

109TH CONGRESS
1ST SESSION

S. 1391

To amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2005

Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY) 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 reduce the exposure of children, workers, and consumers to toxic chemical substances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child, Worker, and
5 Consumer-Safe Chemicals Act of 2005” or as the “Kid
6 Safe Chemicals Act”.

7 **SEC. 2. FINDINGS, POLICIES, AND GOALS.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) The incidence of some diseases and dis-
2 orders which have been linked to chemical exposures
3 are on the rise.

4 (2) The metabolism, physiology, and exposure
5 patterns of developing fetuses, infants, and children
6 to toxic chemicals differ from those of adults, which
7 makes children more vulnerable than adults to the
8 harmful effects of exposure to some synthetic chemi-
9 cals.

10 (3) Unlike pharmaceuticals and pesticides,
11 manufacturers of most chemical substances are not
12 required under current law to supply human or envi-
13 ronmental toxicity information before selling their
14 products to the public. Consequently, the vast major-
15 ity of chemicals used in commercial products have
16 never had any Federal review to evaluate potential
17 toxicity to infants, children, developing fetuses, or
18 adults.

19 (4) Biomonitoring tests have shown that a
20 fetus, infant, or child in the United States today
21 often have many synthetic chemicals in their blood
22 and tissue.

23 (5) Despite these alarming discoveries, the En-
24 vironmental Protection Agency has reviewed the
25 human health risks of only an estimated 2 percent

1 of the 62,000 chemicals that were in use in 1976,
2 when Congress passed the Toxic Substances Control
3 Act (15 U.S.C. 2601 et seq.). The Environmental
4 Protection Agency has issued regulations to ban or
5 restrict the use of only 5 chemical substances in 29
6 years, due to the law's excessively high administra-
7 tive and legal hurdles.

8 (6) A fundamental overhaul of United States
9 chemical management is needed to build a non-toxic
10 environment for our children.

11 (b) POLICY.—It is the policy of the United States
12 to—

13 (1) promote children's health as a paramount
14 national goal, recognizing that developing fetuses,
15 infants, and children are uniquely vulnerable to the
16 harmful effects of some toxic chemicals during all
17 stages of their development;

18 (2) minimize toxic substances in the environ-
19 ment of children, workers, and consumers by—

20 (A) promoting the use of safer substitutes
21 and solutions to reduce exposure to hazardous
22 chemicals by rewarding business innovation;

23 (B) holding chemical manufacturers re-
24 sponsible for providing complete health and
25 safety data for each chemical they produce

1 prior to distribution of that chemical substance
2 in commerce; and

3 (C) providing the Environmental Protec-
4 tion Agency with authority to allow the com-
5 mercial distribution of chemical substances only
6 where the data and information show there is
7 a reasonable certainty that the chemical sub-
8 stances pose no harm to human health or the
9 environment; and

10 (3) provide the public and workers the full right
11 to know about the health effects of the chemical sub-
12 stances to which they are exposed.

13 (c) GOALS.—It is the goal of the United States to
14 eliminate the exposure of all children, workers, consumers,
15 and sensitive subgroups to harmful chemicals distributed
16 in commerce by 2020 by—

17 (1) identifying the highest priority chemical
18 substances for review by 2007;

19 (2) making a safety determination for, at a
20 minimum, the first 300 priority chemical substances
21 by 2010 and banning or restricting the use of a
22 chemical substance if it cannot be shown to meet the
23 safety standard; and

24 (3) making a safety determination for all chem-
25 ical substances by 2020, and banning or restricting

1 the use of a chemical if it cannot be shown to meet
2 the safety standard.

3 **SEC. 3. PROTECTION OF CHILDREN'S HEALTH FROM CHEM-**
4 **ICAL SUBSTANCES.**

5 (a) IN GENERAL.—The Toxic Substances Control Act
6 (15 U.S.C. 2601 et seq.) is amended by adding at the end
7 the following:

8 **“TITLE V—CHILD SAFE**
9 **CHEMICALS**

10 **“SEC. 501. MANUFACTURER SAFETY CERTIFICATIONS.**

11 “(a) SAFETY STATEMENT AND INFORMATION.—Not
12 later than 1 year after the date of enactment of this title,
13 each manufacturer of a chemical substance distributed in
14 commerce shall submit to the Administrator—

15 “(1) a statement signed by the chief executive
16 officer of the manufacturer certifying, based on
17 available information after a good faith inquiry,
18 that—

19 “(A) the chemical substance meets the
20 safety standard defined in section 503(a); or

21 “(B) there is insufficient data to determine
22 whether the chemical substance meets that safe-
23 ty standard; and

24 “(2) all reasonably available information in the
25 company's possession or control that has not pre-

1 viously been submitted to the Administrator regard-
2 ing the physical, chemical, and toxicological prop-
3 erties of the chemical substance, and the annual pro-
4 duction volume and known uses of, and exposure
5 and fate information relating to, the chemical sub-
6 stance.

