodically report the information described in subparagraphs (B) and (C) for the chemical substances described in subparagraph (A).

“(3) RECORDS.—The rules promulgated under paragraph (1) shall require processors of chemical substances to which those rules apply—
“(A) to maintain records of the information described in paragraph (2); and

“(B) to submit those records to the Administrator upon request by the Administrator.

“(f) UPDATING OF INFORMATION.—

“(1) IN GENERAL.—Each manufacturer or processor of a chemical substance that submits information to the Administrator under subsection (c) or (e) shall update the information—

“(A) at a minimum every 4 years; and

“(B) at any time that—

“(i) the manufacturer or processor obtains knowledge of, comes into possession of, or generates significant new information regarding the production, processing, use, distribution, hazard, or exposure potential of the chemical substance; or

“(ii) there is a significant change in the production, distribution in commerce, or use of the chemical substance by or known to the manufacturer or processor.

“(2) GUIDANCE.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall issue guidance on what constitutes significant new information regard-
ing or significant changes in the production, distribution in commerce, or use of a chemical substance.

“(g) REPORTS.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the Administrator may by rule or order require any person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance, or a mixture or article containing the chemical substance to maintain records of and report by a specified date any existing information concerning the substance that, in the judgment of the Administrator, would assist the Administrator in—

“(i) making a safety standard determination with respect to a chemical substance;

“(ii) determining testing or information needs for a chemical substance;

“(iii) assigning a chemical substance to a batch, category, or priority class pursuant to section 6;
“(iv) evaluating, developing, and implementing risk management conditions for a chemical substance;

“(v) assessing hazards, exposures, or risks related to the manufacture, use, distribution, processing, or disposal of a chemical substance;

“(vi) determining compliance with any provision of this Act; or

“(vii) any other aspect of administering this Act.

“(B) CHARACTERISTICS.—The Administrator may by rule or order require that any report or information submitted pursuant to this Act include chemical identity and special substance characteristics, as appropriate to the chemical substance that is the subject of the report or information.

“(C) REQUIRED INFORMATION.—The Administrator shall by rule or order specify or modify the information that is required to be submitted with a particular report or information submission to establish the chemical identity and special substance characteristics of the subject chemical substance (or mixture or arti-
cle containing that chemical substance) for the
purposes of the report or information submis-
sion.

“(2) Exemptions.—

“(A) Small quantities for research
or analysis.—In the case of the manufacture,
processing, distribution in commerce, use, or
disposal of a chemical substance in small quan-
tities (as defined by the Administrator by rule)
solely for purposes of scientific experimentation
or analysis or chemical research (including any
such research or analysis for the development of
a product), the Administrator may promulgate
a rule or order under paragraph (1) only to the
extent that the Administrator determines that
the maintenance of records, submission of re-
ports, or both, is necessary for the effective en-
forcement of this Act.

“(B) Small business.—The rules pro-
mulgated under this subsection may exempt
certain small businesses from the rules promul-
gated under this subsection, if the Adminis-
trator determines that the participation of those
small businesses would not assist in the admin-
istration of this Act.
“(h) INVENTORIES.—

“(1) ACTIVE INVENTORY.—The Administrator shall compile, keep current, and, subject to section 14, publish a list of each chemical substance that is manufactured or processed in the United States.

“(2) CONTENTS.—

“(A) IN GENERAL.—The list shall consist of those chemical substances for which—

“(i) a notice is submitted under section 5(d), consistent with the requirements of section 5(b); or

“(ii) a valid declaration is submitted under paragraph (2) of subsection (b).

“(B) EXCLUSIONS.—The list shall not include—

“(i) any chemical substance for which the only declarations submitted are submitted under paragraph (3) or (4) of subsection (b), or for which no declaration has been submitted; or

“(ii) any chemical substance for which an exemption has been granted under section 5(b)(1)(C)(ii) or section 6(h)(2).

“(3) TIMING.—
“(A) IN GENERAL.—Except as provided in paragraph (2)(B), for a chemical substance for which a notice is submitted under section 5(d), the chemical substance shall be included in the list established under paragraph (1) as of the earliest date (as determined by the Administrator) on which the substance was manufactured or processed in the United States.

“(B) PUBLICATION.—The Administrator shall first publish a list under paragraph (1) not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013.

“(4) SMALL QUANTITIES FOR RESEARCH OR ANALYSIS.—The Administrator shall not include in the list established under paragraph (1) any chemical substance that is manufactured or processed only in small quantities (as defined by the Administrator by rule) solely for purposes of scientific experimentation or analysis or chemical research on, or analysis of, the substance or another substance, including research or analysis for the development of a product.

“(5) INACTIVE INVENTORY.—

“(A) IN GENERAL.—The Administrator shall compile, keep current, and, subject to sec-
tion 14, publish an inactive list on which the Administrator shall include each chemical substance for which the only declarations submitted for the substance are submitted under subsection (b)(3).

“(B) REQUIREMENTS.—If a manufacturer or processor commences the manufacture or processing of a chemical substance on the inactive list, the manufacturer or processor shall—

“(i) not less than 30 days before recommencing the manufacture or processing of the chemical substance, notify the Administrator; and

“(ii) provide with the notification under clause (i)—

“(I) the chemical identity and any special substance characteristics of the chemical substance;

“(II) the identity and primary business location of the manufacturer;

“(III) a list of health and safety studies conducted or initiated by or for, known to, or reasonably ascertainable by, the manufacturer or proc-
essor with respect to the chemical substance;

“(IV) upon request of the Administrator, a copy of each study described in subclause (III) in the possession or control of the manufacturer that has not previously been submitted to the Administrator;

“(V) the projected annual manufacturing or processing volume for the chemical substance for each of the subsequent 3 years;

“(VI) the name and location of each facility to which the chemical substance is expected to be sent, after manufacture or processing, for subsequent processing, distribution in commerce, or use; and

“(VII) all other existing information known to, in the possession or control of, or reasonably ascertainable by the manufacturer or processor that has not previously been submitted to the Administrator regarding—
“(aa) the toxicological properties of the chemical substance;

and

“(bb) the uses of, and exposure and fate information relating to, the chemical substance.

“(C) ADMINISTRATOR ACTIONS.—For any chemical substance for which the Administrator receives a valid notification under subparagraph (B), the Administrator shall promptly—

“(i) move the chemical substance to the active inventory established under paragraph (1); and

“(ii) add the chemical substance to the current batch of chemical substances identified pursuant to section 6(a), and categorize the chemical substance with other chemical substances in the batch, pursuant to section 6(b).

“(D) ADMINISTRATION.—Disclosure of any information provided in the notice described in subparagraph (B) shall be subject to section 14.

“(6) CHEMICALS NOT LISTED ON OR REMOVED FROM THE INVENTORIES.—If a manufacturer or processor seeks to commence the manufacture or
processing of a chemical substance that is not listed on the inventories established under paragraph (1) or (5), or that has been removed from the inventories pursuant to subsection (b)(6)(A)(ii)(III), the manufacturer or processor shall comply with section 5.

“(i) Public Access to Significant Information.—

“(1) Electronic database.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator, through collaboration as appropriate, shall establish—

“(A) an electronic, Internet-accessible database for the storing and sharing of information relating to the toxicity and use of, and exposure to, chemical substances; and

“(B) procedures for use in maintaining and updating the database.

“(2) Public Access.—Not later than 18 months after the date of enactment of the Safe Chemicals Act of 2013 or for decisions made or information submitted after that 18-month period, not later than 90 days after the date on which a decision is made by the Administrator or information submitted under this title is received by the Adminis-
trator, the Administrator shall, subject to section 14, make available to the public via the Internet-accessible database described in paragraph (1) a description of all significant—

“(A) decisions made by the Administrator under this title; and

“(B) information submitted pursuant to this title.

“(j) RECORDS OF SIGNIFICANT ADVERSE REACTIONS.—

“(1) IN GENERAL.—Any person that manufactures, processes, or distributes in commerce any chemical substance shall maintain, and on request submit to the Administrator, records of significant adverse reactions to human health or the environment, as determined by the Administrator by rule, alleged to have been caused by the substance or mixture.

“(2) DURATION.—

“(A) IN GENERAL.—Records of the adverse reactions to the health of employees shall be retained for a period of 30 years after the date on which the reactions were first reported to or known by the person maintaining the records.
“(B) OTHER RECORDS.—Any record of other adverse reactions shall be retained for a period of 5 years after the date on which information contained in the record was first reported to or known by the person maintaining the record.

“(3) CONTENTS.—Records required to be maintained under this subsection shall include—

“(A) records of consumer allegations of personal injury or harm to health;

“(B) reports of occupational disease or injury; and

“(C) reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce from any source.

“(k) INFORMATION IN THE POSSESSION OF OTHER FEDERAL AGENCIES.—

“(1) SYNOPSIS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, from time to time, each Federal agency and Federal institution shall submit to the Administrator a synopsis of the data and records in the possession or control of the agency or institution, respectively, that may
be useful to the Administrator in carrying out this Act.

“(B) Format and content.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall prescribe, by order, the format, content, and level of detail of the synopses.

“(C) Initial submission.—Not later than 18 months after the date of enactment of the Safe Chemicals Act of 2013, each Federal agency and Federal institution shall make the initial submission of a synopsis of the agency and institution, respectively, to the Administrator.

