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
- inserting the following:
- 11 "(a) FINDINGS.—Congress finds that—
- 12 "(1) each year human beings and the environ-
- ment are exposed to a large number of chemical sub-
- stances;
- 15 "(2) the chemical industry, an important part
- of the United States economy, provides valuable
- products that are used in diverse manufacturing in-
- dustries and other commercial, institutional, and
- 19 consumer applications;
- 20 "(3) more than 3 decades after the enactment
- of this Act, people and the environment in the
- United States are still exposed to thousands of
- chemicals whose safety has not been adequately re-
- 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;
 - "(5) biomonitoring of chemical substances in humans reveals that people in the United States carry hundreds of hazardous chemicals in their bodies;
 - "(6) the concentrations of certain chemical substances that persist and accumulate are increasing in the environment and in human bodies and are found across the world, including in the remote Arctic in which Native Americans face increasing contamination of traditional foods:
 - "(7) differences in metabolism and physiology at certain stages of development can make infants and children more vulnerable than adults to the effects of chemical exposure, especially exposure that occurs in utero, during infancy, and during other critical periods of development;
 - "(8) manufacturers and processors of chemicals should supply sufficient health and environmental information before distributing products in commerce;
- 24 "(9) the Administrator must have and exercise 25 the authority to develop sufficient information to as-

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sess chemical safety, and to act effectively when the Administrator obtains information that indicates there are risks of harmful exposure to chemical substances;

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

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

"(b) Policy.—It is the policy of the United States—

"(1) to protect the health of children, workers, consumers, and the public, and to protect the environment from harmful exposures to chemical substances;

- 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;
 - "(3) to require that chemicals in commerce meet a risk-based safety standard that protects vulnerable and affected populations and the environment;
 - "(4) to require companies to provide sufficient health and environmental information for the chemical substances that the companies manufacture, process, or import as a condition of allowing those companies to distribute chemical substances in commerce;
 - "(5) to improve the quality of information on chemical safety and use;
 - "(6) to guarantee the right of the public and workers to know about the hazards and uses of chemical substances that the public and workers may be exposed to by maximizing public access to information on chemical safety and use; and
 - "(7) to strengthen cooperation between and among the Federal Government and State, municipal, tribal, and foreign governments.

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         "(c) Goal.—It is the goal of the United States to
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    address the harmful exposure of vulnerable or affected
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    populations to chemical substances caused by the distribu-
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    tion of chemical substances in commerce by—
             "(1) reviewing all chemical substances for safe-
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        ty and identifying the highest priority chemical sub-
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        stances for expedited review;
             "(2) determining whether chemical substances
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        in commerce meet the safety standard under this
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        title;
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             "(3) applying appropriate restrictions to the use
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        of a chemical substance, where warranted; and
             "(4) encouraging the replacement of harmful
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        chemicals and processes with safer alternatives.".
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    SEC. 4. DEFINITIONS.
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        Section 3 of the Toxic Substances Control Act (15
    U.S.C. 2602) is amended—
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             (1) by striking paragraph (12);
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             (2) by redesignating paragraphs (2), (3), (4),
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        (5), (6), (7), (8), (9), (10), (11), (13), and (14), as
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        paragraphs (5), (6), (8), (10), (12), (13), (14), (15),
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        (18), (19), (21), and (24), respectively;
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             (3) by inserting after paragraph (1) the fol-
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        lowing:
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             "(2) Aggregate exposure.—
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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, Drug, and Cosmetic Act (21 U.S.C. 321)). 6 "(3) BIOACCUMULATIVE.— "(A) IN GENERAL.—The term 'bioaccumu-7 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. "(B) UPDATE.—To reflect the best avail-15 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. "(4) CHEMICAL IDENTITY.—The term 'chemical 21 22 identity' includes— "(A) each common and trade name of a 23

chemical substance;

