

# ***In the House of Representatives, U. S.,***

*May 24, 2016.*

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 2576) entitled “An Act to modernize the Toxic Substances Control Act, and for other purposes.” with the following

## **HOUSE AMENDMENT TO SENATE AMENDMENT:**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the*  
3 *“Frank R. Lautenberg Chemical Safety for the 21st Century*  
4 *Act”.*

5       (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
6 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

### ***TITLE I—CHEMICAL SAFETY***

*Sec. 2. Findings, policy, and intent.*

*Sec. 3. Definitions.*

*Sec. 4. Testing of chemical substances and mixtures.*

*Sec. 5. Manufacturing and processing notices.*

*Sec. 6. Prioritization, risk evaluation, and regulation of chemical substances and mixtures.*

*Sec. 7. Imminent hazards.*

*Sec. 8. Reporting and retention of information.*

*Sec. 9. Relationship to other Federal laws.*

*Sec. 10. Exports of elemental mercury.*

*Sec. 11. Confidential information.*

*Sec. 12. Penalties.*

*Sec. 13. State-Federal relationship.*

*Sec. 14. Judicial review.*

*Sec. 15. Citizens’ civil actions.*

Sec. 16. *Studies.*  
 Sec. 17. *Administration of the Act.*  
 Sec. 18. *State programs.*  
 Sec. 19. *Conforming amendments.*  
 Sec. 20. *No retroactivity.*  
 Sec. 21. *Trevor's Law.*

*TITLE II—RURAL HEALTHCARE CONNECTIVITY*

Sec. 201. *Short title.*  
 Sec. 202. *Telecommunications services for skilled nursing facilities.*

1           ***TITLE I—CHEMICAL SAFETY***

2   ***SEC. 2. FINDINGS, POLICY, AND INTENT.***

3           *Section 2(c) of the Toxic Substances Control Act (15*  
 4 *U.S.C. 2601(c)) is amended by striking “proposes to take”*  
 5 *and inserting “proposes as provided”.*

6   ***SEC. 3. DEFINITIONS.***

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

9                   *(1) by redesignating paragraphs (4) through (14)*  
 10                   *as paragraphs (5), (6), (8), (9), (10), (11), (13), (14),*  
 11                   *(15), (16), and (17), respectively;*

12                   *(2) by inserting after paragraph (3) the fol-*  
 13                   *lowing:*

14                   *“(4) The term ‘conditions of use’ means the cir-*  
 15 *cumstances, as determined by the Administrator, under*  
 16 *which a chemical substance is intended, known, or reason-*  
 17 *ably foreseen to be manufactured, processed, distributed in*  
 18 *commerce, used, or disposed of.”;*

19                   *(3) by inserting after paragraph (6), as so redes-*  
 20                   *ignated, the following:*

1       “(7) *The term ‘guidance’ means any significant writ-*  
2 *ten guidance of general applicability prepared by the Ad-*  
3 *ministrator.’*”; and

4               (4) *by inserting after paragraph (11), as so re-*  
5 *designated, the following:*

6       “(12) *The term ‘potentially exposed or susceptible sub-*  
7 *population’ means a group of individuals within the gen-*  
8 *eral population identified by the Administrator who, due*  
9 *to either greater susceptibility or greater exposure, may be*  
10 *at greater risk than the general population of adverse health*  
11 *effects from exposure to a chemical substance or mixture,*  
12 *such as infants, children, pregnant women, workers, or the*  
13 *elderly.’*”.

14 **SEC. 4. TESTING OF CHEMICAL SUBSTANCES AND MIX-**  
15 **TURES.**

16       *Section 4 of the Toxic Substances Control Act (15*  
17 *U.S.C. 2603) is amended—*

18               (1) *by striking “standards” each place it ap-*  
19 *pears and inserting “protocols and methodologies”;*

20               (2) *in subsection (a)—*

21                       (A) *by striking “If the Administrator finds”*  
22 *and inserting “(1) If the Administrator finds”;*

23                       (B) *in paragraph (1), as so designated—*

24                               (i) *by striking “(1)(A)(i)” and insert-*  
25 *ing “(A)(i)(I)”;*

1                   (ii) by striking “(ii)” each place it ap-  
2                   pears and inserting “(II)”;

3                   (iii) by striking “are insufficient data”  
4                   and inserting “is insufficient information”  
5                   each place it appears;

6                   (iv) by striking “(iii)” each place it  
7                   appears and inserting “(III)”;

8                   (v) by striking “such data” and insert-  
9                   ing “such information” each place it ap-  
10                  pears;

11                  (vi) by striking “(B)(i)” and inserting  
12                  “(i)(I)”;

13                  (vii) by striking “(I)” and inserting  
14                  “(aa)”;

15                  (viii) by striking “(II)” and inserting  
16                  “(bb)”;

17                  (ix) by striking “(2)” and inserting  
18                  “(B)”;

19                  (x) in the matter following subpara-  
20                  graph (B), as so redesignated—

21                         (I) by inserting “, or, in the case  
22                         of a chemical substance or mixture de-  
23                         scribed in subparagraph (A)(i), by  
24                         rule, order, or consent agreement,”  
25                         after “rule”;

1                   (II) by striking “data” each place  
2                   it appears and inserting “infor-  
3                   mation”; and

4                   (III) by striking “and which are  
5                   relevant” and inserting “and which is  
6                   relevant”; and

7                   (C) by adding at the end the following:

8                   “(2) *ADDITIONAL TESTING AUTHORITY.*—In ad-  
9                   dition to the authority provided under paragraph (1),  
10                  the Administrator may, by rule, order, or consent  
11                  agreement—

12                  “(A) require the development of new infor-  
13                  mation relating to a chemical substance or mix-  
14                  ture if the Administrator determines that the in-  
15                  formation is necessary—

16                  “(i) to review a notice under section 5  
17                  or to perform a risk evaluation under sec-  
18                  tion 6(b);

19                  “(ii) to implement a requirement im-  
20                  posed in a rule, order, or consent agreement  
21                  under subsection (e) or (f) of section 5 or in  
22                  a rule promulgated under section 6(a);

23                  “(iii) at the request of a Federal imple-  
24                  menting authority under another Federal  
25                  law, to meet the regulatory testing needs of

1           that authority with regard to toxicity and  
2           exposure; or

3                   “(iv) pursuant to section 12(a)(2); and

4                   “(B) require the development of new infor-  
5           mation for the purposes of prioritizing a chem-  
6           ical substance under section 6(b) only if the Ad-  
7           ministrators determines that such information is  
8           necessary to establish the priority of the sub-  
9           stance, subject to the limitations that—

10                   “(i) not later than 90 days after the  
11           date of receipt of information regarding a  
12           chemical substance complying with a rule,  
13           order, or consent agreement under this sub-  
14           paragraph, the Administrator shall des-  
15           ignate the chemical substance as a high-pri-  
16           ority substance or a low-priority substance;  
17           and

18                   “(ii) information required by the Ad-  
19           ministrators under this subparagraph shall  
20           not be required for the purposes of estab-  
21           lishing or implementing a minimum infor-  
22           mation requirement of broader applica-  
23           bility.

24                   “(3) STATEMENT OF NEED.—When requiring the  
25           development of new information relating to a chem-

1        *ical substance or mixture under paragraph (2), the*  
2        *Administrator shall identify the need for the new in-*  
3        *formation, describe how information reasonably avail-*  
4        *able to the Administrator was used to inform the deci-*  
5        *sion to require new information, explain the basis for*  
6        *any decision that requires the use of vertebrate ani-*  
7        *mals, and, as applicable, explain why issuance of an*  
8        *order is warranted instead of promulgating a rule or*  
9        *entering into a consent agreement.*

10            *“(4) TIERED TESTING.—When requiring the de-*  
11        *velopment of new information under this subsection,*  
12        *the Administrator shall employ a tiered screening and*  
13        *testing process, under which the results of screening-*  
14        *level tests or assessments of available information in-*  
15        *form the decision as to whether 1 or more additional*  
16        *tests are necessary, unless information available to the*  
17        *Administrator justifies more advanced testing of po-*  
18        *tential health or environmental effects or potential ex-*  
19        *posure without first conducting screening-level test-*  
20        *ing.”;*

21            *(3) in subsection (b)—*

22                    *(A) in paragraph (1)—*

23                            *(i) in subparagraph (B), by striking*  
24                            *“test data” and inserting “information”;*

1                   (ii) in subparagraph (C), by striking  
2                   “data” and inserting “information”; and

3                   (iii) in the matter following subpara-  
4                   graph (C), by striking “data” and inserting  
5                   “information”;

6                   (B) in paragraph (2)—

7                   (i) in subparagraph (A)—

8                   (I) by striking “test data” and in-  
9                   serting “information”;

10                   (II) by inserting “Protocols and  
11                   methodologies for the development of  
12                   information may also be prescribed for  
13                   the assessment of exposure or exposure  
14                   potential to humans or the environ-  
15                   ment.” after the first sentence; and

16                   (III) by striking “hierarchical  
17                   tests” and inserting “tiered testing”;  
18                   and

19                   (ii) in subparagraph (B), by striking  
20                   “data” and inserting “information”;

21                   (C) in paragraph (3)—

22                   (i) by striking “data” each place it ap-  
23                   pears and inserting “information”;



1                   (ii) in subparagraph (A), by inserting  
2                   “or (C), as applicable,” after “subpara-  
3                   graph (B)”;

4                   (iii) by striking “(a)(1)(A)(ii) or  
5                   (a)(1)(B)(ii)” each place it appears in sub-  
6                   paragraph (B) and inserting  
7                   “(a)(1)(A)(i)(II) or (a)(1)(A)(ii)(II)”;

8                   (iv) in subparagraph (B), in the mat-  
9                   ter before clause (i), by striking “subsection  
10                   (a)” and inserting “subsection (a)(1)”; and

11                   (v) by adding at the end the following:

12                   “(C) A rule or order under paragraph (1) or (2) of  
13                   subsection (a) may require the development of information  
14                   by any person who manufactures or processes, or intends  
15                   to manufacture or process, a chemical substance or mixture  
16                   subject to the rule or order.”;

17                   (D) in paragraph (4)—

18                   (i) by striking “of data” each place it  
19                   appears and inserting “of information”;  
20                   and

21                   (ii) by striking “test data” each place  
22                   it appears and inserting “information”;  
23                   and

24                   (E) by striking paragraph (5);

25                   (4) in subsection (c)—

1           (A) in paragraph (1), by striking “data”  
2 and inserting “information”;

3           (B) in paragraph (2), by striking “data”  
4 each place it appears and inserting “informa-  
5 tion”;

6           (C) in paragraph (3)—

7                 (i) by striking “test data” each place it  
8 appears and inserting “information”; and

9                 (ii) by striking “such data” each place  
10 it appears and inserting “such informa-  
11 tion”; and

12           (D) in paragraph (4) by striking “test  
13 data” each place it appears and inserting “in-  
14 formation”;

15           (5) in subsection (d)—

16                 (A) by striking “test data” each place it ap-  
17 pears and inserting “information”;

18                 (B) by striking “such data” each place it  
19 appears and inserting “such information”; and

20                 (C) by striking “for which data have” and  
21 inserting “for which information has”;

22           (6) in subsection (e)—

23                 (A) in paragraph (1)—

24                         (i) in subparagraph (A)—

1                   (I) by striking “promulgation of a  
2                   rule” and inserting “development of  
3                   information”; and

4                   (II) by striking “data” each place  
5                   it appears and inserting “informa-  
6                   tion”; and

7                   (ii) in subparagraph (B), by striking  
8                   “either initiate a rulemaking proceeding  
9                   under subsection (a) or if such a proceeding  
10                  is not initiated within such period, publish  
11                  in the Federal Register the Administrator’s  
12                  reason for not initiating such a proceeding”  
13                  and insert “issue an order, enter into a con-  
14                  sent agreement, or initiate a rulemaking  
15                  proceeding under subsection (a), or, if such  
16                  an order or consent agreement is not issued  
17                  or such a proceeding is not initiated within  
18                  such period, publish in the Federal Register  
19                  the Administrator’s reason for not issuing  
20                  such an order, entering into such a consent  
21                  agreement, or initiating such a proceeding”;  
22                  and

23                  (B) in paragraph (2)(A)—

24                         (i) by striking “eight members” and  
25                         inserting “ten members”; and

1                   (ii) by adding at the end the following:

2                   “(ix) One member appointed by the Chairman of  
3                   the Consumer Product Safety Commission from Com-  
4                   missioners or employees of the Commission.

5                   “(x) One member appointed by the Commis-  
6                   sioner of Food and Drugs from employees of the Food  
7                   and Drug Administration.”;

8                   (7) in subsection (f)—

9                   (A) in paragraph (1), by striking “test  
10                  data” and inserting “information”; and

11                  (B) in the matter following paragraph  
12                  (2)—

13                   (i) by striking “or will present”;

14                   (ii) by striking “from cancer, gene  
15                  mutations, or birth defects”;

16                   (iii) by striking “data or”;

17                   (iv) by striking “appropriate” and in-  
18                  serting “applicable”; and

19                   (v) by inserting “, made without con-  
20                  sideration of costs or other nonrisk factors,”  
21                  after “publish in the Federal Register a  
22                  finding”;

23                  (8) in subsection (g)—

24                   (A) by amending the subsection heading to  
25                  read as follows: “PETITION FOR PROTOCOLS AND

1           *METHODOLOGIES FOR THE DEVELOPMENT OF*  
2           *INFORMATION*”;

3           *(B) by striking “test data” each place it ap-*  
4           *pears and inserting “information”; and*

5           *(C) by striking “submit data” and inserting*  
6           *“submit information”; and*

7           *(9) by adding at the end the following:*

8           *“(h) REDUCTION OF TESTING ON VERTEBRATES.—*

9           *“(1) IN GENERAL.—The Administrator shall re-*  
10          *duce and replace, to the extent practicable, scientif-*  
11          *ically justified, and consistent with the policies of this*  
12          *title, the use of vertebrate animals in the testing of*  
13          *chemical substances or mixtures under this title by—*

14                 *“(A) prior to making a request or adopting*  
15                 *a requirement for testing using vertebrate ani-*  
16                 *mals, and in accordance with subsection (a)(3),*  
17                 *taking into consideration, as appropriate and to*  
18                 *the extent practicable and scientifically justified,*  
19                 *reasonably available existing information, in-*  
20                 *cluding—*

21                         *“(i) toxicity information;*

22                         *“(ii) computational toxicology and*  
23                         *bioinformatics; and*

1           “(iii) *high-throughput screening meth-*  
2           *ods and the prediction models of those meth-*  
3           *ods; and*

4           “(B) *encouraging and facilitating—*

5           “(i) *the use of scientifically valid test*  
6           *methods and strategies that reduce or re-*  
7           *place the use of vertebrate animals while*  
8           *providing information of equivalent or bet-*  
9           *ter scientific quality and relevance that will*  
10           *support regulatory decisions under this*  
11           *title;*

12           “(ii) *the grouping of 2 or more chem-*  
13           *ical substances into scientifically appro-*  
14           *priate categories in cases in which testing of*  
15           *a chemical substance would provide scientif-*  
16           *ically valid and useful information on other*  
17           *chemical substances in the category; and*

18           “(iii) *the formation of industry con-*  
19           *sortia to jointly conduct testing to avoid*  
20           *unnecessary duplication of tests, provided*  
21           *that such consortia make all information*  
22           *from such testing available to the Adminis-*  
23           *trator.*

24           “(2) *IMPLEMENTATION OF ALTERNATIVE TESTING*  
25           *METHODS.—To promote the development and timely*

1 *incorporation of new scientifically valid test methods*  
2 *and strategies that are not based on vertebrate ani-*  
3 *mals, the Administrator shall—*

4 *“(A) not later than 2 years after the date*  
5 *of enactment of the Frank R. Lautenberg Chem-*  
6 *ical Safety for the 21st Century Act, develop a*  
7 *strategic plan to promote the development and*  
8 *implementation of alternative test methods and*  
9 *strategies to reduce, refine, or replace vertebrate*  
10 *animal testing and provide information of equiv-*  
11 *alent or better scientific quality and relevance*  
12 *for assessing risks of injury to health or the envi-*  
13 *ronment of chemical substances or mixtures*  
14 *through, for example—*

15 *“(i) computational toxicology and*  
16 *bioinformatics;*

17 *“(ii) high-throughput screening meth-*  
18 *ods;*

19 *“(iii) testing of categories of chemical*  
20 *substances;*

21 *“(iv) tiered testing methods;*

22 *“(v) in vitro studies;*

23 *“(vi) systems biology;*

24 *“(vii) new or revised methods identi-*  
25 *fied by validation bodies such as the Inter-*

1                    *agency Coordinating Committee on the Val-*  
2                    *idation of Alternative Methods or the Orga-*  
3                    *nization for Economic Co-operation and*  
4                    *Development; or*

5                    *“(viii) industry consortia that develop*  
6                    *information submitted under this title;*

7                    *“(B) as practicable, ensure that the stra-*  
8                    *tegic plan developed under subparagraph (A) is*  
9                    *reflected in the development of requirements for*  
10                   *testing under this section;*

11                   *“(C) include in the strategic plan developed*  
12                   *under subparagraph (A) a list, which the Ad-*  
13                   *ministrator shall update on a regular basis, of*  
14                   *particular alternative test methods or strategies*  
15                   *the Administrator has identified that do not re-*  
16                   *quire new vertebrate animal testing and are sci-*  
17                   *entifically reliable, relevant, and capable of pro-*  
18                   *viding information of equivalent or better sci-*  
19                   *entific reliability and quality to that which*  
20                   *would be obtained from vertebrate animal test-*  
21                   *ing;*

22                   *“(D) provide an opportunity for public no-*  
23                   *tice and comment on the contents of the plan de-*  
24                   *veloped under subparagraph (A), including the*  
25                   *criteria for considering scientific reliability and*



1           *relevance of the test methods and strategies that*  
2           *may be identified pursuant to subparagraph (C);*

3           “(E) *beginning on the date that is 5 years*  
4           *after the date of enactment of the Frank R. Lau-*  
5           *tenberg Chemical Safety for the 21st Century*  
6           *Act, and every 5 years thereafter, submit to Con-*  
7           *gress a report that describes the progress made in*  
8           *implementing the plan developed under subpara-*  
9           *graph (A) and goals for future alternative test*  
10          *methods and strategies implementation; and*

11          “(F) *prioritize and, to the extent consistent*  
12          *with available resources and the Administrator’s*  
13          *other responsibilities under this title, carry out*  
14          *performance assessment, validation, and*  
15          *translational studies to accelerate the develop-*  
16          *ment of scientifically valid test methods and*  
17          *strategies that reduce, refine, or replace the use*  
18          *of vertebrate animals, including minimizing du-*  
19          *plication, in any testing under this title.*

20          “(3) *VOLUNTARY TESTING.—*

21          “(A) *IN GENERAL.—Any person developing*  
22          *information for submission under this title on a*  
23          *voluntary basis and not pursuant to any request*  
24          *or requirement by the Administrator shall first*  
25          *attempt to develop the information by means of*

1           *an alternative test method or strategy identified*  
2           *by the Administrator pursuant to paragraph*  
3           *(2)(C), if the Administrator has identified such*  
4           *a test method or strategy for the development of*  
5           *such information, before conducting new*  
6           *vertebrate animal testing.*

7           “(B) *EFFECT OF PARAGRAPH.*—*Nothing in*  
8           *this paragraph shall, under any circumstance,*  
9           *limit or restrict the submission of any existing*  
10           *information to the Administrator.*

11           “(C) *RELATIONSHIP TO OTHER LAW.*—*A*  
12           *violation of this paragraph shall not be a prohib-*  
13           *ited act under section 15.*

14           “(D) *REVIEW OF MEANS.*—*This paragraph*  
15           *authorizes, but does not require, the Adminis-*  
16           *trator to review the means by which a person*  
17           *conducted testing described in subparagraph*  
18           *(A).”.*

19   **SEC. 5. MANUFACTURING AND PROCESSING NOTICES.**

20           *Section 5 of the Toxic Substances Control Act (15*  
21           *U.S.C. 2604) is amended—*

22                   *(1) in subsection (a)—*

23                           *(A) in paragraph (1)—*

1                   (i) by striking “*Except as provided in*”  
2                   and inserting “(A) *Except as provided in*  
3                   *subparagraph (B) of this paragraph and*”;

4                   (ii) by redesignating subparagraphs  
5                   (A) and (B) as clauses (i) and (ii), respec-  
6                   tively;

7                   (iii) by striking all that follows “*sig-*  
8                   *nificant new use*” and inserting a period;  
9                   and

10                   (iv) by adding at the end the following:

11                   “(B) *A person may take the actions described in*  
12                   *subparagraph (A) if—*

13                   “(i) *such person submits to the Adminis-*  
14                   *trator, at least 90 days before such manufacture*  
15                   *or processing, a notice, in accordance with sub-*  
16                   *section (d), of such person’s intention to manu-*  
17                   *facture or process such substance and such per-*  
18                   *son complies with any applicable requirement of,*  
19                   *or imposed pursuant to, subsection (b), (e), or*  
20                   *(f); and*