“(D) Updates.—At least once every 3 years, each Federal agency and Federal institution shall—

“(i) update the synopsis of the agency and institution, respectively; and

“(ii) submit the updated synopsis to the Administrator.

“(2) Requests by the Administrator.—Notwithstanding any other provision of law, on the request of the Administrator, any information in the possession or control of an agency or institution relating to a hazard of, use of, exposure to, or risk of,
a chemical substance (or mixture or article containing that chemical substance) shall be submitted to the Administrator.

“(l) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL RISKS.—Any person that manufactures, processes, or distributes in commerce a chemical substance and that obtains information that reasonably supports the conclusion that the substance presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of the information unless the person has actual knowledge that the Administrator has been adequately informed of the information.

“(m) CERTIFICATION.—Each submission required pursuant to this section or pursuant to a rule or an order promulgated or issued by the Administrator under this section, other than a submission under subsection (k), shall be accompanied by a certification signed by a responsible official of the manufacturer, processor, distributor, user, or disposer of a chemical substance that each statement contained in the submission—

“(1) is accurate and reliable; and

“(2) includes all material facts required by the applicable provision of this section or rule or order under this section.

“(n) ADMINISTRATION.—
“(1) IN GENERAL.—Nothing in this section limits the authority of the Administrator to require reporting under any other provision of this Act by any person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance, or a mixture or article containing a chemical substance.

“(2) VIOLATIONS.—In addition to all other authorities available for the enforcement of this Act, the Administrator may, by order, take any action authorized under section 6(f) if a person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance, or a mixture or article containing a chemical substance violates any provision of this section.”.

SEC. 10. RELATIONSHIP TO OTHER FEDERAL LAWS.

Section 9 of the Toxic Substances Control Act (15 U.S.C. 2608) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) REPORT.—

“(A) IN GENERAL.—If the Administrator determines that the manufacture, processing, distribution in commerce, use, or disposal of a
chemical substance, or that any combination of those activities, does not meet a safety standard under this title or requires conditions or restrictions in order to meet the safety standard, and the Administrator determines that action may be taken under a Federal law not administered by the Administrator to address the uses of, or exposure to, the chemical substance, the Administrator shall submit to the agency that administers the Federal law a report that—

“(i) describes with specification the activity or combination of activities that prevent the chemical substance from meeting the safety standard or restrictions or conditions required to meet the safety standard under this title;

“(ii) requests that the agency—

“(I) determine whether the 1 or more actions may be taken under Federal law administered by the agency;

“(II) if the agency determines under clause (i) that the 1 or more actions may be taken, initiate and
provide a timetable for the 1 or more actions; and

“(III) respond to the Administrator with respect to the matters described in the report; and

“(iii) includes a detailed statement of the information on which the report is based.

“(B) PUBLICATION.—A report of the Administrator submitted under subparagraph (A) shall be promptly published in the Federal Register.

“(C) ACTION BY RECIPIENT AGENCY.—Not later than 90 days after the date of receipt of a report from the Administrator under subparagraph (A), or by such earlier date as the Administrator may specify in such a report, an agency that receives the report shall—

“(i) make all determinations requested by the Administrator in the report;

“(ii) take all action necessary to ensure that a chemical substance meets the safety standard under this title, if appropriate;
“(iii) include with the response of the agency a detailed statement of the findings and conclusions of the agency; and

“(iv) publish that statement in the Federal Register.

“(2) INITIATION OF ACTION.—If the Administrator submits a report under paragraph (1) with respect to a chemical substance to an agency, and the agency that receives the report initiates, within the period specified in the request under paragraph (1), a civil action under Federal law administered by the agency to ensure that a chemical substance meets the safety standard under this title, or requires restrictions or conditions to meet that safety standard, the Administrator may not take action under this Act with respect to the civil action (other than any action taken pursuant to section 7).”;

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2) the following:

“(3) NO ACTION.—The Administrator may, by order, initiate action or a combination of actions under this Act to ensure compliance with the safety
standard for a chemical substance under this title if—

“(A) the Administrator submits a report under paragraph (1) with respect to a chemical substance; and

“(B) the agency to which the report was submitted—

“(i) determines that action cannot be taken under the authorities of the agency;

“(ii) does not initiate action, if appropriate, within the period specified in the request under paragraph (1);

“(iii) does not complete the action within the timeframe provided by the agency; or

“(iv) fails to respond.”; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking “(4) If the Administrator has initiated action under section 6 or 7” and inserting the following:

“(4) CONSULTATION.—If the Administrator has initiated action under this Act”; and

(ii) by striking “against such risk” after “Federal action”;

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(2) in subsection (c)—

(A) by striking “the Administrator shall not” and inserting “Administrator—

“(1) shall not”; and

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) shall ensure that any actions to address workplace exposures that the Administrator takes or requires to be taken by manufacturers or processors of a chemical substance are consistent with the industrial hygiene hierarchy of controls.”; and

(3) in subsection (d)—

(A) in the first sentence, by striking “while imposing the least burden of duplicative requirements on those subject to the Act and for other purposes”; and

(B) in the second sentence, by striking “, in the report required by section 30,”.

SEC. 11. INSPECTIONS AND SUBPOENAS.

Section 11 of the Toxic Substances Control Act (15 U.S.C. 2610) is amended to read as follows:

“SEC. 11. INSPECTIONS AND SUBPOENAS.

“(a) INSPECTIONS.—
“(1) IN GENERAL.—For purposes of administering this Act, the Administrator, and any duly designated representative of the Administrator, may inspect—

“(A) any establishment, facility, or other premises in which chemical substances, mixtures, or articles subject to this Act are manufactured, processed, stored, or held before or after distribution in commerce;

“(B) any conveyance being used to transport such chemical substances, mixtures, or articles in connection with distribution in commerce; and

“(C) any place at which records relating to the chemical substances, mixtures, or articles, or otherwise relating to compliance with this Act, are held.

“(2) METHOD.—Each inspection under paragraph (1) shall be—

“(A) commenced and completed with reasonable promptness; and

“(B) conducted at reasonable times, within reasonable limits, and in a reasonable manner.
“(3) SAMPLES.—The Administrator, and any duly designated representative of the Administrator, may inspect and obtain samples of any—

“(A) chemical substance, mixture, or article; and

“(B) container or labeling of a chemical substance, mixture, or article.

“(b) SCOPE.—An inspection conducted under subsection (a) shall extend to all things within the premises or conveyance inspected (including records, files, papers, processes, controls, and facilities) regarding whether the owner or operator of the premises, conveyance, or records has complied with provisions of this Act applicable to the chemical substances, mixtures, articles, or records.

“(c) INFORMATION GATHERING.—

“(1) IN GENERAL.—In carrying out this Act, the Administrator may require the attendance and testimony of witnesses and the production of such reports, papers, documents, items, answers to questions, and other information, including the development of analyses and other information, as the Administrator determines to be necessary.

“(2) PAYMENT OF WITNESSES.—A witness described in paragraph (1) shall be paid the same fees
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and mileage that are paid witnesses in the courts of

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the United States.

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‘‘(d) WARRANTS.—For purposes of enforcing this

4 Act, upon a showing to an officer or court of competent
5 jurisdiction that there is reason to believe that a provision
6 of this Act has been violated, officers or employees duly
7 designated by the Administrator are empowered to obtain
8 and to execute warrants authorizing—
9

‘‘(1) entry, inspection, and copying of records

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for purposes of this Act; and

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‘‘(2) the seizure of any chemical substance, mix-

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ture, or article that is in violation of this Act.’’.
SEC. 12. EXPORTS.

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Section 12 of the Toxic Substances Control Act (15

15 U.S.C. 2611) is amended—
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(1) by striking subsection (a);

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(2) by redesignating subsections (b) and (c) as

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subsections (a) and (b), respectively;

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(3) in subsection (a) (as redesignated by paragraph (2))—

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(A) in paragraph (1)—

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(i) by striking ‘‘or intends to export’’;

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(ii) by striking ‘‘section 4 or 5(b)’’

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and inserting ‘‘section 4, 5, or 6(b)’’;

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(iii) by striking “or intent to export” and inserting “, not later than 30 days after the date of exportation of the substance or mixture,”; and

(iv) by inserting “promptly thereafter” before “furnish”;}

(B) in paragraph (2)—

(i) by striking “or intends to export”;

(ii) by striking “an order has been issued under section 5 or a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending or relief has been granted under section 5 or 7” and inserting “an action has been taken pursuant to section 6 or 7”;

(iii) by striking “or intent to export” and inserting “, not later than 30 days after the date of exportation of the substance or mixture,”;

(iv) by inserting “promptly thereafter” before “furnish”; and

(v) by striking “such rule, order, action, or relief” and inserting “the action taken pursuant to section 6 or 7”; and
(C) by adding at the end the following:

“(3) CHANGE IN EXPORT STATUS.—

“(A) IN GENERAL.—Any person that has notified the Administrator of the exportation of a chemical substance or mixture under this section shall notify the Administrator of any change in the export status of the substance or mixture by not later than 30 days after such a change in status.

“(B) UPDATED NOTICE.—The Administrator shall promptly furnish an updated notice to the governments that have been notified pursuant to paragraphs (1) and (2) regarding the exportation of any chemical substance or mixture subject to this section if—

“(i) data for the substance or mixture have been received by the Administrator pursuant to section 4, 5, 6(b), or 8;

“(ii) a change has occurred in the export status of the substance or mixture; or

“(iii) a change has been made in any risk management action taken pursuant to section 6 or 7 for the substance or mixture.”;
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(4) in subsection (b), as redesignated by paragraph (2) of this section—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(5) by adding at the end the following:

“(c) PUBLIC RECORDS.—The Administrator shall—

“(1) maintain copies of all current notices provided to other governments under this section; and

“(2) make such copies available to the public in electronic format.”.