1	"(B) the name of a chemical substance ap-
2	pearing in International Union of Pure and Ap-
3	plied Chemistry nomenclature and the most
4	current Collective Index format;
5	"(C) each Chemical Abstracts Service reg-
6	istration number of a chemical substance; and
7	"(D) the molecular structure of a chemical
8	substance.";
9	(4) in paragraph (5) (as redesignated by para-
10	graph (2))—
11	(A) by striking "(2)(A) Except as provided
12	in subparagraph (B)" and inserting the fol-
13	lowing:
14	"(5) Chemical substance.—
15	"(A) IN GENERAL.—Except as provided in
16	subparagraphs (B) and (C)";
17	(B) in subparagraph (B), by striking "(B)
18	Such term" and inserting the following:
19	"(B) Exclusions.—The term 'chemical
20	substance' "; and
21	(C) by adding at the end the following:
22	"(C) Inclusions.—Notwithstanding mo-
23	lecular identity, the Administrator may deter-
24	mine 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 redesig-
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 redesig-
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 redes-
14	ignated 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.— "(A) IN GENERAL.—The term 'persistent' 6 means, with respect to a chemical substance or 7 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

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;

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

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

> "(v) accommodate the use of alternative testing methods and testing strategies to generate information quickly, at low cost, and with reduced use of animal-based testing, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening, to the extent such methods and strategies would yield information of equivalent quality and reliability.

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, concur-
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 persons or a qualified third party to conduct the
5 tests and submit the information on behalf of
6 the persons making the designation.

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

"(5) Expiration of rules and orders.—

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

"(B) CATEGORY OF CHEMICAL SUB-STANCES.—A rule or order under subsection (b) that requires the testing and submission of information for a category of chemical substances shall expire with respect to a chemical substance included in the category at the end of the applicable reimbursement period (as defined

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

1	"(B) submission of information by the ap-
2	plicant for the substance would be duplicative of
3	information that—
4	"(i) has been submitted to the Admin-
5	istrator in accordance with the rule or
6	order under subsection (a) or (b); or
7	"(ii) is being developed in accordance
8	with the rule or order.
9	"(3) Reimbursement due to exemption.—
10	"(A) Definition of Reimbursement Pe-
11	RIOD.—In this paragraph, the term 'reimburse-
12	ment period', with respect to any test informa-
13	tion for a chemical substance, means a period
14	that—
15	"(i) begins on the date on which the
16	test information is submitted in accordance
17	with a rule or order issued under sub-
18	section (a) or (b); and
19	"(ii) ends on the later of—
20	"(I) 5 years after the date re-
21	ferred to in clause (i); and
22	"(II) the date which, as deter-
23	mined by the Administrator, provides
24	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);
l 1	"(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-

scribed in this subparagraph, to 1 of which

25

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 a	nd
2 under additional condition	ns
3 that could be specified	by
4 the Administrator in maki	ing
5 a safety standard determin	na-
6 tion for the substance.	
7 "(bb) The Administra	tor
8 shall assign to the category of	de-
9 scribed in item (aa) any n	ew
0 chemical substance that me	ets
1 the criteria specified in subclau	ıse
2 (II) or (III).	
3 "(II) Substances of very lo	OW
4 CONCERN.—	
.5 "(aa) In General.—With	hin
the category described in su	ab-
clause (I), the Administra	tor
8 shall designate as a substance	of
9 very low concern any new che	m-
ical substance that, based on	ro-
bust information, the Admin	iis-
trator determines possesses	in-
trinsic low-hazard properties	so
that no further action by the A	\d-
25 ministrator is warranted unle	ess

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	"(ce) 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

with insufficient information any new 1 2 chemical substance for which the Ad-3 ministrator concludes, after gathering and screening available use, hazard, 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. "(II) REQUIRED SUBMISSION.— 11 12 For substances designated under this 13 clause, the Administrator shall require 14 submission of the applicable minimum 15 information set specified under section 4 as needed to inform categorization 16 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-

categorize

the

chemical

substance

24

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	

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

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

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.

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

"(3) REQUIREMENTS FOR VARIANTS THAT ARE DISTINCT CHEMICAL SUBSTANCES.—In the case of a chemical substance that the Administrator determines to be a distinct chemical substance based on the special substance characteristics of the chemical substance, and that is not listed on the active inventory established under section 8(h)(1), the manufacturer or processor shall comply with the requirements of subsection (b).