7 “(b) UPDATING OF INFORMATION.—Each manufac-
8 turer of a chemical substance described in subsection (a)
9 shall update the information described in subsection
10 (a)(2)—

11 “(1) at a minimum, every 3 years; and

12 “(2) at any time at which there becomes avail-
13 able significant new information regarding a phys-
14 ical, chemical, or toxicological property of, or expo-
15 sure to, the chemical substance, including at a min-
16 imum any information that shows a new potential
17 toxic effect, corroborates previous information show-
18 ing or suggesting a toxic effect, or suggests a toxic
19 effect at a lower dose than previously demonstrated.

20 “(c) NEW CHEMICAL SUBSTANCES.—Prior to a new
21 chemical substance being distributed in commerce, the
22 chief executive officer of the manufacturer must certify the
23 safety of that chemical substance as directed in subsection
24 (a).

1 “(d) DEFINITION OF TOXICOLOGICAL PROPERTY.—
2 For the purposes of this title, ‘toxicological property’
3 means actual or potential toxicity, bioconcentration, or
4 other biological or adverse effects, including but not lim-
5 ited to effects on mortality, morbidity, reproduction, devel-
6 opment, the immune system, the endocrine system, the
7 brain or nervous system, or any other biological functions
8 in humans or animals.

9 **“SEC. 502. PRIORITY LIST OF CHEMICAL SUBSTANCES FOR**
10 **EPA SAFETY DETERMINATION.**

11 “(a) PRIORITY LIST.—

12 “(1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this title, the Admin-
14 istrator shall develop a priority list of not less than
15 300 chemical substances (referred to in this title as
16 the ‘priority list’) which shall be the first chemical
17 substances for which a safety determination is made,
18 as set forth in section 503. Chemical substances that
19 may pose the greatest risk to humans shall be
20 ranked as highest priority.

21 “(2) UPDATING OF LIST.—Additional chemical
22 substances shall be added to the priority list at least
23 annually until all chemical substances which meet
24 the criteria set forth in subsection (b) have been
25 added to the priority list.

1 “(3) TREATMENT AS FINAL AGENCY ACTION.—
2 Development of the priority list shall not be consid-
3 ered to be a final agency action for the purpose of
4 subchapter II of chapter 5, and chapter 7, of title
5 5, United States Code (commonly known as ‘the Ad-
6 ministrative Procedure Act’), but the Administra-
7 tor’s failure to issue or update a priority list by the
8 deadline established in the Act shall be considered a
9 failure to perform a nondiscretionary duty.

10 “(b) CRITERIA FOR IDENTIFYING PRIORITIZED
11 CHEMICAL SUBSTANCES.—In determining the priority list
12 of chemical substances for a safety determination, the Ad-
13 ministration shall take into account whether the chemical
14 substance—

15 “(1) is found in human blood, fluids, or tissue,
16 unless the chemical substance is not synthetic and is
17 naturally present at the level found in blood, fluids,
18 or tissue;

19 “(2) is found in food or drinking water, unless
20 the chemical substance is not synthetic and is natu-
21 rally present at the level found in food or drinking
22 water;

23 “(3) is manufactured or discharged into the en-
24 vironment at a volume of more than 1,000,000
25 pounds annually;

1 “(4) is a known or suspected reproductive, neu-
2 rological, or immunological toxicant, carcinogen,
3 mutagen, or endocrine disruptor, or causes negative
4 developmental effects; or

5 “(5) is persistent or bioaccumulative.

6 **“SEC. 503. EPA SAFETY DETERMINATION FOR CHEMICAL**
7 **SUBSTANCES.**

8 “(a) DEFINITION OF SAFETY STANDARD.—In this
9 section, the term ‘safety standard’ means, with respect to
10 a chemical substance (or another chemical substance with
11 a common mechanism of action)—

12 “(1) a standard that provides a reasonable cer-
13 tainty that no harm will be caused by aggregate ex-
14 posure of a fetus, infant, child, worker, or member
15 of other sensitive subgroup; and

16 “(2) in the case of a fetus, infant, or child, a
17 standard that accounts for their special vulnerability
18 to potential pre- and post-natal exposures by apply-
19 ing an additional 10 fold safety factor to the level
20 established for adults.

21 “(b) CHEMICAL SAFETY INFORMATION.—

22 “(1) IN GENERAL.—On receipt of a request
23 from the Administrator, a manufacturer of the
24 chemical substance shall provide to the Adminis-

1 trator all information requested under this sub-
2 section.

