

113TH CONGRESS
1ST SESSION

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. BENNET, 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.

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 “Safe Chemicals Act
5 of 2013”.

1 **SEC. 2. PURPOSES.**

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

4 **SEC. 3. FINDINGS, POLICY, AND GOAL.**

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

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

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

11 “(a) FINDINGS.—Congress finds that—

12 “(1) each year human beings and the environ-
13 ment are exposed to a large number of chemical sub-
14 stances;

15 “(2) the chemical industry, an important part
16 of the United States economy, provides valuable
17 products that are used in diverse manufacturing in-
18 dustries and other commercial, institutional, and
19 consumer applications;

20 “(3) more than 3 decades after the enactment
21 of this Act, people and the environment in the
22 United States are still exposed to thousands of
23 chemicals whose safety has not been adequately re-
24 viewed and may harm health and the environment;

1 “(4) the incidence of some diseases and dis-
2 orders linked to chemical substance exposures is on
3 the rise;

4 “(5) biomonitoring of chemical substances in
5 humans reveals that people in the United States
6 carry hundreds of hazardous chemicals in their bod-
7 ies;

8 “(6) the concentrations of certain chemical sub-
9 stances that persist and accumulate are increasing
10 in the environment and in human bodies and are
11 found across the world, including in the remote Arc-
12 tic in which Native Americans face increasing con-
13 tamination of traditional foods;

14 “(7) differences in metabolism and physiology
15 at certain stages of development can make infants
16 and children more vulnerable than adults to the ef-
17 fects of chemical exposure, especially exposure that
18 occurs in utero, during infancy, and during other
19 critical periods of development;

20 “(8) manufacturers and processors of chemicals
21 should supply sufficient health and environmental
22 information before distributing products in com-
23 merce;

24 “(9) the Administrator must have and exercise
25 the authority to develop sufficient information to as-

1 sess chemical safety, and to act effectively when the
2 Administrator obtains information that indicates
3 there are risks of harmful exposure to chemical sub-
4 stances;

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

13 “(11) a revised policy on the safety of chemical
14 substances will assist in renewing the manufacturing
15 sector of the United States, create new and safer
16 jobs, spur innovations in green chemistry, restore
17 confidence domestically and internationally in the
18 safety of products of the United States, and ensure
19 that products of the United States remain competi-
20 tive in the global market.

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

22 “(1) to protect the health of children, workers,
23 consumers, and the public, and to protect the envi-
24 ronment from harmful exposures to chemical sub-
25 stances;

1 “(2) to promote the use of safer alternatives
2 and other actions that reduce the use of and expo-
3 sure to hazardous chemical substances and reward
4 innovation toward safer chemicals, processes, and
5 products;

6 “(3) to require that chemicals in commerce
7 meet a risk-based safety standard that protects vul-
8 nerable and affected populations and the environ-
9 ment;

10 “(4) to require companies to provide sufficient
11 health and environmental information for the chem-
12 ical substances that the companies manufacture,
13 process, or import as a condition of allowing those
14 companies to distribute chemical substances in com-
15 merce;

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

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

23 “(7) to strengthen cooperation between and
24 among the Federal Government and State, munic-
25 ipal, tribal, and foreign governments.

1 “(c) GOAL.—It is the goal of the United States to
2 address the harmful exposure of vulnerable or affected
3 populations to chemical substances caused by the distribu-
4 tion of chemical substances in commerce by—

5 “(1) reviewing all chemical substances for safe-
6 ty and identifying the highest priority chemical sub-
7 stances for expedited review;

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

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

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

15 **SEC. 4. DEFINITIONS.**

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

18 (1) by striking paragraph (12);

19 (2) by redesignating paragraphs (2), (3), (4),
20 (5), (6), (7), (8), (9), (10), (11), (13), and (14), as
21 paragraphs (5), (6), (8), (10), (12), (13), (14), (15),
22 (18), (19), (21), and (24), respectively;

23 (3) by inserting after paragraph (1) the fol-
24 lowing:

25 “(2) AGGREGATE EXPOSURE.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the term ‘aggregate exposure’ means
3 exposure from all sources of a chemical sub-
4 stance, including exposure from—

5 “(i) the manufacture, processing, dis-
6 tribution, use, and disposal of that chem-
7 ical substance; and

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

10 “(I) contamination of food, air,
11 water, soil, and house dust from cur-
12 rent or prior uses or activity;

13 “(II) accidental releases;

14 “(III) permitted sources of pollu-
15 tion;

16 “(IV) nonpoint sources of pollu-
17 tion;

18 “(V) documented background lev-
19 els from natural and anthropogenic
20 sources; and

21 “(VI) a mixture or article con-
22 taining that chemical substance.

23 “(B) INCLUSIONS.—The term ‘aggregate
24 exposure’ includes exposure from a chemical
25 substance that is not considered to be a chem-

1 ical substance under this Act solely because of
2 the use of that substance as, or in, a food, food
3 additive, cosmetic, or device (as those terms are
4 defined in section 201 of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 321)).

6 “(3) BIOACCUMULATIVE.—

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

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

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

23 “(A) each common and trade name of a
24 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

1 a new chemical substance under section
2 5(a)(6).”;

3 (5) by inserting after paragraph (6) (as redesignig-
4 nated by paragraph (2)) the following:

5 “(7) CUMULATIVE EXPOSURE.—The term ‘cu-
6 mulative exposure’ means the sum of aggregate ex-
7 posure to each of the chemical substances that are
8 known or suspected to contribute appreciably to the
9 risk of the same or a similar adverse effect.”;

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

12 “(8) DISTRIBUTE IN COMMERCE.—The terms
13 ‘distribute in commerce’ and ‘distribution in com-
14 merce’, when used to describe an action taken with
15 respect to a chemical substance (or mixture or arti-
16 cle containing that chemical substance), mean—

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

19 “(B) to introduce or deliver for introduc-
20 tion into commerce, or the introduction or deliv-
21 ery for introduction into commerce of, the sub-
22 stance, mixture, or article;

23 “(C) to hold, or the holding of, the sub-
24 stance, mixture, or article after its introduction
25 into commerce; or

1 “(D) to export or offer for export the sub-
2 stance, mixture, or article.”;

3 (7) by inserting after paragraph (8) (as redesign-
4 nated by paragraph (2)) the following:

5 “(9) END CONSUMER.—The term ‘end con-
6 sumer’ means an individual or other entity that pur-
7 chases and uses or consumes a chemical substance
8 (or mixture or article containing that chemical sub-
9 stance).”;

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

13 (9) by inserting after paragraph (10) (as redesi-
14 gnated by paragraph (2)) the following:

15 “(11) FEDERAL AGENCY.—The term ‘Federal
16 agency’ means any department, agency, or other in-
17 strumentality of the Federal Government, any inde-
18 pendent agency or establishment of the Federal Gov-
19 ernment including any Government corporation, and
20 the Government Printing Office.”;

21 (10) in paragraph (15) (as redesignated by
22 paragraph (2)), by striking “which is not included in
23 the chemical substance list compiled and published
24 under section 8(b)” and inserting “for which the

1 manufacturer or processor of the chemical substance
2 has not submitted a declaration under section 8(a)”;
3 (11) by inserting after paragraph (15) (as re-
4 designated by paragraph (2)) the following:

5 “(16) PERSISTENT.—

6 “(A) IN GENERAL.—The term ‘persistent’
7 means, with respect to a chemical substance or
8 mixture, that the chemical substance or mix-
9 ture, as determined by the Administrator, sig-
10 nificantly persists in 1 or more environmental
11 media, as indicated by monitoring data or other
12 evidence.

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

19 “(17) PERSON.—

20 “(A) IN GENERAL.—The term ‘person’
21 means an individual, trust, firm, joint stock
22 company, corporation (including a Government
23 corporation), partnership, association, State,
24 municipality, commission, political subdivision
25 of a State, or any interstate body.

1 “(B) INCLUSIONS.—The term ‘person’ in-
 2 cludes each Federal agency and any officer,
 3 agent, or employee of a Federal agency.”;

4 (12) by inserting after paragraph (19) (as re-
 5 designated by paragraph (2)) the following:

6 “(20) SPECIAL SUBSTANCE CHARACTERISTIC.—

7 “(A) IN GENERAL.—The term ‘special sub-
 8 stance characteristic’ means a physical, chem-
 9 ical, or biological characteristic, other than mo-
 10 lecular identity, that the Administrator deter-
 11 mines, by order or rule, may significantly affect
 12 the risks posed by substances exhibiting that
 13 characteristic.

14 “(B) CONSIDERATIONS.—In determining
 15 the existence of special substance characteris-
 16 tics, the Administrator may consider—

17 “(i) size or size distribution;

18 “(ii) shape and surface structure;

19 “(iii) reactivity; and

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

22 (13) by inserting after paragraph (21) (as re-
 23 designated by paragraph (2)) the following:

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

1 chemical substance or mixture has a toxicological
2 property—

3 “(A) meeting the criteria for Category 1 or
4 Category 2 for any of the toxicity endpoints es-
5 tablished by the Globally Harmonized System
6 for the Classification and Labeling of Haz-
7 ardous Substances;

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

11 “(C) for which the weight of evidence
12 (such as demonstration of an adverse effect de-
13 scribed in subparagraph (B), laboratory studies,
14 or data for a chemical from the same chemical
15 class that exhibits that adverse effect) dem-
16 onstrates the potential for an adverse effect in
17 humans or other exposed organisms.

18 “(23) TOXICOLOGICAL PROPERTY.—The term
19 ‘toxicological property’ means actual or potential
20 toxicity or other adverse effects of a chemical sub-
21 stance or mixture, including actual or potential ef-
22 fects of exposure to a chemical substance or mixture
23 on—

24 “(A) mortality;

25 “(B) morbidity, including carcinogenesis;

- 1 “(C) reproduction;
- 2 “(D) growth and development;
- 3 “(E) the immune system;
- 4 “(F) the endocrine system;
- 5 “(G) the brain or nervous system;
- 6 “(H) other organ systems; or
- 7 “(I) any other biological functions in hu-
- 8 mans or nonhuman organisms.”; and

9 (14) by adding at the end the following:

10 “(25) VULNERABLE HUMAN POPULATION.—

11 The term ‘vulnerable human population’ means a
 12 human population that is subject to disproportionate
 13 exposure to, or the potential for disproportionate ad-
 14 verse effect from exposure to, a chemical substance
 15 or mixture, including—

- 16 “(A) infants, children, and adolescents;
- 17 “(B) pregnant women;
- 18 “(C) elderly;
- 19 “(D) individuals with preexisting medical
- 20 conditions;
- 21 “(E) workers that work with chemical sub-
- 22 stances and mixtures; and
- 23 “(F) members of any other appropriate
- 24 population identified by the Administrator.”.

1 **SEC. 5. MINIMUM INFORMATION SETS AND TESTING OF**
2 **CHEMICAL SUBSTANCES.**

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

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

7 **“(a) MINIMUM INFORMATION SETS.—**

8 **“(1) RULE.—**

9 **“(A) IN GENERAL.—**Subject to subpara-
10 graphs (B) and (C), and not later than 1 year
11 after the date of enactment of the Safe Chemi-
12 cals Act of 2013, the Administrator shall estab-
13 lish, by rule, such minimum information sets as
14 the Administrator determines to be appropriate
15 to evaluate chemical substances under sections
16 5 and 6.

17 **“(B) GENERAL REQUIREMENTS.—**The rule
18 promulgated pursuant to subparagraph (A)
19 shall—

20 **“(i) provide for varied or tiered infor-**
21 **mation to be provided for different chem-**
22 **ical substances;**

23 **“(ii) identify the particular minimum**
24 **information set that applies to a chemical**
25 **substance;**

1 “(iii) require each minimum informa-
2 tion set to include sufficient information
3 for the Administrator to conduct a screen-
4 ing-level risk assessment of the chemical
5 substance, including information on the
6 characteristics, toxicological properties, en-
7 vironmental and biological fate and behav-
8 ior, exposure, and use of a chemical sub-
9 stance;

10 “(iv) specify information quality and
11 reliability requirements applicable to the
12 information submitted in the minimum in-
13 formation sets; and

14 “(v) accommodate the use of alter-
15 native testing methods and testing strate-
16 gies to generate information quickly, at low
17 cost, and with reduced use of animal-based
18 testing, including toxicity pathway-based
19 risk assessment, in vitro studies, systems
20 biology, computational toxicology,
21 bioinformatics, and high-throughput
22 screening, to the extent such methods and
23 strategies would yield information of equiv-
24 alent quality and reliability.

1 “(C) SPECIFIC REQUIREMENTS.—The rule
2 promulgated pursuant to subparagraph (A)
3 shall establish minimum information sets suffi-
4 cient for the Administrator to administer this
5 Act, including to carry out—

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

9 “(I) sufficiently robust to gen-
10 erally support the categorization of a
11 new chemical substance as a sub-
12 stance of very low concern under sec-
13 tion 5(b)(2)(D)(iii)(II); and

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

19 “(ii) categorization of existing chem-
20 ical substances under section 6(b)(3), in-
21 cluding the identification of information—

22 “(I) sufficiently robust to gen-
23 erally support the categorization of an
24 existing chemical substance as a sub-

1 stance of very low concern under sec-
2 tion 6(b)(3)(B)(ii); and

3 “(II) in the absence of which the
4 Administrator shall designate an ex-
5 isting chemical substance to be a sub-
6 stance with insufficient information
7 under section 6(b)(3)(B)(iv);

8 “(iii) assignment of chemical sub-
9 stances to priority classes under section
10 6(b)(4);

11 “(iv) safety standard determina-
12 tions—

13 “(I) for new uses of existing
14 chemical substances under section
15 5(b)(2); and

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

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

20 “(2) SUBMISSION OF MINIMUM INFORMATION
21 SET.—Each manufacturer and processor of a chem-
22 ical substance shall submit the minimum informa-
23 tion set for the chemical substance to the Adminis-
24 trator—

1 “(A) for new chemical substances, concu-
2 rent with the notice required under section
3 (5)(b)(1)(A); and

4 “(B) for existing chemical substances, as
5 specified in section 6 or otherwise specified by
6 the Administrator in the rule promulgated pur-
7 suant to paragraph (1)(A).

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

13 “(b) TESTING.—

14 “(1) GENERAL SUBMISSIONS.—

15 “(A) IN GENERAL.—The Administrator
16 may, by rule or order, require testing with re-
17 spect to any chemical substance, and the sub-
18 mission of test results by a specified date, as
19 appropriate for making any determination or
20 carrying out any provision of this Act. Such
21 testing may be required—

22 “(i) to provide information in addition
23 to the information specified in any applica-
24 ble minimum information set under sub-
25 section (a); and

1 “(ii) of persons to whom the Adminis-
2 trator decides not to apply a requirement
3 to submit a minimum information set
4 under subsection (a).

5 “(B) EFFECT ON OTHER AUTHORITY.—
6 Nothing in this paragraph limits the authority
7 of the Administrator under paragraph (2).

8 “(2) SAMPLE SUBMISSIONS.—

9 “(A) IN GENERAL.—The Administrator
10 may, by rule or order, require the submission of
11 a sample of any chemical substance in such
12 manner as the Administrator determines en-
13 ables the Administrator to conduct any tests
14 necessary for making any determination or car-
15 rying out any provision of this Act.

16 “(B) EFFECT ON OTHER AUTHORITY.—
17 Nothing in this paragraph limits the authority
18 of the Administrator under paragraph (1).

19 “(3) PROHIBITION.—In addition to any other
20 authorities available under this Act, the Adminis-
21 trator may, by order, take any action authorized
22 under section 6(f) if a manufacturer or processor is
23 in violation of a rule or order under paragraph (1).

24 “(4) EXEMPTION.—If a manufacturer or proc-
25 essor ceases all manufacture or processing of a

1 chemical substance pursuant to its submission of a
2 declaration of cessation of manufacture or proc-
3 essing under section 8(b)(4) for the chemical sub-
4 stance, the manufacturer or processor shall be ex-
5 empted from the requirements of this subsection.

6 “(c) TEST RULES OR ORDERS.—

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

9 “(A) identification of the chemical sub-
10 stance for which testing is required under the
11 rule or order;

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

14 “(C) a specification of the period (which
15 may not be of unreasonable duration) within
16 which the persons required to conduct the test-
17 ing shall submit to the Administrator informa-
18 tion developed in accordance with the standards
19 referred to in subparagraph (B).

20 “(2) CONSIDERATIONS.—

21 “(A) IN GENERAL.—In determining the
22 standards and period to be required under sub-
23 paragraphs (B) and (C) of paragraph (1), the
24 Administrator shall consider—

1 “(i) the relative costs of the various
 2 test protocols and methodologies that may
 3 be required under the rule or order; and

4 “(ii) the reasonably foreseeable avail-
 5 ability of the facilities and personnel need-
 6 ed to perform the testing required under
 7 the rule.

8 “(B) PRELIMINARY INFORMATION.—Any
 9 rule or order issued by the Administrator under
 10 this subsection may require a manufacturer or
 11 processor to submit preliminary information
 12 during the period described in paragraph
 13 (1)(C).

14 “(3) TYPES OF HEALTH AND ENVIRONMENTAL
 15 INFORMATION.—

16 “(A) IN GENERAL.—The Administrator
 17 may prescribe standards for the development of
 18 test information under this subsection for
 19 health and environmental information, includ-
 20 ing—

21 “(i) information pertaining to carcino-
 22 genesis, mutagenesis, teratogenesis, behav-
 23 ioral disorders, or cumulative, synergistic,
 24 or any other effect that may be considered
 25 in a safety standard determination;

1 “(ii) information pertaining to expo-
2 sure to the chemical substance, including
3 information regarding the presence of the
4 chemical substance in human blood, fluids,
5 or tissue; and

6 “(iii) information pertaining to—

7 “(I) bioaccumulation;

8 “(II) persistence;

9 “(III) acute toxicity;

10 “(IV) subacute toxicity;

11 “(V) chronic toxicity; and

12 “(VI) any other characteristic

13 that may present an adverse effect.

14 “(B) METHODOLOGIES.—

15 “(i) IN GENERAL.—The Administrator
16 may prescribe methodologies in standards
17 for the development of test information, in-
18 cluding—

19 “(I) epidemiologic studies;

20 “(II) biomonitoring or environ-
21 mental monitoring studies;

22 “(III) serial or hierarchical tests;

23 “(IV) in vitro tests;

24 “(V) whole animal tests, con-
25 sistent with section 30; and

1 “(VI) any other methodology
2 deemed appropriate by the Adminis-
3 trator.

4 “(ii) REQUIREMENT.—Prior to pre-
5 scribing epidemiologic studies of employ-
6 ees, the Administrator shall consult with
7 the Director of the National Institute for
8 Occupational Safety and Health.

9 “(C) REVIEW.—Periodically, but not less
10 frequently than once every 3 years, the Admin-
11 istrator shall—

12 “(i) review the adequacy of the stand-
13 ards for development of information pre-
14 scribed under subparagraph (A); and

15 “(ii) if necessary, institute pro-
16 ceedings to make appropriate revisions of
17 those standards.

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

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), a rule or order under sub-
22 section (b) respecting a chemical substance
23 shall specify the persons required to conduct
24 tests and submit information to the Adminis-
25 trator on the substance.

1 “(B) EXCEPTION.—The Administrator
2 may permit 2 or more of the persons described
3 in subparagraph (A) to designate 1 of the per-
4 sons or a qualified third party to conduct the
5 tests and submit the information on behalf of
6 the persons making the designation.

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

11 “(5) EXPIRATION OF RULES AND ORDERS.—

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

19 “(B) CATEGORY OF CHEMICAL SUB-
20 STANCES.—A rule or order under subsection (b)
21 that requires the testing and submission of in-
22 formation for a category of chemical substances
23 shall expire with respect to a chemical sub-
24 stance included in the category at the end of
25 the applicable reimbursement period (as defined

1 in subsection (d)(3)) unless, prior to that date,
 2 the Administrator withdraws the rule or order
 3 with respect to the substance entirely.

4 “(d) EXEMPTIONS.—

5 “(1) IN GENERAL.—Any person required by a
 6 rule or order under subsections (a) or (b) to conduct
 7 tests and submit information for a chemical sub-
 8 stance may apply to the Administrator (in such form
 9 and manner as the Administrator determines nec-
 10 essary) for an exemption from the requirement.

11 “(2) ACTION BY ADMINISTRATOR.—In accord-
 12 ance with paragraph (3) or (4), the Administrator
 13 shall exempt an applicant under paragraph (1), if,
 14 on receipt of the application, the Administrator de-
 15 termines that—

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

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

23 “(ii) information is being developed in
 24 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

1 is sufficient to develop the test infor-
 2 mation.

3 “(B) REIMBURSEMENT FOR PREVIOUSLY
 4 SUBMITTED TEST INFORMATION.—

5 “(i) IN GENERAL.—Except as pro-
 6 vided in clause (ii), for an exemption under
 7 paragraph (2)(B)(i), if the exemption is
 8 granted during the reimbursement period
 9 for the test information, the Administrator
 10 shall order the person granted the exemp-
 11 tion to provide fair and equitable reim-
 12 bursement (in an amount determined by
 13 the Administrator) to—

14 “(I) the person who previously
 15 submitted the test information, for a
 16 portion of the costs incurred by the
 17 person in complying with the informa-
 18 tion submission requirement; and

19 “(II) any other person who has
 20 been required under this subsection to
 21 contribute with respect to the costs,
 22 for a portion of the amount the per-
 23 son was required to contribute.

24 “(ii) EXCEPTION.—Clause (i) shall
 25 not apply if there is agreement on the

1 amount and method of reimbursement be-
 2 tween an exempted person described in
 3 clause (i) and the persons described in sub-
 4 clauses (I) and (II) of that clause.

5 “(iii) CONSIDERATIONS.—In promul-
 6 gating rules for the determination of fair
 7 and equitable reimbursement to the per-
 8 sons described in subclauses (I) and (II) of
 9 clause (i) for costs incurred with respect to
 10 a chemical substance, the Administrator
 11 shall, after consultation with the Attorney
 12 General and the Federal Trade Commis-
 13 sion, consider all relevant factors, includ-
 14 ing—

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

19 “(II) the share of the market for
 20 the substance of the person required
 21 to provide reimbursement in relation
 22 to the share of the market of the per-
 23 sons to be reimbursed.

24 “(C) REIMBURSEMENT DUE TO EXEMP-
 25 TION FOR TEST INFORMATION BEING DEVEL-

1 OPED IN ACCORDANCE WITH RULE OR
2 ORDER.—

3 “(i) IN GENERAL.—Except as pro-
4 vided in clause (ii), for an exemption under
5 paragraph (2)(B)(ii), the Administrator
6 shall order the person granted the exemp-
7 tion to provide fair and equitable reim-
8 bursement (in an amount determined by
9 the Administrator) to—

10 “(I) each person who is devel-
11 oping the test information, for the
12 portion of the costs incurred by each
13 person in complying with the rule or
14 order; and

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

21 “(ii) EXCEPTION.—Clause (i) shall
22 not apply if there is agreement on the
23 amount and method of reimbursement be-
24 tween an exempted person described in

1 clause (i) and the persons described in sub-
2 clauses (I) and (II) of that clause.

3 “(iii) CONSIDERATIONS.—In promul-
4 gating rules for the determination of fair
5 and equitable reimbursement to the per-
6 sons described in subclauses (I) and (II) of
7 clause (i) for costs incurred with respect to
8 a chemical substance, the Administrator
9 shall, after consultation with the Attorney
10 General and the Federal Trade Commis-
11 sion, consider the factors described in sub-
12 paragraph (B)(iii).

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

23 “(I) after providing written no-
24 tice and an opportunity for a hearing
25 to the person who holds the exemp-

1 tion, by order, terminate the exemp-
2 tion; and

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

7 “(e) NOTICE.—

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

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

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

17 “(B) list—

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

22 “(ii) the information required by the
23 applicable standards for the development
24 of test information; and

1 “(C) describe the nature of the test infor-
2 mation developed.

3 “(3) AVAILABILITY.—Subject to section 14, the
4 Administrator shall make the test information de-
5 scribed in this subsection available on a publicly ac-
6 cessible Internet site.

7 “(f) REQUESTS FROM OTHER AGENCIES FOR ADDI-
8 TIONAL INFORMATION OR TESTING.—

9 “(1) IN GENERAL.—The head of a Federal
10 agency may request the Administrator to seek the
11 information on behalf of that agency if the head of
12 that Federal agency determines that—

13 “(A) information relating to a chemical
14 substance, including information derived from
15 new testing or monitoring, would assist that
16 Federal agency in carrying out the duties or ex-
17 ercising the authority of that agency; but

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

20 “(2) DUTY OF ADMINISTRATOR.—Not later
21 than 60 days after the date of receipt of a request
22 under paragraph (1), the Administrator shall—

23 “(A) subject to section 14, make the infor-
24 mation available to the requesting agency or in-
25 stitution;

1 “(B) issue a request under section 8(k) to
2 require—

3 “(i) the submission of existing perti-
4 nent information to the Administrator; and

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

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

10 “(i) to develop the information; and

11 “(ii) to require the developed informa-
12 tion to be furnished to the requesting
13 agency or institution; or

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

17 “(g) CERTIFICATION.—Each person who submits in-
18 formation under this section or under a rule or an order
19 promulgated or issued by the Administrator under this
20 section shall accompany the information with a certifi-
21 cation signed by a responsible official that each statement
22 contained in the submission—

23 “(1) is accurate and reliable; and

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

4 **SEC. 6. NEW CHEMICAL SUBSTANCES AND NEW USES OF**
 5 **CHEMICAL SUBSTANCES.**

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

8 **“SEC. 5. NEW CHEMICAL SUBSTANCES AND NEW USES OF**
 9 **CHEMICAL SUBSTANCES.**

10 “(a) DEFINITIONS.—In this section:

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

14 “(2) TEST MARKETING.—The term ‘test mar-
 15 keting’ does not include any provision of a chemical
 16 substance or mixture, or an article containing a
 17 chemical substance or mixture, to an end consumer
 18 of the chemical substance, mixture, or article.