"(f) Submission of Data.—

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

"(A) under subsection (b) or (c), a notice prior to beginning the manufacture or processing of a chemical substance; and

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	(Π) 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

1	2013, the Administrator shall review
2	exemptions that were granted pursu-
3	ant to subsection (h)(4) of this section
4	as in effect on the day before that
5	date of enactment.
6	"(II) Effect of exemption.—
7	An exemption described in subclause
8	(I) shall continue to be in effect until
9	the date on which the Administrator
10	determines, by order, that—
11	"(aa) the exemption is not
12	appropriate under this section, at
13	which time the exemption shall
14	cease to be in effect; or
15	"(bb) the exemption is ap-
16	propriate under this section, at
17	which time the Administrator
18	may issue an order to modify or
19	continue in effect the exemption
20	pursuant to subparagraph (A).
21	"(ii) Polymeric chemical sub-
22	STANCES.—Notwithstanding subparagraph
23	(A) and any previously issued exemption
24	applicable to polymeric chemical sub-
25	stances—

1 "(I) subsection	(d) shall apply to
2 new polymeric chemi	ical substances eli-
gible for the previous	isly issued exemp-
4 tion—	
5 "(aa) du	ring the period
6 prior to a dete	ermination by the
7 Administrator p	pursuant to clause
8 (i) applicable to	o such substances;
9 and	
10 "(bb) after	r a determination
by the Adminis	trator pursuant to
clause (i)(II)(b	b) that continu-
ation of the p	prior exemption is
14 appropriate for	some or all such
15 substances, for	· such substances
to which the con	ntinuation applies;
17 and	
18 "(II) all of t	this section shall
apply to new polym	eric chemical sub-
stances eligible fo	r the previously
issued exemption a	fter a determina-
tion by the Adminis	trator pursuant to
clause (i)(II)(aa) th	at continuation of
the prior exemption	is not appropriate
for some or all suc	ch 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.	

"(2) Requirements.—

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

- "(B) Number.—Each batch established under this subsection shall include a number of chemical substances approximately equal to the number of chemical substances for which reports are submitted to the Administrator under the chemical data reporting rule as of the date of enactment of the Safe Chemicals Act of 2013.
- "(C) Publication.—The Administrator shall publish, subject to section 14, the list of chemical substances assigned to each batch promptly on designation of the chemical substances to the batch.
- "(3) Initial batch.—

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);

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

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

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

"(2) Information sources.—

"(A) IN GENERAL.—In making categorization and prioritization decisions, the Administrator shall take into consideration information regarding chemical substances that is available to the Administrator at the time the decisions are made, including information that is—

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

1	vide to the Administrator information
2	that—
3	"(I) relates to the chemical sub-
4	stances manufactured or processed by
5	the applicable manufacturer or proc-
6	essor;
7	"(II) is in the possession of, or
8	known to, the manufacturer, proc-
9	essor, trade association, or consor-
10	tium; and
11	"(III) is not already available to
12	the Administrator.
13	"(ii) Requirement.—If a manufac-
14	turer, processor, trade association, or con-
15	sortium elects to provide information to
16	the Administrator under clause (i), the
17	manufacturer, processor, trade association,
18	or consortium shall provide all relevant in-
19	formation in the possession of, or known
20	to, the manufacturer, processor, trade as-
21	sociation, or consortium for each chemical
22	substance designated by the Administrator
23	that is manufactured or processed by the
24	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-

1	tion 14, the category assignments for the
2	initial batch of chemical substances identi-
3	fied under subsection (a)(3), using the cat-
4	egories described in subparagraph (B).
5	"(ii) Subsequent batches.—Not
6	later than 180 days after the date on
7	which the Administrator designates each
8	subsequent batch of chemical substances
9	under subsection (a)(2)(A), the Adminis-
10	trator shall publish the category assign-
11	ments for the chemical substances in the
12	batch.
13	"(B) Categories.—The regulation pro-
14	mulgated pursuant to paragraph (1) shall incor-
15	porate, establish criteria for, and further specify
16	as needed, the following categories into which
17	chemical substances in each batch shall be
18	placed:
19	"(i) Substances of very high con-
20	CERN.—
21	"(I) In General.—The Admin-
22	istrator shall designate as substances
23	of very high concern those chemical
24	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.—No
17	later than 270 days after the date or
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).				

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

"(C) NOTICE OF OVERDUE DETERMINA-TION.—If the Administrator fails to act by an applicable deadline under subparagraph (A) or (B), each manufacturer and processor of a chemical substance for which the Administrator has failed to act shall provide to the Administrator, the public, employees and recognized bargaining agents of any employees who are represented by bargaining agents of the manufacturer or processor, and each known customer who has purchased the chemical substance within a reasonable timeframe, as determined by the Administrator by regulation or order, a written notice that a determination by the Administrator of the safety of the chemical substance is pending.