21                   “(ii) *the Administrator—*

22                   “(I) *conducts a review of the notice;*  
23                   and

24                   “(II) *makes a determination under*  
25                   *subparagraph (A), (B), or (C) of paragraph*

1           (3) and takes the actions required in asso-  
2           ciation with that determination under such  
3           subparagraph within the applicable review  
4           period.”; and

5           (B) by adding at the end the following new  
6           paragraphs:

7           “(3) *REVIEW AND DETERMINATION.*—Within the  
8           applicable review period, subject to section 18, the Ad-  
9           ministrator shall review such notice and determine—

10           “(A) that the relevant chemical substance or  
11           significant new use presents an unreasonable  
12           risk of injury to health or the environment, with-  
13           out consideration of costs or other nonrisk fac-  
14           tors, including an unreasonable risk to a poten-  
15           tially exposed or susceptible subpopulation iden-  
16           tified as relevant by the Administrator under the  
17           conditions of use, in which case the Adminis-  
18           trator shall take the actions required under sub-  
19           section (f);

20           “(B) that—

21           “(i) the information available to the  
22           Administrator is insufficient to permit a  
23           reasoned evaluation of the health and envi-  
24           ronmental effects of the relevant chemical  
25           substance or significant new use; or

1           “(i)(I) in the absence of sufficient in-  
2           formation to permit the Administrator to  
3           make such an evaluation, the manufacture,  
4           processing, distribution in commerce, use,  
5           or disposal of such substance, or any com-  
6           bination of such activities, may present an  
7           unreasonable risk of injury to health or the  
8           environment, without consideration of costs  
9           or other nonrisk factors, including an un-  
10          reasonable risk to a potentially exposed or  
11          susceptible subpopulation identified as rel-  
12          evant by the Administrator; or

13           “(II) such substance is or will be pro-  
14          duced in substantial quantities, and such  
15          substance either enters or may reasonably  
16          be anticipated to enter the environment in  
17          substantial quantities or there is or may be  
18          significant or substantial human exposure  
19          to the substance,

20          in which case the Administrator shall take the  
21          actions required under subsection (e); or

22           “(C) that the relevant chemical substance or  
23          significant new use is not likely to present an  
24          unreasonable risk of injury to health or the envi-  
25          ronment, without consideration of costs or other

1           *nonrisk factors, including an unreasonable risk*  
2           *to a potentially exposed or susceptible subpopula-*  
3           *tion identified as relevant by the Administrator*  
4           *under the conditions of use, in which case the*  
5           *submitter of the notice may commence manufac-*  
6           *ture of the chemical substance or manufacture or*  
7           *processing for a significant new use.*

8           “(4) *FAILURE TO RENDER DETERMINATION.*—

9                   “(A) *FAILURE TO RENDER DETERMINA-*  
10            *TION.*—*If the Administrator fails to make a de-*  
11            *termination on a notice under paragraph (3) by*  
12            *the end of the applicable review period and the*  
13            *notice has not been withdrawn by the submitter,*  
14            *the Administrator shall refund to the submitter*  
15            *all applicable fees charged to the submitter for*  
16            *review of the notice pursuant to section 26(b),*  
17            *and the Administrator shall not be relieved of*  
18            *any requirement to make such determination.*

19                   “(B) *LIMITATIONS.*—(i) *A refund of appli-*  
20            *cable fees under subparagraph (A) shall not be*  
21            *made if the Administrator certifies that the sub-*  
22            *mitter has not provided information required*  
23            *under subsection (b) or has otherwise unduly de-*  
24            *layed the process such that the Administrator is*

1           unable to render a determination within the ap-  
2           plicable review period.

3           “(ii) A failure of the Administrator to  
4           render a decision shall not be deemed to con-  
5           stitute a withdrawal of the notice.

6           “(iii) Nothing in this paragraph shall be  
7           construed as relieving the Administrator or the  
8           submitter of the notice from any requirement of  
9           this section.

10          “(5) *ARTICLE CONSIDERATION.*—*The Adminis-*  
11          *trator may require notification under this section for*  
12          *the import or processing of a chemical substance as*  
13          *part of an article or category of articles under para-*  
14          *graph (1)(A)(ii) if the Administrator makes an af-*  
15          *firmative finding in a rule under paragraph (2) that*  
16          *the reasonable potential for exposure to the chemical*  
17          *substance through the article or category of articles*  
18          *subject to the rule justifies notification.”;*

19                (2) *in subsection (b)—*

20                    (A) *in the subsection heading, by striking*  
21                    “*TEST DATA*” *and inserting “INFORMATION”;*

22                    (B) *in paragraph (1)—*

23                            (i) *in subparagraph (A)—*

24                                    (I) *by striking “test data” and in-*  
25                                    *serting “information”; and*

1                   (II) by striking “such data” and  
2                   inserting “such information”; and

3                   (ii) in subparagraph (B)—

4                   (I) by striking “test data” and in-  
5                   serting “information”;

6                   (II) by striking “subsection  
7                   (a)(1)(A)” and inserting “subsection  
8                   (a)(1)(A)(i)”; and

9                   (III) by striking “subsection  
10                  (a)(1)(B)” and inserting “subsection  
11                  (a)(1)(A)(ii)”;  
12                  (C) in paragraph (2)—

13                  (i) in subparagraph (A)—

14                  (I) by striking “test data” in  
15                  clause (ii) and inserting “informa-  
16                  tion”;

17                  (II) by striking “shall” and in-  
18                  serting “may”; and

19                  (III) by striking “data pre-  
20                  scribed” and inserting “information  
21                  prescribed”; and

22                  (ii) in subparagraph (B)—

23                  (I) by striking “Data” and insert-  
24                  ing “Information”;



1                   (II) by striking “data” both  
2 places it appears and inserting “infor-  
3 mation”;

4                   (III) by striking “show” and in-  
5 serting “shows”;

6                   (IV) by striking “subsection  
7 (a)(1)(A)” in clause (i) and inserting  
8 “subsection (a)(1)(A)(i)”; and

9                   (V) by striking “subsection  
10 (a)(1)(B)” in clause (ii) and inserting  
11 “subsection (a)(1)(A)(ii)”;

12 (D) in paragraph (3)—

13                   (i) by striking “Data” and inserting  
14 “Information”; and

15                   (ii) by striking “paragraph (1) or (2)”  
16 and inserting “paragraph (1) or (2) of this  
17 subsection or under subsection (e)”; and

18 (E) in paragraph (4)—

19                   (i) in subparagraph (A)(i), by insert-  
20 ing “, without consideration of costs or  
21 other nonrisk factors” after “health or the  
22 environment”; and

23                   (ii) in subparagraph (C), by striking  
24 “, except that” and all that follows through  
25 “subparagraph (A)”;

1           (3) in subsection (c)—

2                 (A) in the subsection heading, by striking  
3           “NOTICE” and inserting “REVIEW”; and

4                 (B) by striking “before which” and all that  
5           follows through “subsection may begin”;

6           (4) in subsection (d)—

7                 (A) by striking “test data” in paragraph  
8           (1)(B) and inserting “information”;

9                 (B) by striking “data” each place it ap-  
10          pears in paragraph (1)(C) and paragraph (2)  
11          and inserting “information”;

12                (C) in paragraph (2)(B), by striking “uses  
13          or intended uses of such substance” and inserting  
14          “uses of such substance identified in the notice”;  
15          and

16                (D) in paragraph (3)—

17                   (i) by striking “for which the notifica-  
18                  tion period prescribed by subsection (a), (b),  
19                  or (c)” and inserting “for which the appli-  
20                  cable review period”; and

21                   (ii) by striking “such notification pe-  
22                  riod” and inserting “such period”;

23          (5) in subsection (e)—

24                 (A) in paragraph (1)(A)—

1           (i) in clause (i), by striking “; and”  
2 and inserting “; or”;

3           (ii) in clause (ii)(I), by inserting  
4 “without consideration of costs or other  
5 nonrisk factors, including an unreasonable  
6 risk to a potentially exposed subpopulation  
7 identified as relevant by the Administrator  
8 under the conditions of use;” after “health  
9 or the environment,”; and

10          (iii) in the matter after clause  
11 (ii)(II)—

12           (I) by striking “may issue a pro-  
13 posed order” and inserting “shall issue  
14 an order”;

15           (II) by striking “notification pe-  
16 riod applicable to the manufacturing  
17 or processing of such substance under  
18 subsection (a), (b), (c)” and inserting  
19 “applicable review period”; and

20           (III) by inserting “to the extent  
21 necessary to protect against an unrea-  
22 sonable risk of injury to health or the  
23 environment, without consideration of  
24 costs or other nonrisk factors, includ-  
25 ing an unreasonable risk to a poten-

1                    *tially exposed or susceptible subpopula-*  
2                    *tion identified as relevant by the Ad-*  
3                    *ministrator under the conditions of*  
4                    *use, and the submitter of the notice*  
5                    *may commence manufacture of the*  
6                    *chemical substance, or manufacture or*  
7                    *processing of the chemical substance for*  
8                    *a significant new use, including while*  
9                    *any required information is being de-*  
10                   *veloped, only in compliance with the*  
11                   *order” before the period at the end;*

12                   *(B) in paragraph (1)(B)—*

13                   *(i) by striking “A proposed order” and*  
14                   *inserting “An order”;*

15                   *(ii) by striking “notification period*  
16                   *applicable to the manufacture or processing*  
17                   *of such substance under subsection (a), (b),*  
18                   *(c)” and inserting “applicable review pe-*  
19                   *riod”; and*

20                   *(iii) by striking “of the proposed*  
21                   *order” and inserting “of the order”;*

22                   *(C) by striking paragraph (1)(C); and*

23                   *(D) by striking paragraph (2);*

24                   *(6) in subsection (f)—*

25                   *(A) in paragraph (1)—*

1           (i) by striking “finds that there is a  
2           reasonable basis to conclude that the manu-  
3           facture, processing, distribution in com-  
4           merce, use, or disposal of a chemical sub-  
5           stance with” and inserting “determines that  
6           a chemical substance or significant new use  
7           with”;

8           (ii) by striking “, or that any com-  
9           bination of such activities,”;

10          (iii) by striking “or will present”;

11          (iv) by striking “before a rule promul-  
12          gated under section 6 can protect against  
13          such risk,” and inserting “, without consid-  
14          eration of costs or other nonrisk factors, in-  
15          cluding an unreasonable risk to a poten-  
16          tially exposed subpopulation identified as  
17          relevant by the Administrator under the  
18          conditions of use,”; and

19          (v) by striking “notification period ap-  
20          plicable under subsection (a), (b), or (c) to  
21          the manufacturing or processing of such  
22          substance” and inserting “applicable review  
23          period”;

1           (B) in paragraph (2), the matter following  
2           subparagraph (C), by striking “Section  
3           6(d)(2)(B)” and inserting “Section 6(d)(3)(B)”;

4           (C) in paragraph (3)—

5           (i) in subparagraph (A)—

6           (I) by striking “Administrator  
7           may” and all that follows through  
8           “issue a proposed order to prohibit  
9           the” and inserting “Administrator  
10          may issue an order to prohibit or limit  
11          the”; and

12          (II) by striking “under paragraph  
13          (1)” and all that follows through  
14          “processing of such substance.” and in-  
15          serting “under paragraph (1). Such  
16          order shall take effect on the expiration  
17          of the applicable review period.”;

18          (ii) by striking subparagraph (B) and  
19          redesignating subparagraph (C) as subpara-  
20          graph (B);

21          (iii) in subparagraph (B), as so redес-  
22          ignated—

23          (I) by striking “subparagraphs  
24          (B) and (C)” and inserting “subpara-  
25          graph (B)”;

1 (II) by striking “clause (i) of”;

2 and

3 (III) by striking “; and the provi-

4 sions of subparagraph (C) of subsection

5 (e)(2) shall apply with respect to an

6 injunction issued under subparagraph

7 (B)”;

8 (iv) by striking subparagraph (D); and

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

10 “(4) *TREATMENT OF NONCONFORMING USES.—*

11 *Not later than 90 days after taking an action under*

12 *paragraph (2) or (3) or issuing an order under sub-*

13 *section (e) relating to a chemical substance with re-*

14 *spect to which the Administrator has made a deter-*

15 *mination under subsection (a)(3)(A) or (B), the Ad-*

16 *ministrator shall consider whether to promulgate a*

17 *rule pursuant to subsection (a)(2) that identifies as a*

18 *significant new use any manufacturing, processing,*

19 *use, distribution in commerce, or disposal of the*

20 *chemical substance that does not conform to the re-*

21 *strictions imposed by the action or order, and, as ap-*

22 *pplicable, initiate such a rulemaking or publish a*

23 *statement describing the reasons of the Administrator*

24 *for not initiating such a rulemaking.*

1           “(5) *WORKPLACE EXPOSURES.*—*To the extent*  
2           *practicable, the Administrator shall consult with the*  
3           *Assistant Secretary of Labor for Occupational Safety*  
4           *and Health prior to adopting any prohibition or*  
5           *other restriction relating to a chemical substance with*  
6           *respect to which the Administrator has made a deter-*  
7           *mination under subsection (a)(3)(A) or (B) to address*  
8           *workplace exposures.”;*

9           (7) *by amending subsection (g) to read as fol-*  
10          *lows:*

11          “(g) *STATEMENT ON ADMINISTRATOR FINDING.*—*If the*  
12          *Administrator finds in accordance with subsection*  
13          *(a)(3)(C) that a chemical substance or significant new use*  
14          *is not likely to present an unreasonable risk of injury to*  
15          *health or the environment, then notwithstanding any re-*  
16          *maining portion of the applicable review period, the sub-*  
17          *mitter of the notice may commence manufacture of the*  
18          *chemical substance or manufacture or processing for the sig-*  
19          *nificant new use, and the Administrator shall make public*  
20          *a statement of the Administrator’s finding. Such a state-*  
21          *ment shall be submitted for publication in the Federal Reg-*  
22          *ister as soon as is practicable before the expiration of such*  
23          *period. Publication of such statement in accordance with*  
24          *the preceding sentence is not a prerequisite to the manufac-*



1 *turing or processing of the substance with respect to which*  
2 *the statement is to be published.”;*

3 (8) *in subsection (h)—*

4 (A) *in paragraph (1)(A), by inserting “, in-*  
5 *cluding an unreasonable risk to a potentially ex-*  
6 *posed or susceptible subpopulation identified by*  
7 *the Administrator for the specific conditions of*  
8 *use identified in the application” after “health*  
9 *or the environment”;*

10 (B) *in paragraph (2), by striking “data”*  
11 *each place it appears and inserting “informa-*  
12 *tion”;* and

13 (C) *in paragraph (4), by striking “. A rule*  
14 *promulgated” and all that follows through “sec-*  
15 *tion 6(c)” and inserting “, including an unrea-*  
16 *sonable risk to a potentially exposed or suscep-*  
17 *tible subpopulation identified by the Adminis-*  
18 *trator under the conditions of use”;* and

19 (9) *by amending subsection (i) to read as fol-*  
20 *lows:*

21 “(i) *DEFINITIONS.—(1) For purposes of this section,*  
22 *the terms ‘manufacture’ and ‘process’ mean manufacturing*  
23 *or processing for commercial purposes.*

1       “(2) For purposes of this Act, the term ‘requirement’  
2 as used in this section shall not displace any statutory or  
3 common law.

4       “(3) For purposes of this section, the term ‘applicable  
5 review period’ means the period starting on the date the  
6 Administrator receives a notice under subsection (a)(1) and  
7 ending 90 days after that date, or on such date as is pro-  
8 vided for in subsection (b)(1) or (c).”.

9       **SEC. 6. PRIORITIZATION, RISK EVALUATION, AND REGULA-**  
10                                   **TION OF CHEMICAL SUBSTANCES AND MIX-**  
11                                   **TURES.**

12       Section 6 of the Toxic Substances Control Act (15  
13 U.S.C. 2605) is amended—

14               (1) by striking the section heading and inserting  
15               **“PRIORITIZATION, RISK EVALUATION, AND**  
16               **REGULATION OF CHEMICAL SUBSTANCES AND**  
17               **MIXTURES”;**

18               (2) in subsection (a)—

19                       (A) by striking “finds that there is a rea-  
20                       sonable basis to conclude” and inserting “deter-  
21                       mines in accordance with subsection (b)(4)(A)”;

22                       (B) by striking “or will present”;

23                       (C) by inserting “and subject to section 18,  
24                       and in accordance with subsection (c)(2),” after  
25                       “shall by rule”;

1           (D) by striking “to protect adequately  
2 against such risk using the least burdensome re-  
3 quirements” and inserting “so that the chemical  
4 substance or mixture no longer presents such  
5 risk”;

6           (E) by inserting “or otherwise restricting”  
7 after “prohibiting” in paragraphs (1)(A) and  
8 (2)(A);

9           (F) by inserting “minimum” before “warn-  
10 ings” both places it appears in paragraph (3);

11           (G) by striking “and monitor or conduct  
12 tests” and inserting “or monitor or conduct  
13 tests” in paragraph (4); and

14           (H) in paragraph (7)—

15               (i) by striking “such unreasonable risk  
16 of injury” and inserting “such determina-  
17 tion”; and

18               (ii) by striking “such risk of injury”  
19 and inserting “such determination”;

20           (3) by amending subsection (b) to read as fol-  
21 lows:

22           “(b) RISK EVALUATIONS.—

23               “(1) PRIORITIZATION FOR RISK EVALUATIONS.—

24                   “(A) ESTABLISHMENT OF PROCESS.—Not  
25 later than 1 year after the date of enactment of

1           *the Frank R. Lautenberg Chemical Safety for the*  
2           *21st Century Act, the Administrator shall estab-*  
3           *lish, by rule, a risk-based screening process, in-*  
4           *cluding criteria for designating chemical sub-*  
5           *stances as high-priority substances for risk eval-*  
6           *uations or low-priority substances for which risk*  
7           *evaluations are not warranted at the time. The*  
8           *process to designate the priority of chemical sub-*  
9           *stances shall include a consideration of the haz-*  
10          *ard and exposure potential of a chemical sub-*  
11          *stance or a category of chemical substances (in-*  
12          *cluding consideration of persistence and bio-*  
13          *accumulation, potentially exposed or susceptible*  
14          *subpopulations and storage near significant*  
15          *sources of drinking water), the conditions of use*  
16          *or significant changes in the conditions of use of*  
17          *the chemical substance, and the volume or sig-*  
18          *nificant changes in the volume of the chemical*  
19          *substance manufactured or processed.*

20                   “(B) IDENTIFICATION OF PRIORITIES FOR  
21                   RISK EVALUATION.—

22                           “(i) HIGH-PRIORITY SUBSTANCES.—  
23                           *The Administrator shall designate as a*  
24                           *high-priority substance a chemical sub-*  
25                           *stance that the Administrator concludes,*

1           *without consideration of costs or other*  
2           *nonrisk factors, may present an unreason-*  
3           *able risk of injury to health or the environ-*  
4           *ment because of a potential hazard and a*  
5           *potential route of exposure under the condi-*  
6           *tions of use, including an unreasonable risk*  
7           *to a potentially exposed or susceptible sub-*  
8           *population identified as relevant by the Ad-*  
9           *ministrator.*

10           “(i) *LOW-PRIORITY SUBSTANCES.—*  
11           *The Administrator shall designate a chem-*  
12           *ical substance as a low-priority substance if*  
13           *the Administrator concludes, based on infor-*  
14           *mation sufficient to establish, without con-*  
15           *sideration of costs or other nonrisk factors,*  
16           *that such substance does not meet the stand-*  
17           *ard identified in clause (i) for designating*  
18           *a chemical substance a high-priority sub-*  
19           *stance.*

20           “(C) *INFORMATION REQUEST AND REVIEW*  
21           *AND PROPOSED AND FINAL PRIORITIZATION DES-*  
22           *IGNATION.—The rulemaking required in sub-*  
23           *paragraph (A) shall ensure that the time re-*  
24           *quired to make a priority designation of a chem-*  
25           *ical substance be no shorter than nine months*

1           *and no longer than 1 year, and that the process*  
2           *for such designations includes—*

3                     *“(i) a requirement that the Adminis-*  
4                     *trator request interested persons to submit*  
5                     *relevant information on a chemical sub-*  
6                     *stance that the Administrator has initiated*  
7                     *the prioritization process on, before pro-*  
8                     *posing a priority designation for the chem-*  
9                     *ical substance, and provide 90 days for such*  
10                    *information to be provided;*

11                    *“(ii) a requirement that the Adminis-*  
12                    *trator publish each proposed designation of*  
13                    *a chemical substance as a high- or low-pri-*  
14                    *ority substance, along with an identifica-*  
15                    *tion of the information, analysis, and basis*  
16                    *used to make the proposed designations, and*  
17                    *provide 90 days for public comment on each*  
18                    *such proposed designation; and*

19                    *“(iii) a process by which the Adminis-*  
20                    *trator may extend the deadline in clause (i)*  
21                    *for up to three months in order to receive or*  
22                    *evaluate information required to be sub-*  
23                    *mitted in accordance with section*  
24                    *4(a)(2)(B), subject to the limitation that if*  
25                    *the information available to the Adminis-*