SEC. 13. ENTRY INTO CUSTOMS TERRITORY OF THE UNITED STATES.

Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended—

(1) by striking “Secretary of the Treasury” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “if—” and subparagraphs (A) and (B) and inserting “if the substance, mixture, or article fails to comply with or is offered for entry in violation
of any rule or order in effect under this Act.”;

and

(B) by adding at the end the following:

“(3) IMPORT AS PART OF AN ARTICLE.—Chem-
ical substances and mixtures imported as part of an
article shall be subject to the same requirements
under this Act as if the substances and mixtures had
been imported in bulk, except as the Administrator
may provide by rule under this Act, or as the Sec-
retary of Homeland Security may provide by rule
under subsection (b).’’.

SEC. 14. DISCLOSURE OF DATA.

Section 14 of the Toxic Substances Control Act (15
U.S.C. 2613) is amended to read as follows:

“SEC. 14. DISCLOSURE OF DATA.

“(a) APPLICABILITY.—

“(1) IN GENERAL.—Subject to paragraph (2)
and except as provided under subsections (b) and
(c), any information reported to, or otherwise ob-
tained by, the Administrator (or any representative
of the Administrator) that is exempt from disclosure
under subsection (a) of section 552 of title 5, United
States Code, (commonly known as the ‘Freedom of
Information Act’) under subsection (b)(4) of that
section, shall not be disclosed by the Administrator
or by any officer or employee of the United States, unless the designation of the information as exempt from disclosure is prohibited under Federal law.

“(2) Exemptions.—

“(A) Mandatory exemptions.—Notwithstanding any other provision of law, the Administrator shall disclose the information described in paragraph (1)—

“(i) to any officer or employee of the United States—

“(I) in connection with the official duties of that officer or employee under any law for the protection of human health or the environment; or

“(II) for specific law enforcement purposes;

“(ii) to a contractor with the United States and employees of that contractor if, in the opinion of the Administrator, the disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States entered into on or after the date of enactment of the Safe Chemicals Act of 2013 for the performance of work in connection with this
Act and under such conditions as the Administrator may specify;

“(iii) if the Administrator determines that the disclosure is necessary to protect human health or the environment;

“(iv) on request, to a State or tribal government for the purpose of development or potential development, administration, or enforcement of a law, if 1 or more applicable agreements ensure that the recipient government will take appropriate steps, and has adequate authority, to maintain the confidentiality of the information in accordance with procedures comparable to those which the Administrator uses to safeguard the information; and

“(v) on request, to public health or environmental health professionals or medical personnel if the Administrator determines that—

“(I) disclosure is in the public interest;

“(II) the recipient does not have a conflict of interest or competitive in-
terest with respect to the submitter of
the information; and

“(III) 1 or more applicable
agreements are in place to ensure that
the recipient of the information pro-
vides comparable protections to those
provided by the Administrator to
maintain the confidentiality of the in-
formation.

“(B) OPTIONAL EXEMPTIONS.—Notwith-
standing any other provision of law, the Admin-
istrator may disclose the information described
in paragraph (1) if relevant, in any proceeding
under this Act, except that disclosure in such a
proceeding shall be made in such manner as to
preserve confidentiality to the maximum extent
practicable without impairing the proceeding.

“(3) EFFECT ON OTHER LAWS.—In any pro-
ceeding under section 552(a) of title 5, United
States Code (commonly referred to as the ‘Freedom
of Information Act’), to obtain information, the dis-
closure of which has been denied pursuant to this
section, the Administrator may not rely on sub-
section (b)(3) of that section to sustain the action of
the Administrator.
“(b) Categories of Confidential Business Information.—

“(1) Information that is always eligible for protection.—Subject to subsection (a)(2) and any other applicable provision of Federal law, the Administrator shall review and approve a request that conforms to the requirements described in subsection (c)(2) to treat as confidential under this section the following information:

“(A) Precise information describing the manufacture, processing, or distribution of a chemical substance or mixture.

“(B) Marketing and sales information.

“(C) Information identifying the customers of a manufacturer, processor, or distributor.

“(D) Details of the full composition of a mixture of a particular manufacturer or processor.

“(E) Precise information about the use, function, or application of a chemical substance or mixture in a process, mixture, or product of a particular manufacturer or processor.

“(F) Precise production or import volumes of a particular manufacturer, processor, or distributor.
“(2) Information that may be eligible for protection.—

“(A) In general.—Subject to subsection (a) and any other applicable provision of Federal law, and except as provided in paragraphs (1) and (3), information submitted by a manufacturer, processor, or distributor to the Administrator may be protected if the manufacturer, processor, or distributor complies with subsection (c)(2) and the Administrator determines that a request to maintain the confidentiality of the information meets the applicable requirements of this subsection and any rule promulgated by the Administrator under subsection (c)(1).

“(B) Identities of certain chemical substances.—

“(i) In general.—Notwithstanding subparagraph (A), the Administrator shall not disclose precise information on the identity of a chemical substance if—

“(I) the manufacturer or processor of the substance has, in accordance with subsection (c)(2)—
“(aa) included in a notice under section 5(b) a request, including a justification and documentation for the request, that the identity of the substance be treated as confidential business information; or

“(bb) submitted to the Administrator not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013 a request, including a justification and documentation for the request, that the identity of a substance for which a notice has been submitted under section 5(b) as of the date of enactment of the Safe Chemicals Act of 2013 be treated as confidential business information; and

“(II) the Administrator determines that—

“(aa) the request complies with all applicable requirements of this section;
“(bb) the chemical identity is not readily discoverable through reverse engineering;

“(cc) the manufacturer or processor takes reasonable measures to protect the confidentiality of the chemical substance;

“(dd) no other Federal statute requires disclosure;

“(ee) disclosure of the identity of the chemical substance would cause financial or competitive harm to the manufacturer or processor;

“(ff) the chemical substance is not, based on information that is initially available or that later becomes available to the Administrator, a known or probable reproductive, developmental, neurological, or immunological toxicant, carcinogen, or mutagen;

“(gg) the chemical substance is not persistent, bioaccumulative, and toxic; and
“(hh) if a safety standard determination has been made for a chemical substance, the Administrator determines that the chemical substance meets the applicable safety standard either under current conditions or under additional conditions required by the Administrator.

“(ii) NOTICE.—In cases where all of the requirements specified in clause (i) are met—

“(I) the notice required to be made public by the Administrator under section 5(f)(3) shall include a justification for the determination of the Administrator and identify the chemical substance by generic class unless the Administrator determines that more specific identification is required in the public interest; and

“(II) as part of a claim to protect the identity of a chemical substance under subsection (c)(2), a manufacturer or processor may pro-
vide a ‘public name’ for the chemical substance for use by the Administrator when sharing information on the chemical substance under this subsection. The public names should disclose a maximum amount of information on the chemical structure of the substance, while protecting those features of the chemical structure that are considered confidential and the disclosure of which would potentially harm the owner of that information.

“(iii) Duration of Protection for Chemical Identity.—Notwithstanding subsection (c)(1)(B)(iv), the identity of a chemical substance for which a request has been submitted pursuant to clause (i)(I) and meets the requirements of clause (i) shall be protected as confidential business information—

“(I) for such period of time as the Administrator, after reviewing the request, determines to be reasonable; and
“(II) upon expiration of a time period specified under this clause, for an additional 5-year period, if the Administrator, after reviewing the request, determines that the request for protection continues to meet the criteria established in this subparagraph.

“(iv) Publication requirement.— The Administrator shall annually publish a notice that—

“(I) includes an updated, cumulative list of each new chemical substance for which the Administrator has approved a request to protect information under this paragraph, identified by a unique identifier, other than the precise chemical identity, and including the period of time for which the protection applies; and

“(II) for each chemical substance for which the protection provided under this paragraph has expired, provides the precise identity of the chemical substance, and provides public access to any information that had
been submitted to the Administrator
which concealed the identity of the
chemical substance in accordance with
this paragraph.

“(C) IMPURITIES.—Notwithstanding sub-
paragraph (A), the Administrator may deter-
mine not to disclose information relating to the
degree of purity or the identity of impurities
present in a chemical substance or mixture if
the Administrator determines that knowledge of
the information would reveal processes used in
the manufacturing or processing of the chemical
substance or mixture.

“(3) INFORMATION THAT IS NEVER ELIGIBLE
FOR PROTECTION.—

“(A) IN GENERAL.—Except as provided in
paragraph (2), the Administrator shall disclose
the following information:

“(i) The identity of a chemical sub-
stance.

“(ii) Any safety standard determina-
tion developed under section 6, including
supporting analysis developed by the Ad-
ministrator.
“(iii) Any health and safety study

data that is submitted under this Act with

respect to—

“(I) any chemical substance or

mixture—

“(aa) that has been offered

for commercial distribution as of

the date on which the study is to

be disclosed; or

“(bb) for which testing is re-

quired under section 4 or for

which notification is required

under section 5; and

“(II) any data reported to, or

otherwise obtained by, the Adminis-

trator from a health and safety study

that relates to a chemical substance

or mixture described in subclause (I).