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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

	any condition	n other than	those	specified	in
2	the determin	ation order.			

"(ii) WITH NEW CONDITIONS.—Effective beginning on the date that is 18 months after the date of a determination by the Administrator under subparagraph (C), except as provided in clause (iii), no person shall manufacture, process, or distribute in commerce the chemical substance subject to the determination, or any mixture or article containing the chemical substance, for any use or under any condition other than those specified in the determination order.

"(iii) EXCEPTIONAL CIR-CUMSTANCE.—The Administrator may grant a manufacturer or processor of a chemical substance a 1-time extension of the deadline for complying with a restriction under clause (ii), for a period of not longer than 5 years after the date of the determination by the Administrator under subparagraph (C), if the manufacturer or processor demonstrates—

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

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-

1	turer or processor of a chemical substance
2	a 1-time extension of the deadline for com-
3	plying with the restriction under clause (i),
4	for a period of not longer than 5 years
5	after the date of the determination by the
6	Administrator under this subparagraph, if
7	the manufacturer or processor dem-
8	onstrates—
9	"(I) a compelling technological
10	need to continue a restricted activity
11	beyond the applicable 18-month time
12	period; or
13	" (Π) that a factor wholly beyond
14	the control of the manufacturer or
15	processor prevents compliance with
16	the restriction within that 18-month
17	time period.
18	"(e) Expedited Action for Substances of Very
19	High Concern.—
20	"(1) Use and exposure assessment.—
21	"(A) In General.—Not later than 180
22	days after the date on which a chemical sub-
23	stance is assigned to the category of substances
24	of very high concern under subsection
25	(b)(3)(B)(i), the Administrator may require, by

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order pursuant to section 8(g), the submission by manufacturers or processors of the chemical substance of any additional information the Administrator determines to be necessary to conduct an expedited assessment of the known uses

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

of, and exposures to, the chemical substance.

"(2) Exposure reduction.—

"(A) USE RESTRICTIONS AND OTHER CON-DITIONS.—As soon as practicable, but not later than 18 months, after the date on which a chemical substance is assigned to the category of substances of very high concern under subsection (b)(3)(B)(i), the Administrator shall impose, by order, use restrictions and other conditions, including the conditions specified in subsection (f), on the manufacturing, processing, use, distribution in commerce, and disposal of

the chemical substance that the Administrator determines to be necessary to achieve the maximum practicable reduction in human or environmental exposure to the chemical substance.

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

"(C) EXCEPTIONAL CIRCUMSTANCE.—The Administrator may grant a manufacturer or processor of a chemical substance a 1-time extension of the deadline for complying with the restriction under subparagraph (B), for a period of not longer than 5 years after the date of the determination by the Administrator under this paragraph, if the manufacturer or 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 redesig-
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.—

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

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

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

of exposures to the maximum extent practicable.

"(D) TIMING OF **EXPOSURE** REDUC-TIONS.—Except as provided in clauses (i) and (ii) of subsection (h)(2)(B), effective beginning on the date that is 12 months after the date of issuance by the Administrator of the order described in subparagraph (C), no person shall manufacture, process, or distribute in commerce asbestos subject to the determination, or any mixture or article containing asbestos, for any use or under any condition other than those specified in the order issued under subparagraph (C).

"(2) Management of material.—

"(A) DRAFT GUIDANCE.—Not later than 180 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator, in consultation with the Director of the National Institutes of Occupational Safety and Health, shall publish draft guidance describing the steps that Federal agencies and contractors of Federal agencies shall take to enhance protections for public health and safety and the environment, and to better solicit information

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from members of the public who may potentially be affected by asbestos, when Federal agencies and contractors of Federal Agencies handle or dispose of asbestos. The Administrator shall allow 30 days of public comment on this draft guidance and hold no fewer than two public meetings on this draft guidance in communities impacted by asbestos contamination.