1            *trator at the end of such an extension re-*  
2            *mains insufficient to enable the designation*  
3            *of the chemical substance as a low-priority*  
4            *substance, the Administrator shall designate*  
5            *the chemical substance as a high-priority*  
6            *substance.*

7            *“(2) INITIAL RISK EVALUATIONS AND SUBSE-*  
8            *QUENT DESIGNATIONS OF HIGH- AND LOW-PRIORITY*  
9            *SUBSTANCES.—*

10            *“(A) INITIAL RISK EVALUATIONS.—Not*  
11            *later than 180 days after the date of enactment*  
12            *of the Frank R. Lautenberg Chemical Safety for*  
13            *the 21st Century Act, the Administrator shall en-*  
14            *sure that risk evaluations are being conducted on*  
15            *10 chemical substances drawn from the 2014 up-*  
16            *date of the TSCA Work Plan for Chemical As-*  
17            *sessments and shall publish the list of such chem-*  
18            *ical substances during the 180 day period.*

19            *“(B) ADDITIONAL RISK EVALUATIONS.—Not*  
20            *later than three and one half years after the date*  
21            *of enactment of the Frank R. Lautenberg Chem-*  
22            *ical Safety for the 21st Century Act, the Admin-*  
23            *istrator shall ensure that risk evaluations are*  
24            *being conducted on at least 20 high-priority sub-*  
25            *stances and that at least 20 chemical substances*

1           *have been designated as low-priority substances,*  
2           *subject to the limitation that at least 50 percent*  
3           *of all chemical substances on which risk evalua-*  
4           *tions are being conducted by the Administrator*  
5           *are drawn from the 2014 update of the TSCA*  
6           *Work Plan for Chemical Assessments.*

7           “(C) *CONTINUING DESIGNATIONS AND RISK*  
8           *EVALUATIONS.—The Administrator shall con-*  
9           *tinue to designate priority substances and con-*  
10           *duct risk evaluations in accordance with this*  
11           *subsection at a pace consistent with the ability*  
12           *of the Administrator to complete risk evaluations*  
13           *in accordance with the deadlines under para-*  
14           *graph (4)(G).*

15           “(D) *PREFERENCE.—In designating high-*  
16           *priority substances, the Administrator shall give*  
17           *preference to—*

18                   “(i) *chemical substances that are listed*  
19                   *in the 2014 update of the TSCA Work Plan*  
20                   *for Chemical Assessments as having a Per-*  
21                   *sistence and Bioaccumulation Score of 3;*  
22                   *and*

23                   “(ii) *chemical substances that are list-*  
24                   *ed in the 2014 update of the TSCA Work*  
25                   *Plan for Chemical Assessments that are*



1           *known human carcinogens and have high*  
2           *acute and chronic toxicity.*

3           “(E) *METALS AND METAL COMPOUNDS.*—*In*  
4           *identifying priorities for risk evaluation and*  
5           *conducting risk evaluations of metals and metal*  
6           *compounds, the Administrator shall use the*  
7           *Framework for Metals Risk Assessment of the Of-*  
8           *fice of the Science Advisor, Risk Assessment*  
9           *Forum, and dated March 2007, or a successor*  
10          *document that addresses metals risk assessment*  
11          *and is peer reviewed by the Science Advisory*  
12          *Board.*

13          “(3) *INITIATION OF RISK EVALUATIONS; DES-*  
14          *IGNATIONS.*—

15                 “(A) *RISK EVALUATION INITIATION.*—*Upon*  
16                 *designating a chemical substance as a high-pri-*  
17                 *ority substance, the Administrator shall initiate*  
18                 *a risk evaluation on the substance.*

19                 “(B) *REVISION.*—*The Administrator may*  
20                 *revise the designation of a low-priority substance*  
21                 *based on information made available to the Ad-*  
22                 *ministrator.*

23                 “(C) *ONGOING DESIGNATIONS.*—*The Ad-*  
24                 *ministrator shall designate at least one high-pri-*  
25                 *ority substance upon the completion of each risk*

1           *evaluation (other than risk evaluations for chem-*  
2           *ical substances designated under paragraph*  
3           *(4)(C)(ii)).*

4           “(4) *RISK EVALUATION PROCESS AND DEAD-*  
5           *LINES.—*

6                   “(A) *IN GENERAL.—The Administrator*  
7           *shall conduct risk evaluations pursuant to this*  
8           *paragraph to determine whether a chemical sub-*  
9           *stance presents an unreasonable risk of injury to*  
10           *health or the environment, without consideration*  
11           *of costs or other nonrisk factors, including an*  
12           *unreasonable risk to a potentially exposed or sus-*  
13           *ceptible subpopulation identified as relevant to*  
14           *the risk evaluation by the Administrator, under*  
15           *the conditions of use.*

16                   “(B) *ESTABLISHMENT OF PROCESS.—Not*  
17           *later than 1 year after the date of enactment of*  
18           *the Frank R. Lautenberg Chemical Safety for the*  
19           *21st Century Act, the Administrator shall estab-*  
20           *lish, by rule, a process to conduct risk evalua-*  
21           *tions in accordance with subparagraph (A).*

22                   “(C) *REQUIREMENT.—The Administrator*  
23           *shall conduct and publish risk evaluations, in*  
24           *accordance with the rule promulgated under sub-*  
25           *paragraph (B), for a chemical substance—*

1           “(i) that has been identified under  
2           paragraph (2)(A) or designated under para-  
3           graph (1)(B)(i); and

4           “(ii) subject to subparagraph (E), that  
5           a manufacturer of the chemical substance  
6           has requested, in a form and manner and  
7           using the criteria prescribed by the Admin-  
8           istrator in the rule promulgated under sub-  
9           paragraph (B), be subjected to a risk eval-  
10          uation.

11          “(D) SCOPE.—The Administrator shall, not  
12          later than 6 months after the initiation of a risk  
13          evaluation, publish the scope of the risk evalua-  
14          tion to be conducted, including the hazards, ex-  
15          posures, conditions of use, and the potentially ex-  
16          posed or susceptible subpopulations the Adminis-  
17          trator expects to consider, and, for each designa-  
18          tion of a high-priority substance, ensure not less  
19          than 12 months between the initiation of the  
20          prioritization process for the chemical substance  
21          and the publication of the scope of the risk eval-  
22          uation for the chemical substance, and for risk  
23          evaluations conducted on chemical substances  
24          that have been identified under paragraph (2)(A)  
25          or selected under subparagraph (E)(iv)(II) of

1           *this paragraph, ensure not less than 3 months*  
2           *before the Administrator publishes the scope of*  
3           *the risk evaluation.*

4           “(E) *LIMITATION AND CRITERIA.*—

5           “(i) *PERCENTAGE REQUIREMENTS.*—

6           *The Administrator shall ensure that, of the*  
7           *number of chemical substances that undergo*  
8           *a risk evaluation under clause (i) of sub-*  
9           *paragraph (C), the number of chemical sub-*  
10          *stances undergoing a risk evaluation under*  
11          *clause (ii) of subparagraph (C) is—*

12           “(I) *not less than 25 percent, if*  
13           *sufficient requests are made under*  
14           *clause (ii) of subparagraph (C); and*

15           “(II) *not more than 50 percent.*

16          “(ii) *REQUESTED RISK EVALUA-*  
17          *TIONS.—Requests for risk evaluations under*  
18          *subparagraph (C)(ii) shall be subject to the*  
19          *payment of fees pursuant to section 26(b),*  
20          *and the Administrator shall not expedite or*  
21          *otherwise provide special treatment to such*  
22          *risk evaluations.*

23          “(iii) *PREFERENCE.*—*In deciding*  
24          *whether to grant requests under subpara-*  
25          *graph (C)(ii), the Administrator shall give*

1           *preference to requests for risk evaluations on*  
2           *chemical substances for which the Adminis-*  
3           *trator determines that restrictions imposed*  
4           *by 1 or more States have the potential to*  
5           *have a significant impact on interstate*  
6           *commerce or health or the environment.*

7           “(iv) *EXCEPTIONS.—(I) Chemical sub-*  
8           *stances for which requests have been granted*  
9           *under subparagraph (C)(ii) shall not be*  
10           *subject to section 18(b).*

11           “(II) *Requests for risk evaluations on*  
12           *chemical substances which are made under*  
13           *subparagraph (C)(ii) and that are drawn*  
14           *from the 2014 update of the TSCA Work*  
15           *Plan for Chemical Assessments shall be*  
16           *granted at the discretion of the Adminis-*  
17           *trator and not be subject to clause (i)(II).*

18           “(F) *REQUIREMENTS.—In conducting a*  
19           *risk evaluation under this subsection, the Admin-*  
20           *istrator shall—*

21           “(i) *integrate and assess available in-*  
22           *formation on hazards and exposures for the*  
23           *conditions of use of the chemical substance,*  
24           *including information that is relevant to*  
25           *specific risks of injury to health or the envi-*

1            *ronment and information on potentially ex-*  
2            *posed or susceptible subpopulations identi-*  
3            *fied as relevant by the Administrator;*

4            *“(ii) describe whether aggregate or sen-*  
5            *tinel exposures to a chemical substance*  
6            *under the conditions of use were considered,*  
7            *and the basis for that consideration;*

8            *“(iii) not consider costs or other*  
9            *nonrisk factors;*

10           *“(iv) take into account, where relevant,*  
11           *the likely duration, intensity, frequency,*  
12           *and number of exposures under the condi-*  
13           *tions of use of the chemical substance; and*

14           *“(v) describe the weight of the scientific*  
15           *evidence for the identified hazard and expo-*  
16           *sure.*

17           *“(G) DEADLINES.—The Administrator—*

18           *“(i) shall complete a risk evaluation*  
19           *for a chemical substance as soon as prac-*  
20           *ticable, but not later than 3 years after the*  
21           *date on which the Administrator initiates*  
22           *the risk evaluation under subparagraph (C);*  
23           *and*

24           *“(ii) may extend the deadline for a*  
25           *risk evaluation for not more than 6 months.*

1           “(H) NOTICE AND COMMENT.—The Admin-  
2           istrator shall provide no less than 30 days public  
3           notice and an opportunity for comment on a  
4           draft risk evaluation prior to publishing a final  
5           risk evaluation.”;

6           (4) by amending subsection (c) to read as fol-  
7           lows:

8           “(c) PROMULGATION OF SUBSECTION (a) RULES.—

9           “(1) DEADLINES.—If the Administrator deter-  
10          mines that a chemical substance presents an unrea-  
11          sonable risk of injury to health or the environment in  
12          accordance with subsection (b)(4)(A), the Adminis-  
13          trator—

14                 “(A) shall propose in the Federal Register a  
15                 rule under subsection (a) for the chemical sub-  
16                 stance not later than 1 year after the date on  
17                 which the final risk evaluation regarding the  
18                 chemical substance is published;

19                 “(B) shall publish in the Federal Register a  
20                 final rule not later than 2 years after the date  
21                 on which the final risk evaluation regarding the  
22                 chemical substance is published; and

23                 “(C) may extend the deadlines under this  
24                 paragraph for not more than 2 years, subject to  
25                 the condition that the aggregate length of exten-

1           sions under this subparagraph and subsection  
2           (b)(4)(G)(ii) does not exceed 2 years, and subject  
3           to the limitation that the Administrator may not  
4           extend a deadline for the publication of a pro-  
5           posed or final rule regarding a chemical sub-  
6           stance drawn from the 2014 update of the TSCA  
7           Work Plan for Chemical Assessments or a chem-  
8           ical substance that, with respect to persistence  
9           and bioaccumulation, scores high for 1 and ei-  
10          ther high or moderate for the other, pursuant to  
11          the TSCA Work Plan Chemicals Methods Docu-  
12          ment published by the Administrator in Feb-  
13          ruary 2012 (or a successor scoring system), with-  
14          out adequate public justification that dem-  
15          onstrates, following a review of the information  
16          reasonably available to the Administrator, that  
17          the Administrator cannot complete the proposed  
18          or final rule without additional information re-  
19          garding the chemical substance.

20          “(2) REQUIREMENTS FOR RULE.—

21                 “(A) STATEMENT OF EFFECTS.—In pro-  
22                 posing and promulgating a rule under subsection  
23                 (a) with respect to a chemical substance or mix-  
24                 ture, the Administrator shall consider and pub-



1            *lish a statement based on reasonably available*  
2            *information with respect to—*

3                    *“(i) the effects of the chemical sub-*  
4                    *stance or mixture on health and the mag-*  
5                    *nitude of the exposure of human beings to*  
6                    *the chemical substance or mixture;*

7                    *“(ii) the effects of the chemical sub-*  
8                    *stance or mixture on the environment and*  
9                    *the magnitude of the exposure of the envi-*  
10                   *ronment to such substance or mixture;*

11                   *“(iii) the benefits of the chemical sub-*  
12                   *stance or mixture for various uses; and*

13                   *“(iv) the reasonably ascertainable eco-*  
14                   *nomical consequences of the rule, including*  
15                   *consideration of—*

16                            *“(I) the likely effect of the rule on*  
17                            *the national economy, small business,*  
18                            *technological innovation, the environ-*  
19                            *ment, and public health;*

20                            *“(II) the costs and benefits of the*  
21                            *proposed and final regulatory action*  
22                            *and of the 1 or more primary alter-*  
23                            *native regulatory actions considered by*  
24                            *the Administrator; and*

1                   “(III) the cost effectiveness of the  
2                   proposed regulatory action and of the 1  
3                   or more primary alternative regulatory  
4                   actions considered by the Adminis-  
5                   trator.

6                   “(B) *SELECTING REQUIREMENTS.*—*In se-*  
7                   *lecting among prohibitions and other restric-*  
8                   *tions, the Administrator shall factor in, to the*  
9                   *extent practicable, the considerations under sub-*  
10                  *paragraph (A) in accordance with subsection*  
11                  *(a).*

12                  “(C) *CONSIDERATION OF ALTERNATIVES.*—  
13                  *Based on the information published under sub-*  
14                  *paragraph (A), in deciding whether to prohibit*  
15                  *or restrict in a manner that substantially pre-*  
16                  *vents a specific condition of use of a chemical*  
17                  *substance or mixture, and in setting an appro-*  
18                  *priate transition period for such action, the Ad-*  
19                  *ministrator shall consider, to the extent prac-*  
20                  *ticable, whether technically and economically*  
21                  *feasible alternatives that benefit health or the en-*  
22                  *vironment, compared to the use so proposed to be*  
23                  *prohibited or restricted, will be reasonably avail-*  
24                  *able as a substitute when the proposed prohibi-*  
25                  *tion or other restriction takes effect.*

1                   “(D) *REPLACEMENT PARTS.*—

2                   “(i) *IN GENERAL.*—*The Administrator*  
3                   *shall exempt replacement parts for complex*  
4                   *durable goods and complex consumer goods*  
5                   *that are designed prior to the date of publi-*  
6                   *cation in the Federal Register of the rule*  
7                   *under subsection (a), unless the Adminis-*  
8                   *trator finds that such replacement parts*  
9                   *contribute significantly to the risk, identi-*  
10                   *fied in a risk evaluation conducted under*  
11                   *subsection (b)(4)(A), to the general popu-*  
12                   *lation or to an identified potentially ex-*  
13                   *posed or susceptible subpopulation.*

14                   “(ii) *DEFINITIONS.*—*In this subpara-*  
15                   *graph—*

16                   “(I) *the term ‘complex consumer*  
17                   *goods’ means electronic or mechanical*  
18                   *devices composed of multiple manufac-*  
19                   *tured components, with an intended*  
20                   *useful life of 3 or more years, where the*  
21                   *product is typically not consumed, de-*  
22                   *stroyed, or discarded after a single use,*  
23                   *and the components of which would be*  
24                   *impracticable to redesign or replace;*  
25                   *and*

1                   “(II) the term ‘complex durable  
2                   goods’ means manufactured goods com-  
3                   posed of 100 or more manufactured  
4                   components, with an intended useful  
5                   life of 5 or more years, where the prod-  
6                   uct is typically not consumed, de-  
7                   stroyed, or discarded after a single use.

8                   “(E) ARTICLES.—In selecting among prohi-  
9                   bitions and other restrictions, the Administrator  
10                  shall apply such prohibitions or other restric-  
11                  tions to an article or category of articles con-  
12                  taining the chemical substance or mixture only  
13                  to the extent necessary to address the identified  
14                  risks from exposure to the chemical substance or  
15                  mixture from the article or category of articles so  
16                  that the substance or mixture does not present an  
17                  unreasonable risk of injury to health or the envi-  
18                  ronment identified in the risk evaluation con-  
19                  ducted in accordance with subsection (b)(4)(A).

20                  “(3) PROCEDURES.—When prescribing a rule  
21                  under subsection (a) the Administrator shall proceed  
22                  in accordance with section 553 of title 5, United  
23                  States Code (without regard to any reference in such  
24                  section to sections 556 and 557 of such title), and  
25                  shall also—

1           “(A) publish a notice of proposed rule-  
2 making stating with particularity the reason for  
3 the proposed rule;

4           “(B) allow interested persons to submit  
5 written data, views, and arguments, and make  
6 all such submissions publicly available;

7           “(C) promulgate a final rule based on the  
8 matter in the rulemaking record; and

9           “(D) make and publish with the rule the de-  
10 termination described in subsection (a).”;

11 (5) in subsection (d)—

12           (A) by redesignating paragraph (2) as  
13 paragraph (3);

14           (B) by striking paragraph (1) and inserting  
15 the following:

16           “(1) *IN GENERAL.*—In any rule under subsection  
17 (a), the Administrator shall—

18           “(A) specify the date on which it shall take  
19 effect, which date shall be as soon as practicable;

20           “(B) except as provided in subparagraphs  
21 (C) and (D), specify mandatory compliance  
22 dates for all of the requirements under a rule  
23 under subsection (a), which shall be as soon as  
24 practicable, but not later than 5 years after the

1           *date of promulgation of the rule, except in a case*  
2           *of a use exempted under subsection (g);*

3           “(C) *specify mandatory compliance dates*  
4           *for the start of ban or phase-out requirements*  
5           *under a rule under subsection (a), which shall be*  
6           *as soon as practicable, but not later than 5 years*  
7           *after the date of promulgation of the rule, except*  
8           *in the case of a use exempted under subsection*  
9           *(g);*

10           “(D) *specify mandatory compliance dates*  
11           *for full implementation of ban or phase-out re-*  
12           *quirements under a rule under subsection (a),*  
13           *which shall be as soon as practicable; and*

14           “(E) *provide for a reasonable transition pe-*  
15           *riod.*

16           “(2) *VARIABILITY.—As determined by the Ad-*  
17           *ministrator, the compliance dates established under*  
18           *paragraph (1) may vary for different affected per-*  
19           *sons.”; and*

20           (C) *in paragraph (3), as so redesignated by*  
21           *subparagraph (A) of this paragraph—*

22           (i) *in subparagraph (A)—*

23                   (I) *by striking “upon its publica-*  
24                   *tion” and all that follows through “re-*  
25                   *specting such rule if” and inserting “,*

1                   and compliance with the proposed re-  
2                   quirements to be mandatory, upon  
3                   publication in the *Federal Register* of  
4                   the proposed rule and until the compli-  
5                   ance dates applicable to such require-  
6                   ments in a final rule promulgated  
7                   under section 6(a) or until the Admin-  
8                   istrator revokes such proposed rule, in  
9                   accordance with subparagraph (B), if”;  
10                  and

11                               (II) in clause (i)(I), by inserting  
12                               “without consideration of costs or other  
13                               non-risk factors” after “effective date”;  
14                               and

15                               (ii) in subparagraph (B), by striking  
16                               “, provide reasonable opportunity” and all  
17                               that follows through the period at the end  
18                               and inserting “in accordance with sub-  
19                               section (c), and either promulgate such rule  
20                               (as proposed or with modifications) or re-  
21                               voke it.”;

22                               (6) in subsection (e)(4), by striking “paragraphs  
23                               (2), (3), and (4)” and inserting “paragraph (3)”;

24                               (7) by adding at the end the following new sub-  
25                               sections:

1       “(g) *EXEMPTIONS.*—

2               “(1) *CRITERIA FOR EXEMPTION.*—*The Adminis-*  
3       *trator may, as part of a rule promulgated under sub-*  
4       *section (a), or in a separate rule, grant an exemption*  
5       *from a requirement of a subsection (a) rule for a spe-*  
6       *cific condition of use of a chemical substance or mix-*  
7       *ture, if the Administrator finds that—*

8               “(A) *the specific condition of use is a crit-*  
9       *ical or essential use for which no technically and*  
10       *economically feasible safer alternative is avail-*  
11       *able, taking into consideration hazard and expo-*  
12       *sure;*

13              “(B) *compliance with the requirement, as*  
14       *applied with respect to the specific condition of*  
15       *use, would significantly disrupt the national*  
16       *economy, national security, or critical infra-*  
17       *structure; or*

18              “(C) *the specific condition of use of the*  
19       *chemical substance or mixture, as compared to*  
20       *reasonably available alternatives, provides a sub-*  
21       *stantial benefit to health, the environment, or*  
22       *public safety.*