3 “(2) INFORMATION.—In making a determina-
4 tion with respect to a chemical substance under sub-
5 section (c), the Administrator shall take into account
6 each of the following:

7 “(A) Environmental fate and transport, in-
8 cluding degradation, persistence in the environ-
9 ment, mobility, and distribution across environ-
10 mental media, of the chemical substance.

11 “(B) Biological fate and transport, includ-
12 ing metabolism, bioaccumulation and bio-
13 magnification potential, and toxicokinetics.

14 “(C) Acute, subchronic, and chronic
15 human health effects of exposure to the sub-
16 stance, including reproductive, developmental,
17 genotoxic, neurotoxic, immunotoxic, and endo-
18 crine-disrupting effects.

19 “(D) The potential for additive or syner-
20 gistic effects to result from exposure to multiple
21 chemical substances.

22 “(E) The ecotoxicity of a chemical sub-
23 stance to avian, terrestrial, and aquatic species.

24 “(F) The presence of the chemical sub-
25 stance in, at a minimum—

1 “(i) human blood, fluids, or tissue;

2 and

3 “(ii) food or drinking water.

4 “(G) The uses of the chemical substance
5 and associated known and potential releases
6 and exposures.

7 “(3) MINIMUM DATA SET.—The Administrator
8 shall establish a minimum set of data requirements
9 that would ensure that determinations under sub-
10 section (c) are based on reliable data.

11 “(4) TIERING PROCESS.—The Administrator
12 shall have the authority to develop a tiering process
13 for the submission of the information.

14 “(c) SAFETY DETERMINATION.—

15 “(1) PRIORITY CHEMICALS.—

16 “(A) IN GENERAL.—Not later than 3 years
17 after the date on which a chemical substance
18 has been placed on the priority list, the Admin-
19 istrator shall determine whether the manufac-
20 turer has established that the chemical sub-
21 stance meets the safety standard.

22 “(B) INTERIM STANDARDS.—

23 “(i) NOTICE OF PENDING DETER-
24 MINATION.—If the Administrator fails to
25 act within the deadlines established in sub-

1 paragraph (A), a manufacturer affected by
2 the failure to act shall issue to the Admin-
3 istrator, the public, and each known cus-
4 tomer of a chemical substance a written
5 notice that a determination of safety is
6 pending.

7 “(ii) FAILURE OF ADMINISTRATOR TO
8 ACT.—Not later than 5 years after the
9 date on which a chemical substance has
10 been placed on the priority list, if the Ad-
11 ministrator has not made a determination
12 under subparagraph (A), the chemical sub-
13 stance shall not be distributed in com-
14 merce.

15 “(2) OTHER CHEMICAL SUBSTANCES.—Not
16 later than 15 years after the date of enactment of
17 this title, the Administrator shall determine whether
18 each chemical substance distributed in commerce
19 meets the safety standard. Not less than 1 time
20 every 15 years thereafter, the Administrator shall
21 reassess the safety of all chemical substances distrib-
22 uted in commerce.

23 “(3) NEW CHEMICAL SUBSTANCES.—As of the
24 date that is 90 days after the date of enactment of
25 this title, no new chemical substance shall be distrib-

1 uted in commerce unless the chemical substance has
2 met the safety standard under subsection (a), as de-
3 termined by the Administrator.

4 “(d) BIOMONITORING.—

5 “(1) IN GENERAL.—Within 5 years after the
6 date of enactment of this title, and every 3 years
7 thereafter, a manufacturer of a chemical substance
8 shall carry out a biomonitoring study to determine
9 the presence in human blood, fluids, or tissue for
10 any chemical substance—

11 “(A) which is manufactured in quantities
12 greater than 1,000,000 pounds during 1 cal-
13 endar year; or

14 “(B) for any chemical substance distrib-
15 uted in commerce—

16 “(i) to which humans are exposed;
17 and

18 “(ii) for which there is cause for con-
19 cern regarding the exposure (as deter-
20 mined by the Administrator), such as a po-
21 tential for persistence or bioaccumulation
22 of the chemical substance.

23 “(2) STANDARD.—The Administrator shall by
24 regulation establish a standard for biomonitoring
25 studies under this subsection that includes—

1 “(A) the use of a representative sample
2 that ensures that likely exposed populations in-
3 cluding children are oversampled; and

4 “(B) a determination of appropriate detec-
5 tion levels of chemical substances.

6 “(3) SUBSTANCE DETECTION.—A manufacturer
7 of a chemical substance subject to paragraph (1)
8 shall make available to the public a practicable
9 method (as determined by the Administrator) for de-
10 tecting the presence of the substance or any of its
11 metabolites in human blood, fluids, and tissue.