"(B) FINAL GUIDANCE.—Not later than 12 months after the date of enactment of the Safe Chemicals Act of 2013, the Administrator, in consultation with the Director of the National Institutes of Occupational Safety and Health, shall publish final guidance describing the steps that Federal agencies and contractors of Federal Agencies shall take to enhance protections for public health and safety and the environment when handling and disposing of asbestos. The final guidance shall also include steps that shall be taken to better solicit information from and protect the health and safety of people located near areas where asbestos is located, where asbestos is transported, and where asbestos disposal occurs.

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(e); 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 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.

"(E) Subpoenas requiring

attendance of witnesses in a civil action brought

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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-

ical substance in which the manufacturer has a
current commercial interest shall submit to the
Administrator a declaration of the interest for
the chemical substance.

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-

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
0 would not be commensurate with the bur-
den of the requirement on submitters.
2 "(C) Contents.—The rule promulgated
3 under subparagraph (A) shall, at a minimum
4 require each manufacturer of a chemical sub-
5 stance included in the periodic reporting pro-
6 gram to submit to the Administrator—
7 "(i) the chemical identity and any
8 special substance characteristics of the
9 chemical substance, the identity and pri-
0 mary business location of the manufac-
1 turer, and any updates to the supporting
2 information submitted by the manufacturer
in any declaration for an included chemical
4 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-

cle containing that chemical substance) for the purposes of the report or information submission.

"(2) Exemptions.—

"(A) SMALL QUANTITIES FOR RESEARCH OR ANALYSIS.—In the case of the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance in small quantities (as defined by the Administrator by rule) solely for purposes of scientific experimentation or analysis or chemical research (including any such research or analysis for the development of a product), the Administrator may promulgate a rule or order under paragraph (1) only to the extent that the Administrator determines that the maintenance of records, submission of reports, or both, is necessary for the effective enforcement of this Act.

"(B) SMALL BUSINESS.—The rules promulgated under this subsection may exempt certain small businesses from the rules promulgated under this subsection, if the Administrator determines that the participation of those small businesses would not assist in the administration 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.—

"(A) IN GENERAL.—Except as provided in paragraph (2)(B), for a chemical substance for which a notice is submitted under section 5(d), the chemical substance shall be included in the list established under paragraph (1) as of the earliest date (as determined by the Adminis-trator) on which the substance was manufac-tured or processed in the United States. "(B) Publication.—The Administrator

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

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

"(5) Inactive inventory.—

"(A) IN GENERAL.—The Administrator shall compile, keep current, and, subject to sec-

1	tion 14, publish an inactive list on which the
2	Administrator shall include each chemical sub-
3	stance for which the only declarations sub-
4	mitted for the substance are submitted under
5	subsection (b)(3).
6	"(B) Requirements.—If a manufacturer
7	or processor commences the manufacture or
8	processing of a chemical substance on the inac-
9	tive list, the manufacturer or processor shall—
10	"(i) not less than 30 days before re-
11	commencing the manufacture or processing
12	of the chemical substance, notify the Ad-
13	ministrator; and
14	"(ii) provide with the notification
15	under clause (i)—
16	"(I) the chemical identity and
17	any special substance characteristics
18	of the chemical substance;
19	"(II) the identity and primary
20	business location of the manufacturer;
21	"(III) a list of health and safety
22	studies conducted or initiated by or
23	for, known to, or reasonably ascer-
24	tainable 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.

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	$\mathrm{cy};$
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	
19	(3) in subsection (a) (as redesignated by para-
20	(3) in subsection (a) (as redesignated by paragraph (2))—
20	graph (2))—
20 21	graph (2))— (A) in paragraph (1)—

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
	SEC. 13. ENTRY INTO CUSTOMS TERRITORY OF THE UNITED STATES.
14	
13 14 15 16	UNITED STATES.
14 15	UNITED STATES. Section 13 of the Toxic Substances Control Act (15)
14 15 16	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended—
14 15 16 17	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended— (1) by striking "Secretary of the Treasury"
14 15 16 17	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended— (1) by striking "Secretary of the Treasury" each place it appears and inserting "Secretary of
14 15 16 17 18	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended— (1) by striking "Secretary of the Treasury" each place it appears and inserting "Secretary of Homeland Security";
14 15 16 17 18 19 20	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended— (1) by striking "Secretary of the Treasury" each place it appears and inserting "Secretary of Homeland Security"; (2) in subsection (a)—
14 15 16 17 18 19 20 21	UNITED STATES. Section 13 of the Toxic Substances Control Act (15 U.S.C. 2612) is amended— (1) by striking "Secretary of the Treasury" each place it appears and inserting "Secretary of Homeland Security"; (2) in subsection (a)— (A) in paragraph (1), by striking "if—"