23              “(2) *EXEMPTION ANALYSIS AND STATEMENT.*—*In*  
24       *proposing an exemption under this subsection, the*  
25       *Administrator shall analyze the need for the exemp-*



1        *tion, and shall make public the analysis and a state-*  
2        *ment describing how the analysis was taken into ac-*  
3        *count.*

4            “(3) *PERIOD OF EXEMPTION.*—*The Adminis-*  
5        *trator shall establish, as part of a rule under this sub-*  
6        *section, a time limit on any exemption for a time to*  
7        *be determined by the Administrator as reasonable on*  
8        *a case-by-case basis, and, by rule, may extend, mod-*  
9        *ify, or eliminate an exemption if the Administrator*  
10       *determines, on the basis of reasonably available infor-*  
11       *mation and after adequate public justification, the ex-*  
12       *emption warrants extension or modification or is no*  
13       *longer necessary.*

14            “(4) *CONDITIONS.*—*As part of a rule promul-*  
15        *gated under this subsection, the Administrator shall*  
16        *include conditions, including reasonable record-*  
17        *keeping, monitoring, and reporting requirements, to*  
18        *the extent that the Administrator determines the con-*  
19        *ditions are necessary to protect health and the envi-*  
20        *ronment while achieving the purposes of the exemp-*  
21        *tion.*

22            “(h) *CHEMICALS THAT ARE PERSISTENT, BIO-*  
23        *ACCUMULATIVE, AND TOXIC.*—

24            “(1) *EXPEDITED ACTION.*—*Not later than 3*  
25        *years after the date of enactment of the Frank R.*

1        *Lautenberg Chemical Safety for the 21st Century Act,*  
2        *the Administrator shall propose rules under sub-*  
3        *section (a) with respect to chemical substances identi-*  
4        *fied in the 2014 update of the TSCA Work Plan for*  
5        *Chemical Assessments—*

6                *“(A) that the Administrator has a reason-*  
7                *able basis to conclude are toxic and that with re-*  
8                *spect to persistence and bioaccumulation score*  
9                *high for one and either high or moderate for the*  
10              *other, pursuant to the TSCA Work Plan Chemi-*  
11              *cals Methods Document published by the Admin-*  
12              *istrator in February 2012 (or a successor scoring*  
13              *system), and are not a metal or a metal com-*  
14              *ound, and for which the Administrator has not*  
15              *completed a Work Plan Problem Formulation,*  
16              *initiated a review under section 5, or entered*  
17              *into a consent agreement under section 4, prior*  
18              *to the date of enactment of the Frank R. Lauten-*  
19              *berg Chemical Safety for the 21st Century Act;*  
20              *and*

21              *“(B) exposure to which under the conditions*  
22              *of use is likely to the general population or to a*  
23              *potentially exposed or susceptible subpopulation*  
24              *identified by the Administrator, or the environ-*

1           *ment, on the basis of an exposure and use assess-*  
2           *ment conducted by the Administrator.*

3           “(2) *NO RISK EVALUATION REQUIRED.*—*The Ad-*  
4           *ministrator shall not be required to conduct risk eval-*  
5           *uations on chemical substances that are subject to*  
6           *paragraph (1).*

7           “(3) *FINAL RULE.*—*Not later than 18 months*  
8           *after proposing a rule pursuant to paragraph (1), the*  
9           *Administrator shall promulgate a final rule under*  
10          *subsection (a).*

11          “(4) *SELECTING RESTRICTIONS.*—*In selecting*  
12          *among prohibitions and other restrictions promul-*  
13          *gated in a rule under subsection (a) pursuant to*  
14          *paragraph (1), the Administrator shall address the*  
15          *risks of injury to health or the environment that the*  
16          *Administrator determines are presented by the chem-*  
17          *ical substance and shall reduce exposure to the sub-*  
18          *stance to the extent practicable.*

19          “(5) *RELATIONSHIP TO SUBSECTION (b).*—*If, at*  
20          *any time prior to the date that is 90 days after the*  
21          *date of enactment of the Frank R. Lautenberg Chem-*  
22          *ical Safety for the 21st Century Act, the Adminis-*  
23          *trator makes a designation under subsection*  
24          *(b)(1)(B)(i), or receives a request under subsection*  
25          *(b)(4)(C)(ii), such chemical substance shall not be*

1       *subject to this subsection, except that in selecting*  
2       *among prohibitions and other restrictions promul-*  
3       *gated in a rule pursuant to subsection (a), the Ad-*  
4       *ministrator shall both ensure that the chemical sub-*  
5       *stance meets the rulemaking standard under sub-*  
6       *section (a) and reduce exposure to the substance to the*  
7       *extent practicable.*

8       “(i) *FINAL AGENCY ACTION.*—*Under this section and*  
9       *subject to section 18—*

10               “(1) *a determination by the Administrator*  
11               *under subsection (b)(4)(A) that a chemical substance*  
12               *does not present an unreasonable risk of injury to*  
13               *health or the environment shall be issued by order*  
14               *and considered to be a final agency action, effective*  
15               *beginning on the date of issuance of the order; and*

16               “(2) *a final rule promulgated under subsection*  
17               *(a), including the associated determination by the Ad-*  
18               *ministrator under subsection (b)(4)(A) that a chem-*  
19               *ical substance presents an unreasonable risk of injury*  
20               *to health or the environment, shall be considered to be*  
21               *a final agency action, effective beginning on the date*  
22               *of promulgation of the final rule.*

23       “(j) *DEFINITION.*—*For the purposes of this Act, the*  
24       *term ‘requirement’ as used in this section shall not displace*  
25       *statutory or common law.’.*

1 **SEC. 7. IMMINENT HAZARDS.**

2 *Section 7 of the Toxic Substances Control Act (15*  
3 *U.S.C. 2606) is amended—*

4 *(1) in subsection (b)(1), by inserting “(as identi-*  
5 *fied by the Administrator without consideration of*  
6 *costs or other nonrisk factors)” after “from the unrea-*  
7 *sonable risk”; and*

8 *(2) in subsection (f), by inserting “, without con-*  
9 *sideration of costs or other nonrisk factors” after*  
10 *“widespread injury to health or the environment”.*

11 **SEC. 8. REPORTING AND RETENTION OF INFORMATION.**

12 *(a) IN GENERAL.—Section 8 of the Toxic Substances*  
13 *Control Act (15 U.S.C. 2607) is amended—*

14 *(1) in subsection (a)—*

15 *(A) in paragraph (2), by striking the mat-*  
16 *ter that follows subparagraph (G);*

17 *(B) in paragraph (3), by adding at the end*  
18 *the following:*

19 *“(C) Not later than 180 days after the date of enact-*  
20 *ment of the Frank R. Lautenberg Chemical Safety for the*  
21 *21st Century Act, and not less frequently than once every*  
22 *10 years thereafter, the Administrator, after consultation*  
23 *with the Administrator of the Small Business Administra-*  
24 *tion, shall—*

25 *“(i) review the adequacy of the standards pre-*  
26 *scribed under subparagraph (B); and*

1           “(ii) after providing public notice and an oppor-  
2           tunity for comment, make a determination as to  
3           whether revision of the standards is warranted.”; and

4           (C) by adding at the end the following:

5           “(4) CONTENTS.—The rules promulgated pursu-  
6           ant to paragraph (1)—

7           “(A) may impose differing reporting and  
8           recordkeeping requirements on manufacturers  
9           and processors; and

10           “(B) shall include the level of detail nec-  
11           essary to be reported, including the manner by  
12           which use and exposure information may be re-  
13           ported.

14           “(5) ADMINISTRATION.—In carrying out this sec-  
15           tion, the Administrator shall, to the extent feasible—

16           “(A) not require reporting which is unnec-  
17           essary or duplicative;

18           “(B) minimize the cost of compliance with  
19           this section and the rules issued thereunder on  
20           small manufacturers and processors; and

21           “(C) apply any reporting obligations to  
22           those persons likely to have information relevant  
23           to the effective implementation of this title.

24           “(6) NEGOTIATED RULEMAKING.—(A) The Ad-  
25           ministrator shall enter into a negotiated rulemaking

1       *pursuant to subchapter III of chapter 5 of title 5,*  
2       *United States Code, to develop and publish, not later*  
3       *than 3 years after the date of enactment of the Frank*  
4       *R. Lautenberg Chemical Safety for the 21st Century*  
5       *Act, a proposed rule providing for limiting the report-*  
6       *ing requirements, under this subsection, for manufac-*  
7       *turers of any inorganic byproducts, when such by-*  
8       *products, whether by the byproduct manufacturer or*  
9       *by any other person, are subsequently recycled, re-*  
10       *used, or reprocessed.*

11               *“(B) Not later than 3 and one-half years after*  
12       *such date of enactment, the Administrator shall pub-*  
13       *lish a final rule resulting from such negotiated rule-*  
14       *making.”; and*

15               *(2) in subsection (b), by adding at the end the*  
16       *following:*

17               *“(3) NOMENCLATURE.—*

18                       *“(A) IN GENERAL.—In carrying out para-*  
19       *graph (1), the Administrator shall—*

20                               *“(i) maintain the use of Class 2 no-*  
21       *menclature in use on the date of enactment*  
22       *of the Frank R. Lautenberg Chemical Safe-*  
23       *ty for the 21st Century Act;*

24                               *“(ii) maintain the use of the Soap and*  
25       *Detergent Association Nomenclature Sys-*

1            *tem, published in March 1978 by the Ad-*  
2            *ministrator in section 1 of addendum III of*  
3            *the document entitled ‘Candidate List of*  
4            *Chemical Substances’, and further described*  
5            *in the appendix A of volume I of the 1985*  
6            *edition of the Toxic Substances Control Act*  
7            *Substances Inventory (EPA Document No.*  
8            *EPA-560/7-85-002a); and*

9            *“(iii) treat the individual members of*  
10           *the categories of chemical substances identi-*  
11           *fied by the Administrator as statutory mix-*  
12           *tures, as defined in Inventory descriptions*  
13           *established by the Administrator, as being*  
14           *included on the list established under para-*  
15           *graph (1).*

16           *“(B) MULTIPLE NOMENCLATURE LIST-*  
17           *INGS.—If a manufacturer or processor dem-*  
18           *onstrates to the Administrator that a chemical*  
19           *substance appears multiple times on the list pub-*  
20           *lished under paragraph (1) under different CAS*  
21           *numbers, the Administrator may recognize the*  
22           *multiple listings as a single chemical substance.*

23           *“(4) CHEMICAL SUBSTANCES IN COMMERCE.—*

24           *“(A) RULES.—*



1           “(i) *IN GENERAL.*—Not later than 1  
2           year after the date of enactment of the  
3           *Frank R. Lautenberg Chemical Safety for*  
4           *the 21st Century Act*, the Administrator, by  
5           rule, shall require manufacturers, and may  
6           require processors, subject to the limitations  
7           under subsection (a)(5)(A), to notify the Ad-  
8           ministrato*r*, by not later than 180 days  
9           after the date on which the final rule is  
10          published in the *Federal Register*, of each  
11          chemical substance on the list published  
12          under paragraph (1) that the manufacturer  
13          or processor, as applicable, has manufac-  
14          tured or processed for a nonexempt commer-  
15          cial purpose during the 10-year period end-  
16          ing on the day before the date of enactment  
17          of the *Frank R. Lautenberg Chemical Safe-*  
18          *ty for the 21st Century Act*.

19           “(ii) *ACTIVE SUBSTANCES.*—The Ad-  
20          ministrato*r* shall designate chemical sub-  
21          stances for which notices are received under  
22          clause (i) to be active substances on the list  
23          published under paragraph (1).

24           “(iii) *INACTIVE SUBSTANCES.*—The  
25          Administrato*r* shall designate chemical sub-

1            *stances for which no notices are received*  
2            *under clause (i) to be inactive substances on*  
3            *the list published under paragraph (1).*

4            “(iv) *LIMITATION.—No chemical sub-*  
5            *stance on the list published under para-*  
6            *graph (1) shall be removed from such list by*  
7            *reason of the implementation of this sub-*  
8            *paragraph, or be subject to section*  
9            *5(a)(1)(A)(i) by reason of a change to active*  
10           *status under paragraph (5)(B).*

11           “(B) *CONFIDENTIAL CHEMICAL SUB-*  
12           *STANCES.—In promulgating a rule under sub-*  
13           *paragraph (A), the Administrator shall—*

14           *“(i) maintain the list under paragraph*  
15           *(1), which shall include a confidential por-*  
16           *tion and a nonconfidential portion con-*  
17           *sistent with this section and section 14;*

18           *“(ii) require any manufacturer or*  
19           *processor of a chemical substance on the*  
20           *confidential portion of the list published*  
21           *under paragraph (1) that seeks to maintain*  
22           *an existing claim for protection against dis-*  
23           *closure of the specific chemical identity of*  
24           *the chemical substance as confidential pur-*  
25           *suant to section 14 to submit a notice under*

1           *subparagraph (A) that includes such re-*  
2           *quest;*

3           *“(iii) require the substantiation of*  
4           *those claims pursuant to section 14 and in*  
5           *accordance with the review plan described*  
6           *in subparagraph (C); and*

7           *“(iv) move any active chemical sub-*  
8           *stance for which no request was received to*  
9           *maintain an existing claim for protection*  
10          *against disclosure of the specific chemical*  
11          *identity of the chemical substance as con-*  
12          *fidential from the confidential portion of the*  
13          *list published under paragraph (1) to the*  
14          *nonconfidential portion of that list.*

15          *“(C) REVIEW PLAN.—Not later than 1 year*  
16          *after the date on which the Administrator com-*  
17          *piles the initial list of active substances pursuant*  
18          *to subparagraph (A), the Administrator shall*  
19          *promulgate a rule that establishes a plan to re-*  
20          *view all claims to protect the specific chemical*  
21          *identities of chemical substances on the confiden-*  
22          *tial portion of the list published under para-*  
23          *graph (1) that are asserted pursuant to subpara-*  
24          *graph (B).*

1           “(D) *REQUIREMENTS OF REVIEW PLAN.*—*In*  
2           *establishing the review plan under subparagraph*  
3           *(C), the Administrator shall—*

4                   “(i) *require, at a time specified by the*  
5                   *Administrator, all manufacturers or proc-*  
6                   *essors asserting claims under subparagraph*  
7                   *(B) to substantiate the claim, in accordance*  
8                   *with section 14, unless the manufacturer or*  
9                   *processor has substantiated the claim in a*  
10                   *submission made to the Administrator dur-*  
11                   *ing the 5-year period ending on the last day*  
12                   *of the of the time period specified by the Ad-*  
13                   *ministrator; and*

14                   “(ii) *in accordance with section 14—*

15                           “(I) *review each substantiation—*

16                                   “(aa) *submitted pursuant to*  
17                                   *clause (i) to determine if the*  
18                                   *claim qualifies for protection from*  
19                                   *disclosure; and*

20                                   “(bb) *submitted previously*  
21                                   *by a manufacturer or processor*  
22                                   *and relied on in lieu of the sub-*  
23                                   *stantiation required pursuant to*  
24                                   *clause (i), if the substantiation*  
25                                   *has not been previously reviewed*

1 by the Administrator, to deter-  
2 mine if the claim warrants pro-  
3 tection from disclosure;

4 “(II) approve, approve in part  
5 and deny in part, or deny each claim;  
6 and

7 “(III) except as provided in this  
8 section and section 14, protect from  
9 disclosure information for which the  
10 Administrator approves such a claim  
11 for a period of 10 years, unless, prior  
12 to the expiration of the period—

13 “(aa) the person notifies the  
14 Administrator that the person is  
15 withdrawing the claim, in which  
16 case the Administrator shall not  
17 protect the information from dis-  
18 closure; or

19 “(bb) the Administrator oth-  
20 erwise becomes aware that the in-  
21 formation does not qualify for  
22 protection from disclosure, in  
23 which case the Administrator  
24 shall take the actions described in  
25 section 14(g)(2).

1                   “(E) *TIMELINE FOR COMPLETION OF RE-*  
2                   *IEWS.—*

3                   “(i) *IN GENERAL.—The Administrator*  
4                   *shall implement the review plan so as to*  
5                   *complete reviews of all claims specified in*  
6                   *subparagraph (C) not later than 5 years*  
7                   *after the date on which the Administrator*  
8                   *compiles the initial list of active substances*  
9                   *pursuant to subparagraph (A).*

10                   “(ii) *CONSIDERATIONS.—*

11                   “(I) *IN GENERAL.—The Adminis-*  
12                   *trator may extend the deadline for*  
13                   *completion of the reviews for not more*  
14                   *than 2 additional years, after an ade-*  
15                   *quate public justification, if the Ad-*  
16                   *ministrator determines that the exten-*  
17                   *sion is necessary based on the number*  
18                   *of claims needing review and the avail-*  
19                   *able resources.*

20                   “(II) *ANNUAL REVIEW GOAL AND*  
21                   *RESULTS.—At the beginning of each*  
22                   *year, the Administrator shall publish*  
23                   *an annual goal for reviews and the*  
24                   *number of reviews completed in the*  
25                   *prior year.*

1           “(5) *ACTIVE AND INACTIVE SUBSTANCES.*—

2           “(A) *IN GENERAL.*—*The Administrator*  
3           *shall keep designations of active substances and*  
4           *inactive substances on the list published under*  
5           *paragraph (1) current.*

6           “(B) *CHANGE TO ACTIVE STATUS.*—

7           “(i) *IN GENERAL.*—*Any person that*  
8           *intends to manufacture or process for a*  
9           *nonexempt commercial purpose a chemical*  
10           *substance that is designated as an inactive*  
11           *substance shall notify the Administrator be-*  
12           *fore the date on which the inactive sub-*  
13           *stance is manufactured or processed.*

14           “(ii) *CONFIDENTIAL CHEMICAL IDEN-*  
15           *TITY.*—*If a person submitting a notice*  
16           *under clause (i) for an inactive substance*  
17           *on the confidential portion of the list pub-*  
18           *lished under paragraph (1) seeks to main-*  
19           *tain an existing claim for protection*  
20           *against disclosure of the specific chemical*  
21           *identity of the inactive substance as con-*  
22           *fidential, the person shall, consistent with*  
23           *the requirements of section 14—*

24           “(I) *in the notice submitted under*  
25           *clause (i), assert the claim; and*

1                   “(II) by not later than 30 days  
2                   after providing the notice under clause  
3                   (i), substantiate the claim.

4                   “(iii) *ACTIVE STATUS*.—On receiving a  
5                   notification under clause (i), the Adminis-  
6                   trator shall—

7                   “(I) designate the applicable  
8                   chemical substance as an active sub-  
9                   stance;

10                   “(II) pursuant to section 14,  
11                   promptly review any claim and associ-  
12                   ated substantiation submitted pursu-  
13                   ant to clause (ii) for protection against  
14                   disclosure of the specific chemical iden-  
15                   tity of the chemical substance and ap-  
16                   prove, approve in part and deny in  
17                   part, or deny the claim;

18                   “(III) except as provided in this  
19                   section and section 14, protect from  
20                   disclosure the specific chemical identity  
21                   of the chemical substance for which the  
22                   Administrator approves a claim under  
23                   subclause (II) for a period of 10 years,  
24                   unless, prior to the expiration of the  
25                   period—



1                   “(aa) the person notifies the  
2                   Administrator that the person is  
3                   withdrawing the claim, in which  
4                   case the Administrator shall not  
5                   protect the information from dis-  
6                   closure; or

7                   “(bb) the Administrator oth-  
8                   erwise becomes aware that the in-  
9                   formation does not qualify for  
10                  protection from disclosure, in  
11                  which case the Administrator  
12                  shall take the actions described in  
13                  section 14(g)(2); and

14                  “(IV) pursuant to section 6(b), re-  
15                  view the priority of the chemical sub-  
16                  stance as the Administrator determines  
17                  to be necessary.

18                  “(C) CATEGORY STATUS.—The list of inac-  
19                  tive substances shall not be considered to be a  
20                  category for purposes of section 26(c).

21                  “(6) INTERIM LIST OF ACTIVE SUBSTANCES.—  
22                  Prior to the promulgation of the rule required under  
23                  paragraph (4)(A), the Administrator shall designate  
24                  the chemical substances reported under part 711 of  
25                  title 40, Code of Federal Regulations (as in effect on

1 *the date of enactment of the Frank R. Lautenberg*  
2 *Chemical Safety for the 21st Century Act), during the*  
3 *reporting period that most closely preceded the date*  
4 *of enactment of the Frank R. Lautenberg Chemical*  
5 *Safety for the 21st Century Act, as the interim list*  
6 *of active substances for the purposes of section 6(b).*

7 “(7) *PUBLIC INFORMATION.*—*Subject to this sub-*  
8 *section and section 14, the Administrator shall make*  
9 *available to the public—*

10 “(A) *each specific chemical identity on the*  
11 *nonconfidential portion of the list published*  
12 *under paragraph (1) along with the Administra-*  
13 *tor’s designation of the chemical substance as an*  
14 *active or inactive substance;*

15 “(B) *the unique identifier assigned under*  
16 *section 14, accession number, generic name, and,*  
17 *if applicable, premanufacture notice case number*  
18 *for each chemical substance on the confidential*  
19 *portion of the list published under paragraph (1)*  
20 *for which a claim of confidentiality was received;*  
21 *and*

22 “(C) *the specific chemical identity of any*  
23 *active substance for which—*

24 “(i) *a claim for protection against dis-*  
25 *closure of the specific chemical identity of*

1           the active substance was not asserted, as re-  
2           quired under this subsection or section 14;

3           “(ii) all claims for protection against  
4           disclosure of the specific chemical identity  
5           of the active substance have been denied by  
6           the Administrator; or

7           “(iii) the time period for protection  
8           against disclosure of the specific chemical  
9           identity of the active substance has expired.