19 “(b) NEW CHEMICAL SUBSTANCES.—

20 “(1) NOTICES.—Except as provided in sub-
 21 section (h), no person may manufacture a new
 22 chemical substance, or process the chemical sub-
 23 stance for a use that is proposed to meet the criteria
 24 described in section 6(h)(2)(B), unless—

1 “(A) the person submits to the Adminis-
2 trator a notice, in accordance with subsection
3 (g)(1)(A), of the intention of the person to
4 manufacture or process the substance;

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

7 “(C) the Administrator finds that—

8 “(i) the new chemical substance is
9 likely to meet the safety standard under
10 section 6(d), which shall be limited to sub-
11 stances assigned by the Administrator to 1
12 of the categories described in paragraph
13 (2)(D)(iii); or

14 “(ii) the person has established by
15 clear and convincing evidence that 1 or
16 more uses of the new chemical substance
17 meet the criteria described in section
18 6(h)(2)(B), in which case—

19 “(I) the Administrator may by
20 order allow the person to manufacture
21 or process the substance only for such
22 use or uses in accordance with sub-
23 paragraph (A) of section 6(h)(2);

24 “(II) the procedures and require-
25 ments specified in subparagraphs (A),

1 (C), (D), and (E) of section 6(h)(2)
2 shall apply; and

3 “(III) the Administrator shall
4 not, upon receipt of a notice of com-
5 mencement for the chemical substance
6 under subsection (d), add the chem-
7 ical substance to the active inventory
8 established under section 8(h)(1).

9 “(2) CATEGORIZATION OF NEW CHEMICAL SUB-
10 STANCES.—

11 “(A) RULE.—Not later than 1 year after
12 the date of enactment of the Safe Chemicals
13 Act of 2013, the Administrator shall promul-
14 gate a rule that—

15 “(i) designates the categories in ac-
16 cordance with subparagraph (D) and speci-
17 fies the process and criteria the Adminis-
18 trator will use to categorize new chemical
19 substances; and

20 “(ii) describes criteria and factors the
21 Administrator will use to assess weight of
22 evidence and the quality and reliability of
23 information used to inform categorization
24 decisions.

1 “(B) INFORMATION SOURCES.—In catego-
2 rizing a new chemical substance, the Adminis-
3 trator shall consider information on the sub-
4 stance available to the Administrator at the
5 time the categorization decision is to be made,
6 including information—

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

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

15 “(iii) derived through application of
16 validated structure-activity relationship or
17 other models developed by the Adminis-
18 trator to estimate the environmental and
19 human health effects, environmental and
20 biological fate and behavior, and exposure
21 potential of chemical substances;

22 “(iv) inferred based on the degree of
23 similarity of the structure or properties of
24 the new chemical substance to those of 1
25 or more other chemical substances for

1 which reliable information exists that is
2 relevant to predicting the potential envi-
3 ronmental or human health effects, envi-
4 ronmental or biological fate and behavior,
5 or exposure potential of the new chemical
6 substance; and

7 “(v) any additional information the
8 Administrator determines is needed to cat-
9 egorize the substance, including informa-
10 tion identified as needed based on the
11 analysis by the Administrator of estimated
12 or inferred information described in
13 clauses (iii) and (iv).

14 “(C) TIMING.—Not later than 90 days
15 after the date of receipt of a notice under para-
16 graph (1)(A), the Administrator shall assign
17 the new chemical substance for which the notice
18 was submitted to 1 of the categories described
19 in subparagraph (D).

20 “(D) CATEGORIES.—

21 “(i) IN GENERAL.—The rule promul-
22 gated pursuant to subparagraph (A) shall
23 incorporate, establish criteria for, and fur-
24 ther specify as needed, the categories de-
25 scribed in this subparagraph, to 1 of which

1 each new chemical substance for which a
2 notice is submitted pursuant to paragraph
3 (1) shall be assigned.

4 “(ii) SUBSTANCES OF VERY HIGH
5 CONCERN.—

6 “(I) IN GENERAL.—The Admin-
7 istrator shall designate as a substance
8 of very high concern any new chemical
9 substance that—

10 “(aa) is toxic, persists in the
11 environment, and is bioaccumula-
12 tive; or

13 “(bb) is highly hazardous.

14 “(II) REQUIREMENTS.—

15 “(aa) IN GENERAL.—The
16 Administrator shall allow the
17 submitter of a notice under para-
18 graph (1)(A) for a new chemical
19 substance assigned to the cat-
20 egory described in this clause to
21 manufacture or process the new
22 chemical substance only in ac-
23 cordance with paragraph
24 (1)(C)(ii).

1 “(bb) PROHIBITION.—No
2 other person may manufacture or
3 process the chemical substance
4 unless the person has submitted
5 a notice pursuant to paragraph
6 (1) and the requirements of para-
7 graph (1)(C)(ii) have been met
8 with respect to that notice.

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

11 “(I) IN GENERAL.—

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

20 “(AA) for uses and
21 under conditions specified by
22 the submitter of the notice
23 for the new chemical sub-
24 stance pursuant to para-
25 graph (1); or

1 “(BB) for uses and
2 under additional conditions
3 that could be specified by
4 the Administrator in making
5 a safety standard determina-
6 tion for the substance.

7 “(bb) The Administrator
8 shall assign to the category de-
9 scribed in item (aa) any new
10 chemical substance that meets
11 the criteria specified in subclause
12 (II) or (III).

13 “(II) SUBSTANCES OF VERY LOW
14 CONCERN.—

15 “(aa) IN GENERAL.—Within
16 the category described in sub-
17 clause (I), the Administrator
18 shall designate as a substance of
19 very low concern any new chem-
20 ical substance that, based on ro-
21 bust information, the Adminis-
22 trator determines possesses in-
23 trinsic low-hazard properties so
24 that no further action by the Ad-
25 ministrator is warranted unless

1 and until the Administrator re-
2 ceives new information that war-
3 rants a different categorization of
4 the chemical substance.

5 “(bb) BASIS OF DESIGNA-
6 TION.—In identifying new chem-
7 ical substances to be placed in
8 the category described in this
9 subclause, the Administrator
10 shall base the designation of a
11 new chemical substance as a sub-
12 stance of very low concern on the
13 applicable minimum information
14 set required under section 4, un-
15 less the Administrator determines
16 that such designation of a par-
17 ticular new chemical substance—

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

21 “(BB) requires infor-
22 mation in addition to the
23 full minimum information
24 set to address conflicting or
25 ambiguous findings, in

1 which case the Adminis-
2 trator may require the devel-
3 opment and submission of
4 the additional information.

5 “(III) SUBSTANCES TO UNDERGO
6 SAFETY STANDARD DETERMINA-
7 TIONS.—Within the category de-
8 scribed in subclause (I), the Adminis-
9 trator shall designate as a substance
10 to undergo a safety standard deter-
11 mination any new chemical substance
12 that the Administrator determines,
13 based on a screening of available use,
14 hazard, and exposure information, has
15 information available for the chemical
16 substance that is sufficiently robust to
17 determine that the chemical substance
18 does not meet the criteria for the cat-
19 egories described in subclause (II) or
20 clause (ii) or (iv).

21 “(IV) REQUIREMENT.—For a
22 new chemical substance designated as
23 likely to meet the safety standard pur-
24 suant to subclause (II) or (III), the
25 Administrator shall, upon submission

1 of a notice of commencement de-
2 scribed in subsection (d)—

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

6 “(bb) for a chemical sub-
7 stance designated to undergo a
8 safety standard determination, at
9 the discretion of the Adminis-
10 trator accounting for timing of
11 the submission and workload con-
12 siderations, add the chemical
13 substance to the current batch or
14 hold the substance until the next
15 batch of substances to be
16 prioritized in accordance with
17 section 6(b)(4).

18 “(V) MANUFACTURING AND
19 PROCESSING.—Pending the comple-
20 tion of a safety standard determina-
21 tion under section 6(d), a chemical
22 substance designated as a substance
23 likely to meet the safety standard may
24 be manufactured or processed for uses
25 and under conditions specified by the

1 Administrator in determining that the
2 chemical substance is likely to meet
3 the safety standard—

4 “(aa) by the submitter of
5 the notice for the chemical sub-
6 stance submitted pursuant to
7 paragraph (1)(A), upon submis-
8 sion of a notice for the chemical
9 substance pursuant to subsection
10 (d);

11 “(bb) by other manufactur-
12 ers of the chemical substance,
13 once the chemical substance has
14 been placed on the active inven-
15 tory described in section 8(h)(1),
16 upon submission of a declaration
17 for the chemical substance pursu-
18 ant to section 8(b)(1)(B); or

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

22 “(iv) SUBSTANCES WITH INSUFFI-
23 CIENT INFORMATION.—

24 “(I) IN GENERAL.—The Admin-
25 istrator shall designate as a substance

1 with insufficient information any new
2 chemical substance for which the Ad-
3 ministrator concludes, after gathering
4 and screening available use, hazard,
5 and exposure information, that needed
6 information for the chemical sub-
7 stance is not available, is insufficient,
8 or is not of sufficient quality and reli-
9 ability to allow for an informed cat-
10 egorization decision.

11 “(II) REQUIRED SUBMISSION.—
12 For substances designated under this
13 clause, the Administrator shall require
14 submission of the applicable minimum
15 information set specified under section
16 4 as needed to inform categorization
17 decisionmaking for new chemical sub-
18 stances.

19 “(III) RECATEGORIZATION.—
20 Following submission of the applicable
21 minimum information set for the
22 chemical substance pursuant to sub-
23 clause (II), the Administrator shall re-
24 categorize the chemical substance

1 using the categories and process de-
2 scribed in this paragraph.

3 “(IV) PROHIBITION.—Notwith-
4 standing paragraph (1)(C)(ii), no per-
5 son may manufacture or process a
6 chemical substance designated under
7 this clause until and unless the infor-
8 mation described in subclause (II) has
9 been submitted and the Administrator
10 has recategorized the substance, at
11 which time the provisions applicable
12 to the category to which the substance
13 has been assigned shall apply.

14 “(V) SUBSTANCES UNLIKELY TO MEET
15 THE SAFETY STANDARD.—

16 “(I) IN GENERAL.—The Admin-
17 istrator shall designate as a substance
18 unlikely to meet the safety standard
19 any new chemical substance that the
20 Administrator determines, based on
21 available information, would be un-
22 likely to meet the safety standard
23 under section 6(d)—

24 “(aa) for uses and under
25 conditions specified by the sub-

1 mitter of the notice for the chem-
2 ical substance pursuant to para-
3 graph (1); or

4 “(bb) for other uses or
5 under additional conditions that
6 the Administrator may evaluate
7 in making a safety standard de-
8 termination for the chemical sub-
9 stance.

10 “(II) PROHIBITION.—Except as
11 provided under clause (ii), no person
12 may manufacture or process a chem-
13 ical substance designated under this
14 clause.

15 “(c) NEW USES OF EXISTING CHEMICAL SUB-
16 STANCES.—

17 “(1) NEW USES OF EXISTING CHEMICAL SUB-
18 STANCES PRIOR TO SAFETY STANDARD DETERMINA-
19 TION.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), with respect to an existing
22 chemical substance for which the Administrator
23 has not made a safety standard determination
24 under section 6(d), no person may manufacture
25 or process the chemical substance—

1 “(i) for a use that was not ongoing on
2 the date of enactment of the Safe Chemi-
3 cals Act of 2013; or

4 “(ii) at a volume that is significantly
5 increased from the volume as of the date
6 of enactment of the Safe Chemicals Act of
7 2013.

8 “(B) EXCEPTION.—A person may manu-
9 facture or process a chemical substance in a
10 manner prohibited by subparagraph (A) if—

11 “(i) the person submits to the Admin-
12 istrator the notice specified in subsection
13 (g)(1)(B);

14 “(ii) the person complies with sub-
15 section (f); and

16 “(iii) such manufacturing or proc-
17 essing is consistent with subsection
18 (b)(2)(D)(iii)(V).

19 “(C) GUIDANCE.—Not later than 90 days
20 after the date of enactment of the Safe Chemi-
21 cals Act of 2013, the Administrator shall issue
22 guidance for the purpose of identifying what
23 constitute new uses and significantly increased
24 production volumes under this paragraph.

1 “(2) NEW USES OF EXISTING CHEMICAL SUB-
2 STANCES THAT MEET THE SAFETY STANDARD.—

3 “(A) IN GENERAL.—For an existing chem-
4 ical substance for which the Administrator has
5 determined under section 6(d) that the manu-
6 facturers and processors of the chemical sub-
7 stance have established that the substance
8 meets the applicable safety standard, no person
9 may manufacture, process, distribute in com-
10 merce, use, or dispose of the chemical sub-
11 stance, or a mixture or article containing the
12 chemical substance for uses, at production vol-
13 umes, or in manners other than those the Ad-
14 ministrator specified in the safety standard de-
15 termination, unless—

16 “(i) the person submits to the Admin-
17 istrator a notice in accordance with sub-
18 section (g)(1)(C) of the intention of the
19 person to manufacture, process, distribute
20 in commerce, use, or dispose of the chem-
21 ical substance, or a mixture or article con-
22 taining the chemical substance, for the new
23 use or at a new production volume, or in
24 such other manner that is inconsistent
25 with a specified condition or term in the

1 safety standard determination made by the
2 Administrator for that substance; and

3 “(ii) the Administrator determines
4 that the person submitting the notice has
5 established that the chemical substance
6 will continue to meet the safety standard if
7 the allowed uses, production volumes, or
8 other specified conditions or terms for that
9 substance, are revised to encompass the
10 new use, new production volume, or other
11 manner of manufacturing, processing, dis-
12 tribution in commerce, use, or disposal.

13 “(B) AMENDMENT TO SAFETY STANDARD
14 DETERMINATION.—If the conditions described
15 in clauses (i) and (ii) of subparagraph (A) are
16 satisfied, the Administrator shall, by order,
17 amend the safety standard determination for
18 the chemical substance to include the new use,
19 production volume, or other manner of manu-
20 facturing or processing among the allowed uses,
21 production volumes, or manners of manufac-
22 turing, processing, distribution in commerce,
23 use, or disposal of the chemical substance.

24 “(C) SAFETY STANDARD DETERMINA-
25 TION.—

1 “(i) IN GENERAL.—Except as pro-
 2 vided in clauses (ii) and (iii), not later
 3 than 180 days after the date of receipt of
 4 a notice pursuant to subparagraph (A)(i),
 5 the Administrator shall determine whether
 6 the person submitting the notice has estab-
 7 lished that the chemical substance will con-
 8 tinue to meet the safety standard under
 9 section 6(d).

10 “(ii) EXTENSION.—The Administrator
 11 may extend the determination deadline
 12 under clause (i) by 1 or more additional
 13 periods not to exceed 1 year in the aggre-
 14 gate, in such manner as the Administrator
 15 determines necessary.

16 “(iii) FAILURE TO MAKE A TIMELY
 17 DETERMINATION.—The failure of the Ad-
 18 ministrator to make a timely determination
 19 in accordance with this paragraph shall not
 20 be sufficient to satisfy subparagraph
 21 (A)(ii).

22 “(d) NOTICE OF COMMENCEMENT.—

23 “(1) IN GENERAL.—Not later than 30 days
 24 after the date on which a manufacturer or processor
 25 commences manufacturing or processing of a new

1 chemical substance, the manufacturer or processor
2 shall submit to the Administrator a notice of com-
3 mencement of manufacture or processing.

4 “(2) REQUIREMENTS.—The notice of com-
5 mencement shall—

6 “(A) be considered equivalent to the dec-
7 laration required under subparagraph (A) or
8 (C) of section 8(b)(2); and

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

11 “(3) WITHDRAWAL.—A person who has sub-
12 mitted a notice for a chemical substance under sub-
13 section (b) or (c), and has not commenced with man-
14 ufacture or processing of the substance, may with-
15 draw the notice.

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

18 “(1) DETERMINATION.—The Administrator
19 shall determine by order or rule that a variant of a
20 chemical substance exhibiting 1 or more special sub-
21 stance characteristics—

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

25 “(B) is a distinct chemical substance.

1 “(2) REQUIREMENTS FOR VARIANTS THAT ARE
2 SEPARATE USES.—In the case of a chemical sub-
3 stance that the Administrator determines to be a
4 separate use based on the special substance charac-
5 teristics of the chemical substance, the manufacturer
6 or processor shall satisfy such further conditions as
7 the Administrator establishes, by order or rule.

8 “(3) REQUIREMENTS FOR VARIANTS THAT ARE
9 DISTINCT CHEMICAL SUBSTANCES.—In the case of a
10 chemical substance that the Administrator deter-
11 mines to be a distinct chemical substance based on
12 the special substance characteristics of the chemical
13 substance, and that is not listed on the active inven-
14 tory established under section 8(h)(1), the manufac-
15 turer or processor shall comply with the require-
16 ments of subsection (b).

17 “(f) SUBMISSION OF DATA.—

18 “(1) IN GENERAL.—A person shall submit to
19 the Administrator data in accordance with the rule
20 or order at the time that notice is submitted under
21 subsection (b) or (c) if the person is required to sub-
22 mit to the Administrator—

23 “(A) under subsection (b) or (c), a notice
24 prior to beginning the manufacture or proc-
25 essing of a chemical substance; and

1 “(B) under section 4(b), test data for the
2 chemical substance prior to the submission of
3 the notice.

4 “(2) AVAILABILITY.—Subject to section 14, the
5 Administrator shall make any test data submitted
6 under paragraph (1) available on a publicly acces-
7 sible Internet site.

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

13 “(A) prior to and as a condition of the Ad-
14 ministrator assigning the substance to a cat-
15 egory;

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

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

21 “(g) CONTENT AND AVAILABILITY OF NOTICE.—

22 “(1) CONTENT.—

23 “(A) NEW CHEMICAL SUBSTANCES.—A no-
24 tice under subsection (b)(1) shall include—

1 “(i) the chemical identity and any
2 special substance characteristics of the
3 chemical substance;

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

6 “(iii) the information described in sec-
7 tion 8(h)(5)(B)(ii);

8 “(iv) the minimum information set de-
9 scribed in section 4(a), where applicable;
10 and

11 “(v) a statement that—

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

15 “(II) the 1 or more uses pro-
16 posed for the new chemical substance
17 meet the criteria described in section
18 6(h)(2)(B).

19 “(B) NEW USES OF EXISTING CHEMICAL
20 SUBSTANCES PRIOR TO SAFETY STANDARD DE-
21 TERMINATION.—A notice under subsection
22 (c)(1) shall include all updates to the declara-
23 tion described in section 8(b)(2) and informa-
24 tion described in section 8(h)(5)(B)(ii) that is
25 relevant to the new use, new production volume,

1 or other new manner of manufacturing or proc-
2 essing.

3 “(C) NEW USES OF EXISTING CHEMICAL
4 SUBSTANCES THAT MEET THE SAFETY STAND-
5 ARD.—A notice under subsection (c)(2) shall in-
6 clude—

7 “(i) all updates to the declaration de-
8 scribed in section 8(b)(2);

9 “(ii) information described in section
10 8(h)(5)(B)(ii) that is relevant to the new
11 use, new production volume, or other new
12 manner of manufacturing or processing;

13 “(iii) all updates to the minimum in-
14 formation set described in section 4(a) rel-
15 evant to the new use, new production vol-
16 ume, or other new manner of manufac-
17 turing or processing; and

18 “(iv) a statement that the chemical
19 substance will continue to meet the safety
20 standard if the allowed uses, production
21 volumes, or other specified conditions or
22 terms for that chemical substance are re-
23 vised to encompass the new use, produc-
24 tion volume, or other manner of manufac-
25 turing or processing.

1 “(2) AVAILABILITY.—Subject to section 14, the
2 Administrator shall make the notices under para-
3 graph (1) available on a publicly accessible Internet
4 site.

5 “(3) PUBLIC INFORMATION.—Subject to section
6 14, not later than 5 days (excluding Saturdays, Sun-
7 days, and legal holidays) after the date of the receipt
8 of a notice under subsection (b), (c), or (d), or of
9 data under subsection (f), the Administrator shall
10 make available on a publicly accessible Internet site
11 a notice that—

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

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

16 “(C) for substances for which a notice is
17 submitted under subsection (b)(1), is promptly
18 updated to specify the category to which the
19 Administrator has assigned the substance pur-
20 suant to subsection (b)(2) once the assignment
21 has been made;

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

24 “(i) the nature of the tests performed
25 with respect to the chemical substance; and

1 “(ii) any data that were received
2 under subsection (f) or a rule or order
3 under section 4; and

4 “(E) references the availability of the min-
5 imum information set, where applicable.

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

11 “(h) EXEMPTIONS.—

12 “(1) INTRINSICALLY SAFE SUBSTANCES.—

13 “(A) EXEMPTION.—

14 “(i) IN GENERAL.—If the Adminis-
15 trator determines that scientific consensus
16 exists that the intrinsic properties of a new
17 chemical substance are such that the
18 chemical substance does not and would not
19 pose any risk of injury to human health or
20 the environment under any intended or
21 reasonably anticipated levels of production,
22 patterns of use, or exposures arising at
23 any stage across the lifecycle of the chem-
24 ical substance, the Administrator may, by
25 order, exempt the chemical substance, or

1 particular uses of such substances, from 1
2 or more of the requirements of this section.

3 “(ii) BASIS OF DETERMINATION.—A
4 determination under clause (i)—

5 “(I) shall be based on consider-
6 ation of the intrinsic properties of the
7 chemical substance; and

8 “(II) shall not be based on find-
9 ings or assumptions of low human or
10 environmental exposure to such sub-
11 stances.

12 “(B) NOTICE OF DETERMINATION AND EX-
13 EMPTION.—Not later than 30 days after pro-
14 viding an exemption pursuant to subparagraph
15 (A), the Administrator shall publish in the Fed-
16 eral Register a notice that—

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

20 “(ii) if a particular use of the chem-
21 ical substance is exempted under subpara-
22 graph (A), describes the particular use of
23 the chemical substance that the Adminis-
24 trator has exempted; and

1 “(iii) explains and documents the
2 basis for the determination and exemption
3 of the Administrator.

4 “(C) RECONSIDERATION OF EXEMPTION.—

5 “(i) IN GENERAL.—The Administrator
6 may reconsider and revoke or modify any
7 exemption provided under subparagraph
8 (A) at any time if the Administrator deter-
9 mines that—

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

13 “(II) such action is necessary to
14 protect human health or the environ-
15 ment or is otherwise in the public in-
16 terest.

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

21 “(D) PRIOR REGULATORY EXEMPTIONS.—

22 “(i) REVIEW.—

23 “(I) IN GENERAL.—Not later
24 than 180 days after the date of enact-
25 ment 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—

1 “(I) subsection (d) shall apply to
2 new polymeric chemical substances eli-
3 gible for the previously issued exemp-
4 tion—

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

10 “(bb) after a determination
11 by the Administrator pursuant to
12 clause (i)(II)(bb) that continu-
13 ation of the prior exemption is
14 appropriate for some or all such
15 substances, for such substances
16 to which the continuation applies;
17 and

18 “(II) all of this section shall
19 apply to new polymeric chemical sub-
20 stances eligible for the previously
21 issued exemption after a determina-
22 tion by the Administrator pursuant to
23 clause (i)(II)(aa) that continuation of
24 the prior exemption is not appropriate
25 for some or all such substances, for

1 such substances to which the deter-
2 mination applies.

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

7 “(2) TEST MARKETING PURPOSES.—Subject to
8 paragraph (6), the Administrator may, upon applica-
9 tion, exempt any person from any requirement of
10 subsection (b), (c), or (f) to permit the person to
11 manufacture or process a chemical substance for test
12 marketing purposes—

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

20 “(B) under such restrictions as the Admin-
21 istrator considers appropriate.

22 “(3) EQUIVALENT CHEMICAL SUBSTANCES.—

23 “(A) IN GENERAL.—The Administrator
24 shall, upon application, fully or partially exempt
25 any person from the requirement to submit any

1 data under subsection (b) or (f) if, on receipt
2 of an application, the Administrator determines
3 that—

4 “(i) the chemical substance for which
5 the application was submitted is equivalent
6 to a chemical substance for which data has
7 been submitted to the Administrator as re-
8 quired by this Act; and

9 “(ii) submission of data by the appli-
10 cant on the chemical substance would be
11 duplicative of data which has been sub-
12 mitted to the Administrator in accordance
13 with this Act.

14 “(B) EFFECTIVE DATE.—No exemption
15 under this paragraph may take effect before the
16 beginning of the reimbursement period applica-
17 ble to the data.

18 “(C) FAIR AND EQUITABLE REIMBURSE-
19 MENT.—

20 “(i) DEFINITION OF REIMBURSEMENT
21 PERIOD.—In this subparagraph, the term
22 ‘reimbursement period’, with respect to
23 any previously submitted data for a chem-
24 ical substance, means a period—

1 “(I) beginning on the date of the
2 termination of the prohibition, im-
3 posed under this section, on the man-
4 ufacture or processing of the chemical
5 substance by the person who sub-
6 mitted the data to the Administrator;
7 and

8 “(II) ending on the later of—

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

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

18 “(ii) REIMBURSEMENT.—Except as
19 provided in clause (iii), if the Adminis-
20 trator exempts any person, under subpara-
21 graph (A), and the exemption is granted
22 during the reimbursement period for that
23 data, the Administrator shall order the
24 person granted the exemption to provide
25 fair and equitable reimbursement (in an

1 amount determined by the Adminis-
2 trator)—

3 “(I) to the person who previously
4 submitted the data on which the ex-
5 emption was based, for a portion of
6 the costs incurred by the person in
7 complying with the requirement under
8 this title to submit the data; and

9 “(II) to any other person who
10 has been required under this subpara-
11 graph to contribute with respect to
12 the costs, for a portion of the amount
13 the person was required to contribute.