“(iv) Health and safety data in no-

tices of substantial risk submitted pursu-

ant to section 8(l) and in the underlying

studies.

“(v) General information describing

the manufacturing volumes, expressed in

ranges, and industrial, commercial, or con-
sumer functions and uses of a chemical substance or mixture.

“(vi) Any information indicating the presence of a chemical substance in consumer products intended for use, or reasonably expected to be used, by children aged 14 years or younger, if—

“(I) the Administrator, or another authoritative body, has determined that the chemical substance—

“(aa) is a known or probable reproductive, developmental, neurological, or immunological toxicant, carcinogen, or mutagen; or

“(bb) is persistent, bioaccumulative, and toxic; or

“(II) for a chemical substance for which a safety standard determination has been made, the Administrator has not found that the chemical substance meets the safety standard.

“(B) PROHIBITION.—Nothing in this paragraph authorizes the release of any data that discloses a process used in the manufacturing or processing of a chemical substance or mix-
ture, or in the case of a mixture, the release of
data disclosing the portion of the mixture com-
prised by any of the chemical substances in the
mixture.

“(C) APPLICABILITY OF OTHER LAWS.—
Except as provided in paragraph (2), if the Ad-
ministrator receives a request for information
under section 552(a) of title 5, United States
Code, (commonly known as the ‘Freedom of In-
formation Act’) for information described in
subparagraph (A), which is not information de-
dscribed in subparagraph (B), the Administrator
shall not deny the request under subsection
(b)(4) of that section.

“(c) DESIGNATION AND TREATMENT OF CONFIDEN-
tial BUSINESS INFORMATION.—

“(1) DUTIES OF THE ADMINISTRATOR.—

“(A) RULES.—Not later than 1 year after
the date of enactment of the Safe Chemicals
Act of 2013, the Administrator shall promul-
gate rules that specify—

“(i) the acceptable bases on which
written requests to maintain confidentiality
of information may be approved, which
shall be consistent with the requirements of this section;

“(ii) the nature of the documentation and justification that must accompany such a request; and

“(iii) the types of information the Administrator determines warrant protection for an indefinite period of time, for which the term of confidentiality specified in subparagraph (B)(iv)(I) shall not apply.

“(B) REVIEW OF REQUESTS.—

“(i) IN GENERAL.—Not later than 90 days after the date of receipt of information under paragraph (2), the Administrator shall review a request to maintain confidentiality of information submitted under this Act and determine whether to approve, modify, or deny that request based on the regulations promulgated by the Administrator under subparagraph (A).

“(ii) PROCESS.—The Administrator shall, in accordance with clause (i)—
“(I) review all requests received to maintain confidentiality of submitted information; or

“(II) if it is not feasible for the Administrator to review all of the requests—

“(aa) review all requests relating to information described in subsection (b)(2)(B); and

“(bb) review a representative subset that includes not less than 25 percent of all other requests received; and

“(III) publish in the Federal Register on at least an annual basis a description of the number and types of requests received and reviewed by the Administrator.

“(iii) DENIALS.—If a request to maintain confidentiality of submitted information is denied in accordance with subparagraph (D), the Administrator shall promptly make the information available to the public in accordance with section 8(i)(2).
“(iv) APPROVALS.—If a request to maintain confidentiality of submitted information is approved, the Administrator shall—

“(I) except with respect to requests subject to a rule issued pursuant to subparagraph (A)(iii) and requests submitted pursuant to subsection (b)(2)(B)(i)(I), specify a time period not to exceed 5 years for which the submitted information shall be kept confidential, unless the information otherwise becomes available to the public during the period; and

“(II) upon the expiration of the protection period, make the information available to the public unless the manufacturer, processor, or distributor has submitted, documented, and justified to the satisfaction of the Administrator and in accordance with this subsection the basis for a renewal of the protection, for a time period not to exceed 5 years.
“(C) Authority of the Administrator.—Nothing in subparagraph (A) or (B) limits the authority of the Administrator to determine that particular information, previously treated as confidential, is no longer entitled to confidential treatment.

“(D) Notifications.—

“(i) In general.—Except as provided in clause (ii), if the Administrator proposes to release information for which a request for confidential treatment has been approved under this section, the Administrator shall electronically notify the manufacturer, processor, or distributor in commerce who submitted the request of the intent of the Administrator to release the information not less than 15 days prior to the release of the information.

“(ii) Administration.—The Administrator shall release the information described in clause (i) in accordance with the disclosure and procedural requirements of section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), except that—
“(I) if the release of the information is to be made pursuant to a request made under section 552(a) of title 5, United States Code, the notice shall be given immediately upon approval of the request by the Administrator;

“(II) if the Administrator determines that the release of information pursuant to subsection (a)(2)(A)(iii) is necessary to protect against imminent and substantial harm to human health or the environment, no notice shall be required; and

“(III) the requirements of this subparagraph shall not apply to the release of information under—

“(aa) clauses (i) through (iii) of subsection (a)(2)(A); or

“(bb) subsection (b)(3)(A).

“(2) DUTIES OF MANUFACTURERS, PROCESSORS, AND DISTRIBUTORS.—

“(A) IN GENERAL.—In submitting data under this Act, a manufacturer, processor, or distributor in commerce may—
“(i) designate information, other than
information described in subsection (b)(3),
for which the manufacturer, processor, or
distributor requests confidential treatment
under subsection (a) or (b); and
“(ii) submit the designated data sepa-
rately from other data submitted under
this Act.
“(B) REQUIREMENTS.—A designation
under this paragraph shall be made in writing
and in such manner as the Administrator may
prescribe, and shall include—
“(i) documentation and justification
for each request for confidentiality, except
for requests relating to the information de-
scribed in subsection (b)(1);
“(ii) the period of time for which
maintenance of confidentiality of the infor-
mation is requested except with respect to
requests subject to a rule issued pursuant
to subsection (c)(1)(A)(iii);
“(iii) a certification that the informa-
tion is not otherwise publicly available;
“(iv) separate copies of all submitted
information, with 1 copy containing and 1
copy excluding the information to which
the request applies; and
“(v) any additional information re-
quired by the Administrator.
“(C) REQUEST FOR RENEWAL.—Prior to
the expiration of the specified time period de-
termined by the Administrator under paragraph
(1)(B)(iv), a manufacturer, processor, or dis-
tributor may submit a request for renewal of
protection for protected information. This re-
quest for renewal shall follow the same proce-
dures and requirements as the initial submis-
sion under subparagraphs (A) and (B).
“(d) CIVIL PENALTY FOR WRONGFUL DISCLOSURE
OR WRONGFUL REQUESTS FOR PROTECTION.—
“(1) IN GENERAL.—Any officer or employee of
the United States or former officer or employee of
the United States, who, by virtue of employment or
official position has obtained possession of, or has
access to, material the disclosure of which is prohib-
ited by subsection (a), and who knowing that disclo-
sure of the material is prohibited by that subsection,
willfully discloses the material in any manner to any
person not entitled to receive the information, shall
be subject to appropriate disciplinary action and
subject to a civil money penalty of not more than $10,000 for each violation.

“(2) APPLICABILITY OF OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, making known, or making available of, information reported or otherwise obtained under this Act.

“(3) CONTRACTORS.—For the purposes of paragraph (1), any contractor with the United States who is furnished information as authorized by subsection (a)(2), including any employee of such a contractor, shall be considered to be an employee of the United States.

“(4) FALSE REQUESTS.—Any officer or employee of a company that submits information under this Act who willfully designates information as eligible for confidential treatment, knowing that the information is ineligible for such treatment, shall be subject to a civil money penalty of not more than $10,000 for each such violation.

“(e) ACCESS BY CONGRESS.—Notwithstanding this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act
shall be made available, on written request of any duly
authorized committee of Congress, to that committee.

“(f) Risk Information for Workers.—The Admin-
istrator shall facilitate the sharing of information that
pertains to chemical substances or mixtures or articles
containing chemical substances that workers may come
into contact with or may otherwise be exposed to during
the course of work with those workers and representatives
of each certified or recognized bargaining agent rep-
resenting those workers. Nothing in this subsection au-
thorizes disclosure of information other than those disclo-
sures that may be made pursuant to subsections (a)
through (e).”.

SEC. 15. PROHIBITED ACTS.

Section 15 of the Toxic Substances Control Act (15
U.S.C. 2614) is amended—

(1) by striking paragraph (1) and inserting the
following:

“(1) fail or refuse to comply with any rule,
order, prohibition, restriction, or other requirement
imposed by this Act or by the Administrator under
this Act;”;

(2) in paragraph (2)—
(A) by striking “use” and inserting “manufacture, process, distribute in commerce, use, or dispose of”; 

(B) by striking “or mixture” and inserting “‘, mixture, or article’”; and 

(C) by striking “section 5 or 6, a rule or order under section 5 or 6, or an order issued in action brought under section 5 or 7” and inserting “any rule, order, prohibition, restriction, or other requirement imposed by this Act or by the Administrator under this Act”; 

(3) in paragraph (3)—

(A) in subparagraph (A), by inserting “accurate and complete” after “maintain”; 

(B) in subparagraph (B)—

(i) by inserting “or make accurate and complete” after “submit”; and 

(ii) by inserting “information submissions, disclosures, declarations, certifications,” after “notices,”; and 

(C) in subparagraph (C), by striking “or” after the semicolon; 

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and 

(5) by adding at the end the following:
“(5) make or submit a statement, declaration, disclosure, certification, writing, data set, or representation that is materially false, in whole or in part, or to falsify or conceal any material fact, in taking any action or making any communication pursuant to this Act or pursuant to any rule or order promulgated or issued under this Act; or

“(6) take any action prohibited by this Act.”.