10           “(8) *LIMITATION.*—No person may assert a new  
11           claim under this subsection or section 14 for protec-  
12           tion from disclosure of a specific chemical identity of  
13           any active or inactive substance for which a notice is  
14           received under paragraph (4)(A)(i) or (5)(B)(i) that  
15           is not on the confidential portion of the list published  
16           under paragraph (1).

17           “(9) *CERTIFICATION.*—Under the rules promul-  
18           gated under this subsection, manufacturers and proc-  
19           essors, as applicable, shall be required—

20           “(A) to certify that each notice or substan-  
21           tiation the manufacturer or processor submits  
22           complies with the requirements of the rule, and  
23           that any confidentiality claims are true and cor-  
24           rect; and

1           “(B) to retain a record documenting com-  
2           pliance with the rule and supporting confiden-  
3           tiality claims for a period of 5 years beginning  
4           on the last day of the submission period.”.

5           (b) *MERCURY INVENTORY.*—Section 8(b) of the Toxic  
6           Substances Control Act (15 U.S.C. 2607(b)) (as amended  
7           by subsection (a)) is further amended by adding at the end  
8           the following:

9           “(10) *MERCURY.*—

10           “(A) *DEFINITION OF MERCURY.*—In this  
11           paragraph, notwithstanding section 3(2)(B), the  
12           term ‘mercury’ means—

13                   “(i) elemental mercury; and

14                   “(ii) a mercury compound.

15           “(B) *PUBLICATION.*—Not later than April  
16           1, 2017, and every 3 years thereafter, the Admin-  
17           istrator shall carry out and publish in the Fed-  
18           eral Register an inventory of mercury supply,  
19           use, and trade in the United States.

20           “(C) *PROCESS.*—In carrying out the inven-  
21           tory under subparagraph (B), the Administrator  
22           shall—

23                   “(i) identify any manufacturing proc-  
24                   esses or products that intentionally add  
25                   mercury; and

1           “(ii) recommend actions, including  
2           proposed revisions of Federal law or regula-  
3           tions, to achieve further reductions in mer-  
4           cury use.

5           “(D) REPORTING.—

6           “(i) IN GENERAL.—To assist in the  
7           preparation of the inventory under sub-  
8           paragraph (B), any person who manufac-  
9           tures mercury or mercury-added products or  
10          otherwise intentionally uses mercury in a  
11          manufacturing process shall make periodic  
12          reports to the Administrator, at such time  
13          and including such information as the Ad-  
14          ministrator shall determine by rule promul-  
15          gated not later than 2 years after the date  
16          of enactment of this paragraph.

17          “(ii) COORDINATION.—To avoid dupli-  
18          cation, the Administrator shall coordinate  
19          the reporting under this subparagraph with  
20          the Interstate Mercury Education and Re-  
21          duction Clearinghouse.

22          “(iii) EXEMPTION.—Clause (i) shall  
23          not apply to a person engaged in the gen-  
24          eration, handling, or management of mer-  
25          cury-containing waste, unless that person

1                   *manufactures or recovers mercury in the*  
2                   *management of that waste.”.*

3 **SEC. 9. RELATIONSHIP TO OTHER FEDERAL LAWS.**

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

6                   (1) *in subsection (a)—*

7                           (A) *in paragraph (1)—*

8                                   (i) *by striking “has reasonable basis to*  
9 *conclude” and inserting “determines”;*

10                                   (ii) *by striking “or will present”; and*

11                                   (iii) *by inserting “, without consider-*  
12 *ation of costs or other nonrisk factors, in-*  
13 *cluding an unreasonable risk to a poten-*  
14 *tially exposed or susceptible subpopulation*  
15 *identified as relevant by the Administrator,*  
16 *under the conditions of use,” after “or the*  
17 *environment”;*

18                           (B) *in paragraph (2)—*

19                                   (i) *in subparagraph (A), by inserting*  
20 *“, within the time period specified by the*  
21 *Administrator in the report,” after “issues*  
22 *an order”; and*

23                                   (ii) *in subparagraph (B), by inserting*  
24 *“responds within the time period specified*

1                   by the Administrator in the report and” be-  
2                   fore “initiates, within 90”;

3                   (C) by redesignating paragraph (3) as  
4                   paragraph (6); and

5                   (D) by inserting after paragraph (2) the fol-  
6                   lowing:

7                   “(3) The Administrator shall take the actions described  
8                   in paragraph (4) if the Administrator makes a report under  
9                   paragraph (1) with respect to a chemical substance or mix-  
10                  ture and the agency to which the report was made does  
11                  not—

12                  “(A) issue the order described in paragraph  
13                  (2)(A) within the time period specified by the Admin-  
14                  istrator in the report; or

15                  “(B)(i) respond under paragraph (1) within the  
16                  timeframe specified by the Administrator in the re-  
17                  port; and

18                  “(ii) initiate action within 90 days of publica-  
19                  tion in the Federal Register of the response described  
20                  in clause (i).

21                  “(4) If an agency to which a report is submitted under  
22                  paragraph (1) does not take the actions described in sub-  
23                  paragraph (A) or (B) of paragraph (3), the Administrator  
24                  shall—

1           “(A) initiate or complete appropriate action  
2           under section 6; or

3           “(B) take any action authorized or required  
4           under section 7, as applicable.

5           “(5) This subsection shall not relieve the Administrator  
6           of any obligation to take any appropriate action under sec-  
7           tion 6(a) or 7 to address risks from the manufacture, proc-  
8           essing, distribution in commerce, use, or disposal of a chem-  
9           ical substance or mixture, or any combination of those ac-  
10          tivities, that are not identified in a report issued by the  
11          Administrator under paragraph (1).”;

12           (2) in subsection (b)—

13           (A) by striking “The Administrator shall  
14           coordinate” and inserting “(1) The Adminis-  
15           trator shall coordinate”; and

16           (B) by adding at the end the following:

17           “(2) In making a determination under paragraph (1)  
18           that it is in the public interest for the Administrator to  
19           take an action under this title with respect to a chemical  
20           substance or mixture rather than under another law admin-  
21           istered in whole or in part by the Administrator, the Ad-  
22           ministrator shall consider, based on information reasonably  
23           available to the Administrator, all relevant aspects of the  
24           risk described in paragraph (1) and a comparison of the  
25           estimated costs and efficiencies of the action to be taken



1 *under this title and an action to be taken under such other*  
2 *law to protect against such risk.”; and*

3 *(3) by adding at the end the following:*

4 *“(e) EXPOSURE INFORMATION.—In addition to the re-*  
5 *quirements of subsection (a), if the Administrator obtains*  
6 *information related to exposures or releases of a chemical*  
7 *substance or mixture that may be prevented or reduced*  
8 *under another Federal law, including a law not adminis-*  
9 *tered by the Administrator, the Administrator shall make*  
10 *such information available to the relevant Federal agency*  
11 *or office of the Environmental Protection Agency.”.*

12 **SEC. 10. EXPORTS.**

13 *(a) IN GENERAL.—Section 12(a)(2) of the Toxic Sub-*  
14 *stances Control Act (15 U.S.C. 2611(a)(2)) is amended by*  
15 *striking “will present” and inserting “presents”.*

16 *(b) PROHIBITION ON EXPORT OF CERTAIN MERCURY*  
17 *COMPOUNDS.—Section 12(c) of the Toxic Substances Con-*  
18 *trol Act (15 U.S.C. 2611(c)) is amended—*

19 *(1) in the subsection heading, by inserting “AND*  
20 *MERCURY COMPOUNDS” after “MERCURY”; and*

21 *(2) by adding at the end the following:*

22 *“(7) PROHIBITION ON EXPORT OF CERTAIN MER-*  
23 *CURY COMPOUNDS.—*

1           “(A) *IN GENERAL.*—*Effective January 1,*  
2           *2020, the export of the following mercury com-*  
3           *pounds is prohibited:*

4                   “(i) *Mercury (I) chloride or calomel.*

5                   “(ii) *Mercury (II) oxide.*

6                   “(iii) *Mercury (II) sulfate.*

7                   “(iv) *Mercury (II) nitrate.*

8                   “(v) *Cinnabar or mercury sulphide.*

9                   “(vi) *Any mercury compound that the*  
10           *Administrator adds to the list published*  
11           *under subparagraph (B) by rule, on deter-*  
12           *mining that exporting that mercury com-*  
13           *ponent for the purpose of regenerating ele-*  
14           *mental mercury is technically feasible.*

15           “(B) *PUBLICATION.*—*Not later than 90*  
16           *days after the date of enactment of the Frank R.*  
17           *Lautenberg Chemical Safety for the 21st Century*  
18           *Act, and as appropriate thereafter, the Adminis-*  
19           *trator shall publish in the Federal Register a list*  
20           *of the mercury compounds that are prohibited*  
21           *from export under this paragraph.*

22           “(C) *PETITION.*—*Any person may petition*  
23           *the Administrator to add a mercury compound*  
24           *to the list published under subparagraph (B).*

1           “(D) ENVIRONMENTALLY SOUND DIS-  
2           POSAL.—This paragraph does not prohibit the  
3           export of mercury compounds on the list pub-  
4           lished under subparagraph (B) to member coun-  
5           tries of the Organization for Economic Co-oper-  
6           ation and Development for environmentally  
7           sound disposal, on the condition that no mercury  
8           or mercury compounds so exported are to be re-  
9           covered, recycled, or reclaimed for use, or directly  
10          reused, after such export.

11           “(E) REPORT.—Not later than 5 years after  
12          the date of enactment of the Frank R. Lauten-  
13          berg Chemical Safety for the 21st Century Act,  
14          the Administrator shall evaluate any exports of  
15          mercury compounds on the list published under  
16          subparagraph (B) for disposal that occurred  
17          after such date of enactment and shall submit to  
18          Congress a report that—

19                   “(i) describes volumes and sources of  
20                   mercury compounds on the list published  
21                   under subparagraph (B) exported for dis-  
22                   posal;

23                   “(ii) identifies receiving countries of  
24                   such exports;

1                   “(iii) describes methods of disposal  
2                   used after such export;

3                   “(iv) identifies issues, if any, presented  
4                   by the export of mercury compounds on the  
5                   list published under subparagraph (B);

6                   “(v) includes an evaluation of manage-  
7                   ment options in the United States for mer-  
8                   cury compounds on the list published under  
9                   subparagraph (B), if any, that are commer-  
10                  cially available and comparable in cost and  
11                  efficacy to methods being utilized in such  
12                  receiving countries; and

13                  “(vi) makes a recommendation regard-  
14                  ing whether Congress should further limit or  
15                  prohibit the export of mercury compounds  
16                  on the list published under subparagraph  
17                  (B) for disposal.

18                  “(F) EFFECT ON OTHER LAW.—Nothing in  
19                  this paragraph shall be construed to affect the  
20                  authority of the Administrator under the Solid  
21                  Waste Disposal Act (42 U.S.C. 6901 et seq.).”.

22                  (c) TEMPORARY GENERATOR ACCUMULATION.—Sec-  
23                  tion 5 of the Mercury Export Ban Act of 2008 (42 U.S.C.  
24                  6939f) is amended—

1           (1) *in subsection (a)(2), by striking “2013” and*  
2 *inserting “2019”;*

3           (2) *in subsection (b)—*

4                (A) *in paragraph (1)—*

5                   (i) *by redesignating subparagraphs*  
6 *(A), (B), and (C), as clauses (i), (ii), and*  
7 *(iii), respectively and indenting appro-*  
8 *priately;*

9                   (ii) *in the first sentence, by striking*  
10 *“After consultation” and inserting the fol-*  
11 *lowing:*

12                   “(A) ASSESSMENT AND COLLECTION.—*After*  
13 *consultation”;*

14                   (iii) *in the second sentence, by striking*  
15 *“The amount of such fees” and inserting the*  
16 *following:*

17                   “(B) AMOUNT.—*The amount of the fees de-*  
18 *scribed in subparagraph (A)”;*

19                   (iv) *in subparagraph (B) (as so des-*  
20 *ignated)—*

21                        (I) *in clause (i) (as so redesi-*  
22 *gnated), by striking “publically avail-*  
23 *able not later than October 1, 2012”*  
24 *and inserting “publicly available not*  
25 *later than October 1, 2018”;*

1                   (II) in clause (ii) (as so redesignated), by striking “and”;

2  
3                   (III) in clause (iii) (as so redesignated), by striking the period at the  
4                   end and inserting “, subject to clause  
5                   (iv); and”; and  
6

7                   (IV) by adding at the end the following:  
8

9                   “(iv) for generators temporarily accumulating elemental mercury in a facility  
10                  subject to subparagraphs (B) and (D)(iv) of  
11                  subsection (g)(2) if the facility designated  
12                  in subsection (a) is not operational by January  
13                  1, 2019, shall be adjusted to subtract  
14                  the cost of the temporary accumulation during  
15                  the period in which the facility designated  
16                  under subsection (a) is not operational.”; and  
17  
18

19                  (v) by adding at the end the following:

20                  “(C) CONVEYANCE OF TITLE AND PERMITTING.—If the facility designated in subsection  
21                  (a) is not operational by January 1, 2020, the  
22                  Secretary—  
23

24                  “(i) shall immediately accept the conveyance of title to all elemental mercury  
25

1           *that has accumulated in facilities in accord-*  
2           *ance with subsection (g)(2)(D), before Janu-*  
3           *ary 1, 2020, and deliver the accumulated*  
4           *mercury to the facility designated under*  
5           *subsection (a) on the date on which the fa-*  
6           *cility becomes operational;*

7           *“(ii) shall pay any applicable Federal*  
8           *permitting costs, including the costs for per-*  
9           *mits issued under section 3005(c) of the*  
10          *Solid Waste Disposal Act (42 U.S.C.*  
11          *6925(c)); and*

12          *“(iii) shall store, or pay the cost of*  
13          *storage of, until the time at which a facility*  
14          *designated in subsection (a) is operational,*  
15          *accumulated mercury to which the Sec-*  
16          *retary has title under this subparagraph in*  
17          *a facility that has been issued a permit*  
18          *under section 3005(c) of the Solid Waste*  
19          *Disposal Act (42 U.S.C. 6925(c)).”;* and

20          *(B) in paragraph (2), in the first sentence,*  
21          *by striking “paragraph (1)(C)” and inserting*  
22          *“paragraph (1)(B)(iii)”;* and  
23          *(3) in subsection (g)(2)—*

1           (A) in the undesignated material at the end,  
2 by striking “This subparagraph” and inserting  
3 the following:

4           “(C) Subparagraph (B)”;

5           (B) in subparagraph (C) (as designated by  
6 subparagraph (A)), by inserting “of that sub-  
7 paragraph” before the period at the end; and

8           (C) by adding at the end the following:

9           “(D) A generator producing elemental mer-  
10 cury incidentally from the beneficiation or proc-  
11 essing of ore or related pollution control activi-  
12 ties may accumulate the mercury produced on-  
13 site that is destined for a facility designated by  
14 the Secretary under subsection (a) for more than  
15 90 days without a permit issued under section  
16 3005(c) of the Solid Waste Disposal Act (42  
17 U.S.C. 6925(c)), and shall not be subject to the  
18 storage prohibition of section 3004(j) of that Act  
19 (42 U.S.C. 6924(j)), if—

20           “(i) the Secretary is unable to accept  
21 the mercury at a facility designated by the  
22 Secretary under subsection (a) for reasons  
23 beyond the control of the generator;

24           “(ii) the generator certifies in writing  
25 to the Secretary that the generator will ship



1            *the mercury to a designated facility when*  
2            *the Secretary is able to accept the mercury;*

3            *“(iii) the generator certifies in writing*  
4            *to the Secretary that the generator is stor-*  
5            *ing only mercury the generator has pro-*  
6            *duced or recovered onsite and will not sell,*  
7            *or otherwise place into commerce, the mer-*  
8            *cury; and*

9            *“(iv) the generator has obtained an*  
10           *identification number under section 262.12*  
11           *of title 40, Code of Federal Regulations, and*  
12           *complies with the requirements described in*  
13           *paragraphs (1) through (4) of section*  
14           *262.34(a) of title 40, Code of Federal Regu-*  
15           *lations (as in effect on the date of enactment*  
16           *of this subparagraph).*

17           *“(E) MANAGEMENT STANDARDS FOR TEM-*  
18           *PORARY STORAGE.—Not later than January 1,*  
19           *2017, the Secretary, after consultation with the*  
20           *Administrator of the Environmental Protection*  
21           *Agency and State agencies in affected States,*  
22           *shall develop and make available guidance that*  
23           *establishes procedures and standards for the*  
24           *management and short-term storage of elemental*  
25           *mercury at a generator covered under subpara-*

1           graph (D), including requirements to ensure ap-  
2           propriate use of flasks or other suitable con-  
3           tainers. Such procedures and standards shall be  
4           protective of health and the environment and  
5           shall ensure that the elemental mercury is stored  
6           in a safe, secure, and effective manner. A gener-  
7           ator may accumulate mercury in accordance  
8           with subparagraph (D) immediately upon enact-  
9           ment of this subparagraph, and notwithstanding  
10          that guidance called for by this paragraph has  
11          not been developed or made available.”.

12          (d) *INTERIM STATUS.*—Section 5(d)(1) of the Mercury  
13 *Export Ban Act of 2008 (42 U.S.C. 6939f(d)(1))* is amend-  
14 *ed—*

15           (1) in the fourth sentence, by striking “in exist-  
16           ence on or before January 1, 2013,”; and

17           (2) in the last sentence, by striking “January 1,  
18           2015” and inserting “January 1, 2020”.

19 **SEC. 11. CONFIDENTIAL INFORMATION.**

20          Section 14 of the Toxic Substances Control Act (15  
21 U.S.C. 2613) is amended to read as follows:

22 **“SEC. 14. CONFIDENTIAL INFORMATION.**

23          “(a) *IN GENERAL.*—Except as provided in this section,  
24 the Administrator shall not disclose information that is ex-  
25 empt from disclosure pursuant to subsection (a) of section

1 552 of title 5, United States Code, by reason of subsection  
2 (b)(4) of that section—

3 “(1) that is reported to, or otherwise obtained by,  
4 the Administrator under this Act; and

5 “(2) for which the requirements of subsection (c)  
6 are met.

7 In any proceeding under section 552(a) of title 5, United  
8 States Code, to obtain information the disclosure of which  
9 has been denied because of the provisions of this subsection,  
10 the Administrator may not rely on section 552(b)(3) of such  
11 title to sustain the Administrator’s action.

12 “(b) *INFORMATION NOT PROTECTED FROM DISCLO-*  
13 *SURE.*—

14 “(1) *MIXED CONFIDENTIAL AND NONCONFIDEN-*  
15 *TIAL INFORMATION.*—Information that is protected  
16 from disclosure under this section, and which is  
17 mixed with information that is not protected from  
18 disclosure under this section, does not lose its protec-  
19 tion from disclosure notwithstanding that it is mixed  
20 with information that is not protected from disclo-  
21 sure.

22 “(2) *INFORMATION FROM HEALTH AND SAFETY*  
23 *STUDIES.*—Subsection (a) does not prohibit the disclo-  
24 sure of—

1           “(A) any health and safety study which is  
2 submitted under this Act with respect to—

3           “(i) any chemical substance or mixture  
4 which, on the date on which such study is  
5 to be disclosed has been offered for commer-  
6 cial distribution; or

7           “(ii) any chemical substance or mix-  
8 ture for which testing is required under sec-  
9 tion 4 or for which notification is required  
10 under section 5; and

11           “(B) any information reported to, or other-  
12 wise obtained by, the Administrator from a  
13 health and safety study which relates to a chem-  
14 ical substance or mixture described in clause (i)  
15 or (ii) of subparagraph (A).