12 **“SEC. 504. REDUCTION OF HEALTH HAZARDS FOR CHIL-**
13 **DREN, WORKERS, AND CONSUMERS.**

14 “(a) MARKET RESTRICTIONS.—No person shall man-
15 ufacture a chemical substance if—

16 “(1) the Administrator determines that the per-
17 son failed to act in accordance with section 501 or
18 section 503;

19 “(2) the Administrator determines that the
20 chemical substance does not meet the safety stand-
21 ard defined in section 503(a); or

22 “(3) the Administrator has not made a safety
23 determination for the chemical substance by the
24 deadline established in paragraph (1)(B)(ii), (2), or
25 (3) of section 503(c).

1 “(b) USE EXEMPTIONS.—The Administrator may
2 allow manufacturing for a specified use of any chemical
3 substance where the Administrator determines such use
4 meets the safety standard defined in section 503(a).

5 “(c) EXEMPTION FROM BIOMONITORING.—Any man-
6 ufacturer that submitted to the Administrator a biomoni-
7 toring study of a chemical substance on or before the date
8 of enactment of this title shall be exempt from the initial
9 biomonitoring under section 503(d) for that chemical sub-
10 stance.

11 “(d) OTHER EXEMPTIONS.—

12 “(1) IN GENERAL.—The President, in his non-
13 delegable duty, may make an exemption from this
14 section for a specific use of a chemical substance for
15 a period not to exceed 5 years if after public notice
16 and comment he determines that—

17 “(A) an exemption is in the paramount in-
18 terest of national security, or if the lack of
19 availability of the chemical substance would
20 cause significant disruption in the national
21 economy; and

22 “(B) no feasible alternative for the speci-
23 fied use of the chemical substance is available.

24 “(2) RENEWABILITY.—The President may
25 renew an exemption under paragraph (1) for addi-

1 tional 5 year periods if the President concludes after
2 public comment that such a renewal is necessary.

3 “(3) PUBLIC NOTICE.—A manufacturer of a
4 chemical substance for which an exemption under
5 this subsection is made shall provide notice of the
6 exemption to each known customer, and the Presi-
7 dent shall provide the public with a notice of such
8 an exemption.

9 **“SEC. 505. ANIMAL TESTING ALTERNATIVES.**

10 “(a) ALTERNATIVES TO ANIMAL TESTING.—

11 “(1) IN GENERAL.—To minimize the use of ani-
12 mal testing of chemical substances, the Adminis-
13 trator shall—

14 “(A) require the use, where practicable,
15 of—

16 “(i) existing data to fill data gaps by
17 calling for mandatory disclosure of all ex-
18 isting data, and thoroughly investigating
19 sources of existing data;

20 “(ii) replacement alternatives that—

21 “(I) do not involve the use of an
22 animal to test the chemical substance;
23 and

1 “(II) provide information that is
2 equivalent in scientific quality to the
3 animal testing method; and

4 “(iii) reduction alternatives that use
5 fewer animals than conventional animal-
6 based tests when replacement alternatives
7 are impracticable, including the use of
8 tests that combine two or more endpoints;

9 “(B) encourage, where practicable—

10 “(i) the grouping of similar chemicals
11 into categories to limit testing to only
12 those chemicals which are representative of
13 the group; and

14 “(ii) the forming of industry consortia
15 to jointly conduct testing to avoid dupli-
16 cation of tests; and

17 “(C) fund research and validation studies
18 to reduce and replace the use of animal tests as
19 provided in this section.

20 “(2) LIST OF ALTERNATIVE TESTING METH-
21 ODS.—Not later than 1 year after the date of enact-
22 ment of this title, and triennially thereafter, the Ad-
23 ministrator, in consultation with the Interagency
24 Science Advisory Board established in section 507,

1 shall publish a list of the alternative testing methods
2 described in paragraph (1).

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out this section
5 \$5,000,000.

6 **“SEC. 506. SAFER ALTERNATIVES AND GREEN CHEMISTRY.**

7 “(a) SAFER ALTERNATIVES PROGRAM.—Within 1
8 year after the date of enactment of this title, the Adminis-
9 trator shall establish a program to create market incen-
10 tives for the development of safer alternatives to existing
11 chemical substances. This program shall include, but not
12 be limited to—

13 “(1) expedited review of new chemical sub-
14 stances for which the manufacturer submits an al-
15 ternatives analysis indicating that the new chemical
16 substance is the safer alternative for a particular use
17 than existing chemical substances used for the same
18 purpose;

19 “(2) recognition for a chemical substance found
20 by the Administrator to be a safer alternative for a
21 particular use by means of a special designation in-
22 tended for use in marketing the safer alternative,
23 and periodic public awards; and

24 “(3) other incentives as the Administrator con-
25 siders appropriate to encourage the development,

1 marketing and use of chemical substances found by
2 the Administrator to be safer alternatives for the
3 particular uses.