14 “(iii) EXCEPTION.—Clause (ii) shall
15 not apply if the person exempted under
16 that clause and the persons described in
17 subclauses (I) and (II) of that clause agree
18 on the amount and method of reimburse-
19 ment.

20 “(iv) CONSIDERATIONS.—In promul-
21 gating rules for the determination of fair
22 and equitable reimbursement to the per-
23 sons described in subclauses (I) and (II) of
24 clause (ii) for costs incurred with respect
25 to a chemical substance, the Administrator

1 shall, after consultation with the Attorney
2 General and the Federal Trade Commis-
3 sion, consider all relevant factors, includ-
4 ing—

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

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

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

16 “(A) IN GENERAL.—If the conditions de-
17 scribed in subparagraph (B) are met, sub-
18 sections (b), (c), and (f) shall not apply with re-
19 spect to the manufacturing or processing of any
20 chemical substance that is manufactured or
21 processed, or proposed to be manufactured or
22 processed, only in small quantities (as defined
23 by the Administrator by rule) solely for pur-
24 poses of—

1 “(i) scientific experimentation or anal-
2 ysis; or

3 “(ii) chemical research on, or analysis
4 of the chemical substance or another chem-
5 ical substance, including such research or
6 analysis for the development of a product.

7 “(B) CONDITIONS.—All persons engaged
8 in the experimentation, research, or analysis for
9 a manufacturer or processor shall be notified
10 (in such form and manner as the Administrator
11 may prescribe) of any risk to human health
12 that the manufacturer, processor, or the Ad-
13 ministrator has reason to believe may be associ-
14 ated with that chemical substance.

15 “(5) TEMPORARY EXISTENCE.—Subject to
16 paragraph (6), the Administrator may, upon applica-
17 tion, exempt from subsections (b), (c), and (f) the
18 manufacturing or processing of any chemical sub-
19 stance—

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

24 “(B) to which there is no, and will not be,
25 human or environmental exposure.

1 “(6) PUBLICATION.—

2 “(A) IN GENERAL.—As soon as practicable
3 after the date of receipt of an application under
4 paragraph (2) or (5), the Administrator shall
5 publish in the Federal Register notice of the re-
6 ceipt of the application.

7 “(B) REQUIREMENTS.—The Administrator
8 shall—

9 “(i) give interested persons an oppor-
10 tunity to comment upon any application
11 described in subparagraph (A);

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

15 “(iii) publish in the Federal Register
16 notice of the approval or denial of the ap-
17 plication.

18 “(i) CERTIFICATION.—Each submission required
19 under this section or under a rule or an order promulgated
20 or issued by the Administrator under this section shall be
21 accompanied by a certification signed by a responsible offi-
22 cial of the manufacturer or processor that each statement
23 contained in the submission—

24 “(1) is accurate and reliable; and

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

4 **SEC. 7. BATCHING, CATEGORIZATION, PRIORITIZATION,**
 5 **SAFETY STANDARD DETERMINATION, AND**
 6 **RISK MANAGEMENT.**

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

9 (1) by striking subsection (f);

10 (2) by redesignating subsection (e) as sub-
 11 section (i);

12 (3) by striking the section heading and designa-
 13 tion and all that follows through subsection (d) and
 14 inserting the following:

15 **“SEC. 6. BATCHING, CATEGORIZATION, PRIORITIZATION,**
 16 **SAFETY STANDARD DETERMINATION, AND**
 17 **RISK MANAGEMENT.**

18 “(a) BATCHING.—

19 “(1) IN GENERAL.—To ensure that an efficient
 20 and orderly process and pace is established for the
 21 determination of safety of chemical substances in
 22 commerce and the application of risk management
 23 measures as needed, the Administrator shall estab-
 24 lish a system for assigning chemical substances into
 25 batches in accordance with this subsection.

1 “(2) REQUIREMENTS.—

2 “(A) TIMING.—Not later than 270 days
3 after the date of enactment of the Safe Chemi-
4 cals Act of 2013, and not less frequently than
5 once every 5 years thereafter until all chemical
6 substances listed on the active portion of the in-
7 ventory established under section 8(h)(1) have
8 been assigned to a batch, the Administrator
9 shall assign chemical substances on the active
10 portion of the inventory to batches of chemical
11 substances under this subsection.

12 “(B) NUMBER.—Each batch established
13 under this subsection shall include a number of
14 chemical substances approximately equal to the
15 number of chemical substances for which re-
16 ports are submitted to the Administrator under
17 the chemical data reporting rule as of the date
18 of enactment of the Safe Chemicals Act of
19 2013.

20 “(C) PUBLICATION.—The Administrator
21 shall publish, subject to section 14, the list of
22 chemical substances assigned to each batch
23 promptly on designation of the chemical sub-
24 stances to the batch.

25 “(3) INITIAL BATCH.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the initial batch of chemical sub-
3 stances designated under paragraph (2)(A)
4 shall include the chemical substances for which
5 reports are submitted to the Administrator
6 under the chemical data reporting rule as of the
7 date of enactment of the Safe Chemicals Act of
8 2013.

9 “(B) INCLUSIONS AND EXCLUSIONS.—Not-
10 withstanding subparagraph (A), the Adminis-
11 trator may—

12 “(i) include in the initial batch chem-
13 ical substances that—

14 “(I) are manufactured at vol-
15 umes below the threshold used under
16 the chemical data reporting rule to
17 designate chemical substances subject
18 to basic reporting under that rule; but

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

23 “(ii) exclude from the initial batch
24 chemical substances that—

1 “(I) are reported to the Adminis-
2 trator under the chemical data report-
3 ing rule; but

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

8 “(4) SUBSEQUENT BATCHES.—The Adminis-
9 trator shall assign chemical substances to subse-
10 quent batches in a manner that the Administrator
11 determines reflects the extent to which the chemical
12 substances warrant earlier or later evaluation.

13 “(b) CATEGORIZATION AND PRIORITIZATION.—

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

18 “(A) establish the categories and specify
19 the process and criteria the Administrator will
20 use to categorize chemical substances, which
21 shall be consistent with paragraph (3)(B), be-
22 ginning with those chemical substances as-
23 signed to the initial batch described in sub-
24 section (a)(3);

1 “(B) designate the process and criteria the
2 Administrator will use to prioritize chemical
3 substances that are placed in the category of
4 chemical substances to undergo safety standard
5 determinations, which shall be consistent with
6 the priorities described in paragraph (4);

7 “(C) describe how the categorization and
8 prioritization process and criteria relate to, and
9 take into account, the categorization and
10 prioritization decisions made in other jurisdic-
11 tions, including States and foreign govern-
12 ments; and

13 “(D) describe criteria and factors the Ad-
14 ministrator will use to weigh evidence and as-
15 sess the quality and reliability of information
16 used to inform categorization and prioritization
17 decisions.

18 “(2) INFORMATION SOURCES.—

19 “(A) IN GENERAL.—In making categoriza-
20 tion and prioritization decisions, the Adminis-
21 trator shall take into consideration information
22 regarding chemical substances that is available
23 to the Administrator at the time the decisions
24 are made, including information that is—

1 “(i) received by the Administrator
2 from manufacturers or processors pursu-
3 ant to requirements under section 8(b) and
4 (c);

5 “(ii) included in any minimum infor-
6 mation set required under section 4;

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

11 “(iv) identified through an active
12 search by the Administrator of information
13 sources that are publicly available or other-
14 wise accessible to the Administrator.

15 “(B) INFORMATION FROM MANUFACTUR-
16 ERS AND PROCESSORS.—

17 “(i) IN GENERAL.—Subject to clause
18 (ii), on designation by the Administrator
19 under paragraph (3)(B)(iii) of a chemical
20 substance safety standard determination,
21 any manufacturer or processor of a des-
22 ignated chemical substance and any trade
23 association or voluntary consortium that
24 represents a manufacturer or processor of
25 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.

1 “(iii) METHOD OF SUBMISSION.—In-
 2 formation described in this subparagraph
 3 may be submitted to the Administrator
 4 by—

5 “(I) a manufacturer or proc-
 6 essor—

7 “(aa) on an individual basis;

8 or

9 “(bb) through a trade asso-
 10 ciation or voluntary consortium;

11 and

12 “(II) a trade association or vol-
 13 untary consortium that has developed
 14 relevant information on behalf of the
 15 manufacturers or processors of des-
 16 ignated chemical substances rep-
 17 resented by the trade association or
 18 voluntary consortium.

19 “(3) CATEGORIZATION OF CHEMICAL SUB-
 20 STANCES.—

21 “(A) TIMING.—

22 “(i) INITIAL BATCH.—Not later than
 23 180 days after the date of promulgation of
 24 regulations pursuant to paragraph (1), the
 25 Administrator shall publish, subject to sec-

tion 14, the category assignments for the initial batch of chemical substances identified under subsection (a)(3), using the categories 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 Administrator shall publish the category assignments for the chemical substances in the batch.

“(B) CATEGORIES.—The regulation promulgated pursuant to paragraph (1) shall incorporate, 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 CONCERN.—

“(I) IN GENERAL.—The Administrator shall designate as substances of very high concern those chemical substances—

1 “(aa) for which there is evi-
2 dence of widespread exposure and
3 that—

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

7 “(BB) are highly haz-
8 ardous; or

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

14 “(II) INFORMATION SET.—A
15 minimum information set, as specified
16 under section 4, need not be sub-
17 mitted or otherwise available for a
18 chemical substance to be designated a
19 substance of very high concern under
20 this clause.

21 “(ii) SUBSTANCES OF VERY LOW CON-
22 CERN.—

23 “(I) IN GENERAL.—The Admin-
24 istrator shall designate as substances
25 of very low concern those chemical

1 substances that, based on robust in-
2 formation, the Administrator deter-
3 mines possess intrinsic low-hazard
4 properties such that no further action
5 by the Administrator is warranted,
6 unless the Administrator receives new
7 information that warrants a different
8 categorization of the chemical sub-
9 stance.

10 “(II) FACTORS FOR CONSIDER-
11 ATION.—In designating chemical sub-
12 stances to be placed in the very low
13 concern category under this clause,
14 the Administrator shall—

15 “(aa) take into consideration
16 whether chemical substances in
17 commerce have received, as of
18 the date of enactment of the Safe
19 Chemicals Act of 2013, exemp-
20 tions under section 5 of this Act
21 (as in effect on the day before
22 the date of enactment of the Safe
23 Chemicals Act of 2013) based on
24 anticipated low intrinsic hazard;
25 and

1 “(bb) in general, base the
2 designation on a minimum infor-
3 mation set as required under sec-
4 tion 4, unless the Administrator
5 determines that such designation
6 of a particular chemical sub-
7 stance—

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

11 “(BB) requires infor-
12 mation in addition to the
13 full minimum information
14 set to address conflicting or
15 ambiguous findings, in
16 which case the Adminis-
17 trator may require the devel-
18 opment and submission of
19 the additional information.

20 “(iii) SUBSTANCES TO UNDERGO
21 SAFETY STANDARD DETERMINATIONS.—

22 The Administrator shall designate as sub-
23 stances to undergo safety standard deter-
24 minations those chemical substances that
25 the Administrator determines—

1 “(I) based on a screening of
2 available use, hazard, and exposure
3 information, do not meet the criteria
4 for the categories described in clauses
5 (i) and (ii); and

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

11 “(iv) SUBSTANCES WITH INSUFFI-
12 CIENT INFORMATION.—

13 “(I) IN GENERAL.—The Admin-
14 istrator shall designate as substances
15 with insufficient information those
16 chemical substances for which the Ad-
17 ministrator determines, after gath-
18 ering and screening available use, haz-
19 ard, and exposure information, that
20 information is not available, is insuffi-
21 cient, or is not of sufficient quality
22 and reliability to allow for an in-
23 formed categorization decision.

24 “(II) MINIMUM INFORMATION
25 SET.—

1 “(aa) IN GENERAL.—For
2 chemical substances designated
3 under this clause, the Adminis-
4 trator shall require submission of
5 the applicable minimum informa-
6 tion set specified under section 4
7 as needed to inform categoriza-
8 tion decisionmaking.

9 “(bb) TIMING.—The min-
10 imum information set shall be
11 submitted to the Administrator—

12 “(AA) not later than 5
13 years after the date of en-
14 actment of the Safe Chemi-
15 cals Act of 2013 for the ini-
16 tial batch of chemical sub-
17 stances identified under sub-
18 section (a)(3); and

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

25 “(III) RECATEGORIZATION.—

1 “(aa) IN GENERAL.—After
2 submission of the minimum in-
3 formation set for a chemical sub-
4 stance pursuant to subclause (I),
5 the Administrator shall recat-
6 egorize the chemical substance
7 using the categories and process
8 described in this paragraph.

9 “(bb) DISCRETION OF AD-
10 MINISTRATOR.—The Adminis-
11 trator, taking into account the
12 timing of the submission and
13 workload considerations, may—

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

17 “(BB) hold the chem-
18 ical substance until the next
19 batch of chemical substances
20 for recategorization.

21 “(v) DESIGNATION TO ONLY 1 CAT-
22 EGORY.—A chemical substance shall not be
23 simultaneously in more than 1 of the cat-
24 egories designated under clause (i) through
25 (iv).

1 “(4) PRIORITIZATION OF CHEMICAL SUB-
2 STANCES.—

3 “(A) TIMING.—

4 “(i) INITIAL BATCH.—Not later than
5 270 days after the date of promulgation of
6 regulations pursuant to paragraph (1), the
7 Administrator shall publish, subject to sec-
8 tion 14, the priority class assignments,
9 using the priority classes described in sub-
10 paragraph (B), for the chemical substances
11 in the initial batch of chemical substances
12 identified under subsection (a)(3) that the
13 Administrator has assigned to the category
14 of chemical substances to undergo safety
15 standard determinations.

16 “(ii) SUBSEQUENT BATCHES.—Not
17 later than 270 days after the date on
18 which the Administrator designates each
19 subsequent batch of chemical substances
20 under subsection (a)(2)(A), the Adminis-
21 trator shall publish the priority class as-
22 signments for the chemical substances in
23 the batch that the Administrator has as-
24 signed to the category of chemical sub-

1 stances to undergo safety standard deter-
2 minations.

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

6 “(i) potential impacts of the chemical
7 substance on human health and the envi-
8 ronment;

9 “(ii) the hazard potential of the chem-
10 ical substance, including classifications and
11 designations of hazard characteristics by
12 other authoritative entities;

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

15 “(iv) measurements of exposure for a
16 given pathway of exposure, if available and
17 reliable, in preference to less direct indica-
18 tors of, or surrogates for, exposure poten-
19 tial for the same pathway.

20 “(C) PRIORITY CLASSES.—The regulations
21 promulgated pursuant to paragraph (1) shall
22 establish the following priority classes and cri-
23 teria, and further specify the process the Ad-
24 ministrator will use to assign to the priority
25 classes the chemical substances in each batch

1 that the Administrator has assigned to the cat-
2 egory of chemical substances to undergo safety
3 standard determinations:

4 “(i) PRIORITY CLASS 1.—

5 “(I) IN GENERAL.—In each
6 batch, the Administrator shall des-
7 ignate as Priority Class 1 those chem-
8 ical substances that the Administrator
9 determines warrant safety standard
10 determinations in the near term.

11 “(II) INITIAL ASSIGNMENT.—The
12 Administrator shall in each batch ini-
13 tially designate as Priority Class 1
14 chemical substances that possess rel-
15 atively greater hazard potential and
16 for which there is evidence of more
17 significant or widespread exposure.

18 “(III) REASSIGNMENT.—As safe-
19 ty standard determinations for the
20 chemical substance are completed, the
21 Administrator may designate as Pri-
22 ority Class 1 any chemical substance
23 initially assigned to a lower priority
24 class, including chemical substances—

1 “(aa) posing significant haz-
2 ard concerns but of less or un-
3 known exposure concern;

4 “(bb) posing significant ex-
5 posure concern but of less or un-
6 known hazard concern; or

7 “(cc) posing less hazard and
8 exposure concerns.

9 “(IV) FACTORS FOR CONSIDER-
10 ATION.—In determining the number
11 of chemical substances to be placed in
12 Priority Class 1, the Administrator
13 shall seek to balance considerations
14 relating to—

15 “(aa) the number of chem-
16 ical substances for which safety
17 standard determinations need to
18 be conducted;

19 “(bb) the resources available
20 to the Administrator for con-
21 ducting safety standard deter-
22 minations; and

23 “(cc) the deadlines for com-
24 pletion of safety standard deter-

1 minations specified in subsection
2 (d)(4).

3 “(ii) PRIORITY CLASS 2.—

4 “(I) IN GENERAL.—The Admin-
5 istrator shall designate as Priority
6 Class 2 those chemical substances
7 that the Administrator determines are
8 of lower priority than Priority Class 1
9 substances with respect to the timing
10 for conducting safety standard deter-
11 minations.

12 “(II) MINIMUM INFORMATION
13 SET.—

14 “(aa) IN GENERAL.—For
15 chemical substances designated
16 under this clause, the Adminis-
17 trator shall require submission of
18 the applicable minimum informa-
19 tion set specified under section 4
20 as needed to inform prioritization
21 decisionmaking.

22 “(bb) TIMING.—The min-
23 imum information set shall be
24 submitted to the Administrator—

1 “(AA) not later than 5
2 years after the date of en-
3 actment of the Safe Chemi-
4 cals Act of 2013 for chem-
5 ical substances in the initial
6 batch identified under sub-
7 section (a)(3) that are as-
8 signed to Priority Class 2;
9 and

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

16 “(III) REPRIORITIZATION.—After
17 submission of the minimum informa-
18 tion set for a chemical substance
19 under subclause (II), the Adminis-
20 trator shall, if warranted, recategorize
21 or otherwise reprioritize the chemical
22 substance using the priority classes
23 and process described in this para-
24 graph, together with other chemical
25 substances in the batch undergoing

1 prioritization at the time of the sub-
2 mission.

3 “(IV) REPRIORITIZATION TO PRI-
4 ORITY CLASS 1.—As safety standard
5 determinations are completed on Pri-
6 ority Class 1 chemical substances pur-
7 suant to subsection (d), the Adminis-
8 trator shall reprioritize Priority Class
9 2 substances as Priority Class 1 at a
10 pace consistent with—

11 “(aa) the resources available
12 to the Administrator for con-
13 ducting safety standard deter-
14 minations; and

15 “(bb) the deadlines for com-
16 pletion of safety standard deter-
17 minations specified in subsection
18 (d)(4).

19 “(iii) PRIORITY CLASS 3.—

20 “(I) IN GENERAL.—The Admin-
21 istrator shall designate as Priority
22 Class 3 those chemical substances
23 that the Administrator determines
24 may be set aside for further assess-
25 ment until such time as—

1 “(aa) safety standard deter-
2 minations are completed on all
3 Priority Class 1 and 2 sub-
4 stances; or

5 “(bb) new information arises
6 that warrants reprioritization of
7 such a substance to a higher pri-
8 ority class.

9 “(II) MINIMUM INFORMATION
10 SET.—

11 “(aa) IN GENERAL.—For a
12 chemical substance designated
13 under this clause, the Adminis-
14 trator shall not require submis-
15 sion of the applicable minimum
16 information set specified under
17 section 4 until such time as the
18 chemical substance is reassigned
19 to Priority Class 1 or 2.

20 “(bb) SUBMISSION.—On re-
21 assignment of a chemical sub-
22 stance to Priority Class 1 or 2
23 under item (aa), the minimum
24 information set shall be sub-
25 mitted to the Administrator not

1 later than 5 years after the date
2 of the reassignment.

3 “(III) REPRIORITIZATION.—After
4 submission of the minimum informa-
5 tion set for a chemical substance pur-
6 suant to subclause (II), the Adminis-
7 trator shall reprioritize the chemical
8 substance using the priority classes
9 and process described in this para-
10 graph, together with chemical sub-
11 stances in the batch undergoing
12 prioritization at the time of the sub-
13 mission.

14 “(IV) REPRIORITIZATION TO PRI-
15 ORITY CLASSES 1 AND 2.—In conjunc-
16 tion with the reprioritization by the
17 Administrator of Priority Class 2 sub-
18 stances as Priority Class 1, the Ad-
19 ministrator shall reprioritize Priority
20 Class 3 substances as Priority Class 1
21 or 2, at a pace consistent with—

22 “(aa) the resources available
23 to the Administrator for con-
24 ducting safety standard deter-
25 minations; and

1 “(bb) the deadlines for com-
 2 pletion of safety standard deter-
 3 minations specified in subsection
 4 (d)(4).

5 “(c) TREATMENT AS FINAL AGENCY ACTION; NO JU-
 6 DICIAL REVIEW; NONDISCRETIONARY DUTY.—

7 “(1) IN GENERAL.—The designation by the Ad-
 8 ministrator of batches of chemical substances pursu-
 9 ant to subsection (a), the assignment of chemical
 10 substances to categories pursuant to subsection
 11 (b)(3), and the assignment of chemical substances to
 12 priority classes pursuant to subsection (b)(4), in-
 13 cluding any determination of the Administrator to
 14 include a specific chemical substance in, or exclude
 15 a specific chemical substance from, a designated
 16 batch, category, or priority class under this section,
 17 shall not be—

18 “(A) considered to be a final agency action
 19 for the purpose of subchapter II of chapter 5,
 20 and chapter 7, of title 5, United States Code
 21 (commonly known as ‘the Administrative Proce-
 22 dure Act’); or

23 “(B) subject to judicial review.

24 “(2) FAILURE TO ACT.—A failure by the Ad-
 25 ministrator to designate or publish a list of chemical

1 substances assigned to a batch, category, or priority
 2 class in accordance with this subsection shall be—

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

5 “(B) subject to judicial review.

6 “(d) SAFETY STANDARD DETERMINATIONS FOR
 7 CHEMICAL SUBSTANCES.—

8 “(1) IN GENERAL.—

9 “(A) APPLICATION.—This paragraph ap-
 10 plies to any determination or redetermination
 11 regarding whether a chemical substance meets
 12 the safety standards of this Act.

13 “(B) RESPONSIBILITIES.—

14 “(i) IN GENERAL.—For purposes of
 15 this Act, each manufacturer and processor
 16 of a chemical substance shall at all times
 17 bear the burden of proof in any legal pro-
 18 ceeding relating to a decision of the Ad-
 19 ministrator regarding whether the chemical
 20 substance meets the safety standard.

21 “(ii) DUTIES.—For purposes of this
 22 Act—

23 “(I) it shall be the duty of the
 24 manufacturer or processor of a chem-
 25 ical substance to provide sufficient in-

1 formation for the Administrator to de-
2 termine whether the chemical sub-
3 stance meets the safety standard; and

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

8 “(2) ASSESSMENT OF RISK.—

9 “(A) ASSESSMENT.—

10 “(i) IN GENERAL.—A chemical sub-
11 stance that undergoes a safety standard
12 determination under this section may be
13 manufactured, processed, or distributed in
14 commerce only if the Administrator deter-
15 mines that the chemical substance—

16 “(I) meets the safety standard,
17 taking into account any existing con-
18 ditions or controls already in effect; or

19 “(II) can meet the safety stand-
20 ard for all or some uses through the
21 imposition of additional conditions.

22 “(ii) REQUIREMENT.—Any assess-
23 ment of risk used to support a determina-
24 tion that a chemical substance meets the
25 safety standard under clause (i) shall be

1 conducted by employees of the Environ-
2 mental Protection Agency who are com-
3 petent to conduct such assessments.

4 “(B) SAFETY STANDARD.—

5 “(i) IN GENERAL.—The Administrator
6 shall base a determination of whether a
7 safety standard for a chemical substance
8 has been met under subparagraph (A) sole-
9 ly on considerations of human health and
10 the environment, including the health of
11 vulnerable populations.

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

16 “(I) to the extent practicable, re-
17 view and incorporate any available sci-
18 entific information relating to the ef-
19 fect of cumulative exposure relevant to
20 that chemical substance on human
21 health and the environment; and

22 “(II) find that a chemical sub-
23 stance meets the safety standard only
24 if the Administrator finds that there
25 is a reasonable certainty that no harm

1 will result to human health or the en-
2 vironment from aggregate exposure to
3 the chemical substance.

4 “(C) FINANCIAL INTERESTS.—No person
5 conducting an assessment described in subpara-
6 graph (A), or a peer review of such an assess-
7 ment, may have a direct or indirect financial in-
8 terest in the outcome of the assessment.

9 “(D) METHODOLOGY.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), the Administrator shall use the best
12 available science when conducting an as-
13 sessment described in subparagraph (A).

14 “(ii) CONSIDERATIONS.—For the pur-
15 pose of determining the current best avail-
16 able science the Administrator shall base
17 the determination on the recommendations
18 of the National Academy of Sciences in the
19 report entitled ‘Science and Decisions’.

20 “(iii) REVIEW.—Not later than 5
21 years after the date of enactment of the
22 Safe Chemicals Act of 2013, and not less
23 frequently than once every 5 years there-
24 after, the Administrator shall review the
25 methodology under this paragraph and

1 may revise the methodology to reflect new
2 scientific developments or understandings.

3 “(E) SCOPE.—An assessment described in
4 subparagraph (A) shall address health or envi-
5 ronmental impacts including potential or dem-
6 onstrated cancer and noncancer endpoints.

7 “(F) TRANSPARENCY.—In carrying out
8 this subsection, the Administrator shall ensure
9 that the approaches and resulting assessments
10 are communicated in a manner that is trans-
11 parent and understandable to—

12 “(i) the public; and

13 “(ii) risk managers.