16           *This paragraph does not authorize the disclosure of*  
17 *any information, including formulas (including mo-*  
18 *lecular structures) of a chemical substance or mixture,*  
19 *that discloses processes used in the manufacturing or*  
20 *processing of a chemical substance or mixture or, in*  
21 *the case of a mixture, the portion of the mixture com-*  
22 *prised by any of the chemical substances in the mix-*  
23 *ture.*

1           “(3) *OTHER INFORMATION NOT PROTECTED*  
2 *FROM DISCLOSURE.*—*Subsection (a) does not prohibit*  
3 *the disclosure of—*

4                   “(A) *any general information describing the*  
5 *manufacturing volumes, expressed as specific ag-*  
6 *gregated volumes or, if the Administrator deter-*  
7 *mines that disclosure of specific aggregated vol-*  
8 *umes would reveal confidential information, ex-*  
9 *pressed in ranges; or*

10                   “(B) *a general description of a process used*  
11 *in the manufacture or processing and industrial,*  
12 *commercial, or consumer functions and uses of a*  
13 *chemical substance, mixture, or article con-*  
14 *taining a chemical substance or mixture, includ-*  
15 *ing information specific to an industry or indus-*  
16 *try sector that customarily would be shared with*  
17 *the general public or within an industry or in-*  
18 *dustry sector.*

19           “(4) *BANS AND PHASE-OUTS.*—

20                   “(A) *IN GENERAL.*—*If the Administrator*  
21 *promulgates a rule pursuant to section 6(a) that*  
22 *establishes a ban or phase-out of a chemical sub-*  
23 *stance or mixture, the protection from disclosure*  
24 *of any information under this section with re-*  
25 *spect to the chemical substance or mixture shall*

1           *be presumed to no longer apply, subject to sub-*  
2           *section (g)(1)(E) and subparagraphs (B) and (C)*  
3           *of this paragraph.*

4           “(B) *LIMITATIONS.*—

5                   “(i) *CRITICAL USE.*—*In the case of a*  
6                   *chemical substance or mixture for which a*  
7                   *specific condition of use is subject to an ex-*  
8                   *emption pursuant to section 6(g), if the Ad-*  
9                   *ministrator establishes a ban or phase-out*  
10                   *described in subparagraph (A) with respect*  
11                   *to the chemical substance or mixture, the*  
12                   *presumption against protection under such*  
13                   *subparagraph shall only apply to informa-*  
14                   *tion that relates solely to any conditions of*  
15                   *use of the chemical substance or mixture to*  
16                   *which the exemption does not apply.*

17                   “(ii) *EXPORT.*—*In the case of a chem-*  
18                   *ical substance or mixture for which there is*  
19                   *manufacture, processing, or distribution in*  
20                   *commerce that meets the conditions of sec-*  
21                   *tion 12(a)(1), if the Administrator estab-*  
22                   *lishes a ban or phase-out described in sub-*  
23                   *paragraph (A) with respect to the chemical*  
24                   *substance or mixture, the presumption*  
25                   *against protection under such subparagraph*

1           *shall only apply to information that relates*  
2           *solely to any other manufacture, processing,*  
3           *or distribution in commerce of the chemical*  
4           *substance or mixture for the conditions of*  
5           *use subject to the ban or phase-out, unless*  
6           *the Administrator makes the determination*  
7           *in section 12(a)(2).*

8           “(iii) *SPECIFIC CONDITIONS OF USE.—*

9           *In the case of a chemical substance or mix-*  
10          *ture for which the Administrator establishes*  
11          *a ban or phase-out described in subpara-*  
12          *graph (A) with respect to a specific condi-*  
13          *tion of use of the chemical substance or mix-*  
14          *ture, the presumption against protection*  
15          *under such subparagraph shall only apply*  
16          *to information that relates solely to the con-*  
17          *dition of use of the chemical substance or*  
18          *mixture for which the ban or phase-out is*  
19          *established.*

20          “(C) *REQUEST FOR NONDISCLOSURE.—*

21          “(i) *IN GENERAL.—A manufacturer or*  
22          *processor of a chemical substance or mixture*  
23          *subject to a ban or phase-out described in*  
24          *this paragraph may submit to the Adminis-*  
25          *trator, within 30 days of receiving a notifi-*

1                    *cation under subsection (g)(2)(A), a request,*  
2                    *including documentation supporting such*  
3                    *request, that some or all of the information*  
4                    *to which the notice applies should not be*  
5                    *disclosed or that its disclosure should be de-*  
6                    *layed, and the Administrator shall review*  
7                    *the request under subsection (g)(1)(E).*

8                    *“(ii) EFFECT OF NO REQUEST OR DE-*  
9                    *NIAL.—If no request for nondisclosure or*  
10                    *delay is submitted to the Administrator*  
11                    *under this subparagraph, or the Adminis-*  
12                    *trator denies such a request under sub-*  
13                    *section (g)(1)(A), the information shall not*  
14                    *be protected from disclosure under this sec-*  
15                    *tion.*

16                    *“(5) CERTAIN REQUESTS.—If a request is made*  
17                    *to the Administrator under section 552(a) of title 5,*  
18                    *United States Code, for information reported to or*  
19                    *otherwise obtained by the Administrator under this*  
20                    *Act that is not protected from disclosure under this*  
21                    *subsection, the Administrator may not deny the re-*  
22                    *quest on the basis of section 552(b)(4) of title 5,*  
23                    *United States Code.*

24                    *“(c) REQUIREMENTS FOR CONFIDENTIALITY*  
25                    *CLAIMS.—*



1           “(1) *ASSERTION OF CLAIMS.*—

2                   “(A) *IN GENERAL.*—A person seeking to  
3           protect from disclosure any information that  
4           person submits under this Act (including infor-  
5           mation described in paragraph (2)) shall assert  
6           to the Administrator a claim for protection from  
7           disclosure concurrent with submission of the in-  
8           formation, in accordance with such rules regard-  
9           ing a claim for protection from disclosure as the  
10          Administrator has promulgated or may promul-  
11          gate pursuant to this title.

12                   “(B) *INCLUSION.*—An assertion of a claim  
13          under subparagraph (A) shall include a state-  
14          ment that the person has—

15                           “(i) taken reasonable measures to pro-  
16                           tect the confidentiality of the information;

17                           “(ii) determined that the information  
18                           is not required to be disclosed or otherwise  
19                           made available to the public under any  
20                           other Federal law;

21                           “(iii) a reasonable basis to conclude  
22                           that disclosure of the information is likely  
23                           to cause substantial harm to the competitive  
24                           position of the person; and

1                   “(iv) a reasonable basis to believe that  
2                   the information is not readily discoverable  
3                   through reverse engineering.

4                   “(C) *ADDITIONAL REQUIREMENTS FOR*  
5                   *CLAIMS REGARDING CHEMICAL IDENTITY INFOR-*  
6                   *MATION.—In the case of a claim under subpara-*  
7                   *graph (A) for protection from disclosure of a spe-*  
8                   *cific chemical identity, the claim shall include a*  
9                   *structurally descriptive generic name for the*  
10                   *chemical substance that the Administrator may*  
11                   *disclose to the public, subject to the condition*  
12                   *that such generic name shall—*

13                   “(i) be consistent with guidance devel-  
14                   oped by the Administrator under paragraph  
15                   (4)(A); and

16                   “(ii) describe the chemical structure of  
17                   the chemical substance as specifically as  
18                   practicable while protecting those features of  
19                   the chemical structure—

20                   “(I) that are claimed as confiden-  
21                   tial; and

22                   “(II) the disclosure of which  
23                   would be likely to cause substantial  
24                   harm to the competitive position of the  
25                   person.

1           “(2) *INFORMATION GENERALLY NOT SUBJECT TO*  
2           *SUBSTANTIATION REQUIREMENTS.—Subject to sub-*  
3           *section (f), the following information shall not be sub-*  
4           *ject to substantiation requirements under paragraph*  
5           *(3):*

6                   “(A) *Specific information describing the*  
7                   *processes used in manufacture or processing of a*  
8                   *chemical substance, mixture, or article.*

9                   “(B) *Marketing and sales information.*

10                   “(C) *Information identifying a supplier or*  
11                   *customer.*

12                   “(D) *In the case of a mixture, details of the*  
13                   *full composition of the mixture and the respec-*  
14                   *tive percentages of constituents.*

15                   “(E) *Specific information regarding the*  
16                   *use, function, or application of a chemical sub-*  
17                   *stance or mixture in a process, mixture, or arti-*  
18                   *cle.*

19                   “(F) *Specific production or import volumes*  
20                   *of the manufacturer or processor.*

21                   “(G) *Prior to the date on which a chemical*  
22                   *substance is first offered for commercial distribu-*  
23                   *tion, the specific chemical identity of the chem-*  
24                   *ical substance, including the chemical name, mo-*  
25                   *lecular formula, Chemical Abstracts Service*

1           *number, and other information that would iden-*  
2           *tify the specific chemical substance, if the specific*  
3           *chemical identity was claimed as confidential at*  
4           *the time it was submitted in a notice under sec-*  
5           *tion 5.*

6           “(3) *SUBSTANTIATION REQUIREMENTS.—Except*  
7           *as provided in paragraph (2), a person asserting a*  
8           *claim to protect information from disclosure under*  
9           *this section shall substantiate the claim, in accord-*  
10           *ance with such rules as the Administrator has pro-*  
11           *mulgated or may promulgate pursuant to this section.*

12           “(4) *GUIDANCE.—The Administrator shall de-*  
13           *velop guidance regarding—*

14                   “(A) *the determination of structurally de-*  
15                   *scriptive generic names, in the case of claims for*  
16                   *the protection from disclosure of specific chem-*  
17                   *ical identity; and*

18                   “(B) *the content and form of the statements*  
19                   *of need and agreements required under para-*  
20                   *graphs (4), (5), and (6) of subsection (d).*

21           “(5) *CERTIFICATION.—An authorized official of*  
22           *a person described in paragraph (1)(A) shall certify*  
23           *that the statement required to assert a claim sub-*  
24           *mitted pursuant to paragraph (1)(B), and any infor-*

1        *mation required to substantiate a claim submitted*  
2        *pursuant to paragraph (3), are true and correct.*

3        “(d) *EXCEPTIONS TO PROTECTION FROM DISCLO-*  
4        *SURE.—Information described in subsection (a)—*

5                *“(1) shall be disclosed to an officer or employee*  
6        *of the United States—*

7                        *“(A) in connection with the official duties*  
8                        *of that person under any Federal law for the*  
9                        *protection of health or the environment; or*

10                      *“(B) for a specific Federal law enforcement*  
11                      *purpose;*

12                *“(2) shall be disclosed to a contractor of the*  
13        *United States and employees of that contractor—*

14                      *“(A) if, in the opinion of the Administrator,*  
15                      *the disclosure is necessary for the satisfactory*  
16                      *performance by the contractor of a contract with*  
17                      *the United States for the performance of work in*  
18                      *connection with this Act; and*

19                      *“(B) subject to such conditions as the Ad-*  
20                      *ministrator may specify;*

21                *“(3) shall be disclosed if the Administrator deter-*  
22        *mines that disclosure is necessary to protect health or*  
23        *the environment against an unreasonable risk of in-*  
24        *jury to health or the environment, without consider-*  
25        *ation of costs or other nonrisk factors, including an*

1 *unreasonable risk to a potentially exposed or suscep-*  
2 *tible subpopulation identified as relevant by the Ad-*  
3 *ministrator under the conditions of use;*

4 *“(4) shall be disclosed to a State, political sub-*  
5 *division of a State, or tribal government, on written*  
6 *request, for the purpose of administration or enforce-*  
7 *ment of a law, if such entity has 1 or more applicable*  
8 *agreements with the Administrator that are consistent*  
9 *with the guidance developed under subsection*  
10 *(c)(4)(B) and ensure that the entity will take appro-*  
11 *priate measures, and has adequate authority, to*  
12 *maintain the confidentiality of the information in ac-*  
13 *cordance with procedures comparable to the proce-*  
14 *dures used by the Administrator to safeguard the in-*  
15 *formation;*

16 *“(5) shall be disclosed to a health or environ-*  
17 *mental professional employed by a Federal or State*  
18 *agency or tribal government or a treating physician*  
19 *or nurse in a nonemergency situation if such person*  
20 *provides a written statement of need and agrees to*  
21 *sign a written confidentiality agreement with the Ad-*  
22 *ministrator, subject to the conditions that—*

23 *“(A) the statement of need and confiden-*  
24 *tiality agreement are consistent with the guid-*  
25 *ance developed under subsection (c)(4)(B);*

1           “(B) the statement of need shall be a state-  
2           ment that the person has a reasonable basis to  
3           suspect that—

4                   “(i) the information is necessary for,  
5                   or will assist in—

6                           “(I) the diagnosis or treatment of  
7                           1 or more individuals; or

8                           “(II) responding to an environ-  
9                           mental release or exposure; and

10                           “(ii) 1 or more individuals being diag-  
11                           nosed or treated have been exposed to the  
12                           chemical substance or mixture concerned, or  
13                           an environmental release of or exposure to  
14                           the chemical substance or mixture concerned  
15                           has occurred; and

16                   “(C) the person will not use the information  
17                   for any purpose other than the health or environ-  
18                   mental needs asserted in the statement of need,  
19                   except as otherwise may be authorized by the  
20                   terms of the agreement or by the person who has  
21                   a claim under this section with respect to the in-  
22                   formation;

23                   “(6) shall be disclosed in the event of an emer-  
24                   gency to a treating or responding physician, nurse,  
25                   agent of a poison control center, public health or envi-

1        *ronmental official of a State, political subdivision of*  
2        *a State, or tribal government, or first responder (in-*  
3        *cluding any individual duly authorized by a Federal*  
4        *agency, State, political subdivision of a State, or trib-*  
5        *al government who is trained in urgent medical care*  
6        *or other emergency procedures, including a police offi-*  
7        *cer, firefighter, or emergency medical technician) if*  
8        *such person requests the information, subject to the*  
9        *conditions that such person shall—*

10                *“(A) have a reasonable basis to suspect*  
11                *that—*

12                        *“(i) a medical, public health, or envi-*  
13                        *ronmental emergency exists;*

14                        *“(ii) the information is necessary for,*  
15                        *or will assist in, emergency or first-aid di-*  
16                        *agnosis or treatment; or*

17                        *“(iii) 1 or more individuals being di-*  
18                        *agnosed or treated have likely been exposed*  
19                        *to the chemical substance or mixture con-*  
20                        *cerned, or a serious environmental release of*  
21                        *or exposure to the chemical substance or*  
22                        *mixture concerned has occurred; and*

23                *“(B) if requested by a person who has a*  
24                *claim with respect to the information under this*  
25                *section—*



1           “(i) provide a written statement of  
2           need and agree to sign a confidentiality  
3           agreement, as described in paragraph (5);  
4           and

5           “(ii) submit to the Administrator such  
6           statement of need and confidentiality agree-  
7           ment as soon as practicable, but not nec-  
8           essarily before the information is disclosed;

9           “(7) may be disclosed if the Administrator deter-  
10          mines that disclosure is relevant in a proceeding  
11          under this Act, subject to the condition that the disclo-  
12          sure is made in such a manner as to preserve con-  
13          fidentiality to the extent practicable without impair-  
14          ing the proceeding;

15          “(8) shall be disclosed if the information is re-  
16          quired to be made public under any other provision  
17          of Federal law; and

18          “(9) shall be disclosed as required pursuant to  
19          discovery, subpoena, other court order, or any other  
20          judicial process otherwise allowed under applicable  
21          Federal or State law.

22          “(e) *DURATION OF PROTECTION FROM DISCLO-*  
23          *SURE.—*

24                 “(1) *IN GENERAL.—*Subject to paragraph (2),  
25          subsection (f)(3), and section 8(b), the Administrator

1 shall protect from disclosure information described in  
2 subsection (a)—

3 “(A) in the case of information described in  
4 subsection (c)(2), until such time as—

5 “(i) the person that asserted the claim  
6 notifies the Administrator that the person is  
7 withdrawing the claim, in which case the  
8 information shall not be protected from dis-  
9 closure under this section; or

10 “(ii) the Administrator becomes aware  
11 that the information does not qualify for  
12 protection from disclosure under this sec-  
13 tion, in which case the Administrator shall  
14 take any actions required under subsections  
15 (f) and (g); and

16 “(B) in the case of information other than  
17 information described in subsection (c)(2)—

18 “(i) for a period of 10 years from the  
19 date on which the person asserts the claim  
20 with respect to the information submitted to  
21 the Administrator; or

22 “(ii) if applicable before the expiration  
23 of such 10-year period, until such time as—

24 “(I) the person that asserted the  
25 claim notifies the Administrator that

1           *the person is withdrawing the claim,*  
2           *in which case the information shall not*  
3           *be protected from disclosure under this*  
4           *section; or*

5           *“(II) the Administrator becomes*  
6           *aware that the information does not*  
7           *qualify for protection from disclosure*  
8           *under this section, in which case the*  
9           *Administrator shall take any actions*  
10          *required under subsections (f) and (g).*

11          “(2) *EXTENSIONS.—*

12           “(A) *IN GENERAL.—In the case of informa-*  
13          *tion other than information described in sub-*  
14          *section (c)(2), not later than the date that is 60*  
15          *days before the expiration of the period described*  
16          *in paragraph (1)(B)(i), the Administrator shall*  
17          *provide to the person that asserted the claim a*  
18          *notice of the impending expiration of the period.*

19           “(B) *REQUEST.—*

20           “(i) *IN GENERAL.—Not later than the*  
21          *date that is 30 days before the expiration of*  
22          *the period described in paragraph (1)(B)(i),*  
23          *a person reasserting the relevant claim shall*  
24          *submit to the Administrator a request for*  
25          *extension substantiating, in accordance*

1                   with subsection (c)(3), the need to extend the  
2                   period.

3                   “(ii) *ACTION BY ADMINISTRATOR.*—Not  
4                   later than the date of expiration of the pe-  
5                   riod described in paragraph (1)(B)(i), the  
6                   Administrator shall, in accordance with  
7                   subsection (g)(1)—

8                   “(I) review the request submitted  
9                   under clause (i);

10                  “(II) make a determination re-  
11                  garding whether the claim for which  
12                  the request was submitted continues to  
13                  meet the relevant requirements of this  
14                  section; and

15                  “(III)(aa) grant an extension of  
16                  10 years; or

17                  “(bb) deny the request.

18                  “(C) *NO LIMIT ON NUMBER OF EXTEN-*  
19                  *SIONS.*—There shall be no limit on the number  
20                  of extensions granted under this paragraph, if  
21                  the Administrator determines that the relevant  
22                  request under subparagraph (B)(i)—

23                  “(i) establishes the need to extend the  
24                  period; and

1                   “(ii) meets the requirements established  
2                   by the Administrator.

3                   “(f) REVIEW AND RESUBSTANTIATION.—

4                   “(1) DISCRETION OF ADMINISTRATOR.—The Ad-  
5                   ministrator may require any person that has claimed  
6                   protection for information from disclosure under this  
7                   section, whether before, on, or after the date of enact-  
8                   ment of the Frank R. Lautenberg Chemical Safety for  
9                   the 21st Century Act, to reassert and substantiate or  
10                  resubstantiate the claim in accordance with this sec-  
11                  tion—

12                  “(A) after the chemical substance is des-  
13                  ignated as a high-priority substance under sec-  
14                  tion 6(b);

15                  “(B) for any chemical substance designated  
16                  as an active substance under section  
17                  8(b)(5)(B)(iii); or

18                  “(C) if the Administrator determines that  
19                  disclosure of certain information currently pro-  
20                  tected from disclosure would be important to as-  
21                  sist the Administrator in conducting risk evalua-  
22                  tions or promulgating rules under section 6.