SEC. 16. PENALTIES.

Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by inserting “this Act or a rule or order promulgated or issued pursuant to this Act, as described in” after “a provision of”; and

(II) by striking “$25,000” and inserting “$37,500”; and

(ii) in the second sentence, by striking “violation of section 15 or 409” and inserting “violation of this Act”;
(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) In the case of any violation described in paragraph (1), the Administrator may commence a civil action in the appropriate United States district court to assess penalties pursuant to that paragraph.”;

(D) in subparagraph (A) of paragraph (3) (as redesignated by subparagraph (B))—

(i) in the first sentence, by inserting “this Act, as described in” before “section 15 or 409”; and

(ii) in the last sentence, by striking “within 15 days of” and inserting “not later than 15 days after”;

(E) in the first sentence of paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking “paragraph (2)(A)” and inserting “paragraph (3)(A)”; and

(ii) by striking “the United States Court of Appeals for the District of Columbia Circuit or for any other circuit”
and inserting “the appropriate district
court of the United States for the dis-
trict”; and

(F) in paragraph (5) (as redesignated by
subsection (B)), by striking “paragraph (3)”
each place it appears and inserting “paragraph
(4)”; and

(2) in subsection (b)—

(A) by striking “Any person” and inserting
the following:

“(1) IN GENERAL.—Any person”;

(B) by striking “or willfully”;

(C) by inserting “this Act, as described in”
after “any provision of”;

(D) by striking “$25,000” and inserting
“$50,000”;

(E) by striking “one year” and inserting
“5 years”; and

(F) by adding at the end the following:

“(2) IMMINENT DANGER OF DEATH OR SERIOUS
BODILY INJURY.—

“(A) IN GENERAL.—Any individual who
knowingly violates any provision of this Act and
who knows at the time that the violation places
another person in imminent danger of death or
serious bodily injury shall upon conviction be
subject to a fine of not more than $250,000, or
imprisonment of not more than 15 years, or
both.

“(B) Other persons.—A person that is
not an individual shall, upon conviction of vio-
lating this paragraph, be subject to a fine of
not more than $1,000,000.”.

SEC. 17. SPECIFIC ENFORCEMENT AND SEIZURE.

Section 17 of the Toxie Substances Control Act (15
U.S.C. 2616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “(1) The district
courts” and all that follows through the
end of subparagraph (C) and inserting the
following:

“(1) Authority of the Administrator.—

“(A) In general.—The Administrator
may commence a civil action in the appropriate
United States district court to compel compli-
ance of any person with any provision of this
Act or any rule or order promulgated pursuant
to this Act.
“(B) ENFORCEMENT.—The authority of the Administrator to enforce this Act includes the authority—

“(i) to seek civil or criminal penalties under section 16 for any violation of this Act, as described in sections 15 and 409;

“(ii) to enjoin any violation of this Act, or of a rule or order promulgated or issued under this Act, as described in sections 15 and 409;

“(iii) to order the compliance of any person with any provision of this Act, or with any rule or order promulgated or issued under this Act, through an administrative proceeding (which may proceed concurrently with action under this section), in which the Administrator may levy penalties under section 16; and”; and

(ii) in subparagraph (D)—

(I) by redesignating clause (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;
(II) by striking “(D) direct any manufacturer” and inserting the following:
“(iv) to order any manufacturer”;

(III) by striking “product subject to title IV” and inserting “article subject to this Act”;

(IV) by striking “product” each place it appears and inserting “article”;

(V) by striking “of section 5, 6, or title IV” and inserting “this Act”; and

(VI) by striking “under section 5, 6, or title IV” and inserting “promulgated and issued under this Act, as described in section 15 or 409,”;

(B) in paragraph (2)—

(i) by striking “(2) A civil action” and all that follows through “described in sub-
paragraph (A) of such paragraph” in sub-
paragraph (A) and inserting the following:
“(2) Civil actions.—
“(A) IN GENERAL.—The district courts of the United States shall have jurisdiction over a civil action described in paragraph (1).

“(B) REQUIREMENTS.—A civil action described in paragraph (1) may be brought—

“(i) in the case of a civil action described in subparagraphs (A) and (B) of paragraph (1);

(ii) in clause (i) (as so designated), by striking “of section 15” and inserting “of this Act, as described in section 15 or 409”;

(iii) by redesignating subparagraph (B) as clause (ii) and indenting appropriately; and

(iv) in clause (ii) (as so designated), by striking “such paragraph” and inserting “paragraph (1)”;

(C) in the undesignated matter following paragraph (2), by striking “In any” and inserting the following:

“(3) SERVING OF PROCESS AND SUBPOENAS.—In any”; and

(2) in the first sentence of subsection (b)—
(A) by striking “title IV” and inserting “this Act”;

(B) by striking “product” the first place it appears and inserting “article”; and

(C) by striking “product,” both places it appears.

SEC. 18. PREEMPTION.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended to read as follows:

“SEC. 18. PREEMPTION.

“Nothing in this Act affects the right of a State or a political subdivision of a State to adopt or enforce any regulation, requirement, or standard of performance that is different from, or in addition to, a regulation, requirement, liability, or standard of performance established pursuant to this Act unless compliance with both this Act and the State or political subdivision of a State regulation, requirement, or standard of performance is impossible, in which case the applicable provisions of this Act shall control.”.

SEC. 19. JUDICIAL REVIEW.

Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—
(i) by striking subparagraph (B);

(ii) in subparagraph (A), by striking

“(1)(A) Not later” and all that follows
through “under title II or IV,” and insert-
ing the following:

“(1) JUDICIAL REVIEW.—Not later than 60
days after the date of the promulgation or issuance
of a rule under of this Act,”;

(iii) by inserting “or order” after

“rule” each place it appears; and

(iv) in the second sentence, by strik-
ing “(other than in an enforcement pro-
ceeding)”;

(B) in paragraph (2)—

(i) in the first sentence, by striking

“paragraph (1)(A)” and inserting “para-
graph (1)”;

(ii) in the second sentence, by insert-
ing “or order” after “rule”; and

(C) by striking paragraph (3);

(2) in subsection (b), by inserting “or order”
after “rule” each place it appears; and

(3) in subsection (c), by striking paragraph (1)
and inserting the following:
“(1) IN GENERAL.—Upon the filing of a petition under subsection (a)(1) for judicial review of a rule or order, the court shall have jurisdiction—

“(A) to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5, United States Code; and

“(B) to review the rule or order in accordance with that chapter.”.

SEC. 20. CITIZENS’ CIVIL ACTION.

Section 20 of the Toxic Substances Control Act (15 U.S.C. 2619) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “under section 4, 5, or 6, or title II or IV, or order issued under section 5 or title II or IV to restrain such violation,” and inserting “or order issued under this Act;”; and

(B) in the third sentence of the undesignated language following paragraph (2), by inserting “, to enforce this Act or any rule promulgated or order issued under this Act, or to order the Administrator to perform an act or duty described in this Act, as the case may be” after “citizenship of the parties”; and
(2) in subsection (b)(1), by striking “to restrain” and inserting “respecting”.

SEC. 21. CITIZENS’ PETITIONS.

Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—

(1) in subsection (a), by striking “under section 4, 6, or 8 or an order under section 5(e) or (6)(b)(2)” and inserting “or order, or any other action authorized under this Act”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “under section 4, 6, or 8 or an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)” and inserting “or order or to initiate other action authorized under this Act”; and

(B) in the first sentence of paragraph (3), by striking “section 4, 5, 6, or 8” and inserting “the applicable provisions of this Act”; and

(C) in paragraph (4)—

(i) in the first sentence of subparagraph (A), by striking “a rulemaking proceeding” and inserting “proceedings authorized under this Act”; and

(ii) in subparagraph (B)—
(I) in the matter preceding clause (i)—

(aa) in the first sentence, by striking “a proceeding to issue a rule under section 4, 6, or 8 or an order under section 5(e) or 6(b)(2)” and inserting “proceedings authorized under this Act”; and

(bb) by inserting “Notwithstanding the preceding sentence, in the case of a petition to delist a chemical substance under section 6(a), the delisting may not proceed except as authorized under that subsection.” after the first sentence;

(II) in clause (i)—

(aa) in the matter preceding subclause (I), by striking “in the case of a petition to initiate a proceeding for the issuance of a rule under section 4 or an order under section 5(e)” and inserting “except as provided in clause (ii),
in the case of a petition to initiate a proceeding for the issuance of a rule or an order under this Act”; and

(bb) in subclause (II), by striking “an unreasonable risk to” and inserting “substantial endangerment”; and

(III) in clause (ii)—

(aa) by striking “issuance of a rule under section 6 or 8 or an order under section 6(b)(2)” and inserting “imposition or issuance of a restriction, use condition, or order under this chapter”;

(bb) by striking “an unreasonable risk of injury” and inserting “a substantial endangerment”; and

(cc) by striking the period at the end and inserting a semi-colon.

SEC. 22. EMPLOYMENT EFFECTS.