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

21 “(i) that the chemical substance may
22 pose in the United States, including risks
23 involving long-range transport of the chem-
24 ical substance in the environment; or

1 “(ii) involving the import of articles
2 and mixtures containing the chemical sub-
3 stance.

4 “(H) RISK ASSESSMENT NOT REQUIRED.—
5 The Administrator shall not be required to con-
6 duct a risk assessment to determine that a
7 manufacturer or processor has not met the bur-
8 den of proof under paragraph (1)(B).

9 “(I) NO JUDICIAL REVIEW.—A determina-
10 tion by the Administrator that a manufacturer
11 or processor has not established that the chem-
12 ical substance meets the applicable safety
13 standard under this subsection shall not be sub-
14 ject to judicial review.

15 “(3) INFORMATION FOR SAFETY STANDARD DE-
16 TERMINATIONS.—

17 “(A) IN GENERAL.—In making a safety
18 standard determination with respect to a chem-
19 ical substance, the Administrator—

20 “(i) shall take into consideration in-
21 formation regarding the chemical sub-
22 stance that is already available to the Ad-
23 ministrator at the time the determination
24 is to be made, including information—

1 “(I) received by the Adminis-
2 trator from manufacturers or proc-
3 essors under this section or section 8;

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

7 “(III) voluntarily submitted by
8 manufacturers and processors in ac-
9 cordance with subsection (b)(2)(B);

10 “(IV) submitted by any other
11 party to the Administrator that is rel-
12 evant to the conduct of a safety
13 standard determination of the chem-
14 ical substance; or

15 “(V) identified through an active
16 search by the Administrator of infor-
17 mation sources that are publicly avail-
18 able or otherwise accessible to the Ad-
19 ministrator;

20 “(ii) shall require information needed
21 to complete the applicable minimum infor-
22 mation set for the chemical substance re-
23 quired under section 4(a);

24 “(iii) may require, by regulation or
25 order pursuant to section 4(b) or 8(e),

1 manufacturers or processors of the chem-
 2 ical substance to develop and submit any
 3 additional information the Administrator
 4 determines is needed to conduct the safety
 5 standard determination of the chemical
 6 substance; and

7 “(iv) shall take into consideration, but
 8 not rely on, assessments of safety or anal-
 9 yses of the effectiveness of existing control
 10 measures—

11 “(I) submitted to the Adminis-
 12 trator by any party; or

13 “(II) conducted by a govern-
 14 mental entity in another jurisdiction.

15 “(4) TIMING OF SAFETY STANDARD DETER-
 16 MINATIONS.—

17 “(A) PRIORITY CLASS 1.—

18 “(i) IN GENERAL.—Beginning with
 19 chemical substances initially designated as
 20 Priority Class 1 under subsection
 21 (b)(4)(C)(i), the Administrator shall con-
 22 duct safety standard determinations of all
 23 chemical substances assigned to the cat-
 24 egory of substances to undergo safety

1 standard determinations pursuant to sub-
2 section (b)(3)(B)(iii).

3 “(ii) INITIAL BATCH.—Not later than
4 5 years after the date of enactment of the
5 Safe Chemicals Act of 2013, the Adminis-
6 trator shall complete and publish safety
7 standard determinations for all chemical
8 substances designated as Priority Class 1
9 substances in the initial batch of chemical
10 substances identified under subsection
11 (a)(3).

12 “(iii) SUBSEQUENT BATCHES.—Not
13 later than 5 years after the date on which
14 the Administrator designates chemical sub-
15 stances as Priority Class 1 in each subse-
16 quent batch of chemical substances under
17 subsection (a)(2)(A), the Administrator
18 shall complete and publish safety standard
19 determinations for those Priority Class 1
20 substances in the batch.

21 “(B) PRIORITY CLASSES 2 AND 3.—

22 “(i) IN GENERAL.—Each chemical
23 substance initially designated as Priority
24 Class 2 or 3 shall become subject to
25 reprioritization and safety standard deter-

1 minations in accordance with subsection
2 (b)(4).

3 “(ii) REPRIORITIZATION.—Not later
4 than 5 years after the date on which the
5 Administrator designates a Priority Class
6 2 or 3 substance to be Priority Class 1, the
7 Administrator shall complete and publish
8 the safety standard determination on the
9 chemical substance.

10 “(C) NOTICE OF OVERDUE DETERMINA-
11 TION.—If the Administrator fails to act by an
12 applicable deadline under subparagraph (A) or
13 (B), each manufacturer and processor of a
14 chemical substance for which the Administrator
15 has failed to act shall provide to the Adminis-
16 trator, the public, employees and recognized
17 bargaining agents of any employees who are
18 represented by bargaining agents of the manu-
19 facturer or processor, and each known customer
20 who has purchased the chemical substance with-
21 in a reasonable timeframe, as determined by
22 the Administrator by regulation or order, a
23 written notice that a determination by the Ad-
24 ministrator of the safety of the chemical sub-
25 stance is pending.

1 “(D) FAILURE OF MANUFACTURER OR
 2 PROCESSOR TO MEET DUTIES.—If a manufac-
 3 turer or processor fails to meet any duty under
 4 this paragraph for a chemical substance, the
 5 Administrator, by order, may take any action
 6 authorized under subsection (f).

7 “(5) OUTCOME OF SAFETY STANDARD DETER-
 8 MINATIONS.—

9 “(A) DETERMINATION.—

10 “(i) IN GENERAL.—In making a safe-
 11 ty standard determination for a chemical
 12 substance, the Administrator, by order,
 13 shall determine or redetermine, as appro-
 14 priate, whether the manufacturers and
 15 processors of the chemical substance have
 16 established that the chemical substance
 17 meets the safety standard.

18 “(ii) CONCURRENT PUBLICATION.—

19 The Administrator—

20 “(I) shall seek to publish safety
 21 standard determination and risk man-
 22 agement decisions concurrently, to the
 23 maximum extent practicable; but

24 “(II) shall not unduly delay the
 25 issuance of any safety standard deter-

1 mination if more information or anal-
2 ysis is required to make a determina-
3 tion regarding risk management.

4 “(iii) OTHER REQUIREMENTS.—The
5 Administrator—

6 “(I) may publish safety standard
7 determinations for chemical sub-
8 stances individually or in groups; but

9 “(II) shall publish completed de-
10 terminations—

11 “(aa) not less frequently
12 than annually; and

13 “(bb) at a pace sufficient to
14 demonstrate steady progress to-
15 ward completing all such safety
16 standard determinations within
17 the required timeframe.

18 “(iv) PUBLIC NOTICE AND COM-
19 MENT.—The Administrator shall provide
20 reasonable public notice and opportunity
21 for comment on all published safety stand-
22 ard determinations through any reasonable
23 means of publication and solicitation of
24 comments, including electronic means.

1 “(B) POSITIVE SAFETY STANDARD DETER-
2 MINATION WITHOUT NEW CONDITIONS.—If the
3 Administrator determines that a chemical sub-
4 stance meets the safety standard for all current
5 uses and under conditions currently used, the
6 Administrator shall specify in the order—

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

10 “(ii) conditions on the specified uses
11 that are currently used and are to be fol-
12 lowed to ensure the safety standard is met,
13 including conditions relating to the manu-
14 facture, processing, use, distribution in
15 commerce, or disposal of a chemical sub-
16 stance or mixture or article containing the
17 chemical substance.

18 “(C) POSITIVE SAFETY STANDARD DETER-
19 MINATION WITH NEW CONDITIONS.—If the Ad-
20 ministrator determines that a chemical sub-
21 stance can only meet the safety standard for a
22 subset of all current uses or only under condi-
23 tions beyond those currently used, the Adminis-
24 trator shall specify in the order—

1 “(i) the allowed uses of the chemical
2 substance, which shall be limited to the
3 uses evaluated in the determination that
4 the Administrator determines meet the
5 safety standard; and

6 “(ii) all current and all newly required
7 conditions on the specified uses needed to
8 ensure the safety standard is met, includ-
9 ing conditions relating to the manufacture,
10 processing, use, distribution in commerce,
11 or disposal of a chemical substance or mix-
12 ture or article containing the chemical sub-
13 stance, and any conditions described in
14 subsection (f).

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

17 “(i) WITHOUT NEW CONDITIONS.—
18 Effective beginning on the date that is 90
19 days after the date of a determination by
20 the Administrator under subparagraph
21 (B), no person shall manufacture, process,
22 or distribute in commerce the chemical
23 substance subject to the determination, or
24 any mixture or article containing the
25 chemical substance, for any use or under

1 any condition other than those specified in
2 the determination order.

3 “(ii) WITH NEW CONDITIONS.—Effec-
4 tive beginning on the date that is 18
5 months after the date of a determination
6 by the Administrator under subparagraph
7 (C), except as provided in clause (iii), no
8 person shall manufacture, process, or dis-
9 tribute in commerce the chemical sub-
10 stance subject to the determination, or any
11 mixture or article containing the chemical
12 substance, for any use or under any condi-
13 tion other than those specified in the deter-
14 mination order.

15 “(iii) EXCEPTIONAL CIR-
16 CUMSTANCE.—The Administrator may
17 grant a manufacturer or processor of a
18 chemical substance a 1-time extension of
19 the deadline for complying with a restric-
20 tion under clause (ii), for a period of not
21 longer than 5 years after the date of the
22 determination by the Administrator under
23 subparagraph (C), if the manufacturer or
24 processor demonstrates—

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

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

10 “(E) REDETERMINATION.—

11 “(i) IN GENERAL.—The Administrator
12 shall initiate a redetermination of whether
13 a chemical substance meets the safety
14 standard if new information or significant
15 changes in manufacture, processing, use,
16 or distribution in commerce of the chem-
17 ical substance, or mixtures or articles con-
18 taining the chemical substance, raise a
19 credible question as to whether the chem-
20 ical substance continues to meet the safety
21 standard.

22 “(ii) NEW METHODOLOGIES.—The
23 Administrator may initiate a redetermina-
24 tion of whether a chemical substance meets
25 the safety standard if significant changes

1 have occurred in the methodologies used in
2 the initial safety standard determination
3 such that a redetermination using the
4 newer methodologies would provide a sig-
5 nificantly improved determination of the
6 safety of the chemical substance.

7 “(iii) NEW INFORMATION.—For a
8 chemical substance for which a safety
9 standard determination has been com-
10 pleted, the Administrator shall assess, on
11 an ongoing basis, new information, includ-
12 ing that obtained from reporting under
13 section 8, to decide whether such informa-
14 tion raises a credible question as to wheth-
15 er a chemical substance continues to meet
16 the safety standard.

17 “(iv) PETITION FOR REDETERMINA-
18 TION.—

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

24 “(II) BASIS.—A person shall in-
25 clude in a petition under this clause a

1 description of the basis for requesting
2 the redetermination.

3 “(III) ACTION BY ADMINIS-
4 TRATOR.—On receipt of a petition
5 under this clause, the Administrator
6 shall—

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

14 “(bb) make the petition
15 available on request;

16 “(cc) provide a reasonable
17 opportunity for public review and
18 comment on the petition and give
19 due consideration to any com-
20 ments received;

21 “(dd) decide whether to
22 make the requested redetermina-
23 tion; and

24 “(ee) not later than 180
25 days after the date of receipt,

1 publish in the Federal Register
2 the decision and the basis for the
3 decision.

4 “(v) DEADLINE FOR COMPLETION.—
5 Each redetermination carried out under
6 this subparagraph shall be completed by
7 not later than 3 years after the date of the
8 decision to make the redetermination.

9 “(F) NEGATIVE SAFETY STANDARD DE-
10 TERMINATION.—

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

24 “(ii) EXCEPTIONAL CIRCUMSTANCE.—
25 The Administrator may grant a manufac-

turer or processor of a chemical substance
 a 1-time extension of the deadline for com-
 plying 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 dem-
 onstrates—

“(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 sub-
 stance is assigned to the category of substances
 of very high concern under subsection
 (b)(3)(B)(i), the Administrator may require, by

1 order pursuant to section 8(g), the submission
2 by manufacturers or processors of the chemical
3 substance of any additional information the Ad-
4 ministrator determines to be necessary to con-
5 duct an expedited assessment of the known uses
6 of, and exposures to, the chemical substance.

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

15 “(2) EXPOSURE REDUCTION.—

16 “(A) USE RESTRICTIONS AND OTHER CON-
17 DITIONS.—As soon as practicable, but not later
18 than 18 months, after the date on which a
19 chemical substance is assigned to the category
20 of substances of very high concern under sub-
21 section (b)(3)(B)(i), the Administrator shall im-
22 pose, by order, use restrictions and other condi-
23 tions, including the conditions specified in sub-
24 section (f), on the manufacturing, processing,
25 use, distribution in commerce, and disposal of

1 the chemical substance that the Administrator
2 determines to be necessary to achieve the max-
3 imum practicable reduction in human or envi-
4 ronmental exposure to the chemical substance.

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

16 “(C) EXCEPTIONAL CIRCUMSTANCE.—The
17 Administrator may grant a manufacturer or
18 processor of a chemical substance a 1-time ex-
19 tension of the deadline for complying with the
20 restriction under subparagraph (B), for a pe-
21 riod of not longer than 5 years after the date
22 of the determination by the Administrator
23 under this paragraph, if the manufacturer or
24 processor demonstrates—

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

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

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

12 “(A) determine whether the chemical sub-
13 stance meets the safety standard for the chem-
14 ical substance, taking into account the residual
15 risk posed by continued exposure to the chem-
16 ical substance; and

17 “(B) impose any additional restrictions on
18 use or other conditions under subsection (f)
19 that the Administrator determines to be nec-
20 essary to ensure that the chemical substance
21 meets the safety standard.

22 “(f) RISK MANAGEMENT.—In issuing an order under
23 subsection (d) or (e), the Administrator may impose condi-
24 tions on the manufacture, processing, use, distribution in
25 commerce, or disposal of a chemical substance, or mixture

1 or article containing a chemical substance, including a re-
2 quirement—

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

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

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

17 “(i) a particular use; or

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

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

1 the warnings and instructions prescribed by the Ad-
2 ministrator;

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

6 “(A) make and retain records of the proc-
7 esses used to manufacture or process the chem-
8 ical substance (or mixture or article containing
9 that chemical substance); and

10 “(B) monitor or conduct tests that are rea-
11 sonable and necessary to ensure compliance
12 with this Act;

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

17 “(6) prohibiting or otherwise regulating any
18 manner or method of disposal of the chemical sub-
19 stance, mixture, or article, by—

20 “(A) the manufacturer or processor of the
21 chemical substance (or mixture or article con-
22 taining that chemical substance); or

23 “(B) any other person that uses or dis-
24 poses of the chemical substance (or mixture or

1 article containing that chemical substance) for
2 commercial purposes;

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

8 “(8) that the Administrator otherwise deter-
9 mines is appropriate.

10 “(g) QUALITY CONTROL ORDERS.—

11 “(1) IN GENERAL.—If the Administrator has a
12 reasonable basis to conclude that a particular manu-
13 facturer or processor is manufacturing or processing
14 a chemical substance in a manner that may present
15 a substantial endangerment to health or the environ-
16 ment, the Administrator may require, by order, that
17 the manufacturer or processor submit to the Admin-
18 istrator a description of the quality control proce-
19 dures followed in the manufacturing or processing of
20 the chemical substance or mixture.

21 “(2) ORDERS.—

22 “(A) IN GENERAL.—If the Administrator
23 determines that quality control procedures de-
24 scribed in paragraph (1) are inadequate to pre-
25 vent a chemical substance from presenting a

1 risk of injury to human health or the environ-
2 ment, the Administrator may order the manu-
3 facturer or processor to revise the quality con-
4 trol procedures to the extent necessary to rem-
5 edy the inadequacy.

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

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

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

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

23 “(ii) to give public notice of the
24 endangerment; and

1 “(iii) to provide for the replacement
2 or repurchase, as prescribed by the Admin-
3 istrator, of the chemical substance as the
4 Administrator determines to be necessary
5 to adequately protect human health or the
6 environment.

7 “(h) EXEMPTIONS TO RESTRICTIONS.—

8 “(1) APPLICATION.—This subsection applies to
9 the restrictions established under section
10 5(b)(1)(C)(ii)(I), subsection (d)(5), and subsections
11 (e) and (f).

12 “(2) EXEMPTIONS.—

13 “(A) IN GENERAL.—

14 “(i) REQUEST.—A person who manu-
15 facturers, processes, distributes in com-
16 merce, uses, or disposes of a chemical sub-
17 stance, or a mixture or article containing a
18 chemical substance may request an exemp-
19 tion from any restriction referred to in
20 paragraph (1) to which they are subject
21 for a specified use of the chemical sub-
22 stance.

23 “(ii) ORDER.—The Administrator
24 may grant, by order, an exemption from
25 any restriction referred to in paragraph (1)

1 for a period of not longer than 5 years if
2 the person has established by clear and
3 convincing evidence that the uses to be ex-
4 empted meet the exemption criteria de-
5 scribed in subparagraph (B).

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

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

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

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

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

20 “(II) the specified use of the
21 chemical substance, as compared to
22 all available alternatives, provides a
23 substantial net benefit to human
24 health, the environment, or public
25 safety.

1 “(C) PUBLIC NOTICE.—If the Adminis-
2 trator grants an exemption for a chemical sub-
3 stance under this paragraph—

4 “(i) the manufacturer or processor of
5 the chemical substance shall provide a no-
6 tice of the exemption to each known pur-
7 chaser of—

8 “(I) the chemical substance; and

9 “(II) a mixture or article con-
10 taining the chemical substance; and

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

13 “(D) RENEWAL.—The Administrator may
14 renew, by order, an exemption under this para-
15 graph for 1 or more additional 5-year periods
16 if the Administrator concludes, after providing
17 public notice and an opportunity for comment,
18 that the use of the chemical substance con-
19 tinues to meet the criteria described in subpara-
20 graph (B).

21 “(E) CONDITIONS.—

22 “(i) IN GENERAL.—The Administrator
23 may impose, by order, any condition on an
24 exemption issued under this paragraph
25 that the Administrator determines to be

1 necessary to ensure the protection of
2 human health and the environment on the
3 use of a chemical substance exempted
4 under this paragraph.

5 “(ii) COMPLIANCE.—Effective imme-
6 diately after the Administrator establishes
7 conditions on an exempted use under
8 clause (i), the manufacturing, processing,
9 or distribution in commerce of the chem-
10 ical substance, or any mixture or article
11 containing the chemical substance, shall be
12 prohibited except to the extent that the
13 conditions are satisfied.

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

18 “(A) the sale of an article that was pre-
19 viously purchased by an end consumer; or

20 “(B) the lease of an article that was pur-
21 chased by the lessor subsequent to the manu-
22 facture of the article.

23 “(4) EXTENSIONS OF EFFECTIVE DATES FOR
24 RETAIL SALE OF ARTICLES TO END CONSUMERS.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), in the case of the retail sale
3 to an end consumer of a chemical substance (or
4 mixture or article containing that chemical sub-
5 stance) that is subject to a restriction described
6 in paragraph (1), the Administrator may ex-
7 tend, by order, the effective date of the restric-
8 tion by a period of not longer than 3 years, if
9 the Administrator determines that the exten-
10 sion—

11 “(i) is necessary and appropriate to
12 allow for depletion of the existing retail in-
13 ventory; and

14 “(ii) will not present a substantial
15 endangerment to human health or the en-
16 vironment.

17 “(B) EXCEPTION.—An extension under
18 subparagraph (A) shall not apply to any retailer
19 that the Administrator determines has failed to
20 comply with an order requesting information
21 issued by the Administrator pursuant to section
22 8.”;

23 (4) in subsection (i) (as redesignated by para-
24 graph (2))—

25 (A) by striking paragraph (4); and

1 (B) by redesignating paragraph (5) as
2 paragraph (4); and

3 (5) by inserting after subsection (i) (as redesign-
4 nated by paragraph (2)) the following:

5 “(j) MERCURY.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), no Federal agency shall convey, sell, or
8 distribute to any other Federal agency, any State or
9 local government agency, or any private individual or
10 entity any elemental mercury, other than mercury
11 contained within an article, under the control or ju-
12 risdiction of the Federal agency.

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

15 “(A) a transfer between Federal agencies
16 of elemental mercury for the sole purpose of fa-
17 cilitating storage of mercury to carry out this
18 Act; or

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

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

23 “(k) ASBESTOS.—

24 “(1) EXPOSURE REDUCTION.—

1 “(A) CATEGORY.—Not later than 90 days
2 after the enactment of the Safe Chemicals Act
3 of 2013, the Administrator shall designate as-
4 bestos as a chemical substance of very high con-
5 cern under subsection (b)(3)(B)(i).

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

13 “(C) EXPOSURE REDUCTION.—As soon as
14 practicable, but not later than 12 months after
15 the date of enactment of the Safe Chemicals
16 Act of 2013, the Administrator shall impose, by
17 order, use restrictions and other conditions, in-
18 cluding the conditions specified in subsection (f)
19 on the manufacturing, processing, use, distribu-
20 tion in commerce, and disposal of asbestos that
21 the Administrator determines to be necessary to
22 achieve the maximum practicable reduction in
23 human or environmental exposure to asbestos.
24 The Administrator shall select conditions that
25 permanently reduce or eliminate the possibility

1 of exposures to the maximum extent prac-
2 ticable.

3 “(D) TIMING OF EXPOSURE REDUC-
4 TIONS.—Except as provided in clauses (i) and
5 (ii) of subsection (h)(2)(B), effective beginning
6 on the date that is 12 months after the date of
7 issuance by the Administrator of the order de-
8 scribed in subparagraph (C), no person shall
9 manufacture, process, or distribute in commerce
10 asbestos subject to the determination, or any
11 mixture or article containing asbestos, for any
12 use or under any condition other than those
13 specified in the order issued under subpara-
14 graph (C).

15 “(2) MANAGEMENT OF MATERIAL.—

16 “(A) DRAFT GUIDANCE.—Not later than
17 180 days after the date of enactment of the
18 Safe Chemicals Act of 2013, the Administrator,
19 in consultation with the Director of the Na-
20 tional Institutes of Occupational Safety and
21 Health, shall publish draft guidance describing
22 the steps that Federal agencies and contractors
23 of Federal agencies shall take to enhance pro-
24 tections for public health and safety and the en-
25 vironment, and to better solicit information

1 from members of the public who may poten-
2 tially be affected by asbestos, when Federal
3 agencies and contractors of Federal Agencies
4 handle or dispose of asbestos. The Adminis-
5 trator shall allow 30 days of public comment on
6 this draft guidance and hold no fewer than two
7 public meetings on this draft guidance in com-
8 munities impacted by asbestos contamination.

9 “(B) FINAL GUIDANCE.—Not later than
10 12 months after the date of enactment of the
11 Safe Chemicals Act of 2013, the Administrator,
12 in consultation with the Director of the Na-
13 tional Institutes of Occupational Safety and
14 Health, shall publish final guidance describing
15 the steps that Federal agencies and contractors
16 of Federal Agencies shall take to enhance pro-
17 tections for public health and safety and the en-
18 vironment when handling and disposing of as-
19 bestos. The final guidance shall also include
20 steps that shall be taken to better solicit infor-
21 mation from and protect the health and safety
22 of people located near areas where asbestos is
23 located, where asbestos is transported, and
24 where asbestos disposal occurs.

1 “(3) DEFINITION.—For purposes of this sec-
 2 tion, the term ‘asbestos’ has the meaning given such
 3 term under section 202(3).

4 “(4) NO EFFECT ON COMPLIANCE WITH ENVI-
 5 RONMENTAL LAWS.—Nothing in paragraph (2) or
 6 any amendment made by paragraph (2) shall be con-
 7 strued to affect or limit the application of or obliga-
 8 tion to comply with any environmental law, including
 9 the Comprehensive Environmental Response, Com-
 10 pensation, and Liability Act of 1980 (42 U.S.C.
 11 9601 et seq.).

12 “(l) CERTIFICATION.—Each submission required
 13 under this section (or a regulation or order promulgated
 14 or issued by the Administrator pursuant to this section)
 15 shall be accompanied by a certification signed by a respon-
 16 sible official of the manufacturer or processor that each
 17 statement contained in the submission—

18 “(1) is accurate and reliable; and

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

22 “(m) EFFECTIVE DATE.—In any regulation or order
 23 under this section, the Administrator shall specify the date
 24 on which the regulation or order shall take effect, which

1 date shall be as soon as practicable after the date of pro-
 2 mulgation or issuance of the regulation or order.”.

3 (b) DEFINITION OF ASBESTOS.—Section 202(3) of
 4 the Toxic Substances Control Act (15 U.S.C. 2642(3)) is
 5 amended—

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

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

9 (3) by adding at the end the following

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

12 “(i) winchire asbestos, and

13 “(ii) richterite asbestos, and

14 “(H) any asbestiform amphibole mineral.”.

15 **SEC. 8. IMMINENT HAZARDS.**

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

18 **“SEC. 7. IMMINENT HAZARDS.**

19 “(a) ACTIONS AUTHORIZED AND REQUIRED.—

20 “(1) IN GENERAL.—The Administrator may
 21 commence a civil action in an appropriate district
 22 court of the United States for—

23 “(A) seizure of a chemical substance or
 24 mixture, or any article containing a chemical
 25 substance or mixture, that may present an im-

1 minent and substantial endangerment to health
2 or the environment;

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

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

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

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

18 “(2) OTHER ACTIONS.—

19 “(A) IN GENERAL.—The Administrator
20 may issue such orders as are necessary to pro-
21 tect health or the environment from any manu-
22 facturing, processing, distribution in commerce,
23 use, or disposal of a chemical substance or mix-
24 ture, or any article containing such a substance
25 or mixture, that may present an imminent and

1 substantial endangerment to health or the envi-
2 ronment, as determined by the Administrator.