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	(Π) 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	terest 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

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	(e)(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 (e)(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(l) and in the underlying
22	studies.
23	"(v) General information describing
24	the manufacturing volumes, expressed in
25	ranges, and industrial, commercial, or con-

1	sumer functions and uses of a chemical
2	substance or mixture.
3	"(vi) Any information indicating the
4	presence of a chemical substance in con-
5	sumer products intended for use, or rea-
6	sonably expected to be used, by children
7	aged 14 years or younger, if—
8	"(I) the Administrator, or an-
9	other authoritative body, has deter-
10	mined that the chemical substance—
11	"(aa) is a known or probable
12	reproductive, developmental, neu-
13	rological, or immunological toxi-
14	cant, carcinogen, or mutagen; or
15	"(bb) is persistent, bio-
16	accumulative, and toxic; or
17	"(II) for a chemical substance for
18	which a safety standard determination
19	has been made, the Administrator has
20	not found that the chemical substance
21	meets the safety standard.
22	"(B) Prohibition.—Nothing in this para-
23	graph authorizes the release of any data that
24	discloses a process used in the manufacturing
25	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 ADMINIS2 TRATOR.—Nothing in subparagraph (A) or (B)
3 limits the authority of the Administrator to de4 termine that particular information, previously
5 treated as confidential, is no longer entitled to
6 confidential treatment.

"(D) Notifications.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Administrator proposes to release information for which a request for confidential treatment has been approved under this section, the Administrator shall electronically notify the manufacturer, processor, or distributor in commerce who submitted the request of the intent of the Administrator to release the information not less than 15 days prior to the release of the information.

"(ii) Administration.—The Administrator shall release the information described in clause (i) in accordance with the disclosure and procedural requirements of section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), except that—

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

- subject to a civil money penalty of not more than \$10,000 for each violation.
- "(2) APPLICABILITY OF OTHER LAWS.—Section 1905 of title 18, United States Code, shall not apply with respect to the publishing, divulging, disclosure, making known, or making available of, information reported or otherwise obtained under this Act.
 - "(3) CONTRACTORS.—For the purposes of paragraph (1), any contractor with the United States who is furnished information as authorized by subsection (a)(2), including any employee of such a contractor, shall be considered to be an employee of the United States.
- 14 "(4) False requests.—Any officer or em15 ployee of a company that submits information under
 16 this Act who willfully designates information as eligi17 ble for confidential treatment, knowing that the in18 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.
- "(e) Access by Congress.—Notwithstanding this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act

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- 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,
- order, prohibition, restriction, or other requirement
- 21 imposed by this Act or by the Administrator under
- 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"; 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)"; and
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)"; and
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 "substantia
8	endangerment"; and
9	(III) in clause (ii)—
10	(aa) by striking "issuance or
11	a rule under section 6 or 8 or ar
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 substantia
19	endangerment''; and
20	(cc) by striking the period as
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; o
5	"(2) conditions the authority of the Adminis
6	trator to issue orders or promulgate rules under thi
7	Act.".
8	SEC. 23. ADMINISTRATION OF THE TOXIC SUBSTANCE
9	CONTROL ACT.
10	Section 26 of the Toxic Substances Control Act (1
11	U.S.C. 2625) is amended—
12	(1) by striking subsection (b) and inserting th
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 th
18	cost of administering this Act.
19	"(2) Considerations.—In setting a fee unde
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 (e), (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.
13 14	SEARCH PROGRAM. "(a) CHILDREN'S ENVIRONMENTAL HEALTH RE-
14	"(a) Children's Environmental Health Re-
14 15	"(a) CHILDREN'S ENVIRONMENTAL HEALTH RE- SEARCH PROGRAM.—
14 15 16	"(a) CHILDREN'S ENVIRONMENTAL HEALTH RESEARCH PROGRAM.— "(1) ESTABLISHMENT.—Not later than 90 days
14 15 16 17	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals
14 15 16 17	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within
14 15 16 17 18	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within the Environmental Protection Agency a program to
14 15 16 17 18 19 20	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within the Environmental Protection Agency a program to be known as the 'Children's Environmental Health
14 15 16 17 18 19 20	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within the Environmental Protection Agency a program to be known as the 'Children's Environmental Health Research Program' (referred to in this subsection as
14 15 16 17 18 19 20 21	"(a) Children's Environmental Health Research Program.— "(1) Establishment.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2013, the Administrator shall establish within the Environmental Protection Agency a program to be known as the 'Children's Environmental Health Research Program' (referred to in this subsection as the 'Program').