4 “(b) GREEN CHEMISTRY RESEARCH AND CLEARING-
5 HOUSE NETWORK.—

6 “(1) IN GENERAL.—The Administrator shall es-
7 tablish a network of not less than 4 green chemistry
8 and technology research and clearinghouse centers,
9 located in various regions of the United States, to
10 support the development and adoption of safer alter-
11 natives to chemical substances, particularly chemical
12 substances placed on the priority list.

13 “(2) REQUIREMENTS.—The research and clear-
14 inghouse centers described in paragraph (1) shall—

15 “(A) provide technical assistance relating
16 to alternatives analysis, green chemistry, and
17 green technology techniques to small and me-
18 dium-sized manufacturers of chemical sub-
19 stances;

20 “(B) provide technical training relating to
21 alternatives analysis, green chemistry, and
22 green technology techniques to students and
23 professionals;

24 “(C) conduct alternatives analysis, green
25 chemistry and green technology research; and

1 “(D) provide grants to promote and sup-
2 port the research, development, adoption and
3 use of alternatives to the activities identified in
4 subparagraphs (A), (B), and (C).

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—
6 There are authorized to be appropriated to carry out
7 this subsection—

8 “(A) for fiscal year 2006, \$40,000,000;
9 and

10 “(B) for each of fiscal years 2007 through
11 2010, \$30,000,000.

12 **“SEC. 507. INTERAGENCY SCIENCE ADVISORY BOARD ON**
13 **CHILDREN’S HEALTH AND TOXIC SUB-**
14 **STANCES.**

15 “(a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this title, the Administrator shall
17 form an Interagency Science Advisory Board on Children’s
18 Health and Toxic Substances which shall include at a min-
19 imum representatives from the National Institute of Envi-
20 ronmental Health Sciences, the Centers for Disease Con-
21 trol and Prevention, the National Toxicology Program, the
22 National Cancer Institute, the National Tribal Science
23 Council and not less than 3 centers of children’s health
24 at leading universities.

1 “(b) PURPOSES.—The purposes of the Board shall be
2 to—

3 “(1) provide independent advice and peer review
4 to the Administrator and Congress on the scientific
5 and technical aspects of problems and issues related
6 to the requirement of this title;

7 “(2) review the scientific and technical basis for
8 the standards, rules, guidance, and other science-
9 based decisions under this Act and providing expert
10 consultation and advice to the Administrator; and

11 “(3) reduce the duplication of the efforts by
12 manufactures to conform with the requirements of
13 this title, and to reduce animal testing.

14 **“SEC. 508. COOPERATION WITH INTERNATIONAL EFFORTS.**

15 “In cooperation with the Secretary of State and the
16 head of any other appropriate Federal agency (as deter-
17 mined by the Administrator), the Administrator shall co-
18 operate with any international effort—

19 “(1) to develop a common protocol or electronic
20 database relating to chemical substances; or

21 “(2) to develop safer alternatives for chemical
22 substances.

23 **“SEC. 509. PUBLIC ACCESS TO INFORMATION.**

24 “(a) TRANSMISSION TO ADMINISTRATOR.—Each
25 Federal agency and Federal institution shall transmit to

1 the Administrator all information provided to the Federal
2 agency or institution relating to a hazard of or risk of
3 exposure to a chemical substance.

4 “(b) ELECTRONIC DATABASE.—

5 “(1) STANDARD.—Not later than 180 days
6 after the date of enactment of this title, the Admin-
7 istrator, in collaboration with interested parties,
8 shall establish standards for an electronic format for
9 sharing of information relating to the toxicity and
10 use of, and exposure to, chemical substances.

11 “(2) DATABASE.—Not later than 3 years after
12 the date of enactment of this title, the Adminis-
13 trator, in collaboration with interested parties, shall
14 develop, and establish procedures for maintaining, a
15 database in which to store the information described
16 in paragraph (1).

17 “(c) PUBLIC ACCESS.—The Administrator shall
18 make available to the public—

19 “(1) any information provided to the Adminis-
20 trator relating to the properties and hazards of a
21 chemical substance; and

22 “(2) any nonconfidential information, as de-
23 scribed in section 510, provided to the Administrator
24 relating to exposure to the substance.

1 “(d) RELIABLE INFORMATION.—The Administrator
2 shall establish procedures to ensure data reliability that
3 include—

4 “(1) not less than 1 time each year, the Admin-
5 istrator shall randomly inspect not less than 3 per-
6 cent of the commercial and private laboratories
7 which develop the data required by the title on the
8 various properties and characteristics of a chemical
9 substance; and

10 “(2) annually, the Administrator shall perform
11 a comprehensive data audit on a statistically signifi-
12 cant number of the data submissions submitted by
13 manufacturers under this title.