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

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

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

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

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

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

24 “(b) RELIEF AUTHORIZED.—

1 “(1) IN GENERAL.—The district court of the
2 United States in which a civil action under sub-
3 section (a)(1) is brought shall have jurisdiction to
4 grant such temporary or permanent relief as are
5 necessary to protect health or the environment from
6 the risk associated with the activity involved in the
7 civil action.

8 “(2) TYPES OF RELIEF.—In the case of a civil
9 action under subsection (a)(1) brought against a
10 person that manufactures, processes, distributes in
11 commerce, uses, or disposes of a chemical substance
12 or mixture or an article containing a chemical sub-
13 stance or mixture, the relief authorized by para-
14 graph (1) may include—

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

18 “(B) in the case of purchasers of the sub-
19 stance, mixture, or article known to the defend-
20 ant—

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

24 “(ii) public notice of the risk;

25 “(iii) recall;

1 “(iv) the replacement or repurchase of
2 the substance, mixture, or article; or

3 “(v) any combination of the actions
4 described in section 6(c) or in clauses (i)
5 through (iv) of this subparagraph; or

6 “(C) such other relief as is necessary to
7 protect health or the environment from the risk
8 associated with the activity involved in the civil
9 action.

10 “(3) SEIZURE AND CONDEMNATION.—

11 “(A) IN GENERAL.—A civil action under
12 subsection (a)(1) against a chemical substance,
13 mixture, or article may be proceeded against by
14 process of libel for seizure and condemnation of
15 the chemical substance, mixture, or article.

16 “(B) PROCEEDINGS.—Proceedings in a
17 civil action described in subparagraph (A) shall
18 conform, to the maximum extent practicable, to
19 proceedings in rem in admiralty.

20 “(c) VENUE AND CONSOLIDATION.—

21 “(1) VENUE.—

22 “(A) IN GENERAL.—A civil action under
23 subsection (a)(1) against a person that manu-
24 factures, processes, or distributes a chemical
25 substance or mixture or an article containing a

1 chemical substance or mixture may be brought
2 in the United States District Court for the Dis-
3 trict of Columbia, or in any judicial district in
4 which any of the defendants is found, resides,
5 or transacts business.

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

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

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

24 “(E) SUBPOENAS.—Subpoenas requiring
25 attendance of witnesses in a civil action brought

1 under subsection (a)(1) may be served in any
2 judicial district.

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

10 **SEC. 9. REPORTING AND RETENTION OF INFORMATION.**

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

13 **“SEC. 8. REPORTING AND RETENTION OF INFORMATION.**

14 “(a) DEFINITIONS.—In this section:

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

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

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

25 “(1) SCOPE AND CRITERIA.—

1 “(A) SCOPE.—The declarations described
2 in this subsection shall apply only to chemical
3 substances in commerce as of the date of enact-
4 ment of the Safe Chemicals Act of 2013.

5 “(B) CRITERIA.—The following criteria
6 shall apply in identifying chemical substances to
7 which the declarations described in this sub-
8 section apply:

9 “(i) CURRENT COMMERCIAL INTER-
10 EST.—A chemical substance in which a
11 manufacturer or processor has a current
12 commercial interest shall include only
13 chemical substances that the manufacturer
14 or processor—

15 “(I) is currently manufacturing
16 or processing; or

17 “(II) has manufactured or proc-
18 essed in the recent past and expects
19 to manufacture or process again in
20 the near future.

21 “(ii) POTENTIAL COMMERCIAL INTER-
22 EST.—A chemical substance in which a
23 manufacturer or processor has a potential
24 commercial interest shall include only a
25 chemical substance that may serve as a

1 reasonable substitute for a chemical sub-
2 stance in which the manufacturer or proc-
3 essor has declared a current commercial
4 interest.

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

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

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, not later than 180 days
19 after the date of enactment of the Safe Chemi-
20 cals Act of 2013, each manufacturer of a chem-
21 ical substance in which the manufacturer has a
22 current commercial interest shall submit to the
23 Administrator a declaration of the interest for
24 the chemical substance.

1 “(B) EXCLUSIONS OR EXEMPTIONS.—Dec-
2 larations are required for all chemical sub-
3 stances in which a manufacturer has a current
4 commercial interest, notwithstanding any exclu-
5 sions or exemptions from other notification or
6 reporting requirements provided in any other
7 provision of this Act.

8 “(C) PROCESSORS.—A processor of a
9 chemical substance in which the processor has
10 a current commercial interest that meets the
11 criteria described in paragraph (1)(B)(i) may
12 voluntarily submit to the Administrator a dec-
13 laration for the chemical substance. Such a dec-
14 laration shall be submitted not later than 1
15 year after the date of enactment of the Safe
16 Chemicals Act of 2013.

17 “(3) DECLARATION OF POTENTIAL COMMER-
18 CIAL INTEREST IN A CHEMICAL SUBSTANCE.—

19 “(A) A manufacturer or processor may vol-
20 untarily submit to the Administrator, not later
21 than 180 days after the date of enactment of
22 the Safe Chemicals Act of 2013, a declaration
23 for a chemical substance in which the manufac-
24 turer or processor—

1 “(i) does not have a current commer-
2 cial interest; but

3 “(ii) has a potential commercial inter-
4 est that meets the criteria described in
5 paragraph (1)(B)(ii).

6 “(B) If a manufacturer or processor com-
7 mences the manufacture or processing of a
8 chemical substance for which it submitted a
9 declaration under this paragraph, the manufac-
10 turer or processor shall comply with the re-
11 quirements of subsection (h)(5)(B).

12 “(4) DECLARATION OF CESSATION OF MANU-
13 FACTURING OR PROCESSING.—A former or current
14 manufacturer or processor of a chemical substance
15 in which the manufacturer or processor no longer
16 has a commercial interest may voluntarily submit to
17 the Administrator, not later than 180 days after the
18 date of enactment of the Safe Chemicals Act of
19 2013, a declaration that the manufacturer or proc-
20 essor has ceased, or will cease not later than 180
21 days after the date on which the declaration is sub-
22 mitted, all production, importation, processing, and
23 export of the chemical substance.

1 “(5) CONTENTS.—A declaration submitted
2 under this subsection shall include for each chemical
3 substance—

4 “(A) the chemical identity and any special
5 substance characteristics of the chemical sub-
6 stance;

7 “(B) the identity and primary business lo-
8 cation of the manufacturer or processor; and

9 “(C) information supporting the declar-
10 ant’s basis for meeting the applicable criteria
11 under paragraph (1)(B).

12 “(6) REVIEW BY ADMINISTRATOR.—

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

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

19 “(ii)(I) for a chemical substance for
20 which 1 or more conforming declarations
21 are submitted under paragraph (2), add
22 the chemical substance to the list of active
23 chemical substances in the inventory estab-
24 lished under subsection (h)(1);

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

8 “(III) for a chemical substance for
9 which the only conforming declarations
10 submitted for the substance are submitted
11 under paragraph (4), or for which no dec-
12 laration has been submitted, remove the
13 chemical substance from the inventories es-
14 tablished under subsection (h).

15 “(B) REVISIONS.—The Administrator shall
16 allow a manufacturer or processor, as applica-
17 ble, to promptly revise and resubmit any dec-
18 laration submitted to the Administrator under
19 this subsection if the Administrator determines
20 that any omission or error in the original dec-
21 laration was not intentional.

22 “(c) PERIODIC REPORTING BY MANUFACTURERS.—

23 “(1) IN GENERAL.—The Administrator shall—

24 “(A) maintain the periodic reporting pro-
25 gram of the agency applicable to manufacturers

1 of chemical substances set forth in part 711 of
2 title 40, Code of Federal Regulations (as in ef-
3 fect on the date of enactment of the Safe
4 Chemicals Act of 2013), unless such reporting
5 requirements are superseded pursuant to sub-
6 paragraph (B); or

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

9 “(2) RULEMAKING.—

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

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

16 “(ii) the information a chemical man-
17 ufacturer is required to submit to the Ad-
18 ministrator for the chemical substances in-
19 cluded under the periodic reporting pro-
20 gram.

21 “(B) EXEMPTIONS.—The rule promulgated
22 under subparagraph (A) may exempt certain
23 manufacturers, including small manufacturers,
24 from—

1 “(i) a requirement to participate in
2 the periodic reporting program, if the Ad-
3 ministrator determines that the participa-
4 tion of those manufacturers would not as-
5 sist in the administration of this Act; or

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

12 “(C) CONTENTS.—The rule promulgated
13 under subparagraph (A) shall, at a minimum,
14 require each manufacturer of a chemical sub-
15 stance included in the periodic reporting pro-
16 gram to submit to the Administrator—

17 “(i) the chemical identity and any
18 special substance characteristics of the
19 chemical substance, the identity and pri-
20 mary business location of the manufac-
21 turer, and any updates to the supporting
22 information submitted by the manufacturer
23 in any declaration for an included chemical
24 substance submitted under subsection (b);

1 “(ii) a list of health and safety studies
2 conducted or initiated by or for, known to,
3 or reasonably ascertainable by, the manu-
4 facturer with respect to each included
5 chemical substance;

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

10 “(iv) all other information specified by
11 the Administrator in the rules promulgated
12 under this subsection that is known to, in
13 the possession or control of, or reasonably
14 ascertainable by, the manufacturer or proc-
15 essor that has not previously been sub-
16 mitted to the Administrator regarding—

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

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

23 “(III) the uses of, and exposure
24 and fate information relating to the

1 manufacturer's production or import
2 of the chemical substance; and

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

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

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

13 “(A) maintain records of the information
14 submitted to the Administrator under sub-
15 sections (b) and (c), as well as supporting infor-
16 mation; and

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

20 “(2) BURDEN OF PROOF.—Each manufacturer
21 and processor that submits to the Administrator a
22 declaration under subsection (b) or a notice under
23 subsection (h)(5)(B) shall at all times bear the bur-
24 den of proving that the manufacturer or processor—

1 “(A) has a current or potential commercial
2 interest in the applicable chemical substance; or

3 “(B) has ceased the production, importa-
4 tion, processing, and export of, the applicable
5 chemical substance.

6 “(e) SUBSTANCE IDENTIFICATION AND INFORMA-
7 TION FOR CHEMICAL PROCESSORS.—

8 “(1) RULEMAKING.—

9 “(A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of the Safe Chemi-
11 cals Act of 2013, the Administrator shall speci-
12 fy, by rule, the information that chemical proc-
13 essors are required to submit for chemical sub-
14 stances under this subsection as will assist the
15 Administrator in the administration of this Act.

16 “(B) EXEMPTIONS.—The rule promulgated
17 under this paragraph may exempt certain proc-
18 essors, including small processors, from—

19 “(i) a requirement to participate in
20 the periodic reporting program, if the Ad-
21 ministrator determines that the participa-
22 tion of those processors would not assist in
23 the administration of this Act; or

24 “(ii) specific reporting requirements,
25 if the Administrator determines that the

1 value of a particular reporting require-
2 ment, for the administration of this Act,
3 would not be commensurate with the bur-
4 den of the requirement on submitters.

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

7 “(A) specify the information that proc-
8 essors are required to submit for chemical sub-
9 stances that are—

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

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

17 “(B) require each processor of a chemical
18 substance identified under subparagraph (A) to
19 submit the information specified in clauses (i)
20 through (iii) of subparagraph (C) for the chem-
21 ical substance, and to submit the information
22 specified in clauses (iv) through (viii) of sub-
23 paragraph (C)—

1 “(i) separately for each applicable
2 consumer and commercial product cat-
3 egory; and

4 “(ii) in aggregate form, taking into
5 account the use by the processor of the
6 chemical substance in all product cat-
7 egories;

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

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

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

16 “(iii) the applicable consumer or com-
17 mercial product category or categories for
18 which the processor processes the chemical
19 substance;

20 “(iv) the annual volume of the chem-
21 ical substance processed by the submitter;

22 “(v) any products intended for use by
23 children aged 14 years or younger for use
24 in which the processor processes the chem-
25 ical substance;

1 “(vi) the concentration range within
2 which the maximum concentration of the
3 substance used in each consumer and com-
4 mercial product category falls;

5 “(vii) the range within which the total
6 number of commercial workers reasonably
7 likely to be exposed to the chemical sub-
8 stance at the processing site falls; and

9 “(viii) any other information regard-
10 ing processing activities or product
11 descriptors relating to the processor’s proc-
12 essing of the chemical substance identified
13 by the Administrator as necessary to un-
14 derstand the potential exposure from proc-
15 essed chemical substances or products in
16 which the chemical substances are used;
17 and

18 “(D) require each processor to periodically
19 report the information described in subpara-
20 graphs (B) and (C) for the chemical substances
21 described in subparagraph (A).

22 “(3) RECORDS.—The rules promulgated under
23 paragraph (1) shall require processors of chemical
24 substances to which those rules apply—

1 “(A) to maintain records of the informa-
2 tion described in paragraph (2); and

3 “(B) to submit those records to the Ad-
4 ministrator upon request by the Administrator.

5 “(f) UPDATING OF INFORMATION.—

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

10 “(A) at a minimum every 4 years; and

11 “(B) at any time that—

12 “(i) the manufacturer or processor ob-
13 tains knowledge of, comes into possession
14 of, or generates significant new informa-
15 tion regarding the production, processing,
16 use, distribution, hazard, or exposure po-
17 tential of the chemical substance; or

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

22 “(2) GUIDANCE.—Not later than 1 year after
23 the date of enactment of the Safe Chemicals Act of
24 2013, the Administrator shall issue guidance on
25 what constitutes significant new information regard-

1 ing or significant changes in the production, dis-
2 tribution in commerce, or use of a chemical sub-
3 stance.

4 “(g) REPORTS.—

5 “(1) REQUIREMENT.—

6 “(A) IN GENERAL.—Except as provided in
7 paragraph (2), the Administrator may by rule
8 or order require any person who manufactures,
9 processes, distributes in commerce, uses, or dis-
10 poses of a chemical substance, or a mixture or
11 article containing the chemical substance to
12 maintain records of and report by a specified
13 date any existing information concerning the
14 substance that, in the judgment of the Adminis-
15 trator, would assist the Administrator in—

16 “(i) making a safety standard deter-
17 mination with respect to a chemical sub-
18 stance;

19 “(ii) determining testing or informa-
20 tion needs for a chemical substance;

21 “(iii) assigning a chemical substance
22 to a batch, category, or priority class pur-
23 suant to section 6;

1 “(iv) evaluating, developing, and im-
2 plementing risk management conditions for
3 a chemical substance;

4 “(v) assessing hazards, exposures, or
5 risks related to the manufacture, use, dis-
6 tribution, processing, or disposal of a
7 chemical substance;

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

10 “(vii) any other aspect of admin-
11 istering this Act.

12 “(B) CHARACTERISTICS.—The Adminis-
13 trator may by rule or order require that any re-
14 port or information submitted pursuant to this
15 Act include chemical identity and special sub-
16 stance characteristics, as appropriate to the
17 chemical substance that is the subject of the re-
18 port or information.

19 “(C) REQUIRED INFORMATION.—The Ad-
20 ministrator shall by rule or order specify or
21 modify the information that is required to be
22 submitted with a particular report or informa-
23 tion submission to establish the chemical iden-
24 tity and special substance characteristics of the
25 subject chemical substance (or mixture or arti-

1 cle containing that chemical substance) for the
2 purposes of the report or information submis-
3 sion.

4 “(2) EXEMPTIONS.—

5 “(A) SMALL QUANTITIES FOR RESEARCH
6 OR ANALYSIS.—In the case of the manufacture,
7 processing, distribution in commerce, use, or
8 disposal of a chemical substance in small quan-
9 tities (as defined by the Administrator by rule)
10 solely for purposes of scientific experimentation
11 or analysis or chemical research (including any
12 such research or analysis for the development of
13 a product), the Administrator may promulgate
14 a rule or order under paragraph (1) only to the
15 extent that the Administrator determines that
16 the maintenance of records, submission of re-
17 ports, or both, is necessary for the effective en-
18 forcement of this Act.

19 “(B) SMALL BUSINESS.—The rules pro-
20 mulgated under this subsection may exempt
21 certain small businesses from the rules promul-
22 gated under this subsection, if the Adminis-
23 trator determines that the participation of those
24 small businesses would not assist in the admin-
25 istration of this Act.

1 “(h) INVENTORIES.—

2 “(1) ACTIVE INVENTORY.—The Administrator
3 shall compile, keep current, and, subject to section
4 14, publish a list of each chemical substance that is
5 manufactured or processed in the United States.

6 “(2) CONTENTS.—

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

9 “(i) a notice is submitted under sec-
10 tion 5(d), consistent with the requirements
11 of section 5(b); or

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

14 “(B) EXCLUSIONS.—The list shall not in-
15 clude—

16 “(i) any chemical substance for which
17 the only declarations submitted are sub-
18 mitted under paragraph (3) or (4) of sub-
19 section (b), or for which no declaration has
20 been submitted; or

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

24 “(3) TIMING.—

1 “(A) IN GENERAL.—Except as provided in
2 paragraph (2)(B), for a chemical substance for
3 which a notice is submitted under section 5(d),
4 the chemical substance shall be included in the
5 list established under paragraph (1) as of the
6 earliest date (as determined by the Adminis-
7 trator) on which the substance was manufac-
8 tured or processed in the United States.

9 “(B) PUBLICATION.—The Administrator
10 shall first publish a list under paragraph (1)
11 not later than 1 year after the date of enact-
12 ment of the Safe Chemicals Act of 2013.

13 “(4) SMALL QUANTITIES FOR RESEARCH OR
14 ANALYSIS.—The Administrator shall not include in
15 the list established under paragraph (1) any chem-
16 ical substance that is manufactured or processed
17 only in small quantities (as defined by the Adminis-
18 trator by rule) solely for purposes of scientific ex-
19 perimentation or analysis or chemical research on, or
20 analysis of, the substance or another substance, in-
21 cluding research or analysis for the development of
22 a product.

23 “(5) INACTIVE INVENTORY.—

24 “(A) IN GENERAL.—The Administrator
25 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-

1 essor with respect to the chemical
2 substance;

3 “(IV) upon request of the Ad-
4 ministrator, a copy of each study de-
5 scribed in subclause (III) in the pos-
6 session or control of the manufacturer
7 that has not previously been sub-
8 mitted to the Administrator;

9 “(V) the projected annual manu-
10 facturing or processing volume for the
11 chemical substance for each of the
12 subsequent 3 years;

13 “(VI) the name and location of
14 each facility to which the chemical
15 substance is expected to be sent, after
16 manufacture or processing, for subse-
17 quent processing, distribution in com-
18 merce, or use; and

19 “(VII) all other existing informa-
20 tion known to, in the possession or
21 control of, or reasonably ascertainable
22 by the manufacturer or processor that
23 has not previously been submitted to
24 the Administrator regarding—

1 “(aa) the toxicological prop-
2 erties of the chemical substance;
3 and

4 “(bb) the uses of, and expo-
5 sure and fate information relat-
6 ing to, the chemical substance.

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

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

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

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

23 “(6) CHEMICALS NOT LISTED ON OR REMOVED
24 FROM THE INVENTORIES.—If a manufacturer or
25 processor seeks to commence the manufacture or

1 processing of a chemical substance that is not listed
2 on the inventories established under paragraph (1)
3 or (5), or that has been removed from the inven-
4 tories pursuant to subsection (b)(6)(A)(ii)(III), the
5 manufacturer or processor shall comply with section
6 5.

7 “(i) PUBLIC ACCESS TO SIGNIFICANT INFORMA-
8 TION.—

9 “(1) ELECTRONIC DATABASE.—Not later than
10 1 year after the date of enactment of the Safe
11 Chemicals Act of 2013, the Administrator, through
12 collaboration as appropriate, shall establish—

13 “(A) an electronic, Internet-accessible
14 database for the storing and sharing of infor-
15 mation relating to the toxicity and use of, and
16 exposure to, chemical substances; and

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

19 “(2) PUBLIC ACCESS.—Not later than 18
20 months after the date of enactment of the Safe
21 Chemicals Act of 2013 or for decisions made or in-
22 formation submitted after that 18-month period, not
23 later than 90 days after the date on which a decision
24 is made by the Administrator or information sub-
25 mitted under this title is received by the Adminis-

1 trator, the Administrator shall, subject to section 14,
2 make available to the public via the Internet-acces-
3 sible database described in paragraph (1) a descrip-
4 tion of all significant—

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

7 “(B) information submitted pursuant to
8 this title.

9 “(j) RECORDS OF SIGNIFICANT ADVERSE REAC-
10 TIONS.—

11 “(1) IN GENERAL.—Any person that manufac-
12 tures, processes, or distributes in commerce any
13 chemical substance shall maintain, and on request
14 submit to the Administrator, records of significant
15 adverse reactions to human health or the environ-
16 ment, as determined by the Administrator by rule,
17 alleged to have been caused by the substance or mix-
18 ture.

19 “(2) DURATION.—

20 “(A) IN GENERAL.—Records of the ad-
21 verse reactions to the health of employees shall
22 be retained for a period of 30 years after the
23 date on which the reactions were first reported
24 to or known by the person maintaining the
25 records.

1 “(B) OTHER RECORDS.—Any record of
2 other adverse reactions shall be retained for a
3 period of 5 years after the date on which infor-
4 mation contained in the record was first re-
5 ported to or known by the person maintaining
6 the record.

7 “(3) CONTENTS.—Records required to be main-
8 tained under this subsection shall include—

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

11 “(B) reports of occupational disease or in-
12 jury; and

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

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

19 “(1) SYNOPSES.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law, from time to time, each
22 Federal agency and Federal institution shall
23 submit to the Administrator a synopsis of the
24 data and records in the possession or control of
25 the agency or institution, respectively, that may

1 be useful to the Administrator in carrying out
2 this Act.

3 “(B) FORMAT AND CONTENT.—Not later
4 than 1 year after the date of enactment of the
5 Safe Chemicals Act of 2013, the Administrator
6 shall prescribe, by order, the format, content,
7 and level of detail of the synopses.

8 “(C) INITIAL SUBMISSION.—Not later than
9 18 months after the date of enactment of the
10 Safe Chemicals Act of 2013, each Federal agen-
11 cy and Federal institution shall make the initial
12 submission of a synopsis of the agency and in-
13 stitution, respectively, to the Administrator.

14 “(D) UPDATES.—At least once every 3
15 years, each Federal agency and Federal institu-
16 tion shall—

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

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

21 “(2) REQUESTS BY THE ADMINISTRATOR.—
22 Notwithstanding any other provision of law, on the
23 request of the Administrator, any information in the
24 possession or control of an agency or institution re-
25 lating to a hazard of, use of, exposure to, or risk of,

1 a chemical substance (or mixture or article con-
2 taining that chemical substance) shall be submitted
3 to the Administrator.

4 “(l) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL
5 RISKS.—Any person that manufactures, processes, or dis-
6 tributes in commerce a chemical substance and that ob-
7 tains information that reasonably supports the conclusion
8 that the substance presents a substantial risk of injury
9 to health or the environment shall immediately inform the
10 Administrator of the information unless the person has ac-
11 tual knowledge that the Administrator has been ade-
12 quately informed of the information.

13 “(m) CERTIFICATION.—Each submission required
14 pursuant to this section or pursuant to a rule or an order
15 promulgated or issued by the Administrator under this
16 section, other than a submission under subsection (k),
17 shall be accompanied by a certification signed by a respon-
18 sible official of the manufacturer, processor, distributor,
19 user, or disposer of a chemical substance that each state-
20 ment contained in the submission—

21 “(1) is accurate and reliable; and

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

25 “(n) ADMINISTRATION.—

1 “(1) IN GENERAL.—Nothing in this section lim-
2 its the authority of the Administrator to require re-
3 porting under any other provision of this Act by any
4 person who manufactures, processes, distributes in
5 commerce, uses, or disposes of a chemical substance,
6 or a mixture or article containing a chemical sub-
7 stance.

8 “(2) VIOLATIONS.—In addition to all other au-
9 thorities available for the enforcement of this Act,
10 the Administrator may, by order, take any action
11 authorized under section 6(f) if a person who manu-
12 factures, processes, distributes in commerce, uses, or
13 disposes of a chemical substance, or a mixture or ar-
14 ticle containing a chemical substance violates any
15 provision of this section.”.

16 **SEC. 10. RELATIONSHIP TO OTHER FEDERAL LAWS.**

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

19 (1) in subsection (a)—

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

22 “(1) REPORT.—

23 “(A) IN GENERAL.—If the Administrator
24 determines that the manufacture, processing,
25 distribution in commerce, use, or disposal of a

1 chemical substance, or that any combination of
2 those activities, does not meet a safety standard
3 under this title or requires conditions or restric-
4 tions in order to the meet the safety standard,
5 and the Administrator determines that action
6 may be taken under a Federal law not adminis-
7 tered by the Administrator to address the uses
8 of, or exposure to, the chemical substance, the
9 Administrator shall submit to the agency that
10 administers the Federal law a report that—

11 “(i) describes with specification the
12 activity or combination of activities that
13 prevent the chemical substance from meet-
14 ing the safety standard or restrictions or
15 conditions required to meet the safety
16 standard under this title;

17 “(ii) requests that the agency—

18 “(I) determine whether the 1 or
19 more actions may be taken under
20 Federal law administered by the agen-
21 cy;

22 “(II) if the agency determines
23 under clause (i) that the 1 or more
24 actions may be taken, initiate and

1 provide a timetable for the 1 or more
2 actions; and

3 “(III) respond to the Adminis-
4 trator with respect to the matters de-
5 scribed in the report; and

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

9 “(B) PUBLICATION.—A report of the Ad-
10 ministrator submitted under subparagraph (A)
11 shall be promptly published in the Federal Reg-
12 ister.