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

"(3) Composition.—The Administrator shall—

protecting children's health.

24

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 ½ 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

1	"(B) publish the results of the study in a
2	publicly available electronic format.
3	"(3) Positive results.—
4	"(A) Manufacture disclosure.—If a
5	chemical substance or mixture is determined to
6	be present in a study conducted under para-
7	graph (1), the manufacturers and processors of
8	the chemical substance or mixture shall, not
9	later than 180 days after the date of publica-
10	tion of the study, disclose to the Administrator,
11	commercial customers of the manufacturers and
12	processors, consumers, and the public—
13	"(i) all known uses of the chemical
14	substance or mixture; and
15	"(ii) all articles in which the chemical
16	substance or mixture is, or is expected to
17	be, present.
18	"(B) Cost and form of disclosure.—
19	Information under clauses (i) and (ii) of sub-
20	paragraph (A) shall be—
21	"(i) made available by the Adminis-
22	trator in electronic format; and
23	"(ii) made readily accessible and free
24	of charge by each applicable manufacturer
25	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) 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

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-

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

ical substances or products determined by Administrator to be safer alternatives for particular uses, such as job training and work ssistance.		
Administrator to be safer alternatives for particular uses, such as job training and works assistance.	1	the development, marketing, and use of chem-
particular uses, such as job training and work assistance.	2	ical substances or products determined by the
5 assistance.	3	Administrator to be safer alternatives for the
	4	particular uses, such as job training and worker
6 "(b) Green Chemistry Research Network	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).
- "(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;

- "(3) establish and maintain a registry of all health- and safety-related studies initiated in response to requirements under this title;
- "(4) have access to all records of health- and safety-related studies initiated in response to requirements under this title; and
 - "(5) require the submitter of any research study conducted by a third party in response to requirements under this title to disclose to the Administrator and the public, at the time of submission, the sources of any funding used for the conduct or publication of the study received by the researchers who conducted the study.

17 "SEC. 34. HOT SPOTS.

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- 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 (e)(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-

- tember 10, 1998, and any subsequent amendment to which the United States is a party.
- "(9) STOCKHOLM CONVENTION.—The term 'Stockholm Convention' means the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on May 22, 2001, and any subsequent amendment to which the United States is a party.
- 8 "(b) Implementation of International Agree-
- 9 MENTS.—

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- 10 "(1) IN GENERAL.—The Administrator, in co11 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.
 - "(2) PROHIBITIONS.—Notwithstanding any other provision of law, no person may manufacture, process, distribute in commerce, use, dispose of, or take any other action with respect to a POPs chemical, LRTAP POPs chemical, or PIC chemical in a manner inconsistent with applicable obligations for that chemical under the Stockholm Convention, LRTAP POPs Protocol, or Rotterdam Convention.
 - "(3) Public notice and comment.—

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-

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

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.";

1	(2) by striking the item relating to section 4
2	and inserting the following:
	"Sec. 4. Minimum data set and testing of chemical substances.";
3	(3) by striking the item relating to section 6
4	and inserting the following:
	"Sec. 6. Prioritization, safety standard determination, and risk management.";
5	(4) by striking the items relating to sections 29
6	through 31; and
7	(5) by adding after the item relating to section
8	28 the following:
	"Sec. 29. Children's Environmental Health Research Program. "Sec. 30. Reduction of animal-based testing. "Sec. 31. Safer alternatives and green chemistry and engineering. "Sec. 32. Cooperation with international efforts. "Sec. 33. Reliable information and advice. "Sec. 34. Hot spots. "Sec. 35. Application of this Act to Federal agencies. "Sec. 36. Implementation of Stockholm Convention, the LRTAP Pops Protocol,
	and the Rotterdam Convention. "Sec. 37. Annual report. "Sec. 38. Authorization of appropriations."

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