Section 24 of the Toxic Substances Control Act (15 U.S.C. 2623) is amended—
(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “continuing” and inserting “periodic”; and

(B) by striking “plant closures)” and all that follows through the end of paragraph (2) and inserting “plant closures) of the implementation of this Act.”;

(2) in subsection (b)—

(A) in paragraph (1), in the undesignated language following subparagraph (B), by striking “section 4, 5, or 6 or a requirement of section 5 or 6” and inserting “this Act”;

(B) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “by order issued” and inserting “in writing,”; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking the comma after “such request” and inserting “; and”; (II) by striking clause (ii); and (III) by redesignating clause (iii) as clause (ii); and

(C) by striking paragraph (4); and
(3) by adding at the end the following:

“(e) EFFECT.—Nothing in this section—

“(1) requires the Administrator to amend or re-
peal any rule or order in effect under this Act; or

“(2) conditions the authority of the Adminis-
trator to issue orders or promulgate rules under this
Act.”.

SEC. 23. ADMINISTRATION OF THE TOXIC SUBSTANCES
CONTROL ACT.

Section 26 of the Toxic Substances Control Act (15
U.S.C. 2625) is amended—

(1) by striking subsection (b) and inserting the
following:

“(b) FEES.—

“(1) IN GENERAL.—The Administrator may, by
rule, require the payment of a reasonable fee from
any person required to submit data to defray the
cost of administering this Act.

“(2) CONSIDERATIONS.—In setting a fee under
this subsection, the Administrator shall take into ac-
count—

“(A) the ability to pay of the person re-
quired to submit the data; and

“(B) the cost to the Administrator of re-
viewing the data.
“(3) Fee Sharing.—Rules described in paragraph (1) may provide for sharing a fee in any case in which the expenses of testing are shared under this Act.”;

(2) in subsection (c)—

(A) in the subsection heading, by adding “AND MIXTURES” after “CATEGORIES”; and

(B) by adding at the end the following:

“(3) Mixtures.—Any action authorized or required to be taken by the Administrator or any other person under any provision of this Act with respect to a chemical substance is likewise also authorized or required with respect to a mixture, if the Administrator determines that such extension is reasonable and efficient.”; and

(3) by adding at the end the following:

“(h) Rulemaking or Orders.—In carrying out this Act, the Administrator may issue such orders and prescribe such regulations as are necessary to carry out this Act.”.

SEC. 24. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking “unreasonable”; and
(B) by striking “is unable or is not likely to take” and inserting “has not taken”; 

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; 

(3) by inserting after subsection (a) the following: 

“(b) COORDINATION.—The Administrator shall establish a process to coordinate with States, on an on-going basis, to share data and priorities relating to the management of chemical substances under this title and under programs operated by States, in accordance with section 14.”; and 

(4) in subsection (e)(2) (as redesignated by paragraph (2)), by striking “including cancer, birth defects, and gene mutations,”.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS. 
Title I of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended— 

(1) by redesignating section 29 (15 U.S.C. 2628) as section 38; 

(2) by redesignating section 30 (15 U.S.C. 2629) as section 37; 

(3) by striking section 31 (Public Law 94–469; 100 Stat. 2989); and
(4) by amending section 38 (as redesignated by paragraph (1)) to read as follows:

“SEC. 38. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Administrator to carry out this Act such sums as are necessary for each of fiscal years 2013 through 2020.”.

SEC. 26. ADDITIONAL REQUIREMENTS.

(a) Restrictions on Certain Chemical Substances.—The Toxic Substances Control Act is amended by inserting after section 28 (15 U.S.C. 2627) the following:

“SEC. 29. CHILDREN’S ENVIRONMENTAL HEALTH RESEARCH PROGRAM.

“(a) Children’s Environmental Health Research Program.—

“(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within the Environmental Protection Agency a program to be known as the ‘Children’s Environmental Health Research Program’ (referred to in this subsection as the ‘Program’).

“(2) Purpose.—Subject to amounts made available in advance in appropriations Acts, the Administrator may enter into contracts and make
grants under the Program to further understanding of the vulnerability of children to chemical substances and mixtures.

“(3) Consultation.—Contracts and grants under this section shall be provided in consultation with the Interagency Science Advisory Board on Children’s Health Research established under subsection (b)(1).

“(b) Interagency Science Advisory Board on Children’s Health Research.—

“(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish an advisory board to be known as the ‘Interagency Science Advisory Board on Children’s Health Research’ (referred to in this subsection as the ‘Board’).

“(2) Purpose.—The purpose of the Board shall be to provide independent advice, expert consultation, and peer review, on request of the Administrator or Congress, with respect to the scientific and technical aspects of issues relating to the implementation of this title with respect to research on protecting children’s health.

“(3) Composition.—The Administrator shall—
“(A) appoint the members of the Board, including, at a minimum, representatives of—

“(i) the National Institute of Environmental Health Sciences;

“(ii) the Centers for Disease Control and Prevention;

“(iii) the National Toxicology Program;

“(iv) the National Cancer Institute;

“(v) the National EPA-Tribal Science Council; and

“(vi) not fewer than 3 centers of children’s health at leading institutions of higher education;

“(B) ensure that at least ⅓ of the members of the Board have specific scientific expertise in the relationship of chemical exposures to prenatal, infant, and children’s health; and

“(C) ensure that no individual appointed to serve on the Board has a conflict of interest that is relevant to the functions performed by the Board, unless—

“(i) the individual promptly and publicly discloses the conflict; and
“(ii) the Administrator determines that the conflict is unavoidable.

“(4) APPLICABLE LAW.—The Board shall be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(c) PRENATAL AND INFANT EXPOSURES.—

“(1) MONITORING.—If, through studies performed under subsection (a) or section 4 or in any other available research, the Administrator identifies a chemical substance that may be present in human biological media that may have adverse effects on early childhood development, the Administrator shall coordinate with the Secretary of Health and Human Services to conduct, not later than 2 years after the date on which the Administrator identifies the chemical substance, a biomonitoring study to determine the presence of the chemical substance in human biological media in, at a minimum, pregnant women and infants.

“(2) PUBLICATION.—On completion of any study conducted under paragraph (1), the Secretary of Health and Human Services shall—

“(A) notify the Administrator of the results of the study; and
“(B) publish the results of the study in a publicly available electronic format.

“(3) POSITIVE RESULTS.—

“(A) MANUFACTURE DISCLOSURE.—If a chemical substance or mixture is determined to be present in a study conducted under paragraph (1), the manufacturers and processors of the chemical substance or mixture shall, not later than 180 days after the date of publication of the study, disclose to the Administrator, commercial customers of the manufacturers and processors, consumers, and the public—

“(i) all known uses of the chemical substance or mixture; and

“(ii) all articles in which the chemical substance or mixture is, or is expected to be, present.

“(B) COST AND FORM OF DISCLOSURE.—Information under clauses (i) and (ii) of subparagraph (A) shall be—

“(i) made available by the Administrator in electronic format; and

“(ii) made readily accessible and free of charge by each applicable manufacturer and processor in electronic format to the
commercial customers of such manufacturer or processor, consumers, and the public.

“SEC. 30. REDUCTION OF ANIMAL-BASED TESTING.

“(a) ADMINISTRATION.—The Administrator shall take action to minimize the use of animals in testing of chemical substances or mixtures, including—

“(1) encouraging and facilitating, to the maximum extent practicable—

“(A) the use of existing data of sufficient scientific quality;

“(B) the use of test methods that eliminate or reduce the use of animals while providing data of high scientific quality;

“(C) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of 1 chemical substance would provide reliable and useful data on others in the category;

“(D) the formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests; and

“(E) the parallel submission of data from animal-based studies and from emerging methods and models; and
“(2) funding research and validation studies to reduce, refine, and replace the use of animal tests in accordance with this subsection.

“(b) INTERAGENCY SCIENCE ADVISORY BOARD ON ALTERNATIVE TESTING METHODS.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish an advisory board to be known as the ‘Interagency Science Advisory Board on Alternative Testing Methods’ (referred to in this subsection and subsection (c) as the ‘Board’).

“(2) COMPOSITION.—The Administrator shall—

“(A) appoint the members of the Board, including, at a minimum, representatives of—

“(i) the National Institute of Environmental Health Sciences;

“(ii) the Centers for Disease Control and Prevention;

“(iii) the National Toxicology Program;

“(iv) the National Cancer Institute; and

“(v) the National EPA-Tribal Science Council; and
“(B) ensure that no individual appointed to serve on the Board has a conflict of interest that is relevant to the functions to be performed, unless—

“(i) the individual promptly and publicly discloses the conflict; and

“(ii) the Administrator determines that the conflict is unavoidable.

“(3) PURPOSE.—The purpose of the Board shall be to provide independent advice and peer review to Congress and the Administrator on the scientific and technical aspects of issues relating to the implementation of this title with respect to minimizing the use of animals in testing chemical substances or mixtures.