13 “(C) ACTION BY RECIPIENT AGENCY.—Not
14 later than 90 days after the date of receipt of
15 a report from the Administrator under subpara-
16 graph (A), or by such earlier date as the Ad-
17 ministrator may specify in such a report, an
18 agency that receives the report shall—

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

21 “(ii) take all action necessary to en-
22 sure that a chemical substance meets the
23 safety standard under this title, if appro-
24 priate;

1 “(iii) include with the response of the
2 agency a detailed statement of the findings
3 and conclusions of the agency; and

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

6 “(2) INITIATION OF ACTION.—If the Adminis-
7 trator submits a report under paragraph (1) with re-
8 spect to a chemical substance to an agency, and the
9 agency that receives the report initiates, within the
10 period specified in the request under paragraph (1),
11 a civil action under Federal law administered by the
12 agency to ensure that a chemical substance meets
13 the safety standard under this title, or requires re-
14 strictions or conditions to meet that safety standard,
15 the Administrator may not take action under this
16 Act with respect to the civil action (other than any
17 action taken pursuant to section 7).”;

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

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

22 “(3) NO ACTION.—The Administrator may, by
23 order, initiate action or a combination of actions
24 under this Act to ensure compliance with the safety

1 standard for a chemical substance under this title
 2 if—

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

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

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

10 “(ii) does not initiate action, if appro-
 11 priate, within the period specified in the
 12 request under paragraph (1);

13 “(iii) does not complete the action
 14 within the timeframe provided by the agen-
 15 cy; or

16 “(iv) fails to respond.”; and

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

19 (i) by striking “(4) If the Adminis-
 20 trator has initiated action under section 6
 21 or 7” and inserting the following:

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

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

1 (2) in subsection (c)—

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

4 “(1) shall not”; and

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

7 (C) by adding at the end the following:

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

13 (3) in subsection (d)—

14 (A) in the first sentence, by striking “while
15 imposing the least burden of duplicative re-
16 quirements on those subject to the Act and for
17 other purposes”; and

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

20 **SEC. 11. INSPECTIONS AND SUBPOENAS.**

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

23 **“SEC. 11. INSPECTIONS AND SUBPOENAS.**

24 **“(a) INSPECTIONS.—**

1 “(1) IN GENERAL.—For purposes of admin-
2 istering this Act, the Administrator, and any duly
3 designated representative of the Administrator, may
4 inspect—

5 “(A) any establishment, facility, or other
6 premises in which chemical substances, mix-
7 tures, or articles subject to this Act are manu-
8 factured, processed, stored, or held before or
9 after distribution in commerce;

10 “(B) any conveyance being used to trans-
11 port such chemical substances, mixtures, or ar-
12 ticles in connection with distribution in com-
13 merce; and

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

18 “(2) METHOD.—Each inspection under para-
19 graph (1) shall be—

20 “(A) commenced and completed with rea-
21 sonable promptness; and

22 “(B) conducted at reasonable times, within
23 reasonable limits, and in a reasonable manner.

1 “(3) SAMPLES.—The Administrator, and any
2 duly designated representative of the Administrator,
3 may inspect and obtain samples of any—

4 “(A) chemical substance, mixture, or arti-
5 cle; and

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

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

15 “(c) INFORMATION GATHERING.—

16 “(1) IN GENERAL.—In carrying out this Act,
17 the Administrator may require the attendance and
18 testimony of witnesses and the production of such
19 reports, papers, documents, items, answers to ques-
20 tions, and other information, including the develop-
21 ment of analyses and other information, as the Ad-
22 ministrator determines to be necessary.

23 “(2) PAYMENT OF WITNESSES.—A witness de-
24 scribed in paragraph (1) shall be paid the same fees

1 and mileage that are paid witnesses in the courts of
2 the United States.

3 “(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
10 for purposes of this Act; and

11 “(2) the seizure of any chemical substance, mix-
12 ture, or article that is in violation of this Act.”.

13 **SEC. 12. EXPORTS.**

14 Section 12 of the Toxic Substances Control Act (15
15 U.S.C. 2611) is amended—

16 (1) by striking subsection (a);

17 (2) by redesignating subsections (b) and (c) as
18 subsections (a) and (b), respectively;

19 (3) in subsection (a) (as redesignated by para-
20 graph (2))—

21 (A) in paragraph (1)—

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

23 (ii) by striking “section 4 or 5(b)”

24 and inserting “section 4, 5, or 6(b)”;

1 (iii) by striking “or intent to export”
2 and inserting “, not later than 30 days
3 after the date of exportation of the sub-
4 stance or mixture,”; and

5 (iv) by inserting “promptly there-
6 after” before “furnish”;

7 (B) in paragraph (2)—

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

9 (ii) by striking “an order has been
10 issued under section 5 or a rule has been
11 proposed or promulgated under section 5
12 or 6, or with respect to which an action is
13 pending or relief has been granted under
14 section 5 or 7” and inserting “an action
15 has been taken pursuant to section 6 or
16 7”;

17 (iii) by striking “or intent to export”
18 and inserting “, not later than 30 days
19 after the date of exportation of the sub-
20 stance or mixture,”;

21 (iv) by inserting “promptly there-
22 after” before “furnish”; and

23 (v) by striking “such rule, order, ac-
24 tion, or relief” and inserting “the action
25 taken pursuant to section 6 or 7”; and

1 (C) by adding at the end the following:

2 “(3) CHANGE IN EXPORT STATUS.—

3 “(A) IN GENERAL.—Any person that has
4 notified the Administrator of the exportation of
5 a chemical substance or mixture under this sec-
6 tion shall notify the Administrator of any
7 change in the export status of the substance or
8 mixture by not later than 30 days after such a
9 change in status.

10 “(B) UPDATED NOTICE.—The Adminis-
11 trator shall promptly furnish an updated notice
12 to the governments that have been notified pur-
13 suant to paragraphs (1) and (2) regarding the
14 exportation of any chemical substance or mix-
15 ture subject to this section if—

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

19 “(ii) a change has occurred in the ex-
20 port status of the substance or mixture; or

21 “(iii) a change has been made in any
22 risk management action taken pursuant to
23 section 6 or 7 for the substance or mix-
24 ture.”;

1 (4) in subsection (b), as redesignated by para-
2 graph (2) of this section—

3 (A) by striking paragraph (2); and

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

7 (5) by adding at the end the following:

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

9 “(1) maintain copies of all current notices pro-
10 vided to other governments under this section; and

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

13 **SEC. 13. ENTRY INTO CUSTOMS TERRITORY OF THE**
14 **UNITED STATES.**

15 Section 13 of the Toxic Substances Control Act (15
16 U.S.C. 2612) is amended—

17 (1) by striking “Secretary of the Treasury”
18 each place it appears and inserting “Secretary of
19 Homeland Security”;

20 (2) in subsection (a)—

21 (A) in paragraph (1), by striking “if—”
22 and subparagraphs (A) and (B) and inserting
23 “if the substance, mixture, or article fails to
24 comply with or is offered for entry in violation

1 of any rule or order in effect under this Act.”;
 2 and

3 (B) by adding at the end the following:

4 “(3) IMPORT AS PART OF AN ARTICLE.—Chem-
 5 ical substances and mixtures imported as part of an
 6 article shall be subject to the same requirements
 7 under this Act as if the substances and mixtures had
 8 been imported in bulk, except as the Administrator
 9 may provide by rule under this Act, or as the Sec-
 10 retary of Homeland Security may provide by rule
 11 under subsection (b).”.

12 **SEC. 14. DISCLOSURE OF DATA.**

13 Section 14 of the Toxic Substances Control Act (15
 14 U.S.C. 2613) is amended to read as follows:

15 **“SEC. 14. DISCLOSURE OF DATA.**

16 **“(a) APPLICABILITY.—**

17 **“(1) IN GENERAL.—**Subject to paragraph (2)
 18 and except as provided under subsections (b) and
 19 (e), any information reported to, or otherwise ob-
 20 tained by, the Administrator (or any representative
 21 of the Administrator) that is exempt from disclosure
 22 under subsection (a) of section 552 of title 5, United
 23 States Code, (commonly known as the ‘Freedom of
 24 Information Act’) under subsection (b)(4) of that
 25 section, shall not be disclosed by the Administrator

1 or by any officer or employee of the United States,
2 unless the designation of the information as exempt
3 from disclosure is prohibited under Federal law.

4 “(2) EXEMPTIONS.—

5 “(A) MANDATORY EXEMPTIONS.—Notwith-
6 standing any other provision of law, the Admin-
7 istrator shall disclose the information described
8 in paragraph (1)—

9 “(i) to any officer or employee of the
10 United States—

11 “(I) in connection with the offi-
12 cial duties of that officer or employee
13 under any law for the protection of
14 human health or the environment; or

15 “(II) for specific law enforcement
16 purposes;

17 “(ii) to a contractor with the United
18 States and employees of that contractor if,
19 in the opinion of the Administrator, the
20 disclosure is necessary for the satisfactory
21 performance by the contractor of a con-
22 tract with the United States entered into
23 on or after the date of enactment of the
24 Safe Chemicals Act of 2013 for the per-
25 formance of work in connection with this

1 Act and under such conditions as the Ad-
2 ministrator may specify;

3 “(iii) if the Administrator determines
4 that the disclosure is necessary to protect
5 human health or the environment;

6 “(iv) on request, to a State or tribal
7 government for the purpose of development
8 or potential development, administration,
9 or enforcement of a law, if 1 or more ap-
10 plicable agreements ensure that the recipi-
11 ent government will take appropriate steps,
12 and has adequate authority, to maintain
13 the confidentiality of the information in ac-
14 cordance with procedures comparable to
15 those which the Administrator uses to
16 safeguard the information; and

17 “(v) on request, to public health or
18 environmental health professionals or med-
19 ical personnel if the Administrator deter-
20 mines that—

21 “(I) disclosure is in the public in-
22 terest;

23 “(II) the recipient does not have
24 a conflict of interest or competitive in-

1 interest with respect to the submitter of
2 the information; and

3 “(III) 1 or more applicable
4 agreements are in place to ensure that
5 the recipient of the information pro-
6 vides comparable protections to those
7 provided by the Administrator to
8 maintain the confidentiality of the in-
9 formation.

10 “(B) OPTIONAL EXEMPTIONS.—Notwith-
11 standing any other provision of law, the Admin-
12 istrator may disclose the information described
13 in paragraph (1) if relevant, in any proceeding
14 under this Act, except that disclosure in such a
15 proceeding shall be made in such manner as to
16 preserve confidentiality to the maximum extent
17 practicable without impairing the proceeding.

18 “(3) EFFECT ON OTHER LAWS.—In any pro-
19 ceeding under section 552(a) of title 5, United
20 States Code (commonly referred to as the ‘Freedom
21 of Information Act’), to obtain information, the dis-
22 closure of which has been denied pursuant to this
23 section, the Administrator may not rely on sub-
24 section (b)(3) of that section to sustain the action of
25 the Administrator.

1 “(b) CATEGORIES OF CONFIDENTIAL BUSINESS IN-
2 FORMATION.—

3 “(1) INFORMATION THAT IS ALWAYS ELIGIBLE
4 FOR PROTECTION.—Subject to subsection (a)(2) and
5 any other applicable provision of Federal law, the
6 Administrator shall review and approve a request
7 that conforms to the requirements described in sub-
8 section (c)(2) to treat as confidential under this sec-
9 tion the following information:

10 “(A) Precise information describing the
11 manufacture, processing, or distribution of a
12 chemical substance or mixture.

13 “(B) Marketing and sales information.

14 “(C) Information identifying the customers
15 of a manufacturer, processor, or distributor.

16 “(D) Details of the full composition of a
17 mixture of a particular manufacturer or proc-
18 essor.

19 “(E) Precise information about the use,
20 function, or application of a chemical substance
21 or mixture in a process, mixture, or product of
22 a particular manufacturer or processor.

23 “(F) Precise production or import volumes
24 of a particular manufacturer, processor, or dis-
25 tributor.

1 “(2) INFORMATION THAT MAY BE ELIGIBLE
2 FOR PROTECTION.—

3 “(A) IN GENERAL.—Subject to subsection
4 (a) and any other applicable provision of Fed-
5 eral law, and except as provided in paragraphs
6 (1) and (3), information submitted by a manu-
7 facturer, processor, or distributor to the Admin-
8 istrator may be protected if the manufacturer,
9 processor, or distributor complies with sub-
10 section (c)(2) and the Administrator determines
11 that a request to maintain the confidentiality of
12 the information meets the applicable require-
13 ments of this subsection and any rule promul-
14 gated by the Administrator under subsection
15 (c)(1).

16 “(B) IDENTITIES OF CERTAIN CHEMICAL
17 SUBSTANCES.—

18 “(i) IN GENERAL.—Notwithstanding
19 subparagraph (A), the Administrator shall
20 not disclose precise information on the
21 identity of a chemical substance if—

22 “(I) the manufacturer or proc-
23 essor of the substance has, in accord-
24 ance with subsection (c)(2)—

1 “(aa) included in a notice
2 under section 5(b) a request, in-
3 cluding a justification and docu-
4 mentation for the request, that
5 the identity of the substance be
6 treated as confidential business
7 information; or

8 “(bb) submitted to the Ad-
9 ministrator not later than 180
10 days after the date of enactment
11 of the Safe Chemicals Act of
12 2013 a request, including a jus-
13 tification and documentation for
14 the request, that the identity of a
15 substance for which a notice has
16 been submitted under section
17 5(b) as of the date of enactment
18 of the Safe Chemicals Act of
19 2013 be treated as confidential
20 business information; and

21 “(II) the Administrator deter-
22 mines that—

23 “(aa) the request complies
24 with all applicable requirements
25 of this section;

1 “(bb) the chemical identity
2 is not readily discoverable
3 through reverse engineering;

4 “(cc) the manufacturer or
5 processor takes reasonable meas-
6 ures to protect the confidentiality
7 of the chemical substance;

8 “(dd) no other Federal stat-
9 ute requires disclosure;

10 “(ee) disclosure of the iden-
11 tity of the chemical substance
12 would cause financial or competi-
13 tive harm to the manufacturer or
14 processor;

15 “(ff) the chemical substance
16 is not, based on information that
17 is initially available or that later
18 becomes available to the Admin-
19 istrator, a known or probable re-
20 productive, developmental, neuro-
21 logical, or immunological toxi-
22 cant, carcinogen, or mutagen;

23 “(gg) the chemical substance
24 is not persistent, bioaccumula-
25 tive, and toxic; and

1 “(hh) if a safety standard
2 determination has been made for
3 a chemical substance, the Admin-
4 istrator determines that the
5 chemical substance meets the ap-
6 plicable safety standard either
7 under current conditions or
8 under additional conditions re-
9 quired by the Administrator.

10 “(ii) NOTICE.—In cases where all of
11 the requirements specified in clause (i) are
12 met—

13 “(I) the notice required to be
14 made public by the Administrator
15 under section 5(f)(3) shall include a
16 justification for the determination of
17 the Administrator and identify the
18 chemical substance by generic class
19 unless the Administrator determines
20 that more specific identification is re-
21 quired in the public interest; and

22 “(II) as part of a claim to pro-
23 tect the identity of a chemical sub-
24 stance under subsection (c)(2), a
25 manufacturer or processor may pro-

1 vide a ‘public name’ for the chemical
2 substance for use by the Adminis-
3 trator when sharing information on
4 the chemical substance under this
5 subsection. The public names should
6 disclose a maximum amount of infor-
7 mation on the chemical structure of
8 the substance, while protecting those
9 features of the chemical structure that
10 are considered confidential and the
11 disclosure of which would potentially
12 harm the owner of that information.

13 “(iii) DURATION OF PROTECTION FOR
14 CHEMICAL IDENTITY.—Notwithstanding
15 subsection (c)(1)(B)(iv), the identity of a
16 chemical substance for which a request has
17 been submitted pursuant to clause (i)(I)
18 and meets the requirements of clause (i)
19 shall be protected as confidential business
20 information—

21 “(I) for such period of time as
22 the Administrator, after reviewing the
23 request, determines to be reasonable;
24 and

1 “(II) upon expiration of a time
2 period specified under this clause, for
3 an additional 5-year period, if the Ad-
4 ministrator, after reviewing the re-
5 quest, determines that the request for
6 protection continues to meet the cri-
7 teria established in this subparagraph.

8 “(iv) PUBLICATION REQUIREMENT.—
9 The Administrator shall annually publish a
10 notice that—

11 “(I) includes an updated, cumu-
12 lative list of each new chemical sub-
13 stance for which the Administrator
14 has approved a request to protect in-
15 formation under this paragraph, iden-
16 tified by a unique identifier, other
17 than the precise chemical identity,
18 and including the period of time for
19 which the protection applies; and

20 “(II) for each chemical substance
21 for which the protection provided
22 under this paragraph has expired,
23 provides the precise identity of the
24 chemical substance, and provides pub-
25 lic access to any information that had

1 been submitted to the Administrator
2 which concealed the identity of the
3 chemical substance in accordance with
4 this paragraph.

5 “(C) IMPURITIES.—Notwithstanding sub-
6 paragraph (A), the Administrator may deter-
7 mine not to disclose information relating to the
8 degree of purity or the identity of impurities
9 present in a chemical substance or mixture if
10 the Administrator determines that knowledge of
11 the information would reveal processes used in
12 the manufacturing or processing of the chemical
13 substance or mixture.

14 “(3) INFORMATION THAT IS NEVER ELIGIBLE
15 FOR PROTECTION.—

16 “(A) IN GENERAL.—Except as provided in
17 paragraph (2), the Administrator shall disclose
18 the following information:

19 “(i) The identity of a chemical sub-
20 stance.

21 “(ii) Any safety standard determina-
22 tion developed under section 6, including
23 supporting analysis developed by the Ad-
24 ministrator.

1 “(iii) Any health and safety study
2 data that is submitted under this Act with
3 respect to—

4 “(I) any chemical substance or
5 mixture—

6 “(aa) that has been offered
7 for commercial distribution as of
8 the date on which the study is to
9 be disclosed; or

10 “(bb) for which testing is re-
11 quired under section 4 or for
12 which notification is required
13 under section 5; and

14 “(II) any data reported to, or
15 otherwise obtained by, the Adminis-
16 trator from a health and safety study
17 that relates to a chemical substance
18 or mixture described in subclause (I).

19 “(iv) Health and safety data in no-
20 tices of substantial risk submitted pursu-
21 ant to section 8(1) and in the underlying
22 studies.

23 “(v) General information describing
24 the manufacturing volumes, expressed in
25 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-

1 ture, or in the case of a mixture, the release of
2 data disclosing the portion of the mixture com-
3 prised by any of the chemical substances in the
4 mixture.

5 “(C) APPLICABILITY OF OTHER LAWS.—

6 Except as provided in paragraph (2), if the Ad-
7 ministrator receives a request for information
8 under section 552(a) of title 5, United States
9 Code, (commonly known as the ‘Freedom of In-
10 formation Act’) for information described in
11 subparagraph (A), which is not information de-
12 scribed in subparagraph (B), the Administrator
13 shall not deny the request under subsection
14 (b)(4) of that section.

15 “(c) DESIGNATION AND TREATMENT OF CONFIDEN-

16 TIAL BUSINESS INFORMATION.—

17 “(1) DUTIES OF THE ADMINISTRATOR.—

18 “(A) RULES.—Not later than 1 year after
19 the date of enactment of the Safe Chemicals
20 Act of 2013, the Administrator shall promul-
21 gate rules that specify—

22 “(i) the acceptable bases on which
23 written requests to maintain confidentiality
24 of information may be approved, which

1 shall be consistent with the requirements
2 of this section;

3 “(ii) the nature of the documentation
4 and justification that must accompany
5 such a request; and

6 “(iii) the types of information the Ad-
7 ministrator determines warrant protection
8 for an indefinite period of time, for which
9 the term of confidentiality specified in sub-
10 paragraph (B)(iv)(I) shall not apply.

11 “(B) REVIEW OF REQUESTS.—

12 “(i) IN GENERAL.—Not later than 90
13 days after the date of receipt of informa-
14 tion under paragraph (2), the Adminis-
15 trator shall review a request to maintain
16 confidentiality of information submitted
17 under this Act and determine whether to
18 approve, modify, or deny that request
19 based on the regulations promulgated by
20 the Administrator under subparagraph
21 (A).

22 “(ii) PROCESS.—The Administrator
23 shall, in accordance with clause (i)—

1 “(I) review all requests received
2 to maintain confidentiality of sub-
3 mitted information; or

4 “(II) if it is not feasible for the
5 Administrator to review all of the re-
6 quests—

7 “(aa) review all requests re-
8 lating to information described in
9 subsection (b)(2)(B); and

10 “(bb) review a representa-
11 tive subset that includes not less
12 than 25 percent of all other re-
13 quests received; and

14 “(III) publish in the Federal
15 Register on at least an annual basis a
16 description of the number and types
17 of requests received and reviewed by
18 the Administrator.

19 “(iii) DENIALS.—If a request to main-
20 tain confidentiality of submitted informa-
21 tion is denied in accordance with subpara-
22 graph (D), the Administrator shall
23 promptly make the information available to
24 the public in accordance with section
25 8(i)(2).

1 “(iv) APPROVALS.—If a request to
2 maintain confidentiality of submitted infor-
3 mation is approved, the Administrator
4 shall—

5 “(I) except with respect to re-
6 quests subject to a rule issued pursu-
7 ant to subparagraph (A)(iii) and re-
8 quests submitted pursuant to sub-
9 section (b)(2)(B)(i)(I), specify a time
10 period not to exceed 5 years for which
11 the submitted information shall be
12 kept confidential, unless the informa-
13 tion otherwise becomes available to
14 the public during the period; and

15 “(II) upon the expiration of the
16 protection period, make the informa-
17 tion available to the public unless the
18 manufacturer, processor, or dis-
19 tributor has submitted, documented,
20 and justified to the satisfaction of the
21 Administrator and in accordance with
22 this subsection the basis for a renewal
23 of the protection, for a time period
24 not to exceed 5 years.

1 “(C) AUTHORITY OF THE ADMINIS-
2 TRATOR.—Nothing in subparagraph (A) or (B)
3 limits the authority of the Administrator to de-
4 termine that particular information, previously
5 treated as confidential, is no longer entitled to
6 confidential treatment.

7 “(D) NOTIFICATIONS.—

8 “(i) IN GENERAL.—Except as pro-
9 vided in clause (ii), if the Administrator
10 proposes to release information for which a
11 request for confidential treatment has been
12 approved under this section, the Adminis-
13 trator shall electronically notify the manu-
14 facturer, processor, or distributor in com-
15 merce who submitted the request of the in-
16 tent of the Administrator to release the in-
17 formation not less than 15 days prior to
18 the release of the information.

19 “(ii) ADMINISTRATION.—The Admin-
20 istrator shall release the information de-
21 scribed in clause (i) in accordance with the
22 disclosure and procedural requirements of
23 section 552 of title 5, United States Code
24 (commonly known as the ‘Freedom of In-
25 formation Act’), except that—

1 “(I) if the release of the informa-
2 tion is to be made pursuant to a re-
3 quest made under section 552(a) of
4 title 5, United States Code, the notice
5 shall be given immediately upon ap-
6 proval of the request by the Adminis-
7 trator;

8 “(II) if the Administrator deter-
9 mines that the release of information
10 pursuant to subsection (a)(2)(A)(iii)
11 is necessary to protect against immi-
12 nent and substantial harm to human
13 health or the environment, no notice
14 shall be required; and

15 “(III) the requirements of this
16 subparagraph shall not apply to the
17 release of information under—

18 “(aa) clauses (i) through
19 (iii) of subsection (a)(2)(A); or

20 “(bb) subsection (b)(3)(A).

21 “(2) DUTIES OF MANUFACTURERS, PROC-
22 ESSORS, AND DISTRIBUTORS.—

23 “(A) IN GENERAL.—In submitting data
24 under this Act, a manufacturer, processor, or
25 distributor in commerce may—

1 “(i) designate information, other than
2 information described in subsection (b)(3),
3 for which the manufacturer, processor, or
4 distributor requests confidential treatment
5 under subsection (a) or (b); and

6 “(ii) submit the designated data sepa-
7 rately from other data submitted under
8 this Act.

9 “(B) REQUIREMENTS.—A designation
10 under this paragraph shall be made in writing
11 and in such manner as the Administrator may
12 prescribe, and shall include—

13 “(i) documentation and justification
14 for each request for confidentiality, except
15 for requests relating to the information de-
16 scribed in subsection (b)(1);

17 “(ii) the period of time for which
18 maintenance of confidentiality of the infor-
19 mation is requested except with respect to
20 requests subject to a rule issued pursuant
21 to subsection (c)(1)(A)(iii);

22 “(iii) a certification that the informa-
23 tion is not otherwise publicly available;

24 “(iv) separate copies of all submitted
25 information, with 1 copy containing and 1

1 copy excluding the information to which
2 the request applies; and

3 “(v) any additional information re-
4 quired by the Administrator.

5 “(C) REQUEST FOR RENEWAL.—Prior to
6 the expiration of the specified time period de-
7 termined by the Administrator under paragraph
8 (1)(B)(iv), a manufacturer, processor, or dis-
9 tributor may submit a request for renewal of
10 protection for protected information. This re-
11 quest for renewal shall follow the same proce-
12 dures and requirements as the initial submis-
13 sion under subparagraphs (A) and (B).