14 **“SEC. 510. CONFIDENTIAL BUSINESS INFORMATION.**

15 “(a) IN GENERAL.—If a manufacturer of a chemical
16 substance submits to the Administrator or any other Fed-
17 eral agency or institution any confidential business infor-
18 mation (as defined in section 350.27 of volume 40, Code
19 of Federal Regulations, as in effect on the date of enact-
20 ment of this title), the chief executive officer shall provide
21 to the Administrator or other Federal agency or insti-
22 tute—

23 “(1) a written justification for maintaining the
24 confidentiality of the information, including, if appli-
25 cable, a statement that the information must be kept

1 confidential to protect a trade secret of the manufac-
2 turer; and

3 “(2) certification that the information is not
4 otherwise publicly available.

5 “(b) INFORMATION FROM FOREIGN COUNTRIES.—
6 Any information provided to the Administrator by an offi-
7 cer or employee of a foreign government shall be consid-
8 ered to be confidential business information if the infor-
9 mation is considered to be confidential business informa-
10 tion by the officer or employee of the foreign government,
11 except as described in subsection (c).

12 “(c) NONCONFIDENTIAL INFORMATION.—The name
13 of a chemical substance and all information concerning its
14 effects on human health or the environment shall not be
15 considered to be confidential business information under
16 this section.

17 **“SEC. 511. RELATIONSHIP TO OTHER LAW.**

18 “Nothing in this title affects the right of a State or
19 political subdivision of a State to adopt or enforce any reg-
20 ulation, requirement, liability, or standard of performance
21 that is more stringent than a regulation, requirement, li-
22 ability, or standard of performance established by this
23 title.”.

24 (b) EFFECT OF SECTION.—Notwithstanding the
25 amendment made by subsection (a)(1), any regulation pro-

1 mulgated (including any prohibition or restriction issued)
2 under the provisions repealed by that subsection before the
3 date of enactment of this Act shall remain in effect until
4 the date on which the Administrator of the Environmental
5 Protection Agency promulgates new regulations under
6 title V of the Toxic Substances Control Act (15 U.S.C.
7 2601 et seq.) (as added by subsection (a)(2)).

8 (c) CONFORMING AMENDMENTS.—

9 (1) TESTING OF CHEMICAL SUBSTANCES AND
10 MIXTURES.—Section 4 of the Toxic Substances Con-
11 trol Act (15 U.S.C. 2603) is amended—

12 (A) in subsection (f), in the matter fol-
13 lowing paragraph (2), by inserting “, or title
14 V,” after “section 5, 6, or 7”; and

15 (B) in subsection (g), by inserting “or title
16 V” after “section 5(a)”.

17 (2) MANUFACTURING AND PROCESSING NO-
18 TICES.—Section 5 of the Toxic Substances Control
19 Act (15 U.S.C. 2604) is amended—

20 (A) in subsection (b)—

21 (i) in paragraph (1)(A)(ii), by insert-
22 ing “or title V” after “section 4”; and

23 (ii) in paragraph (2)(A)(ii), by insert-
24 ing “or title V” after “section 4”;

1 (B) in subsection (d)(2)(C), by inserting
2 “or title V” after “section 4”;

3 (C) in subsection (e)(2)(D), in the first
4 sentence, by inserting “or title V” after “sec-
5 tion 6(a)”;

6 (D) in subsection (f)—

7 (i) in paragraph (1), by inserting “or
8 title V” after “section 6”;

9 (ii) in paragraph (2), in the matter
10 preceding subparagraph (A), by inserting
11 “or title V” after “section 6(a)”; and

12 (iii) in paragraph (3)(B), by inserting
13 “or title V” after “section 6”; and

14 (E) in subsection (g), by inserting “, or
15 title V,” after “section 6 or 7”.

16 (3) IMMINENT HAZARDS.—Section 7 of the
17 Toxic Substances Control Act (15 U.S.C. 2606) is
18 amended—

19 (A) in subsection (a)—

20 (i) in paragraph (1), in the matter fol-
21 lowing subparagraph (C)—

22 (I) by striking “section 4, 5, 6,
23 or title IV” and inserting “section 4,
24 5, or 6, or title IV or V,”; and

1 (II) by striking “section 5 or title
2 IV” and inserting “section 5 or title
3 IV or V”; and

4 (ii) in paragraph (2), by inserting
5 “title V or” before “section 6(a)”; and

6 (B) in subsection (f), in the second sen-
7 tence, by inserting “or title V” after “section
8 6”.