23                  “(2) REVIEW REQUIRED.—The Administrator  
24                  shall review a claim for protection of information  
25                  from disclosure under this section and require any

1 *person that has claimed protection for that informa-*  
2 *tion, whether before, on, or after the date of enactment*  
3 *of the Frank R. Lautenberg Chemical Safety for the*  
4 *21st Century Act, to reassert and substantiate or re-*  
5 *substantiate the claim in accordance with this sec-*  
6 *tion—*

7 *“(A) as necessary to determine whether the*  
8 *information qualifies for an exemption from dis-*  
9 *closure in connection with a request for informa-*  
10 *tion received by the Administrator under section*  
11 *552 of title 5, United States Code;*

12 *“(B) if the Administrator has a reasonable*  
13 *basis to believe that the information does not*  
14 *qualify for protection from disclosure under this*  
15 *section; or*

16 *“(C) for any chemical substance the Admin-*  
17 *istrator determines under section 6(b)(4)(A) pre-*  
18 *sents an unreasonable risk of injury to health or*  
19 *the environment.*

20 *“(3) PERIOD OF PROTECTION.—If the Adminis-*  
21 *trator requires a person to reassert and substantiate*  
22 *or resubstantiate a claim under this subsection, and*  
23 *determines that the claim continues to meet the rel-*  
24 *evant requirements of this section, the Administrator*  
25 *shall protect the information subject to the claim from*

1       *disclosure for a period of 10 years from the date of*  
2       *such determination, subject to any subsequent require-*  
3       *ment by the Administrator under this subsection.*

4       “(g) *DUTIES OF ADMINISTRATOR.—*

5               “(1) *DETERMINATION.—*

6                       “(A) *IN GENERAL.—Except for claims re-*  
7                       *garding information described in subsection*  
8                       *(c)(2), the Administrator shall, subject to sub-*  
9                       *paragraph (C), not later than 90 days after the*  
10                      *receipt of a claim under subsection (c), and not*  
11                      *later than 30 days after the receipt of a request*  
12                      *for extension of a claim under subsection (e) or*  
13                      *a request under subsection (b)(4)(C), review and*  
14                      *approve, approve in part and deny in part, or*  
15                      *deny the claim or request.*

16                     “(B) *REASONS FOR DENIAL.—If the Admin-*  
17                     *istrator denies or denies in part a claim or re-*  
18                     *quest under subparagraph (A) the Administrator*  
19                     *shall provide to the person that asserted the*  
20                     *claim or submitted the request a written state-*  
21                     *ment of the reasons for the denial or denial in*  
22                     *part of the claim or request.*

23                     “(C) *SUBSETS.—The Administrator shall—*

24                               “(i) *except with respect to information*  
25                               *described in subsection (c)(2)(G), review all*

1           *claims or requests under this section for the*  
2           *protection from disclosure of the specific*  
3           *chemical identity of a chemical substance;*  
4           *and*

5           “(ii) *review a representative subset,*  
6           *comprising at least 25 percent, of all other*  
7           *claims or requests for protection from dis-*  
8           *closure under this section.*

9           “(D) *EFFECT OF FAILURE TO ACT.—The*  
10          *failure of the Administrator to make a decision*  
11          *regarding a claim or request for protection from*  
12          *disclosure or extension under this section shall*  
13          *not have the effect of denying or eliminating a*  
14          *claim or request for protection from disclosure.*

15          “(E) *DETERMINATION OF REQUESTS UNDER*  
16          *SUBSECTION (b)(4)(C).—With respect to a request*  
17          *submitted under subsection (b)(4)(C), the Admin-*  
18          *istrator shall, with the objective of ensuring that*  
19          *information relevant to the protection of health*  
20          *and the environment is disclosed to the extent*  
21          *practicable, determine whether the documenta-*  
22          *tion provided by the person rebuts what shall be*  
23          *the presumption of the Administrator that the*  
24          *public interest in the disclosure of the informa-*  
25          *tion outweighs the public or proprietary interest*



1           *in maintaining the protection for all or a por-*  
2           *tion of the information that the person has re-*  
3           *quested not be disclosed or for which disclosure*  
4           *be delayed.*

5           “(2) NOTIFICATION.—

6                   “(A) *IN GENERAL.*—*Except as provided in*  
7                   *subparagraph (B) and subsections (b), (d), and*  
8                   *(e), if the Administrator denies or denies in part*  
9                   *a claim or request under paragraph (1), con-*  
10                   *cludes, in accordance with this section, that the*  
11                   *information does not qualify for protection from*  
12                   *disclosure, intends to disclose information pursu-*  
13                   *ant to subsection (d), or promulgates a rule*  
14                   *under section 6(a) establishing a ban or phase-*  
15                   *out with respect to a chemical substance or mix-*  
16                   *ture, the Administrator shall notify, in writing,*  
17                   *the person that asserted the claim or submitted*  
18                   *the request of the intent of the Administrator to*  
19                   *disclose the information or not protect the infor-*  
20                   *mation from disclosure under this section. The*  
21                   *notice shall be furnished by certified mail (re-*  
22                   *turn receipt requested), by personal delivery, or*  
23                   *by other means that allows verification of the*  
24                   *fact and date of receipt.*

1           “(B) *DISCLOSURE OF INFORMATION.*—*Ex-*  
2           *cept as provided in subparagraph (C), the Ad-*  
3           *ministrator shall not disclose information under*  
4           *this subsection until the date that is 30 days*  
5           *after the date on which the person that asserted*  
6           *the claim or submitted the request receives notifi-*  
7           *cation under subparagraph (A).*

8           “(C) *EXCEPTIONS.*—

9           “(i) *FIFTEEN DAY NOTIFICATION.*—*For*  
10           *information the Administrator intends to*  
11           *disclose under subsections (d)(3), (d)(4),*  
12           *(d)(5), and (j), the Administrator shall not*  
13           *disclose the information until the date that*  
14           *is 15 days after the date on which the per-*  
15           *son that asserted the claim or submitted the*  
16           *request receives notification under subpara-*  
17           *graph (A), except that, with respect to infor-*  
18           *mation to be disclosed under subsection*  
19           *(d)(3), if the Administrator determines that*  
20           *disclosure of the information is necessary to*  
21           *protect against an imminent and substan-*  
22           *tial harm to health or the environment, no*  
23           *prior notification shall be necessary.*

24           “(ii) *NOTIFICATION AS SOON AS PRAC-*  
25           *TICABLE.*—*For information the Adminis-*

1            *trator intends to disclose under paragraph*  
2            *(6) of subsection (d), the Administrator*  
3            *shall notify the person that submitted the*  
4            *information that the information has been*  
5            *disclosed as soon as practicable after disclo-*  
6            *sure of the information.*

7            *“(iii) NO NOTIFICATION REQUIRED.—*  
8            *Notification shall not be required—*

9            *“(I) for the disclosure of informa-*  
10           *tion under paragraphs (1), (2), (7), or*  
11           *(8) of subsection (d); or*

12           *“(II) for the disclosure of informa-*  
13           *tion for which—*

14           *“(aa) the Administrator has*  
15           *provided to the person that as-*  
16           *serted the claim a notice under*  
17           *subsection (e)(2)(A); and*

18           *“(bb) such person does not*  
19           *submit to the Administrator a re-*  
20           *quest under subsection (e)(2)(B)*  
21           *on or before the deadline estab-*  
22           *lished in subsection (e)(2)(B)(i).*

23           *“(D) APPEALS.—*

24           *“(i) ACTION TO RESTRAIN DISCLO-*  
25           *SURE.—If a person receives a notification*

1           *under this paragraph and believes the infor-*  
2           *mation is protected from disclosure under*  
3           *this section, before the date on which the in-*  
4           *formation is to be disclosed pursuant to sub-*  
5           *paragraph (B) or (C) the person may bring*  
6           *an action to restrain disclosure of the infor-*  
7           *mation in—*

8                   *“(I) the United States district*  
9                   *court of the district in which the com-*  
10                   *plainant resides or has the principal*  
11                   *place of business; or*

12                   *“(II) the United States District*  
13                   *Court for the District of Columbia.*

14                   *“(ii) NO DISCLOSURE.—*

15                   *“(I) IN GENERAL.—Subject to*  
16                   *subsection (d), the Administrator shall*  
17                   *not disclose information that is the*  
18                   *subject of an appeal under this para-*  
19                   *graph before the date on which the ap-*  
20                   *plicable court rules on an action under*  
21                   *clause (i).*

22                   *“(II) EXCEPTION.—Subclause (I)*  
23                   *shall not apply to disclosure of infor-*  
24                   *mation described under subsections*  
25                   *(d)(4) and (j).*

1           “(3) *REQUEST AND NOTIFICATION SYSTEM.*—*The*  
2           *Administrator, in consultation with the Director of*  
3           *the Centers for Disease Control and Prevention, shall*  
4           *develop a request and notification system that, in a*  
5           *format and language that is readily accessible and*  
6           *understandable, allows for expedient and swift access*  
7           *to information disclosed pursuant to paragraphs (5)*  
8           *and (6) of subsection (d).*

9           “(4) *UNIQUE IDENTIFIER.*—*The Administrator*  
10          *shall—*

11               “(A)(i) *develop a system to assign a unique*  
12               *identifier to each specific chemical identity for*  
13               *which the Administrator approves a request for*  
14               *protection from disclosure, which shall not be ei-*  
15               *ther the specific chemical identity or a struc-*  
16               *turally descriptive generic term; and*

17               “(i) *apply that identifier consistently to all*  
18               *information relevant to the applicable chemical*  
19               *substance;*

20               “(B) *annually publish and update a list of*  
21               *chemical substances, referred to by their unique*  
22               *identifiers, for which claims to protect the spe-*  
23               *cific chemical identity from disclosure have been*  
24               *approved, including the expiration date for each*  
25               *such claim;*

1           “(C) ensure that any nonconfidential infor-  
2 mation received by the Administrator with re-  
3 spect to a chemical substance included on the list  
4 published under subparagraph (B) while the spe-  
5 cific chemical identity of the chemical substance  
6 is protected from disclosure under this section  
7 identifies the chemical substance using the  
8 unique identifier; and

9           “(D) for each claim for protection of a spe-  
10 cific chemical identity that has been denied by  
11 the Administrator or expired, or that has been  
12 withdrawn by the person who asserted the claim,  
13 and for which the Administrator has used a  
14 unique identifier assigned under this paragraph  
15 to protect the specific chemical identity in infor-  
16 mation that the Administrator has made public,  
17 clearly link the specific chemical identity to the  
18 unique identifier in such information to the ex-  
19 tent practicable.

20           “(h) *CRIMINAL PENALTY FOR WRONGFUL DISCLO-*  
21 *SURE.*—

22           “(1) *INDIVIDUALS SUBJECT TO PENALTY.*—

23           “(A) *IN GENERAL.*—Subject to subpara-  
24 graph (C) and paragraph (2), an individual de-  
25 scribed in subparagraph (B) shall be fined under

1           *title 18, United States Code, or imprisoned for*  
2           *not more than 1 year, or both.*

3           “(B) *DESCRIPTION.*—*An individual referred*  
4           *to in subparagraph (A) is an individual who—*

5                     “(i) *pursuant to this section, obtained*  
6                     *possession of, or has access to, information*  
7                     *protected from disclosure under this section;*  
8                     *and*

9                     “(ii) *knowing that the information is*  
10                    *protected from disclosure under this section,*  
11                    *willfully discloses the information in any*  
12                    *manner to any person not entitled to receive*  
13                    *that information.*

14           “(C) *EXCEPTION.*—*This paragraph shall*  
15           *not apply to any medical professional (including*  
16           *an emergency medical technician or other first*  
17           *responder) who discloses any information ob-*  
18           *tained under paragraph (5) or (6) of subsection*  
19           *(d) to a patient treated by the medical profes-*  
20           *sional, or to a person authorized to make med-*  
21           *ical or health care decisions on behalf of such a*  
22           *patient, as needed for the diagnosis or treatment*  
23           *of the patient.*

24           “(2) *OTHER LAWS.*—*Section 1905 of title 18,*  
25           *United States Code, shall not apply with respect to*

1 *the publishing, divulging, disclosure, or making*  
2 *known of, or making available, information reported*  
3 *to or otherwise obtained by the Administrator under*  
4 *this Act.*

5 “(i) *APPLICABILITY.*—

6 “(1) *IN GENERAL.*—*Except as otherwise provided*  
7 *in this section, section 8, or any other applicable Fed-*  
8 *eral law, the Administrator shall have no authority—*

9 “(A) *to require the substantiation or re-*  
10 *substantiation of a claim for the protection from*  
11 *disclosure of information reported to or otherwise*  
12 *obtained by the Administrator under this Act*  
13 *prior to the date of enactment of the Frank R.*  
14 *Lautenberg Chemical Safety for the 21st Century*  
15 *Act; or*

16 “(B) *to impose substantiation or resubstan-*  
17 *tiation requirements, with respect to the protec-*  
18 *tion of information described in subsection (a),*  
19 *under this Act that are more extensive than those*  
20 *required under this section.*

21 “(2) *ACTIONS PRIOR TO PROMULGATION OF*  
22 *RULES.*—*Nothing in this Act prevents the Adminis-*  
23 *trator from reviewing, requiring substantiation or re-*  
24 *substantiation of, or approving, approving in part, or*  
25 *denying any claim for the protection from disclosure*



1       of information before the effective date of such rules  
2       applicable to those claims as the Administrator may  
3       promulgate after the date of enactment of the Frank  
4       R. Lautenberg Chemical Safety for the 21st Century  
5       Act.

6       “(j) ACCESS BY CONGRESS.—Notwithstanding any  
7       limitation contained in this section or any other provision  
8       of law, all information reported to or otherwise obtained  
9       by the Administrator (or any representative of the Adminis-  
10      trator) under this Act shall be made available, upon written  
11      request of any duly authorized committee of the Congress,  
12      to such committee.”.

13      **SEC. 12. PENALTIES.**

14      Section 16 of the Toxic Substances Control Act (15  
15      U.S.C. 2615) is amended—

16              (1) in subsection (a)(1), by striking “\$25,000”  
17              and inserting “\$37,500”; and

18              (2) in subsection (b)—

19                      (A) by striking “Any person” and inserting  
20                      the following:

21                              “(1) IN GENERAL.—Any person”;

22                              (B) by striking “\$25,000” and inserting  
23                              “\$50,000”; and

24                              (C) by adding at the end the following:

1           “(2) *IMMINENT DANGER OF DEATH OR SERIOUS*  
2           *BODILY INJURY.*—

3                   “(A) *IN GENERAL.*—*Any person who know-*  
4                   *ingly and willfully violates any provision of sec-*  
5                   *tion 15 or 409, and who knows at the time of the*  
6                   *violation that the violation places an individual*  
7                   *in imminent danger of death or serious bodily*  
8                   *injury, shall be subject on conviction to a fine of*  
9                   *not more than \$250,000, or imprisonment for*  
10                   *not more than 15 years, or both.*

11                   “(B)    *ORGANIZATIONS.*—*Notwithstanding*  
12                   *the penalties described in subparagraph (A), an*  
13                   *organization that commits a knowing violation*  
14                   *described in subparagraph (A) shall be subject on*  
15                   *conviction to a fine of not more than \$1,000,000*  
16                   *for each violation.*

17                   “(C) *INCORPORATION OF CORRESPONDING*  
18                   *PROVISIONS.*—*Subparagraphs (B) through (F) of*  
19                   *section 113(c)(5) of the Clean Air Act (42 U.S.C.*  
20                   *7413(c)(5)(B)–(F)) shall apply to the prosecu-*  
21                   *tion of a violation under this paragraph.”.*

22    **SEC. 13. STATE-FEDERAL RELATIONSHIP.**

23            *Section 18 of the Toxic Substances Control Act (15*  
24    *U.S.C. 2617) is amended—*

1           (1) *by amending subsection (a) to read as fol-*  
2 *lows:*

3           “(a) *IN GENERAL.*—

4           “(1) *ESTABLISHMENT OR ENFORCEMENT.*—*Ex-*  
5 *cept as otherwise provided in subsections (c), (d), (e),*  
6 *(f), and (g), and subject to paragraph (2), no State*  
7 *or political subdivision of a State may establish or*  
8 *continue to enforce any of the following:*

9           “(A) *DEVELOPMENT OF INFORMATION.*—*A*  
10 *statute or administrative action to require the*  
11 *development of information about a chemical*  
12 *substance or category of chemical substances that*  
13 *is reasonably likely to produce the same informa-*  
14 *tion required under section 4, 5, or 6 in—*

15           “(i) *a rule promulgated by the Admin-*  
16 *istrator;*

17           “(ii) *a consent agreement entered into*  
18 *by the Administrator; or*

19           “(iii) *an order issued by the Adminis-*  
20 *trator.*

21           “(B) *CHEMICAL SUBSTANCES FOUND NOT*  
22 *TO PRESENT AN UNREASONABLE RISK OR RE-*  
23 *STRICTED.*—*A statute, criminal penalty, or ad-*  
24 *ministrative action to prohibit or otherwise re-*  
25 *strict the manufacture, processing, or distribu-*

1            *tion in commerce or use of a chemical sub-*  
2            *stance—*

3                    *“(i) for which the determination de-*  
4                    *scribed in section 6(i)(1) is made, consistent*  
5                    *with the scope of the risk evaluation under*  
6                    *section (6)(b)(4)(D); or*

7                    *“(ii) for which a final rule is promul-*  
8                    *gated under section 6(a), after the effective*  
9                    *date of the rule issued under section 6(a) for*  
10                   *the chemical substance, consistent with the*  
11                   *scope of the risk evaluation under section*  
12                   *(6)(b)(4)(D).*

13                   *“(C) SIGNIFICANT NEW USE.—A statute or*  
14                   *administrative action requiring the notification*  
15                   *of a use of a chemical substance that the Admin-*  
16                   *istrator has specified as a significant new use*  
17                   *and for which the Administrator has required*  
18                   *notification pursuant to a rule promulgated*  
19                   *under section 5.*

20                   *“(2) EFFECTIVE DATE OF PREEMPTION.—Under*  
21                   *this subsection, Federal preemption of statutes and*  
22                   *administrative actions applicable to specific chemical*  
23                   *substances shall not occur until the effective date of*  
24                   *the applicable action described in paragraph (1)*  
25                   *taken by the Administrator.”;*

1           (2) *by amending subsection (b) to read as fol-*  
2       *lows:*

3           “(b) *NEW STATUTES, CRIMINAL PENALTIES, OR AD-*  
4       *MINISTRATIVE ACTIONS CREATING PROHIBITIONS OR*  
5       *OTHER RESTRICTIONS.—*

6           “(1) *IN GENERAL.—Except as provided in sub-*  
7       *sections (c), (d), (e), (f), and (g), beginning on the*  
8       *date on which the Administrator defines the scope of*  
9       *a risk evaluation for a chemical substance under sec-*  
10      *tion 6(b)(4)(D) and ending on the date on which the*  
11      *deadline established pursuant to section 6(b)(4)(G) for*  
12      *completion of the risk evaluation expires, or on the*  
13      *date on which the Administrator publishes the risk*  
14      *evaluation under section 6(b)(4)(C), whichever is ear-*  
15      *lier, no State or political subdivision of a State may*  
16      *establish a statute, criminal penalty, or administra-*  
17      *tive action prohibiting or otherwise restricting the*  
18      *manufacture, processing, distribution in commerce, or*  
19      *use of such chemical substance that is a high-priority*  
20      *substance designated under section 6(b)(1)(B)(i).*

21           “(2) *EFFECT OF SUBSECTION.—This subsection*  
22      *does not restrict the authority of a State or political*  
23      *subdivision of a State to continue to enforce any stat-*  
24      *ute enacted, criminal penalty assessed, or administra-*  
25      *tive action taken, prior to the date on which the Ad-*

1 *ministrator defines and publishes the scope of a risk*  
2 *evaluation under section 6(b)(4)(D).”; and*

3 *(3) by adding at the end the following:*

4 *“(c) SCOPE OF PREEMPTION.—Federal preemption*  
5 *under subsections (a) and (b) of statutes, criminal pen-*  
6 *alties, and administrative actions applicable to specific*  
7 *chemical substances shall apply only to—*

8 *“(1) with respect to subsection (a)(1)(A), the*  
9 *chemical substances or category of chemical substances*  
10 *subject to a rule, order, or consent agreement under*  
11 *section 4, 5, or 6;*

12 *“(2) with respect to subsection (b), the hazards,*  
13 *exposures, risks, and uses or conditions of use of such*  
14 *chemical substances included in the scope of the risk*  
15 *evaluation pursuant to section 6(b)(4)(D);*

16 *“(3) with respect to subsection (a)(1)(B), the*  
17 *hazards, exposures, risks, and uses or conditions of*  
18 *use of such chemical substances included in any final*  
19 *action the Administrator takes pursuant to section*  
20 *6(a) or 6(i)(1); or*

21 *“(4) with respect to subsection (a)(1)(C), the uses*  
22 *of such chemical substances that the Administrator*  
23 *has specified as significant new uses and for which*  
24 *the Administrator has required notification pursuant*  
25 *to a rule promulgated under section 5.*

1 “(d) *EXCEPTIONS.*—

2 “(1) *NO PREEMPTION OF STATUTES AND ADMIN-*  
3 *ISTRATIVE ACTIONS.*—

4 “(A) *IN GENERAL.*—*Nothing in this Act,*  
5 *nor any amendment made by the Frank R. Lau-*  
6 *tenberg Chemical Safety for the 21st Century*  
7 *Act, nor any rule, standard of performance, risk*  
8 *evaluation, or scientific assessment implemented*  
9 *pursuant to this Act, shall affect the right of a*  
10 *State or a political subdivision of a State to*  
11 *adopt or enforce any rule, standard of perform-*  
12 *ance, risk evaluation, scientific assessment, or*  
13 *any other protection for public health or the en-*  
14 *vironment that—*

15 “(i) *is adopted or authorized under the*  
16 *authority of any other Federal law or*  
17 *adopted to satisfy or obtain authorization*  
18 *or approval under any other Federal law;*

19 “(ii) *implements a reporting, moni-*  
20 *toring, or other information obligation for*  
21 *the chemical substance not otherwise re-*  
22 *quired by the Administrator under this Act*  
23 *or required under any other Federal law;*

24 “(iii) *is adopted pursuant to authority*  
25 *under a law of the State or political sub-*

1 *division of the State related to water qual-*  
2 *ity, air quality, or waste treatment or dis-*  
3 *posal, except to the extent that the action—*

4 *“(I) imposes a restriction on the*  
5 *manufacture, processing, distribution*  
6 *in commerce, or use of a chemical sub-*  
7 *stance; and*

8 *“(II)(aa) addresses the same haz-*  
9 *ards and exposures, with respect to the*  
10 *same conditions of use as are included*  
11 *in the scope of the risk evaluation pub-*  
12 *lished pursuant to section 6(b)(4)(D),*  
13 *but is inconsistent with the action of*  
14 *the Administrator; or*

15 *“(bb) would cause a violation of*  
16 *the applicable action by the Adminis-*  
17 *trator under section 5 or 6; or*

18 *“(iv) subject to subparagraph (B), is*  
19 *identical to a requirement prescribed by the*  
20 *Administrator.*

21 *“(B) IDENTICAL REQUIREMENTS.—*

22 *“(i) IN GENERAL.—The penalties and*  
23 *other sanctions applicable under a law of a*  
24 *State or political subdivision of a State in*  
25 *the event of noncompliance with the iden-*