14 “(d) CIVIL PENALTY FOR WRONGFUL DISCLOSURE
15 OR WRONGFUL REQUESTS FOR PROTECTION.—

16 “(1) IN GENERAL.—Any officer or employee of
17 the United States or former officer or employee of
18 the United States, who, by virtue of employment or
19 official position has obtained possession of, or has
20 access to, material the disclosure of which is prohib-
21 ited by subsection (a), and who knowing that disclo-
22 sure of the material is prohibited by that subsection,
23 willfully discloses the material in any manner to any
24 person not entitled to receive the information, shall
25 be subject to appropriate disciplinary action and

1 subject to a civil money penalty of not more than
2 \$10,000 for each violation.

3 “(2) APPLICABILITY OF OTHER LAWS.—Section
4 1905 of title 18, United States Code, shall not apply
5 with respect to the publishing, divulging, disclosure,
6 making known, or making available of, information
7 reported or otherwise obtained under this Act.

8 “(3) CONTRACTORS.—For the purposes of
9 paragraph (1), any contractor with the United
10 States who is furnished information as authorized by
11 subsection (a)(2), including any employee of such a
12 contractor, shall be considered to be an employee of
13 the United States.

14 “(4) FALSE REQUESTS.—Any officer or em-
15 ployee of a company that submits information under
16 this Act who willfully designates information as eligi-
17 ble for confidential treatment, knowing that the in-
18 formation is ineligible for such treatment, shall be
19 subject to a civil money penalty of not more than
20 \$10,000 for each such violation.

21 “(e) ACCESS BY CONGRESS.—Notwithstanding this
22 section or any other provision of law, all information re-
23 ported to or otherwise obtained by the Administrator (or
24 any representative of the Administrator) under this Act

1 shall be made available, on written request of any duly
2 authorized committee of Congress, to that committee.

3 “(f) RISK INFORMATION FOR WORKERS.—The Ad-
4 ministrator shall facilitate the sharing of information that
5 pertains to chemical substances or mixtures or articles
6 containing chemical substances that workers may come
7 into contact with or may otherwise be exposed to during
8 the course of work with those workers and representatives
9 of each certified or recognized bargaining agent rep-
10 resenting those workers. Nothing in this subsection au-
11 thorizes disclosure of information other than those disclo-
12 sures that may be made pursuant to subsections (a)
13 through (e).”.

14 **SEC. 15. PROHIBITED ACTS.**

15 Section 15 of the Toxic Substances Control Act (15
16 U.S.C. 2614) is amended—

17 (1) by striking paragraph (1) and inserting the
18 following:

19 “(1) fail or refuse to comply with any rule,
20 order, prohibition, restriction, or other requirement
21 imposed by this Act or by the Administrator under
22 this Act;”;

23 (2) in paragraph (2)—

1 (A) by striking “use” and inserting “man-
2 ufacture, process, distribute in commerce, use,
3 or dispose of”;

4 (B) by striking “or mixture” and inserting
5 “, mixture, or article”; and

6 (C) by striking “section 5 or 6, a rule or
7 order under section 5 or 6, or an order issued
8 in action brought under section 5 or 7” and in-
9 serting “any rule, order, prohibition, restriction,
10 or other requirement imposed by this Act or by
11 the Administrator under this Act”;

12 (3) in paragraph (3)—

13 (A) in subparagraph (A), by inserting “ac-
14 curate and complete” after “maintain”;

15 (B) in subparagraph (B)—

16 (i) by inserting “or make accurate
17 and complete” after “submit”; and

18 (ii) by inserting “information submis-
19 sions, disclosures, declarations, certifi-
20 cations,” after “notices,”; and

21 (C) in subparagraph (C), by striking “or”
22 after the semicolon;

23 (4) in paragraph (4), by striking the period at
24 the end and inserting a semicolon; and

25 (5) by adding at the end the following:

1 “(5) make or submit a statement, declaration,
2 disclosure, certification, writing, data set, or rep-
3 resentation that is materially false, in whole or in
4 part, or to falsify or conceal any material fact, in
5 taking any action or making any communication
6 pursuant to this Act or pursuant to any rule or
7 order promulgated or issued under this Act; or

8 “(6) take any action prohibited by this Act.”.

9 **SEC. 16. PENALTIES.**

10 Section 16 of the Toxic Substances Control Act (15
11 U.S.C. 2615) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in the first sentence—

15 (I) by inserting “this Act or a
16 rule or order promulgated or issued
17 pursuant to this Act, as described in”
18 after “a provision of”; and

19 (II) by striking “\$25,000” and
20 inserting “\$37,500”; and

21 (ii) in the second sentence, by striking
22 “violation of section 15 or 409” and in-
23 serting “violation of this Act”;

1 (B) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (3), (4), and (5), respec-
3 tively;

4 (C) by inserting after paragraph (1) the
5 following:

6 “(2) In the case of any violation described in
7 paragraph (1), the Administrator may commence a
8 civil action in the appropriate United States district
9 court to assess penalties pursuant to that para-
10 graph.”;

11 (D) in subparagraph (A) of paragraph (3)
12 (as redesignated by subparagraph (B))—

13 (i) in the first sentence, by inserting
14 “this Act, as described in” before “section
15 15 or 409”; and

16 (ii) in the last sentence, by striking
17 “within 15 days of” and inserting “not
18 later than 15 days after”;

19 (E) in the first sentence of paragraph (4)
20 (as redesignated by subparagraph (B))—

21 (i) by striking “paragraph (2)(A)”
22 and inserting “paragraph (3)(A)”; and

23 (ii) by striking “the United States
24 Court of Appeals for the District of Co-
25 lumbia Circuit or for any other circuit”

1 and inserting “the appropriate district
2 court of the United States for the dis-
3 trict”; and

4 (F) in paragraph (5) (as redesignated by
5 subparagraph (B)), by striking “paragraph (3)”
6 each place it appears and inserting “paragraph
7 (4)”; and
8 (2) in subsection (b)—

9 (A) by striking “Any person” and inserting
10 the following:

11 “(1) IN GENERAL.—Any person”;

12 (B) by striking “or willfully”;

13 (C) by inserting “this Act, as described in”
14 after “any provision of”;

15 (D) by striking “\$25,000” and inserting
16 “\$50,000”;

17 (E) by striking “one year” and inserting
18 “5 years”; and

19 (F) by adding at the end the following:

20 “(2) IMMINENT DANGER OF DEATH OR SERIOUS
21 BODILY INJURY.—

22 “(A) IN GENERAL.—Any individual who
23 knowingly violates any provision of this Act and
24 who knows at the time that the violation places
25 another person in imminent danger of death or

1 serious bodily injury shall upon conviction be
2 subject to a fine of not more than \$250,000, or
3 imprisonment of not more than 15 years, or
4 both.

5 “(B) OTHER PERSONS.—A person that is
6 not an individual shall, upon conviction of vio-
7 lating this paragraph, be subject to a fine of
8 not more than \$1,000,000.”.

9 **SEC. 17. SPECIFIC ENFORCEMENT AND SEIZURE.**

10 Section 17 of the Toxic Substances Control Act (15
11 U.S.C. 2616) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking “(1) The district
15 courts” and all that follows through the
16 end of subparagraph (C) and inserting the
17 following:

18 “(1) AUTHORITY OF THE ADMINISTRATOR.—

19 “(A) IN GENERAL.—The Administrator
20 may commence a civil action in the appropriate
21 United States district court to compel compli-
22 ance of any person with any provision of this
23 Act or any rule or order promulgated pursuant
24 to this Act.

1 “(B) ENFORCEMENT.—The authority of
2 the Administrator to enforce this Act includes
3 the authority—

4 “(i) to seek civil or criminal penalties
5 under section 16 for any violation of this
6 Act, as described in sections 15 and 409;

7 “(ii) to enjoin any violation of this
8 Act, or of a rule or order promulgated or
9 issued under this Act, as described in sec-
10 tions 15 and 409;

11 “(iii) to order the compliance of any
12 person with any provision of this Act, or
13 with any rule or order promulgated or
14 issued under this Act, through an adminis-
15 trative proceeding (which may proceed con-
16 currently with action under this section),
17 in which the Administrator may levy pen-
18 alties under section 16; and”;

19 (ii) in subparagraph (D)—

20 (I) by redesignating clause (i)
21 through (iii) as subclauses (I) through
22 (III), respectively, and indenting ap-
23 propriately;

1 (II) by striking “(D) direct any
2 manufacturer” and inserting the fol-
3 lowing:

4 “(iv) to order any manufacturer”;

5 (III) by striking “product subject
6 to title IV” and inserting “article sub-
7 ject to this Act”;

8 (IV) by striking “product” each
9 place it appears and inserting “arti-
10 cle”;

11 (V) by striking “of section 5, 6,
12 or title IV” and inserting “this Act”;
13 and

14 (VI) by striking “under section
15 5, 6, or title IV” and inserting “pro-
16 mulgated and issued under this Act,
17 as described in section 15 or 409,”;

18 (B) in paragraph (2)—

19 (i) by striking “(2) A civil action” and
20 all that follows through “described in sub-
21 paragraph (A) of such paragraph” in sub-
22 paragraph (A) and inserting the following:

23 “(2) CIVIL ACTIONS.—

1 “(A) IN GENERAL.—The district courts of
2 the United States shall have jurisdiction over a
3 civil action described in paragraph (1).

4 “(B) REQUIREMENTS.—A civil action de-
5 scribed in paragraph (1) may be brought—

6 “(i) in the case of a civil action de-
7 scribed in subparagraphs (A) and (B) of
8 paragraph (1)”;

9 (ii) in clause (i) (as so designated), by
10 striking “of section 15” and inserting “of
11 this Act, as described in section 15 or
12 409”;

13 (iii) by redesignating subparagraph
14 (B) as clause (ii) and indenting appro-
15 priately; and

16 (iv) in clause (ii) (as so designated),
17 by striking “such paragraph” and insert-
18 ing “paragraph (1)”;

19 (C) in the undesignated matter following
20 paragraph (2), by striking “In any” and insert-
21 ing the following:

22 “(3) SERVING OF PROCESS AND SUBPOENAS.—

23 In any”; and

24 (2) in the first sentence of subsection (b)—

1 (A) by striking “title IV” and inserting
2 “this Act”;

3 (B) by striking “product” the first place it
4 appears and inserting “article”; and

5 (C) by striking “product,” both places it
6 appears.

7 **SEC. 18. PREEMPTION.**

8 Section 18 of the Toxic Substances Control Act (15
9 U.S.C. 2617) is amended to read as follows:

10 **“SEC. 18. PREEMPTION.**

11 “Nothing in this Act affects the right of a State or
12 a political subdivision of a State to adopt or enforce any
13 regulation, requirement, or standard of performance that
14 is different from, or in addition to, a regulation, require-
15 ment, liability, or standard of performance established
16 pursuant to this Act unless compliance with both this Act
17 and the State or political subdivision of a State regulation,
18 requirement, or standard of performance is impossible, in
19 which case the applicable provisions of this Act shall con-
20 trol.”.

21 **SEC. 19. JUDICIAL REVIEW.**

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

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking subparagraph (B);

2 (ii) in subparagraph (A), by striking

3 “(1)(A) Not later” and all that follows

4 through “under title II or IV,” and insert-

5 ing the following:

6 “(1) JUDICIAL REVIEW.—Not later than 60

7 days after the date of the promulgation or issuance

8 of a rule under of this Act,”;

9 (iii) by inserting “or order” after

10 “rule” each place it appears; and

11 (iv) in the second sentence, by strik-

12 ing “(other than in an enforcement pro-

13 ceeding)”;

14 (B) in paragraph (2)—

15 (i) in the first sentence, by striking

16 “paragraph (1)(A)” and inserting “para-

17 graph (1)”;

18 (ii) in the second sentence, by insert-

19 ing “or order” after “rule”; and

20 (C) by striking paragraph (3);

21 (2) in subsection (b), by inserting “or order”

22 after “rule” each place it appears; and

23 (3) in subsection (c), by striking paragraph (1)

24 and inserting the following:

1 “(1) IN GENERAL.—Upon the filing of a peti-
 2 tion under subsection (a)(1) for judicial review of a
 3 rule or order, the court shall have jurisdiction—

4 “(A) to grant appropriate relief, including
 5 interim relief, as provided in chapter 7 of title
 6 5, United States Code; and

7 “(B) to review the rule or order in accord-
 8 ance with that chapter.”.

9 **SEC. 20. CITIZENS’ CIVIL ACTION.**

10 Section 20 of the Toxic Substances Control Act (15
 11 U.S.C. 2619) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “under
 14 section 4, 5, or 6, or title II or IV, or order
 15 issued under section 5 or title II or IV to re-
 16 strain such violation,” and inserting “or order
 17 issued under this Act;”; and

18 (B) in the third sentence of the undesig-
 19 nated language following paragraph (2), by in-
 20 serting “, to enforce this Act or any rule pro-
 21 mulgated or order issued under this Act, or to
 22 order the Administrator to perform an act or
 23 duty described in this Act, as the case may be”
 24 after “citizenship of the parties”; and

1 (2) in subsection (b)(1), by striking “to re-
2 strain” and inserting “respecting”.

3 **SEC. 21. CITIZENS’ PETITIONS.**

4 Section 21 of the Toxic Substances Control Act (15
5 U.S.C. 2620) is amended—

6 (1) in subsection (a), by striking “under section
7 4, 6, or 8 or an order under section 5(e) or
8 (6)(b)(2)” and inserting “, order, or any other ac-
9 tion authorized under this Act”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “under
12 section 4, 6, or 8 or an order under section
13 5(e), 6(b)(1)(A), or 6(b)(1)(B)” and inserting
14 “or order or to initiate other action authorized
15 under this Act”;

16 (B) in the first sentence of paragraph (3),
17 by striking “section 4, 5, 6, or 8” and inserting
18 “the applicable provisions of this Act”; and

19 (C) in paragraph (4)—

20 (i) in the first sentence of subpara-
21 graph (A), by striking “a rulemaking pro-
22 ceeding” and inserting “proceedings au-
23 thorized under this Act”; and

24 (ii) in subparagraph (B)—

1 (I) in the matter preceding clause

2 (i)—

3 (aa) in the first sentence, by
4 striking “a proceeding to issue a
5 rule under section 4, 6, or 8 or
6 an order under section 5(e) or
7 6(b)(2)” and inserting “pro-
8 ceedings authorized under this
9 Act”; and

10 (bb) by inserting “Notwith-
11 standing the preceding sentence,
12 in the case of a petition to delist
13 a chemical substance under sec-
14 tion 6(a), the delisting may not
15 proceed except as authorized
16 under that subsection.” after the
17 first sentence;

18 (II) in clause (i)—

19 (aa) in the matter preceding
20 subclause (I), by striking “in the
21 case of a petition to initiate a
22 proceeding for the issuance of a
23 rule under section 4 or an order
24 under section 5(e)” and inserting
25 “except as provided in clause (ii),

1 in the case of a petition to ini-
2 tiate a proceeding for the
3 issuance of a rule or an order
4 under this Act”; and

5 (bb) in subclause (II), by
6 striking “an unreasonable risk
7 to” and inserting “substantial
8 endangerment”; and
9 (III) in clause (ii)—

10 (aa) by striking “issuance of
11 a rule under section 6 or 8 or an
12 order under section 6(b)(2)” and
13 inserting “imposition or issuance
14 of a restriction, use condition, or
15 order under this chapter”;

16 (bb) by striking “an unrea-
17 sonable risk of injury” and in-
18 serting “a substantial
19 endangerment”; and

20 (cc) by striking the period at
21 the end and inserting a semi-
22 colon.

23 **SEC. 22. EMPLOYMENT EFFECTS.**

24 Section 24 of the Toxic Substances Control Act (15
25 U.S.C. 2623) is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1)—

3 (A) by striking “continuing” and inserting
4 “periodic”; and

5 (B) by striking “plant closures)” and all
6 that follows through the end of paragraph (2)
7 and inserting “plant closures) of the implemen-
8 tation of this Act.”;

9 (2) in subsection (b)—

10 (A) in paragraph (1), in the undesignated
11 language following subparagraph (B), by strik-
12 ing “section 4, 5, or 6 or a requirement of sec-
13 tion 5 or 6” and inserting “this Act”;

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)(ii), by strik-
16 ing “by order issued” and inserting “in
17 writing,”; and

18 (ii) in subparagraph (B)—

19 (I) in clause (i), by striking the
20 comma after “such request” and in-
21 serting “; and”;

22 (II) by striking clause (ii); and

23 (III) by redesignating clause (iii)
24 as clause (ii); and

25 (C) by striking paragraph (4); and

1 (3) by adding at the end the following:

2 “(c) EFFECT.—Nothing in this section—

3 “(1) requires the Administrator to amend or re-
4 peal any rule or order in effect under this Act; or

5 “(2) conditions the authority of the Adminis-
6 trator to issue orders or promulgate rules under this
7 Act.”.

8 **SEC. 23. ADMINISTRATION OF THE TOXIC SUBSTANCES**
9 **CONTROL ACT.**

10 Section 26 of the Toxic Substances Control Act (15
11 U.S.C. 2625) is amended—

12 (1) by striking subsection (b) and inserting the
13 following:

14 “(b) FEES.—

15 “(1) IN GENERAL.—The Administrator may, by
16 rule, require the payment of a reasonable fee from
17 any person required to submit data to defray the
18 cost of administering this Act.

19 “(2) CONSIDERATIONS.—In setting a fee under
20 this subsection, the Administrator shall take into ac-
21 count—

22 “(A) the ability to pay of the person re-
23 quired to submit the data; and

24 “(B) the cost to the Administrator of re-
25 viewing the data.

1 “(3) FEE SHARING.—Rules described in para-
 2 graph (1) may provide for sharing a fee in any case
 3 in which the expenses of testing are shared under
 4 this Act.”;

5 (2) in subsection (c)—

6 (A) in the subsection heading, by adding
 7 “AND MIXTURES” after “CATEGORIES”; and

8 (B) by adding at the end the following:

9 “(3) MIXTURES.—Any action authorized or re-
 10 quired to be taken by the Administrator or any other
 11 person under any provision of this Act with respect
 12 to a chemical substance is likewise also authorized or
 13 required with respect to a mixture, if the Adminis-
 14 trator determines that such extension is reasonable
 15 and efficient.”; and

16 (3) by adding at the end the following:

17 “(h) RULEMAKING OR ORDERS.—In carrying out this
 18 Act, the Administrator may issue such orders and pre-
 19 scribe such regulations as are necessary to carry out this
 20 Act.”.

21 **SEC. 24. STATE PROGRAMS.**

22 Section 28 of the Toxic Substances Control Act (15
 23 U.S.C. 2627) is amended—

24 (1) in the first sentence of subsection (a)—

25 (A) by striking “unreasonable”; and

1 (B) by striking “is unable or is not likely
2 to take” and inserting “has not taken”;

3 (2) by redesignating subsections (b), (c), and
4 (d) as subsections (c), (d), and (e), respectively;

5 (3) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) COORDINATION.—The Administrator shall es-
8 tablish a process to coordinate with States, on an on-going
9 basis, to share data and priorities relating to the manage-
10 ment of chemical substances under this title and under
11 programs operated by States, in accordance with section
12 14.”; and

13 (4) in subsection (c)(2) (as redesignated by
14 paragraph (2)), by striking “including cancer, birth
15 defects, and gene mutations,”.

16 **SEC. 25. AUTHORIZATION OF APPROPRIATIONS.**

17 Title I of the Toxic Substances Control Act (15
18 U.S.C. 2601 et seq.) is amended—

19 (1) by redesignating section 29 (15 U.S.C.
20 2628) as section 38;

21 (2) by redesignating section 30 (15 U.S.C.
22 2629) as section 37;

23 (3) by striking section 31 (Public Law 94–469;
24 100 Stat. 2989); and

1 (4) by amending section 38 (as redesignated by
2 paragraph (1)) to read as follows:

3 **“SEC. 38. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to the Ad-
5 ministrator to carry out this Act such sums as are nec-
6 essary for each of fiscal years 2013 through 2020.”.

7 **SEC. 26. ADDITIONAL REQUIREMENTS.**

8 (a) RESTRICTIONS ON CERTAIN CHEMICAL SUB-
9 STANCES.—The Toxic Substances Control Act is amended
10 by inserting after section 28 (15 U.S.C. 2627) the fol-
11 lowing:

12 **“SEC. 29. CHILDREN’S ENVIRONMENTAL HEALTH RE-
13 SEARCH PROGRAM.**

14 “(a) CHILDREN’S ENVIRONMENTAL HEALTH RE-
15 SEARCH PROGRAM.—

16 “(1) ESTABLISHMENT.—Not later than 90 days
17 after the date of enactment of the Safe Chemicals
18 Act of 2013, the Administrator shall establish within
19 the Environmental Protection Agency a program to
20 be known as the ‘Children’s Environmental Health
21 Research Program’ (referred to in this subsection as
22 the ‘Program’).

23 “(2) PURPOSE.—Subject to amounts made
24 available in advance in appropriations Acts, the Ad-
25 ministrator may enter into contracts and make

1 grants under the Program to further understanding
2 of the vulnerability of children to chemical sub-
3 stances and mixtures.

4 “(3) CONSULTATION.—Contracts and grants
5 under this section shall be provided in consultation
6 with the Interagency Science Advisory Board on
7 Children’s Health Research established under sub-
8 section (b)(1).

9 “(b) INTERAGENCY SCIENCE ADVISORY BOARD ON
10 CHILDREN’S HEALTH RESEARCH.—

11 “(1) ESTABLISHMENT.—Not later than 90 days
12 after the date of enactment of the Safe Chemicals
13 Act of 2013, the Administrator shall establish an ad-
14 visory board to be known as the ‘Interagency
15 Science Advisory Board on Children’s Health Re-
16 search’ (referred to in this subsection as the
17 ‘Board’).

18 “(2) PURPOSE.—The purpose of the Board
19 shall be to provide independent advice, expert con-
20 sultation, and peer review, on request of the Admin-
21 istrator or Congress, with respect to the scientific
22 and technical aspects of issues relating to the imple-
23 mentation of this title with respect to research on
24 protecting children’s health.

25 “(3) COMPOSITION.—The Administrator shall—

1 “(A) appoint the members of the Board,
2 including, at a minimum, representatives of—

3 “(i) the National Institute of Environ-
4 mental Health Sciences;

5 “(ii) the Centers for Disease Control
6 and Prevention;

7 “(iii) the National Toxicology Pro-
8 gram;

9 “(iv) the National Cancer Institute;

10 “(v) the National EPA-Tribal Science
11 Council; and

12 “(vi) not fewer than 3 centers of chil-
13 dren’s health at leading institutions of
14 higher education;

15 “(B) ensure that at least $\frac{1}{3}$ of the mem-
16 bers of the Board have specific scientific exper-
17 tise in the relationship of chemical exposures to
18 prenatal, infant, and children’s health; and

19 “(C) ensure that no individual appointed
20 to serve on the Board has a conflict of interest
21 that is relevant to the functions performed by
22 the Board, unless—

23 “(i) the individual promptly and pub-
24 licly discloses the conflict; and

1 “(ii) the Administrator determines
2 that the conflict is unavoidable.

3 “(4) APPLICABLE LAW.—The Board shall be
4 subject to subchapter II of chapter 5, and chapter
5 7, of title 5, United States Code (commonly known
6 as the ‘Administrative Procedure Act’).

7 “(c) PRENATAL AND INFANT EXPOSURES.—

8 “(1) MONITORING.—If, through studies per-
9 formed under subsection (a) or section 4 or in any
10 other available research, the Administrator identifies
11 a chemical substance that may be present in human
12 biological media that may have adverse effects on
13 early childhood development, the Administrator shall
14 coordinate with the Secretary of Health and Human
15 Services to conduct, not later than 2 years after the
16 date on which the Administrator identifies the chem-
17 ical substance, a biomonitoring study to determine
18 the presence of the chemical substance in human bi-
19 ological media in, at a minimum, pregnant women
20 and infants.

21 “(2) PUBLICATION.—On completion of any
22 study conducted under paragraph (1), the Secretary
23 of Health and Human Services shall—

24 “(A) notify the Administrator of the re-
25 sults 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

1 commercial customers of such manufac-
2 turer or processor, consumers, and the
3 public.

4 **“SEC. 30. REDUCTION OF ANIMAL-BASED TESTING.**

5 “(a) ADMINISTRATION.—The Administrator shall
6 take action to minimize the use of animals in testing of
7 chemical substances or mixtures, including—

8 “(1) encouraging and facilitating, to the max-
9 imum extent practicable—

10 “(A) the use of existing data of sufficient
11 scientific quality;

12 “(B) the use of test methods that eliminate
13 or reduce the use of animals while providing
14 data of high scientific quality;

15 “(C) the grouping of 2 or more chemical
16 substances into scientifically appropriate cat-
17 egories in cases in which testing of 1 chemical
18 substance would provide reliable and useful
19 data on others in the category;

20 “(D) the formation of industry consortia to
21 jointly conduct testing to avoid unnecessary du-
22 plication of tests; and

23 “(E) the parallel submission of data from
24 animal-based studies and from emerging meth-
25 ods and models; and

1 “(2) funding research and validation studies to
 2 reduce, refine, and replace the use of animal tests in
 3 accordance with this subsection.

4 “(b) INTERAGENCY SCIENCE ADVISORY BOARD ON
 5 ALTERNATIVE TESTING METHODS.—

6 “(1) ESTABLISHMENT.—Not later than 90 days
 7 after the date of enactment of the Safe Chemicals
 8 Act of 2013, the Administrator shall establish an ad-
 9 visory board to be known as the ‘Interagency
 10 Science Advisory Board on Alternative Testing
 11 Methods’ (referred to in this subsection and sub-
 12 section (c) as the ‘Board’).