9 (4) REPORTING AND RETENTION OF INFORMA-
10 TION.—Section 8 of the Toxic Substances Control
11 Act (15 U.S.C. 2607) is amended—

12 (A) in subsection (a)(3)(A)(ii)—

13 (i) in subclause (I), by inserting “or
14 title V” after “or 6,”; and

15 (ii) in subclause (II), by inserting “or
16 title V” after “section 5 or 7”; and

17 (B) in subsection (b)(1)—

18 (i) in the first sentence, by striking
19 “section 5 or subsection (a) of this sec-
20 tion” and inserting “subsection (a), section
21 5, or title V”; and

22 (ii) in the second sentence, by insert-
23 ing “or title V” after “section 5”.

1 (5) RELATIONSHIP TO OTHER FEDERAL
2 LAWS.—Section 9(a) of the Toxic Substances Con-
3 trol Act (15 U.S.C. 2608(a)) is amended—

4 (A) in paragraph (2), in the matter fol-
5 lowing subparagraph (B), by inserting “or title
6 V” after “section 6 or 7”; and

7 (B) in paragraph (3), by inserting “or title
8 V” after “section 6 or 7”.

9 (6) EXPORTS.—Section 12 of the Toxic Sub-
10 stances Control Act (15 U.S.C. 2611) is amended—

11 (A) in subsection (a)(2), by inserting “or
12 title V” after “section 4”; and

13 (B) in subsection (b)—

14 (i) in paragraph (1), by inserting “or
15 title V” after “section 4 or 5(b)”; and

16 (ii) in paragraph (2)—

17 (I) by inserting “or title V” after
18 “issued under section 5”;

19 (II) by inserting “or title V”
20 after “section 5 or 6”; and

21 (III) by inserting “or title V”
22 after “section 5 or 7”.

23 (7) ENTRY INTO CUSTOMS TERRITORY OF THE
24 UNITED STATES.—Section 13(a)(1) of the Toxic
25 Substances Control Act (15 U.S.C. 2612(a)(1)) is

1 amended by striking subparagraph (B) and inserting
2 the following:

3 “(B) the substance, mixture, or article is
4 offered for entry in violation of section 5, 6, or
5 7, or title IV or V.”.

6 (8) DISCLOSURE OF DATA.—Section
7 14(b)(1)(A)(ii) of the Toxic Substances Control Act
8 (15 U.S.C. 2613(b)(1)(A)(ii)) is amended by strik-
9 ing “for which testing” and all that follows through
10 “section 5, and” and inserting “for which testing or
11 a notification is required under section 4 or 5 or
12 title V; and”.

13 (9) PROHIBITED ACTS.—Section 15 of the
14 Toxic Substances Control Act (15 U.S.C. 2614) is
15 amended—

16 (A) by striking paragraph (1) and insert-
17 ing the following:

18 “(1) fail or refuse to comply with any rule or
19 requirement under section 4, 5, or 6, or title II or
20 V;”; and

21 (B) in paragraph (2), by striking “viola-
22 tion of section 5” and all that follows through
23 “section 5 or 7” and inserting “violation of sec-
24 tion 5, 6, or 7, or title V”.

1 (10) SPECIFIC ENFORCEMENT AND SEIZURE.—
2 Section 17(a)(1) of the Toxic Substances Control
3 Act (15 U.S.C. 2616(a)(1)) is amended—

4 (A) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) restrain any person from taking an
7 action prohibited under section 5 or 6, or title
8 IV or V;” and

9 (B) in subparagraph (D), by striking “in
10 violation” and all that follows through “title
11 IV” and inserting “in violation of section 5 or
12 6 or title IV or V”.

13 (11) PREEMPTION.—Section 18 of the Toxic
14 Substances Control Act (15 U.S.C. 2617) is amend-
15 ed to read as follows:

16 **“SEC. 18. PREEMPTION.**

17 “Nothing in this Act affects the authority of a State
18 or political subdivision of a State to establish or continue
19 in effect any regulation of a chemical substance, mixture,
20 or article containing a chemical substance or mixture.”.

21 (12) JUDICIAL REVIEW.—Section 19 of the
22 Toxic Substances Control Act (15 U.S.C. 2618) is
23 amended—

24 (A) in subsection (a)—

25 (i) in paragraph (1)—

1 (I) in subparagraph (A), by strik-
2 ing “title II or IV” and inserting
3 “title II, IV, or V”; and

4 (II) in subparagraph (B), by in-
5 serting “or title V” after “section
6 6(b)(1)”; and

7 (ii) in paragraph (3), by striking sub-
8 paragraph (B) and inserting the following:
9 “(B) for a rule or finding under section 4,
10 5, or 6, or title IV or V, the finding required
11 for the issuance of the rule;”; and

12 (B) in subsection (c)(1)(B)—

13 (i) in clause (i), by inserting “, or title
14 V,” after “6(e)”; and

15 (ii) in clause (iii)(I), by striking “sec-
16 tion 6(e)(1), or” and inserting “section
17 6(c)(1) or title V; or”.