“(4) APPLICABLE LAW.—The Board shall be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(5) REPORT.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, and every 3 years thereafter, the Administrator, in consultation with the Board, shall publish in the Federal Register a list of testing methods that reduce the use of animals in testing under section 4.
“(c) Implementation of Alternative Testing Methods.—To promote the development and timely incorporation of new testing methods that are not animal-based, the Administrator shall—

“(1) in consultation with the Board, and after providing an opportunity for public comment, develop a strategic plan to promote the development and implementation of alternative test methods and testing strategies to generate information used for safety standard determinations under section 6(b) that do not use animals, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening;

“(2) beginning on the date that is 2 years after the date of enactment of the Safe Chemicals Act of 2013 and every 2 years thereafter, submit to Congress a report that describes the progress made in implementing this section; and

“(3) fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that are not animal-based for use in safety standard determinations under section 6(b).
“(d) CRITERIA FOR ADAPTING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On request from a manufacturer or processor that is required to conduct animal-based testing of a chemical substance or mixture under this title, the Administrator may adapt or waive the animal testing requirement if the Administrator determines that—

“(1) there is a sufficient weight of evidence from several independent sources of information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property, in any case in which the information from each individual source alone is regarded as insufficient to support the conclusion;

“(2) because of 1 or more physical or chemical properties of the chemical substance or mixture, testing for a specific endpoint is technically not practicable to conduct; or

“(3) a chemical substance or mixture cannot be tested in animals at concentrations that do not result in significant pain or distress, because of physical or chemical properties of the chemical substance or mixture, such as potential to cause severe corrosion or severe irritation to tissues.
“SEC. 31. SAFER ALTERNATIVES AND GREEN CHEMISTRY AND ENGINEERING.

“(a) SAFER ALTERNATIVES PROGRAM.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish 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.

“(2) REQUIREMENTS.—The program established under paragraph (1) shall include—

“(A) expedited review of new chemical substances for which the manufacturer or processor submits an alternatives analysis indicating that the new chemical substance is the safer alternative for a particular use than existing chemical substances used for the same purpose;

“(B) recognition for a chemical substance or product determined by the Administrator to be a safer alternative for a particular use by means of a special designation intended for use in marketing the safer alternative, and periodic public awards or rewards; and

“(C) such other incentives, as the Administrator considers to be appropriate to encourage
the development, marketing, and use of chemical substances or products determined by the Administrator to be safer alternatives for the particular uses, such as job training and worker assistance.

“(b) Green Chemistry Research Network.—

The Administrator shall establish a network of not less than 4 green chemistry and engineering centers, located in various regions of the United States, to support the development and adoption of safer alternatives to chemical substances, particularly chemical substances listed under section 6(a).

“(c) Green Chemistry and Engineering Research Grants.—The Administrator shall make grants to promote and support the research, development, and adoption of safer alternatives to hazardous substances.

“(d) Green Chemistry Workforce Education and Training Program.—

“(1) In General.—The Administrator shall establish a program to facilitate the development of a workforce, including industrial and scientific workers, that produces safer alternatives to existing chemical substances.
“(2) GOALS.—The goals of the program established under paragraph (1) are to provide workforce training on skills that would—

“(A) facilitate the expansion of green chemistry;

“(B) develop scientific and technical leadership in green chemistry;

“(C) facilitate the successful and safe integration of green chemistry into infrastructure projects;

“(D) inform and engage communities about green chemistry; and

“(E) promote innovation and strong public health and environmental protections.

“(3) IMPLEMENTATION.—The Administrator shall implement the program to achieve the goals of this Act, including by—

“(A) helping to develop a broad range of skills relevant to the production and use of the safer alternatives, including the design, manufacturing, use, and disposal of the alternatives;

“(B) offering to develop partnerships with educational institutions, training organizations, private sector companies, and community organizations; and
“(C) providing grants to States, units of local government, and the partnerships developed under subparagraph (B) to promote and support activities consistent with achieving the goals of the program established under this subsection.

“SEC. 32. COOPERATION WITH INTERNATIONAL EFFORTS.

“In cooperation with the Secretary of State and the head of any other appropriate Federal agency (as determined by the Administrator), the Administrator shall cooperate with international efforts as appropriate—

“(1) to develop a common protocol or electronic database relating to chemical substances; or

“(2) to develop safer alternatives for chemical substances.

“SEC. 33. RELIABLE INFORMATION AND ADVICE.

“Not later than 18 months after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall, by order, establish and implement procedures to ensure data reliability including, at a minimum, requirements that the Administrator—

“(1) not less than annually randomly inspect laboratories that develop the data required under this title on the various properties and characteristics of a chemical substance;
“(2) annually perform a comprehensive data audit on a subset, as chosen by the Administrator, of the data submissions under this title;

“(3) establish and maintain a registry of all health- and safety-related studies initiated in response to requirements under this title;

“(4) have access to all records of health- and safety-related studies initiated in response to requirements under this title; and

“(5) require the submitter of any research study conducted by a third party in response to requirements under this title to disclose to the Administrator and the public, at the time of submission, the sources of any funding used for the conduct or publication of the study received by the researchers who conducted the study.

“SEC. 34. HOT SPOTS.

“(a) DEFINITIONS.—In this section:

“(1) Disproportionate exposure.—The term ‘disproportionate exposure’ means residential population exposure to 1 or more toxic chemical substances or mixtures at levels that are significantly greater than the average exposure in the United States, as defined and identified by the Adminis-
trator in accordance with the criteria established under subsection (b).

“(2) LOCALITY.—The term ‘locality’ means any geographical area (including a county, city, town, neighborhood, census tract, zip code area, or other commonly understood political or geographical subdivision) in which the Administrator identifies disproportionate exposure.

“(b) CRITERIA.—Not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall promulgate a rule to establish criteria consistent with this section that—

“(1) defines disproportionate exposure; and

“(2) identifies any locality that is disproportionately exposed.

“(c) IDENTIFICATION.—

“(1) IN GENERAL.—Not later than 120 days after the date on which the rule is promulgated under subsection (b), the Administrator shall identify localities in the United States that are subject to disproportionate exposure.

“(2) USE OF DATA.—In identifying localities under paragraph (1), the Administrator—

“(A) shall use data contained in the National Air Toxics Assessment Database; and
“(B) may use other data available to the Administrator, including data developed under—

“(i) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

“(iv) the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

“(3) Public Participation.—The Administrator shall provide an opportunity for members of the public to nominate localities in which disproportionate exposure may be found for inclusion in the identification of localities under paragraph (1).

“(d) Locality List.—

“(1) In general.—Not later than 180 days after completing the identification of localities under subsection (c)(1), the Administrator, after notice and consultation with applicable State, local, county
health, and environmental officials, State, local, and county legislators, and other elected officials, shall—

“(A) publish a list of the localities subject to disproportionate exposure identified under that subsection in the Federal Register; and

“(B) make the list published under subparagraph (A) available electronically.

“(2) UPDATED LIST.—

“(A) IN GENERAL.—Subject to subparagraph (B), not later than 5 years after the date on which the list is published under paragraph (1)(A), and at least once every 5 years thereafter, the Administrator shall update and republish the list.

“(B) DISCRETIONARY UPDATES.—The Administrator may update and republish the list under paragraph (1) more frequently than every 5 years—

“(i) to add new localities that meet the criteria established under subsection (b); or

“(ii) to remove localities, if the Administrator determines that the exposure reduction has been achieved and no further
action is needed after actions are taken under subsection (f).

“(C) Notification.—The Administrator shall notify all applicable State, local, county health, and environmental officials, State, local, and county legislators, and other elected officials of the updated listing.

“(e) No Judicial Review; Nondiscretionary Duty.—

“(1) No Judicial Review.—The following actions under this section shall not be subject to judicial review:

“(A) A decision to include on the list published under subsection (d)(1) a locality identified under subsection (c)(1).

“(B) A decision in response to nominations submitted under subsection (c)(3).

“(C) A decision to list localities under subsection (d)(1) or update the list under subsection (d)(2).

“(2) Nondiscretionary Duty.—Notwithstanding paragraph (1), the failure of the Administrator to publish or update the list of localities in accordance with this section shall be—
“(A) considered to be a failure to perform a nondiscretionary duty; and

“(B) subject to judicial review.

“(f) ACTION PLANS.—

“(1) IN GENERAL.—Not later than 1 year after the date on which the list is published or updated under subsection (d), the Administrator shall develop and publish, for each locality identified on the list, an action plan that includes—

“(A) an identification of the chemical substances and mixtures that contribute to the disproportionate exposure (including exposure levels, sources, and pathways); and

“(B) a description of actions planned by the Administrator to reduce disproportionate exposure in the locality.

“(2) GOALS.—The goal of each action plan under this subsection shall be to reduce disproportionate exposure in the locality by establishing—

“(A) a percentage exposure reduction goal for each chemical substance and mixture; and

“(B) a timeline to achieve the percentage exposure reduction goal.

“(g) REPORT TO CONGRESS.—The Administrator shall—
“(1) submit to Congress an annual report that identifies—

“(A) each locality added to the list in the prior year under subsection (d);

“(B) each action plan developed in the prior year under subsection (f); and

“(C) the progress on each action plan to date; and

“(2) make the report available to the public in electronic format.

“SEC. 35. APPLICATION OF THIS ACT TO FEDERAL AGENCIES.

“(a) IN GENERAL.—Except as provided in subsection (e), each Federal agency, and any officer, agent, or employee of a Federal agency, shall be subject to, and comply with, all applicable requirements of this Act described in subsection (b), both substantive and procedural, in the same manner, and to the same extent, as any person subject to the requirements.

“(b) DESCRIPTION OF REQUIREMENTS.—The substantive and procedural requirements referred to in this subsection include—

“(1) any administrative order;

“(2) any civil or administrative penalty or fine, regardless of whether the penalty or fine is—
“(A) punitive or coercive in nature; or

“(B) imposed for isolated, intermittent, or continuing violations;

“(3) any requirement for reporting;

“(4) any provision for injunctive relief and sanctions that may be imposed by a court to enforce such relief; and

“(5) payment of reasonable service charges.