13 “(2) COMPOSITION.—The Administrator shall—

14 “(A) appoint the members of the Board,
 15 including, at a minimum, representatives of—

16 “(i) the National Institute of Environ-
 17 mental Health Sciences;

18 “(ii) the Centers for Disease Control
 19 and Prevention;

20 “(iii) the National Toxicology Pro-
 21 gram;

22 “(iv) the National Cancer Institute;
 23 and

24 “(v) the National EPA-Tribal Science
 25 Council; and

1 “(B) ensure that no individual appointed
2 to serve on the Board has a conflict of interest
3 that is relevant to the functions to be per-
4 formed, unless—

5 “(i) the individual promptly and pub-
6 licly discloses the conflict; and

7 “(ii) the Administrator determines
8 that the conflict is unavoidable.

9 “(3) PURPOSE.—The purpose of the Board
10 shall be to provide independent advice and peer re-
11 view to Congress and the Administrator on the sci-
12 entific and technical aspects of issues relating to the
13 implementation of this title with respect to mini-
14 mizing the use of animals in testing chemical sub-
15 stances or mixtures.

16 “(4) APPLICABLE LAW.—The Board shall be
17 subject to subchapter II of chapter 5, and chapter
18 7, of title 5, United States Code (commonly known
19 as the ‘Administrative Procedure Act’).

20 “(5) REPORT.—Not later than 1 year after the
21 date of enactment of the Safe Chemicals Act of
22 2013, and every 3 years thereafter, the Adminis-
23 trator, in consultation with the Board, shall publish
24 in the Federal Register a list of testing methods that
25 reduce the use of animals in testing under section 4.

1 “(c) IMPLEMENTATION OF ALTERNATIVE TESTING
2 METHODS.—To promote the development and timely in-
3 corporation of new testing methods that are not animal-
4 based, the Administrator shall—

5 “(1) in consultation with the Board, and after
6 providing an opportunity for public comment, de-
7 velop a strategic plan to promote the development
8 and implementation of alternative test methods and
9 testing strategies to generate information used for
10 safety standard determinations under section 6(b)
11 that do not use animals, including toxicity pathway-
12 based risk assessment, in vitro studies, systems biol-
13 ogy, computational toxicology, bioinformatics, and
14 high-throughput screening;

15 “(2) beginning on the date that is 2 years after
16 the date of enactment of the Safe Chemicals Act of
17 2013 and every 2 years thereafter, submit to Con-
18 gress a report that describes the progress made in
19 implementing this section; and

20 “(3) fund and carry out research, development,
21 performance assessment, and translational studies to
22 accelerate the development of test methods and test-
23 ing strategies that are not animal-based for use in
24 safety standard determinations under section 6(b).

1 “(d) CRITERIA FOR ADAPTING OR WAIVING ANIMAL
2 TESTING REQUIREMENTS.—On request from a manufac-
3 turer or processor that is required to conduct animal-
4 based testing of a chemical substance or mixture under
5 this title, the Administrator may adapt or waive the ani-
6 mal testing requirement if the Administrator determines
7 that—

8 “(1) there is a sufficient weight of evidence
9 from several independent sources of information to
10 support a conclusion that a chemical substance or
11 mixture has, or does not have, a particular property,
12 in any case in which the information from each indi-
13 vidual source alone is regarded as insufficient to
14 support the conclusion;

15 “(2) because of 1 or more physical or chemical
16 properties of the chemical substance or mixture,
17 testing for a specific endpoint is technically not
18 practicable to conduct; or

19 “(3) a chemical substance or mixture cannot be
20 tested in animals at concentrations that do not re-
21 sult in significant pain or distress, because of phys-
22 ical or chemical properties of the chemical substance
23 or mixture, such as potential to cause severe corro-
24 sion or severe irritation to tissues.

1 **“SEC. 31. SAFER ALTERNATIVES AND GREEN CHEMISTRY**
2 **AND ENGINEERING.**

3 “(a) SAFER ALTERNATIVES PROGRAM.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of the Safe Chemicals Act of
6 2013, the Administrator shall establish a program to
7 create market incentives for the development of safer
8 alternatives to existing chemical substances that re-
9 duce or avoid the use and generation of hazardous
10 substances.

11 “(2) REQUIREMENTS.—The program estab-
12 lished under paragraph (1) shall include—

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

19 “(B) recognition for a chemical substance
20 or product determined by the Administrator to
21 be a safer alternative for a particular use by
22 means of a special designation intended for use
23 in marketing the safer alternative, and periodic
24 public awards or rewards; and

25 “(C) such other incentives, as the Adminis-
26 trator considers to be appropriate to encourage

1 the development, marketing, and use of chem-
2 ical substances or products determined by the
3 Administrator to be safer alternatives for the
4 particular uses, such as job training and worker
5 assistance.

6 “(b) GREEN CHEMISTRY RESEARCH NETWORK.—
7 The Administrator shall establish a network of not less
8 than 4 green chemistry and engineering centers, located
9 in various regions of the United States, to support the
10 development and adoption of safer alternatives to chemical
11 substances, particularly chemical substances listed under
12 section 6(a).

13 “(c) GREEN CHEMISTRY AND ENGINEERING RE-
14 SEARCH GRANTS.—The Administrator shall make grants
15 to promote and support the research, development, and
16 adoption of safer alternatives to hazardous substances.

17 “(d) GREEN CHEMISTRY WORKFORCE EDUCATION
18 AND TRAINING PROGRAM.—

19 “(1) IN GENERAL.—The Administrator shall es-
20 tablish a program to facilitate the development of a
21 workforce, including industrial and scientific work-
22 ers, that produces safer alternatives to existing
23 chemical substances.

1 “(2) GOALS.—The goals of the program estab-
2 lished under paragraph (1) are to provide workforce
3 training on skills that would—

4 “(A) facilitate the expansion of green
5 chemistry;

6 “(B) develop scientific and technical lead-
7 ership in green chemistry;

8 “(C) facilitate the successful and safe inte-
9 gration of green chemistry into infrastructure
10 projects;

11 “(D) inform and engage communities
12 about green chemistry; and

13 “(E) promote innovation and strong public
14 health and environmental protections.

15 “(3) IMPLEMENTATION.—The Administrator
16 shall implement the program to achieve the goals of
17 this Act, including by—

18 “(A) helping to develop a broad range of
19 skills relevant to the production and use of the
20 safer alternatives, including the design, manu-
21 facturing, use, and disposal of the alternatives;

22 “(B) offering to develop partnerships with
23 educational institutions, training organizations,
24 private sector companies, and community orga-
25 nizations; and

1 “(C) providing grants to States, units of
2 local government, and the partnerships devel-
3 oped under subparagraph (B) to promote and
4 support activities consistent with achieving the
5 goals of the program established under this
6 subsection.

7 **“SEC. 32. COOPERATION WITH INTERNATIONAL EFFORTS.**

8 “In cooperation with the Secretary of State and the
9 head of any other appropriate Federal agency (as deter-
10 mined by the Administrator), the Administrator shall co-
11 operate with international efforts as appropriate—

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

14 “(2) to develop safer alternatives for chemical
15 substances.

16 **“SEC. 33. RELIABLE INFORMATION AND ADVICE.**

17 “Not later than 18 months after the date of enact-
18 ment of the Safe Chemicals Act of 2013, the Adminis-
19 trator shall, by order, establish and implement procedures
20 to ensure data reliability including, at a minimum, re-
21 quirements that the Administrator—

22 “(1) not less than annually randomly inspect
23 laboratories that develop the data required under
24 this title on the various properties and characteris-
25 tics of a chemical substance;

1 “(2) annually perform a comprehensive data
2 audit on a subset, as chosen by the Administrator,
3 of the data submissions under this title;

4 “(3) establish and maintain a registry of all
5 health- and safety-related studies initiated in re-
6 sponse to requirements under this title;

7 “(4) have access to all records of health- and
8 safety-related studies initiated in response to re-
9 quirements under this title; and

10 “(5) require the submitter of any research
11 study conducted by a third party in response to re-
12 quirements under this title to disclose to the Admin-
13 istrator and the public, at the time of submission,
14 the sources of any funding used for the conduct or
15 publication of the study received by the researchers
16 who conducted the study.

17 **“SEC. 34. HOT SPOTS.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) DISPROPORTIONATE EXPOSURE.—The
20 term ‘disproportionate exposure’ means residential
21 population exposure to 1 or more toxic chemical sub-
22 stances or mixtures at levels that are significantly
23 greater than the average exposure in the United
24 States, as defined and identified by the Adminis-

1 trator in accordance with the criteria established
2 under subsection (b).

3 “(2) LOCALITY.—The term ‘locality’ means any
4 geographical area (including a county, city, town,
5 neighborhood, census tract, zip code area, or other
6 commonly understood political or geographical sub-
7 division) in which the Administrator identifies dis-
8 proportionate exposure.

9 “(b) CRITERIA.—Not later than 180 days after the
10 date of enactment of the Safe Chemicals Act of 2013, the
11 Administrator shall promulgate a rule to establish criteria
12 consistent with this section that—

13 “(1) defines disproportionate exposure; and

14 “(2) identifies any locality that is disproportion-
15 ately exposed.

16 “(c) IDENTIFICATION.—

17 “(1) IN GENERAL.—Not later than 120 days
18 after the date on which the rule is promulgated
19 under subsection (b), the Administrator shall iden-
20 tify localities in the United States that are subject
21 to disproportionate exposure.

22 “(2) USE OF DATA.—In identifying localities
23 under paragraph (1), the Administrator—

24 “(A) shall use data contained in the Na-
25 tional Air Toxic Assessment Database; and

1 “(B) may use other data available to the
 2 Administrator, including data developed
 3 under—

4 “(i) the Safe Drinking Water Act (42
 5 U.S.C. 300f et seq.);

6 “(ii) the Solid Waste Disposal Act (42
 7 U.S.C. 6901 et seq.);

8 “(iii) the Comprehensive Environ-
 9 mental Response, Compensation, and Li-
 10 ability Act of 1980 (42 U.S.C. 9601 et
 11 seq.); and

12 “(iv) the Emergency Planning and
 13 Community Right-to-Know Act of 1986
 14 (42 U.S.C. 11001 et seq.).

15 “(3) PUBLIC PARTICIPATION.—The Adminis-
 16 trator shall provide an opportunity for members of
 17 the public to nominate localities in which dispropor-
 18 tionate exposure may be found for inclusion in the
 19 identification of localities under paragraph (1).

20 “(d) LOCALITY LIST.—

21 “(1) IN GENERAL.—Not later than 180 days
 22 after completing the identification of localities under
 23 subsection (c)(1), the Administrator, after notice
 24 and consultation with applicable State, local, county

1 health, and environmental officials, State, local, and
2 county legislators, and other elected officials, shall—

3 “(A) publish a list of the localities subject
4 to disproportionate exposure identified under
5 that subsection in the Federal Register; and

6 “(B) make the list published under sub-
7 paragraph (A) available electronically.

8 “(2) UPDATED LIST.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), not later than 5 years after the date
11 on which the list is published under paragraph
12 (1)(A), and at least once every 5 years there-
13 after, the Administrator shall update and re-
14 publish the list.

15 “(B) DISCRETIONARY UPDATES.—The Ad-
16 ministrator may update and republish the list
17 under paragraph (1) more frequently than every
18 5 years—

19 “(i) to add new localities that meet
20 the criteria established under subsection
21 (b); or

22 “(ii) to remove localities, if the Ad-
23 ministrator determines that the exposure
24 reduction has been achieved and no further

1 action is needed after actions are taken
2 under subsection (f).

3 “(C) NOTIFICATION.—The Administrator
4 shall notify all applicable State, local, county
5 health, and environmental officials, State, local,
6 and county legislators, and other elected offi-
7 cials of the updated listing.

8 “(e) NO JUDICIAL REVIEW; NONDISCRETIONARY
9 DUTY.—

10 “(1) NO JUDICIAL REVIEW.—The following ac-
11 tions under this section shall not be subject to judi-
12 cial review:

13 “(A) A decision to include on the list pub-
14 lished under subsection (d)(1) a locality identi-
15 fied under subsection (c)(1).

16 “(B) A decision in response to nominations
17 submitted under subsection (c)(3).

18 “(C) A decision to list localities under sub-
19 section (d)(1) or update the list under sub-
20 section (d)(2).

21 “(2) NONDISCRETIONARY DUTY.—Notwith-
22 standing paragraph (1), the failure of the Adminis-
23 trator to publish or update the list of localities in ac-
24 cordance with this section shall be—

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

3 “(B) subject to judicial review.

4 “(f) ACTION PLANS.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date on which the list is published or updated
7 under subsection (d), the Administrator shall de-
8 velop and publish, for each locality identified on the
9 list, an action plan that includes—

10 “(A) an identification of the chemical sub-
11 stances and mixtures that contribute to the dis-
12 proportionate exposure (including exposure lev-
13 els, sources, and pathways); and

14 “(B) a description of actions planned by
15 the Administrator to reduce disproportionate
16 exposure in the locality.

17 “(2) GOALS.—The goal of each action plan
18 under this subsection shall be to reduce dispropor-
19 tionate exposure in the locality by establishing—

20 “(A) a percentage exposure reduction goal
21 for each chemical substance and mixture; and

22 “(B) a timeline to achieve the percentage
23 exposure reduction goal.

24 “(g) REPORT TO CONGRESS.—The Administrator
25 shall—

1 “(1) submit to Congress an annual report that
2 identifies—

3 “(A) each locality added to the list in the
4 prior year under subsection (d);

5 “(B) each action plan developed in the
6 prior year under subsection (f); and

7 “(C) the progress on each action plan to
8 date; and

9 “(2) make the report available to the public in
10 electronic format.

11 **“SEC. 35. APPLICATION OF THIS ACT TO FEDERAL AGEN-**
12 **CIES.**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (e), each Federal agency, and any officer, agent, or em-
15 ployee of a Federal agency, shall be subject to, and comply
16 with, all applicable requirements of this Act described in
17 subsection (b), both substantive and procedural, in the
18 same manner, and to the same extent, as any person sub-
19 ject to the requirements.

20 “(b) DESCRIPTION OF REQUIREMENTS.—The sub-
21 stantive and procedural requirements referred to in this
22 subsection include—

23 “(1) any administrative order;

24 “(2) any civil or administrative penalty or fine,
25 regardless of whether the penalty or fine is—

1 “(A) punitive or coercive in nature; or

2 “(B) imposed for isolated, intermittent, or
3 continuing violations;

4 “(3) any requirement for reporting;

5 “(4) any provision for injunctive relief and
6 sanctions that may be imposed by a court to enforce
7 such relief; and

8 “(5) payment of reasonable service charges.

9 “(c) WAIVER OF IMMUNITY.—The United States ex-
10 pressly waives any immunity otherwise applicable to the
11 United States with respect to any substantive or proce-
12 dural requirement referred to under subsection (a).

13 “(d) CIVIL PENALTIES.—No agent, employee, or offi-
14 cer of the United States shall be personally liable for any
15 civil penalty under this title with respect to any act or
16 omission within the scope of the official duties of the
17 agent, employee, or officer.

18 “(e) CRIMINAL SANCTIONS.—An agent, employee, or
19 officer of the United States shall be subject to any crimi-
20 nal sanction (including any fine or imprisonment) under
21 this Act, but no department, agency, or instrumentality
22 of the executive, legislative, or judicial branch of the Fed-
23 eral Government shall be subject to such sanction.

24 “(f) EXEMPTION.—

1 “(1) IN GENERAL.—If the President determines
2 it is in the paramount interest of the United States,
3 the President may grant an exemption for any Fed-
4 eral agency from compliance with any requirement
5 of this Act.

6 “(2) LACK OF APPROPRIATION.—No exemption
7 shall be granted under paragraph (1) due to lack of
8 appropriation unless—

9 “(A) the President has specifically re-
10 quested the appropriation as a part of the
11 budgetary process; and

12 “(B) Congress has failed to make the re-
13 quested appropriation available.

14 “(3) PERIOD OF EXEMPTION.—Any exemption
15 granted under paragraph (1) shall be for a period of
16 not more than 1 year, but additional exemptions
17 may be granted for periods not to exceed 1 year, if
18 the President makes a subsequent determination
19 that the exemption is in the paramount interest of
20 the United States.

21 “(4) REPORT.—Each January after the date of
22 enactment of this section, the President shall submit
23 to Congress a report that describes—

1 “(A) all exemptions granted under this
2 subsection during the preceding calendar year;
3 and

4 “(B) the reason for granting each exemp-
5 tion.

6 “(g) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

7 “(1) IN GENERAL.—The Administrator may ini-
8 tiate an administrative enforcement action against
9 any Federal agency—

10 “(A) in accordance with the enforcement
11 authorities of this Act; and

12 “(B) in the same manner and under the
13 same circumstances as an action would be initi-
14 ated against another person.

15 “(2) SETTLEMENT.—Any voluntary resolution
16 or settlement of an administrative enforcement ac-
17 tion initiated under this subsection shall be set forth
18 in a consent order.

19 “(3) FINALITY OF ADMINISTRATIVE ORDER.—
20 No administrative order issued to a Federal depart-
21 ment, agency, or instrumentality under this sub-
22 section shall become final until the Federal depart-
23 ment, agency, or instrumentality has had the oppor-
24 tunity to confer with the Administrator.

1 **“SEC. 36. IMPLEMENTATION OF STOCKHOLM CONVENTION,**
2 **THE LRTAP POPS PROTOCOL, AND THE ROT-**
3 **TERDAM CONVENTION.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) CHEMICAL.—The term ‘chemical’ includes
6 any substance or mixture of substances, including a
7 substance that is part of an article.

8 “(2) LRTAP CONVENTION.—The term
9 ‘LRTAP Convention’ means the Convention on
10 Long-Range Transboundary Air Pollution, done at
11 Geneva on November 13, 1979 (TIAS 10541), and
12 any subsequent amendments to which the United
13 States is a party.

14 “(3) LRTAP POPS CHEMICAL.—The term
15 ‘LRTAP POPS chemical’ means any chemical listed
16 on any Annex of the LRTAP POPS Protocol, if such
17 listing has entered into force for the United States.

18 “(4) LRTAP POPS PROTOCOL.—The term
19 ‘LRTAP POPS Protocol’ means the Protocol on Per-
20 sistent Organic Pollutants to the LRTAP Conven-
21 tion, done at Aarhus on June 24, 1998, and any
22 subsequent amendment to which the United States
23 is a party.

24 “(5) MEETING OF THE PARTIES.—The term
25 ‘meeting of the parties’ means—

1 “(A) the Conference of the Parties estab-
2 lished by and operating under Article 19 of the
3 Stockholm Convention;

4 “(B) the Executive Body established by
5 and operating under Article 10 of the LRTAP
6 POPs Convention; and

7 “(C) the Conference of the Parties estab-
8 lished by and operating under Article 18 of the
9 Rotterdam Convention.

10 “(6) PIC CHEMICAL.—The term ‘PIC chemical’
11 means any chemical identified by notification to the
12 Secretariat of the Rotterdam Convention by the
13 United States as banned or severely restricted in the
14 United States, and any chemical listed on any Annex
15 of the Rotterdam Convention, if such listing has en-
16 tered into force for the United States.

17 “(7) POPS CHEMICAL.—The term ‘POPs chem-
18 ical’ means any chemical that is listed on any Annex
19 of the Stockholm Convention, if such listing has en-
20 tered into force for the United States.

21 “(8) ROTTERDAM CONVENTION.—The term
22 ‘Rotterdam Convention’ means the Rotterdam Con-
23 vention on the Prior Informed Consent Procedure
24 for Certain Hazardous Chemicals and Pesticides in
25 International Trade, done at Rotterdam on Sep-

1 tember 10, 1998, and any subsequent amendment to
2 which the United States is a party.

3 “(9) STOCKHOLM CONVENTION.—The term
4 ‘Stockholm Convention’ means the Stockholm Con-
5 vention on Persistent Organic Pollutants, done at
6 Stockholm on May 22, 2001, and any subsequent
7 amendment to which the United States is a party.

8 “(b) IMPLEMENTATION OF INTERNATIONAL AGREE-
9 MENTS.—

10 “(1) IN GENERAL.—The Administrator, in co-
11 operation with appropriate Federal agencies, shall
12 implement and support the implementation by the
13 United States of the provisions of the Stockholm
14 Convention, the LRTAP POPs Protocol, and the
15 Rotterdam Convention that have entered into effect
16 for the United States.

17 “(2) PROHIBITIONS.—Notwithstanding any
18 other provision of law, no person may manufacture,
19 process, distribute in commerce, use, dispose of, or
20 take any other action with respect to a POPs chem-
21 ical, LRTAP POPs chemical, or PIC chemical in a
22 manner inconsistent with applicable obligations for
23 that chemical under the Stockholm Convention,
24 LRTAP POPs Protocol, or Rotterdam Convention.

25 “(3) PUBLIC NOTICE AND COMMENT.—

1 “(A) IN GENERAL.—The Administrator
2 shall provide timely public notice and oppor-
3 tunity to comment on a chemical proposed for
4 listing to any Annex to the Stockholm Conven-
5 tion, the LRTAP POPs Protocol, or the Rot-
6 terdam Convention.

7 “(B) CONTENTS.—The Administrator shall
8 identify in the notice under subparagraph (A)
9 any relevant toxicity, exposure, and risk infor-
10 mation on the chemical known to the Adminis-
11 trator, and any domestic activities involving the
12 chemical known to the Administrator.

13 “(C) NOTICE AND COMMENT.—

14 “(i) IN GENERAL.—Any interested
15 person may provide relevant comment and
16 information on the chemical in response to
17 the notice under subparagraph (A).

18 “(ii) REQUEST FOR INFORMATION.—
19 The Administrator may require the provi-
20 sion of relevant information related to a
21 proposed chemical from any person, as the
22 Administrator determines necessary to as-
23 sist the United States in the review.

24 “(iii) PUBLIC DOCKET.—The Admin-
25 istrator shall consider all comments and in-

1 formation received under this subpara-
2 graph in the review of the proposal and in-
3 clude the comments and information in an
4 established public docket.

5 “(D) POST-RECOMMENDATION.—

6 “(i) IN GENERAL.—The Administrator
7 shall provide timely public notice and op-
8 portunity to comment after a recommenda-
9 tion is made to list a chemical on any
10 Annex to the Stockholm Convention, the
11 LRTAP POPs Protocol, or the Rotterdam
12 Convention.

13 “(ii) MEETING OF THE PARTIES.—
14 The Administrator shall provide the notice
15 under clause (i) in advance of the meeting
16 of the Parties at which the recommenda-
17 tion is to be considered.

18 “(iii) REQUEST FOR INFORMATION.—
19 The Administrator shall request comment
20 and information on all aspects of the rec-
21 ommendation and may, if the Adminis-
22 trator determines it to be necessary to as-
23 sist the United States in the review, re-
24 quire the provision of relevant information

1 related to a proposed chemical from any
2 person.

3 “(iv) PUBLIC DOCKET.—The Adminis-
4 trator shall consider all comments and in-
5 formation received under this subpara-
6 graph in the review of the proposal and in-
7 clude the comments and information in an
8 established public docket.

9 “(E) DECISIONS.—

10 “(i) IN GENERAL.—Not later than 30
11 days after a decision by the meeting of the
12 parties, the Administrator shall provide
13 timely public notice and opportunity to
14 comment on any decision by the meeting of
15 the parties to list a chemical on any Annex
16 to the Stockholm Convention.

17 “(ii) CONTENTS.—The Administrator
18 shall provide in the notice under clause (i)
19 a description of the amendments to the in-
20 struments and identify the changes to the
21 domestic activities that the Administrator
22 believes, based on information available to
23 the Administrator, would be necessary if
24 the United States chose to be bound by the
25 listing decision.

1 “(iii) PUBLIC COMMENT.—Any inter-
2 ested person may provide relevant com-
3 ment and information in response to the
4 notice under clause (i).

5 “(iv) PUBLIC DOCKET.—The Adminis-
6 trator shall consider all comments and in-
7 formation received under this subpara-
8 graph in the review of the proposal and in-
9 clude the comments and information in an
10 established public docket.

11 “(F) RATIFICATION.—Not later than 30
12 days after the United States deposits the in-
13 strument of ratification for the Stockholm Con-
14 vention, the LRTAP POPs Protocol, or the
15 Rotterdam Convention, or not later than 30
16 days after the listing of any chemical subse-
17 quently added under those instruments has en-
18 tered into force for the United States (which-
19 ever date is earlier), the Administrator—

20 “(i) shall provide public notice of—

21 “(I) the chemicals that are sub-
22 ject to those instruments; and

23 “(II) any chemical subsequently
24 added under those instruments; and

1 “(ii) may specify the requirements
2 that are applicable for individual chemicals
3 in a public notice under this subparagraph.

4 “(4) GENERAL RULEMAKING AUTHORITY.—The
5 Administrator may promulgate regulations necessary
6 to carry out the Stockholm Convention, the LRTAP
7 POPs Protocol, or the Rotterdam Convention, or to
8 ensure compliance with any obligations under such
9 instruments.

10 “(5) OBLIGATIONS.—If a chemical is subject to
11 obligations under more than 1 of the instruments
12 that includes the Stockholm Convention, the LRTAP
13 POPs Protocol, or the Rotterdam Convention, the
14 most stringent of the obligations shall apply to en-
15 sure compliance with each of the instruments.

16 “(c) ENFORCEMENT.—The prohibitions and any
17 other requirements of this section shall be enforced in the
18 same manner as final rules or orders under section 6.”.

19 (b) CONFORMING AMENDMENTS.—The table of con-
20 tents for the Toxic Substances Control Act (15 U.S.C.
21 2601 et seq.) is amended—

22 (1) by striking the item relating to section 2
23 and inserting the following:

“Sec. 2. Findings, policy, and goal.”;

3 (3) by striking the item relating to section 6
4 and inserting the following:

5 (4) by striking the items relating to sections 29
6 through 31; and

(5) by adding after the item relating to section 28 the following:

“Sec. 38. Authorization of appropriations.”.

•S 696 IS