18 (13) CITIZENS’ CIVIL ACTIONS.—Section
19 20(a)(1) of the Toxic Substances Control Act (15
20 U.S.C. 2619(a)(1)) is amended by striking “title II
21 or IV” and inserting “title II, IV, or V”.

22 (14) CITIZENS’ PETITIONS.—Section 21 of the
23 Toxic Substances Control Act (15 U.S.C. 2620) is
24 amended—

1 (A) in subsection (a), by striking “a rule
2 under” and all that follows through “6(b)(2)”
3 and inserting “a rule or order under section 4,
4 5, 6, or 8, or title V”; and

5 (B) in subsection (b)—

6 (i) in paragraph (1), by striking “ a
7 rule under” and all that follows through
8 “6(b)(1)(B)” and inserting “a rule or
9 order under section 4, 5, 6, or 8, or title
10 V”;

11 (ii) in paragraph (3), in the first sen-
12 tence, by inserting “, or title V” after
13 “section 4, 5, 6, or 8”; and

14 (iii) in paragraph (4)(B)—

15 (I) in the matter preceding clause
16 (i), by striking “section 4” and all
17 that follows through “6(b)(2)” and in-
18 serting “rule or order under section 4,
19 5, 6, or 8, or title V”;

20 (II) in clause (i), by striking “a
21 rule under” and all that follows
22 through “section 5(e)” and inserting
23 “a rule or order under section 4 or 5
24 or title V”; and

1 (III) in clause (ii), by striking
2 “under section 6” and all that follows
3 through “6(b)(2)” and inserting “or
4 order under section 6 or 8 or title V”.

5 (15) EMPLOYMENT EFFECTS.—Section 24 of
6 the Toxic Substances Control Act (15 U.S.C. 2623)
7 is amended—

8 (A) by striking subsection (a) and insert-
9 ing the following:

10 “(a) IN GENERAL.—The Administrator shall evalu-
11 ate, on a continuing basis, the potential effects on employ-
12 ment (including reductions in employment or loss of em-
13 ployment from threatened plant closures) of each rule,
14 order, and requirement under sections 4, 5, and 6, and
15 title V.”; and

16 (B) in subsection (b)—

17 (i) in paragraph (1), in the matter fol-
18 lowing subparagraph (B), by striking “a
19 rule or order” and all that follows through
20 “section 5 or 6” and inserting “a rule,
21 order, or requirement under section 4, 5,
22 or 6, or title V”; and

23 (ii) in paragraph (2)(B)(ii), by strik-
24 ing “section 6(c)(3), and” and inserting
25 “section 6(c)(3) and title V; and”.

1 (16) ADMINISTRATION OF THE ACT.—Section
2 26(b)(1) of the Toxic Substances Control Act (15
3 U.S.C. 2625(b)(1)) is amended by inserting “or title
4 V” after “section 4 or 5” each place it appears.

5 (17) DEVELOPMENT AND EVALUATION OF TEST
6 METHODS.—Section 27(a) of the Toxic Substances
7 Control Act (15 U.S.C. 2626(a)) is amended by in-
8 serting “or title V” after “section 4” each place it
9 appears.

10 (18) ANNUAL REPORT.—Section 30 of the
11 Toxic Substances Control Act (15 U.S.C. 2629) is
12 amended—

13 (A) in paragraph (1), by inserting “and
14 title V” after “section 4”;

15 (B) in paragraph (2)—

16 (i) by inserting “or title V” after
17 “section 5”;

18 (ii) by inserting “or title V” after
19 “section 4”; and

20 (iii) by inserting “or title V” after
21 “section 5(g)”; and

22 (C) in paragraph (3), by inserting “or title
23 V” after “section 6”.

24 (19) TABLE OF CONTENTS.—The table of con-
25 tents of the Toxic Substances Control Act (15

- 1 U.S.C. prec. 2601) is amended by adding at the end
2 the following:

“TITLE V—CHILD SAFE CHEMICALS

- “Sec. 501. Manufacturer safety certifications.
“Sec. 502. Priority list of chemical substances for EPA safety determination.
“Sec. 503. EPA Safety determination for chemical substances.
“Sec. 504. Reduction of health hazards for children, workers, and consumers.
“Sec. 505. Animal testing alternatives.
“Sec. 506. Safer alternatives and green chemistry.
“Sec. 507. Interagency Science Advisory Board on Children’s Health and Toxic Substances.
“Sec. 508. Cooperation with international efforts.
“Sec. 509. Public access to information.
“Sec. 510. Confidential business information.
“Sec. 511. Relationship to other law.”.

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