“(e) WAIVER OF IMMUNITY.—The United States expressly waives any immunity otherwise applicable to the United States with respect to any substantive or procedural requirement referred to under subsection (a).

“(d) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this title with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

“(e) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under this Act, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to such sanction.

“(f) EXEMPTION.—
“(1) IN GENERAL.—If the President determines it is in the paramount interest of the United States, the President may grant an exemption for any Federal agency from compliance with any requirement of this Act.

“(2) LACK OF APPROPRIATION.—No exemption shall be granted under paragraph (1) due to lack of appropriation unless—

“(A) the President has specifically requested the appropriation as a part of the budgetary process; and

“(B) Congress has failed to make the requested appropriation available.

“(3) PERIOD OF EXEMPTION.—Any exemption granted under paragraph (1) shall be for a period of not more than 1 year, but additional exemptions may be granted for periods not to exceed 1 year, if the President makes a subsequent determination that the exemption is in the paramount interest of the United States.

“(4) REPORT.—Each January after the date of enactment of this section, the President shall submit to Congress a report that describes—
“(A) all exemptions granted under this subsection during the preceding calendar year; and

“(B) the reason for granting each exemption.

“(g) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

“(1) IN GENERAL.—The Administrator may initiate an administrative enforcement action against any Federal agency—

“(A) in accordance with the enforcement authorities of this Act; and

“(B) in the same manner and under the same circumstances as an action would be initiated against another person.

“(2) SETTLEMENT.—Any voluntary resolution or settlement of an administrative enforcement action initiated under this subsection shall be set forth in a consent order.

“(3) FINALITY OF ADMINISTRATIVE ORDER.—

No administrative order issued to a Federal department, agency, or instrumentality under this subsection shall become final until the Federal department, agency, or instrumentality has had the opportunity to confer with the Administrator.
“SEC. 36. IMPLEMENTATION OF STOCKHOLM CONVENTION,
THE LRTAP POPS PROTOCOL, AND THE ROTTERDAM CONVENTION.

“(a) DEFINITIONS.—In this section:

“(1) CHEMICAL.—The term ‘chemical’ includes any substance or mixture of substances, including a substance that is part of an article.

“(2) LRTAP CONVENTION.—The term ‘LRTAP Convention’ means the Convention on Long-Range Transboundary Air Pollution, done at Geneva on November 13, 1979 (TIAS 10541), and any subsequent amendments to which the United States is a party.

“(3) LRTAP POPs CHEMICAL.—The term ‘LRTAP POPs chemical’ means any chemical listed on any Annex of the LRTAP POPs Protocol, if such listing has entered into force for the United States.

“(4) LRTAP POPs PROTOCOL.—The term ‘LRTAP POPs Protocol’ means the Protocol on Persistent Organic Pollutants to the LRTAP Convention, done at Aarhus on June 24, 1998, and any subsequent amendment to which the United States is a party.

“(5) MEETING OF THE PARTIES.—The term ‘meeting of the parties’ means—
“(A) the Conference of the Parties established by and operating under Article 19 of the Stockholm Convention;

“(B) the Executive Body established by and operating under Article 10 of the LRTAP POPs Convention; and

“(C) the Conference of the Parties established by and operating under Article 18 of the Rotterdam Convention.

“(6) PIC CHEMICAL.—The term ‘PIC chemical’ means any chemical identified by notification to the Secretariat of the Rotterdam Convention by the United States as banned or severely restricted in the United States, and any chemical listed on any Annex of the Rotterdam Convention, if such listing has entered into force for the United States.

“(7) POPS CHEMICAL.—The term ‘POPs chemical’ means any chemical that is listed on any Annex of the Stockholm Convention, if such listing has entered into force for the United States.

“(8) ROTTERDAM CONVENTION.—The term ‘Rotterdam Convention’ means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on Sep-
tember 10, 1998, and any subsequent amendment to
which the United States is a party.

“(9) STOCKHOLM CONVENTION.—The term
‘Stockholm Convention’ means the Stockholm Con-
vention on Persistent Organic Pollutants, done at
Stockholm on May 22, 2001, and any subsequent
amendment to which the United States is a party.

“(b) IMPLEMENTATION OF INTERNATIONAL AGRE-
EMENTS.—

“(1) IN GENERAL.—The Administrator, in co-
operation with appropriate Federal agencies, shall
implement and support the implementation by the
United States of the provisions of the Stockholm
Convention, the LRTAP POPs Protocol, and the
Rotterdam Convention that have entered into effect
for the United States.

“(2) PROHIBITIONS.—Notwithstanding any
other provision of law, no person may manufacture,
process, distribute in commerce, use, dispose of, or
take any other action with respect to a POPs chem-
ical, LRTAP POPs chemical, or PIC chemical in a
manner inconsistent with applicable obligations for
that chemical under the Stockholm Convention,
LRTAP POPs Protocol, or Rotterdam Convention.

“(3) PUBLIC NOTICE AND COMMENT.—
“(A) IN GENERAL.—The Administrator shall provide timely public notice and opportunity to comment on a chemical proposed for listing to any Annex to the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention.

“(B) CONTENTS.—The Administrator shall identify in the notice under subparagraph (A) any relevant toxicity, exposure, and risk information on the chemical known to the Administrator, and any domestic activities involving the chemical known to the Administrator.

“(C) NOTICE AND COMMENT.—

“(i) IN GENERAL.—Any interested person may provide relevant comment and information on the chemical in response to the notice under subparagraph (A).

“(ii) REQUEST FOR INFORMATION.—The Administrator may require the provision of relevant information related to a proposed chemical from any person, as the Administrator determines necessary to assist the United States in the review.

“(iii) PUBLIC DOCKET.—The Administrator shall consider all comments and in-
formation received under this subpara-
graph in the review of the proposal and in-
clude the comments and information in an
established public docket.

“(D) POST-RECOMMENDATION.—

“(i) IN GENERAL.—The Administrator
shall provide timely public notice and op-
portunity to comment after a recommenda-
tion is made to list a chemical on any
Annex to the Stockholm Convention, the
LRTAP POPs Protocol, or the Rotterdam
Convention.

“(ii) MEETING OF THE PARTIES.—
The Administrator shall provide the notice
under clause (i) in advance of the meeting
of the Parties at which the recommenda-
tion is to be considered.

“(iii) REQUEST FOR INFORMATION.—
The Administrator shall request comment
and information on all aspects of the rec-
ommendation and may, if the Adminis-
trator determines it to be necessary to as-
sist the United States in the review, re-
quire the provision of relevant information
related to a proposed chemical from any person.

“(iv) Public Docket.—The Administrator shall consider all comments and information received under this subparagraph in the review of the proposal and include the comments and information in an established public docket.

“(E) Decisions.—

“(i) In General.—Not later than 30 days after a decision by the meeting of the parties, the Administrator shall provide timely public notice and opportunity to comment on any decision by the meeting of the parties to list a chemical on any Annex to the Stockholm Convention.

“(ii) Contents.—The Administrator shall provide in the notice under clause (i) a description of the amendments to the instruments and identify the changes to the domestic activities that the Administrator believes, based on information available to the Administrator, would be necessary if the United States chose to be bound by the listing decision.
“(iii) Public Comment.—Any interested person may provide relevant comment and information in response to the notice under clause (i).

“(iv) Public Docket.—The Administrator shall consider all comments and information received under this subparagraph in the review of the proposal and include the comments and information in an established public docket.

“(F) Ratification.—Not later than 30 days after the United States deposits the instrument of ratification for the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, or not later than 30 days after the listing of any chemical subsequently added under those instruments has entered into force for the United States (whichever date is earlier), the Administrator—

“(i) shall provide public notice of—

“(I) the chemicals that are subject to those instruments; and

“(II) any chemical subsequently added under those instruments; and
“(ii) may specify the requirements that are applicable for individual chemicals in a public notice under this subparagraph.

“(4) GENERAL RULEMAKING AUTHORITY.—The Administrator may promulgate regulations necessary to carry out the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, or to ensure compliance with any obligations under such instruments.

“(5) OBLIGATIONS.—If a chemical is subject to obligations under more than 1 of the instruments that includes the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, the most stringent of the obligations shall apply to ensure compliance with each of the instruments.

“(c) ENFORCEMENT.—The prohibitions and any other requirements of this section shall be enforced in the same manner as final rules or orders under section 6.”.

(b) CONFORMING AMENDMENTS.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended—

(1) by striking the item relating to section 2 and inserting the following:

“Sec. 2. Findings, policy, and goal.”;
(2) by striking the item relating to section 4 and inserting the following:

"Sec. 4. Minimum data set and testing of chemical substances.”;

(3) by striking the item relating to section 6 and inserting the following:

"Sec. 6. Prioritization, safety standard determination, and risk management.”;

(4) by striking the items relating to sections 29 through 31; and

(5) by adding after the item relating to section 28 the following:

"Sec. 29. Children’s Environmental Health Research Program.
Sec. 30. Reduction of animal-based testing.
Sec. 31. Safer alternatives and green chemistry and engineering.
Sec. 32. Cooperation with international efforts.
Sec. 33. Reliable information and advice.
Sec. 34. Hot spots.
Sec. 35. Application of this Act to Federal agencies.
Sec. 36. Implementation of Stockholm Convention, the LRTAP Pops Protocol, and the Rotterdam Convention.
Sec. 37. Annual report.
Sec. 38. Authorization of appropriations.”.