1            *tical requirement shall be no more stringent*  
2            *than the penalties and other sanctions*  
3            *available to the Administrator under section*  
4            *16 of this Act.*

5            *“(ii) PENALTIES.—In the case of an*  
6            *identical requirement—*

7                    *“(I) a State or political subdivi-*  
8                    *sion of a State may not assess a pen-*  
9                    *alty for a specific violation for which*  
10                   *the Administrator has assessed an ade-*  
11                   *quate penalty under section 16; and*

12                   *“(II) if a State or political sub-*  
13                   *division of a State has assessed a pen-*  
14                   *alty for a specific violation, the Ad-*  
15                   *ministrator may not assess a penalty*  
16                   *for that violation in an amount that*  
17                   *would cause the total of the penalties*  
18                   *assessed for the violation by the State*  
19                   *or political subdivision of a State and*  
20                   *the Administrator combined to exceed*  
21                   *the maximum amount that may be as-*  
22                   *sessed for that violation by the Admin-*  
23                   *istrator under section 16.*

24                   *“(2) APPLICABILITY TO CERTAIN RULES OR OR-*  
25                   *DERS.—*

1           “(A) *PRIOR RULES AND ORDERS.*—*Nothing*  
2           *in this section shall be construed as modifying*  
3           *the preemptive effect under this section, as in ef-*  
4           *fect on the day before the effective date of the*  
5           *Frank R. Lautenberg Chemical Safety for the*  
6           *21st Century Act, of any rule or order promul-*  
7           *gated or issued under this Act prior to that effec-*  
8           *tive date.*

9           “(B) *CERTAIN CHEMICAL SUBSTANCES AND*  
10           *MIXTURES.*—*With respect to a chemical sub-*  
11           *stance or mixture for which any rule or order*  
12           *was promulgated or issued under section 6 prior*  
13           *to the effective date of the Frank R. Lautenberg*  
14           *Chemical Safety for the 21st Century Act with*  
15           *respect to manufacturing, processing, distribu-*  
16           *tion in commerce, use, or disposal of the chem-*  
17           *ical substance or mixture, nothing in this section*  
18           *shall be construed as modifying the preemptive*  
19           *effect of this section as in effect prior to the en-*  
20           *actment of the Frank R. Lautenberg Chemical*  
21           *Safety for the 21st Century Act of any rule or*  
22           *order that is promulgated or issued with respect*  
23           *to such chemical substance or mixture under sec-*  
24           *tion 6 after that effective date, unless the latter*  
25           *rule or order is with respect to a chemical sub-*

1           *stance or mixture containing a chemical sub-*  
2           *stance and follows a designation of that chemical*  
3           *substance as a high-priority substance under sec-*  
4           *tion 6(b)(1)(B)(i), the identification of that*  
5           *chemical substance under section 6(b)(2)(A), or*  
6           *the selection of that chemical substance for risk*  
7           *evaluation under section 6(b)(4)(E)(iv)(II).*

8           “(e) *PRESERVATION OF CERTAIN LAWS.*—

9           “(1) *IN GENERAL.*—*Nothing in this Act, subject*  
10          *to subsection (g) of this section, shall—*

11           “(A) *be construed to preempt or otherwise*  
12           *affect the authority of a State or political sub-*  
13           *division of a State to continue to enforce any ac-*  
14           *tion taken or requirement imposed or require-*  
15           *ment enacted relating to a specific chemical sub-*  
16           *stance before April 22, 2016, under the authority*  
17           *of a law of the State or political subdivision of*  
18           *the State that prohibits or otherwise restricts*  
19           *manufacturing, processing, distribution in com-*  
20           *merce, use, or disposal of a chemical substance;*  
21           *or*

22           “(B) *be construed to preempt or otherwise*  
23           *affect any action taken pursuant to a State law*  
24           *that was in effect on August 31, 2003.*

1           “(2) *EFFECT OF SUBSECTION.*—*This subsection*  
2 *does not affect, modify, or alter the relationship be-*  
3 *tween Federal law and laws of a State or political*  
4 *subdivision of a State pursuant to any other Federal*  
5 *law.*

6           “(f) *WAIVERS.*—

7           “(1) *DISCRETIONARY EXEMPTIONS.*—*Upon ap-*  
8 *plication of a State or political subdivision of a*  
9 *State, the Administrator may, by rule, exempt from*  
10 *subsection (a), under such conditions as may be pre-*  
11 *scribed in the rule, a statute, criminal penalty, or ad-*  
12 *ministrative action of that State or political subdivi-*  
13 *sion of the State that relates to the effects of exposure*  
14 *to a chemical substance under the conditions of use if*  
15 *the Administrator determines that—*

16                   “(A) *compelling conditions warrant grant-*  
17 *ing the waiver to protect health or the environ-*  
18 *ment;*

19                   “(B) *compliance with the proposed require-*  
20 *ment of the State or political subdivision of the*  
21 *State would not unduly burden interstate com-*  
22 *merce in the manufacture, processing, distribu-*  
23 *tion in commerce, or use of a chemical substance;*

24                   “(C) *compliance with the proposed require-*  
25 *ment of the State or political subdivision of the*

1           *State would not cause a violation of any appli-*  
2           *cable Federal law, rule, or order; and*

3           “(D) *in the judgment of the Administrator,*  
4           *the proposed requirement of the State or political*  
5           *subdivision of the State is designed to address a*  
6           *risk of a chemical substance, under the condi-*  
7           *tions of use, that was identified—*

8                   “(i) *consistent with the best available*  
9                   *science;*

10                   “(ii) *using supporting studies con-*  
11                   *ducted in accordance with sound and objec-*  
12                   *tive scientific practices; and*

13                   “(iii) *based on the weight of the sci-*  
14                   *entific evidence.*

15           “(2) *REQUIRED EXEMPTIONS.—Upon applica-*  
16           *tion of a State or political subdivision of a State, the*  
17           *Administrator shall exempt from subsection (b) a*  
18           *statute or administrative action of a State or polit-*  
19           *ical subdivision of a State that relates to the effects*  
20           *of exposure to a chemical substance under the condi-*  
21           *tions of use if the Administrator determines that—*

22                   “(A)(i) *compliance with the proposed re-*  
23                   *quirement of the State or political subdivision of*  
24                   *the State would not unduly burden interstate*  
25                   *commerce in the manufacture, processing, dis-*

1           *tribution in commerce, or use of a chemical sub-*  
2           *stance;*

3           *“(ii) compliance with the proposed require-*  
4           *ment of the State or political subdivision of the*  
5           *State would not cause a violation of any appli-*  
6           *cable Federal law, rule, or order; and*

7           *“(iii) the State or political subdivision of*  
8           *the State has a concern about the chemical sub-*  
9           *stance or use of the chemical substance based in*  
10          *peer-reviewed science; or*

11          *“(B) no later than the date that is 18*  
12          *months after the date on which the Adminis-*  
13          *trator has initiated the prioritization process for*  
14          *a chemical substance under the rule promulgated*  
15          *pursuant to section 6(b)(1)(A), or the date on*  
16          *which the Administrator publishes the scope of*  
17          *the risk evaluation for a chemical substance*  
18          *under section 6(b)(4)(D), whichever is sooner, the*  
19          *State or political subdivision of the State has en-*  
20          *acted a statute or proposed or finalized an ad-*  
21          *ministrative action intended to prohibit or other-*  
22          *wise restrict the manufacture, processing, dis-*  
23          *tribution in commerce, or use of the chemical*  
24          *substance.*

1           “(3) *DETERMINATION OF A WAIVER REQUEST.*—  
2           *The duty of the Administrator to grant or deny a*  
3           *waiver application shall be nondelegable and shall be*  
4           *exercised—*

5                     “(A) *not later than 180 days after the date*  
6                     *on which an application under paragraph (1) is*  
7                     *submitted; and*

8                     “(B) *not later than 110 days after the date*  
9                     *on which an application under paragraph (2) is*  
10                    *submitted.*

11           “(4) *FAILURE TO MAKE A DETERMINATION.*—*If*  
12           *the Administrator fails to make a determination*  
13           *under paragraph (3)(B) during the 110-day period*  
14           *beginning on the date on which an application under*  
15           *paragraph (2) is submitted, the statute or adminis-*  
16           *trative action of the State or political subdivision of*  
17           *the State that was the subject of the application shall*  
18           *not be considered to be an existing statute or admin-*  
19           *istrative action for purposes of subsection (b) by rea-*  
20           *son of the failure of the Administrator to make a de-*  
21           *termination.*

22           “(5) *NOTICE AND COMMENT.*—*Except in the case*  
23           *of an application approved under paragraph (9), the*  
24           *application of a State or political subdivision of a*

1     *State under this subsection shall be subject to public*  
2     *notice and comment.*

3             “(6) *FINAL AGENCY ACTION.*—*The decision of the*  
4     *Administrator on the application of a State or polit-*  
5     *ical subdivision of a State shall be—*

6                     “(A) *considered to be a final agency action;*  
7             *and*

8                     “(B) *subject to judicial review.*

9             “(7) *DURATION OF WAIVERS.*—*A waiver granted*  
10     *under paragraph (2) or approved under paragraph*  
11     *(9) shall remain in effect until such time as the Ad-*  
12     *ministrator publishes the risk evaluation under sec-*  
13     *tion 6(b).*

14             “(8) *JUDICIAL REVIEW OF WAIVERS.*—*Not later*  
15     *than 60 days after the date on which the Adminis-*  
16     *trator makes a determination on an application of a*  
17     *State or political subdivision of a State under para-*  
18     *graph (1) or (2), any person may file a petition for*  
19     *judicial review in the United States Court of Appeals*  
20     *for the District of Columbia Circuit, which shall have*  
21     *exclusive jurisdiction over the determination.*

22             “(9) *APPROVAL.*—

23                     “(A) *AUTOMATIC APPROVAL.*—*If the Admin-*  
24     *istrator fails to meet the deadline established*  
25     *under paragraph (3)(B), the application of a*



1           *State or political subdivision of a State under*  
2           *paragraph (2) shall be automatically approved,*  
3           *effective on the date that is 10 days after the*  
4           *deadline.*

5           “(B)     *REQUIREMENTS.—Notwithstanding*  
6           *paragraph (6), approval of a waiver application*  
7           *under subparagraph (A) for failure to meet the*  
8           *deadline under paragraph (3)(B) shall not be*  
9           *considered final agency action or be subject to ju-*  
10          *dicial review or public notice and comment.*

11          “(g) *SAVINGS.—*

12           “(1) *NO PREEMPTION OF COMMON LAW OR STAT-*  
13          *UTORY CAUSES OF ACTION FOR CIVIL RELIEF OR*  
14          *CRIMINAL CONDUCT.—*

15           “(A) *IN GENERAL.—Nothing in this Act,*  
16           *nor any amendment made by the Frank R. Lau-*  
17           *tenberg Chemical Safety for the 21st Century*  
18           *Act, nor any standard, rule, requirement, stand-*  
19           *ard of performance, risk evaluation, or scientific*  
20           *assessment implemented pursuant to this Act,*  
21           *shall be construed to preempt, displace, or sup-*  
22           *plant any State or Federal common law rights*  
23           *or any State or Federal statute creating a rem-*  
24           *edy for civil relief, including those for civil dam-*  
25           *age, or a penalty for a criminal conduct.*

1           “(B) *CLARIFICATION OF NO PREEMPTION.*—  
2           *Notwithstanding any other provision of this Act,*  
3           *nothing in this Act, nor any amendments made*  
4           *by the Frank R. Lautenberg Chemical Safety for*  
5           *the 21st Century Act, shall preempt or preclude*  
6           *any cause of action for personal injury, wrongful*  
7           *death, property damage, or other injury based on*  
8           *negligence, strict liability, products liability,*  
9           *failure to warn, or any other legal theory of li-*  
10           *ability under any State law, maritime law, or*  
11           *Federal common law or statutory theory.*

12           “(2) *NO EFFECT ON PRIVATE REMEDIES.*—

13           “(A) *IN GENERAL.*—*Nothing in this Act,*  
14           *nor any amendments made by the Frank R.*  
15           *Lautenberg Chemical Safety for the 21st Century*  
16           *Act, nor any rules, regulations, requirements,*  
17           *risk evaluations, scientific assessments, or orders*  
18           *issued pursuant to this Act shall be interpreted*  
19           *as, in either the plaintiff’s or defendant’s favor,*  
20           *dispositive in any civil action.*

21           “(B) *AUTHORITY OF COURTS.*—*This Act*  
22           *does not affect the authority of any court to*  
23           *make a determination in an adjudicatory pro-*  
24           *ceeding under applicable State or Federal law*  
25           *with respect to the admission into evidence or*

1           *any other use of this Act or rules, regulations, re-*  
2           *quirements, standards of performance, risk eval-*  
3           *uations, scientific assessments, or orders issued*  
4           *pursuant to this Act.”.*

5 **SEC. 14. JUDICIAL REVIEW.**

6           *Section 19(a) of the Toxic Substances Control Act (15*  
7 *U.S.C. 2618(a)) is amended—*

8           *(1) in paragraph (1), by adding at the end the*  
9           *following:*

10           *“(C)(i) Not later than 60 days after the publica-*  
11           *tion of a designation under section 6(b)(1)(B)(ii),*  
12           *any person may commence a civil action to challenge*  
13           *the designation.*

14           *“(ii) The United States Court of Appeals for the*  
15           *District of Columbia Circuit shall have exclusive ju-*  
16           *risdiction over a civil action filed under this subpara-*  
17           *graph.”; and*

18           *(2) by striking paragraph (3).*

19 **SEC. 15. CITIZENS’ CIVIL ACTIONS.**

20           *Section 20(b) of the Toxic Substances Control Act (15*  
21 *U.S.C. 2619(b)) is amended—*

22           *(1) in paragraph (1)(B), by striking “or” at the*  
23           *end; and*

24           *(2) in paragraph (2), by striking the period at*  
25           *the end and inserting the following: “, except that no*

1 *prior notification shall be required in the case of a*  
2 *civil action brought to compel a decision by the Ad-*  
3 *ministrator pursuant to section 18(f)(3)(B); or*

4 *“(3) in the case of a civil action brought to com-*  
5 *pel a decision by the Administrator pursuant to sec-*  
6 *tion 18(f)(3)(B), after the date that is 60 days after*  
7 *the deadline specified in section 18(f)(3)(B).”.*

8 **SEC. 16. STUDIES.**

9 *Section 25 of the Toxic Substances Control Act (15*  
10 *U.S.C. 2624) is repealed.*

11 **SEC. 17. ADMINISTRATION OF THE ACT.**

12 *Section 26 of the Toxic Substances Control Act (15*  
13 *U.S.C. 2625) is amended—*

14 *(1) in subsection (b)(1)—*

15 *(A) by striking “of a reasonable fee”;*

16 *(B) by striking “data under section 4 or 5*  
17 *to defray the cost of administering this Act” and*  
18 *inserting “information under section 4 or a no-*  
19 *tice or other information to be reviewed by the*  
20 *Administrator under section 5, or who manufac-*  
21 *tures or processes a chemical substance that is*  
22 *the subject of a risk evaluation under section*  
23 *6(b), of a fee that is sufficient and not more than*  
24 *reasonably necessary to defray the cost related to*  
25 *such chemical substance of administering sec-*

1            *tions 4, 5, and 6, and collecting, processing, re-*  
2            *viewing, and providing access to and protecting*  
3            *from disclosure as appropriate under section 14*  
4            *information on chemical substances under this*  
5            *title, including contractor costs incurred by the*  
6            *Administrator”;*

7            *(C) by striking “Such rules shall not pro-*  
8            *vide for any fee in excess of \$2,500 or, in the*  
9            *case of a small business concern, any fee in ex-*  
10           *cess of \$100.”; and*

11           *(D) by striking “submit the data and the*  
12           *cost to the Administrator of reviewing such*  
13           *data” and inserting “pay such fee and the cost*  
14           *to the Administrator of carrying out the activi-*  
15           *ties described in this paragraph”;*

16           *(2) in subsection (b)—*

17           *(A) in paragraph (2), by striking “para-*  
18           *graph (1)” and inserting “paragraph (4)”;* and

19           *(B) by adding at the end the following:*

20           *“(3) FUND.—*

21           *“(A) ESTABLISHMENT.—There is established in*  
22           *the Treasury of the United States a fund, to be known*  
23           *as the TSCA Service Fee Fund (in this paragraph re-*  
24           *ferred to as the ‘Fund’), consisting of such amounts*  
25           *as are deposited in the Fund under this paragraph.*

1           “(B) *COLLECTION AND DEPOSIT OF FEES.*—Sub-  
2           *ject to the conditions of subparagraph (C), the Ad-*  
3           *ministrator shall collect the fees described in this sub-*  
4           *section and deposit those fees in the Fund.*

5           “(C) *USE OF FUNDS BY ADMINISTRATOR.*—*Fees*  
6           *authorized under this section shall be collected and*  
7           *available for obligation only to the extent and in the*  
8           *amount provided in advance in appropriations Acts,*  
9           *and shall be available without fiscal year limitation*  
10          *for use in defraying the costs of the activities de-*  
11          *scribed in paragraph (1).*

12          “(D) *ACCOUNTING AND AUDITING.*—

13                 “(i) *ACCOUNTING.*—*The Administrator shall*  
14                 *biennially prepare and submit to the Committee*  
15                 *on Environment and Public Works of the Senate*  
16                 *and the Committee on Energy and Commerce of*  
17                 *the House of Representatives a report that in-*  
18                 *cludes an accounting of the fees paid to the Ad-*  
19                 *ministrator under this paragraph and amounts*  
20                 *disbursed from the Fund for the period covered*  
21                 *by the report, as reflected by financial statements*  
22                 *provided in accordance with sections 3515 and*  
23                 *3521 of title 31, United States Code.*

24                 “(ii) *AUDITING.*—

1           “(I) *IN GENERAL.*—*For the purpose of*  
2           *section 3515(c) of title 31, United States*  
3           *Code, the Fund shall be considered a compo-*  
4           *nent of a covered executive agency.*

5           “(II) *COMPONENTS OF AUDIT.*—*The*  
6           *annual audit required in accordance with*  
7           *sections 3515 and 3521 of title 31, United*  
8           *States Code, of the financial statements of*  
9           *activities carried out using amounts from*  
10          *the Fund shall include an analysis of—*

11                   “(aa) *the fees collected and*  
12                   *amounts disbursed under this sub-*  
13                   *section;*

14                   “(bb) *the reasonableness of the fees*  
15                   *in place as of the date of the audit to*  
16                   *meet current and projected costs of ad-*  
17                   *ministering the provisions of this title*  
18                   *for which the fees may be used; and*

19                   “(cc) *the number of requests for a*  
20                   *risk evaluation made by manufacturers*  
21                   *under section 6(b)(4)(C)(ii).*

22           “(III) *FEDERAL RESPONSIBILITY.*—  
23           *The Inspector General of the Environmental*  
24           *Protection Agency shall conduct the annual*  
25           *audit described in subclause (II) and sub-*

1                    *mit to the Administrator a report that de-*  
2                    *scribes the findings and any recommenda-*  
3                    *tions of the Inspector General resulting from*  
4                    *the audit.*

5                    *“(4) AMOUNT AND ADJUSTMENT OF FEES; RE-*  
6 *FUNDS.—In setting fees under this section, the Adminis-*  
7 *trator shall—*

8                    *“(A) prescribe lower fees for small business con-*  
9                    *cerns, after consultation with the Administrator of the*  
10                    *Small Business Administration;*

11                    *“(B) set the fees established under paragraph (1)*  
12                    *at levels such that the fees will, in aggregate, provide*  
13                    *a sustainable source of funds to annually defray—*

14                    *“(i) the lower of—*

15                    *“(I) 25 percent of the costs to the Ad-*  
16                    *ministrator of carrying out sections 4, 5,*  
17                    *and 6, and of collecting, processing, review-*  
18                    *ing, and providing access to and protecting*  
19                    *from disclosure as appropriate under sec-*  
20                    *tion 14 information on chemical substances*  
21                    *under this title, other than the costs to con-*  
22                    *duct and complete risk evaluations under*  
23                    *section 6(b); or*

24                    *“(II) \$25,000,000 (subject to adjust-*  
25                    *ment pursuant to subparagraph (F)); and*



1           “(i) the costs of risk evaluations specified  
2           in subparagraph (D);

3           “(C) reflect an appropriate balance in the assess-  
4           ment of fees between manufacturers and processors,  
5           and allow the payment of fees by consortia of manu-  
6           facturers or processors;

7           “(D) notwithstanding subparagraph (B)—

8           “(i) except as provided in clause (ii), for  
9           chemical substances for which the Administrator  
10          has granted a request from a manufacturer pur-  
11          suant to section 6(b)(4)(C)(ii), establish the fee  
12          at a level sufficient to defray the full costs to the  
13          Administrator of conducting the risk evaluation  
14          under section 6(b);

15          “(ii) for chemical substances for which the  
16          Administrator has granted a request from a  
17          manufacturer pursuant to section 6(b)(4)(C)(ii),  
18          and which are included in the 2014 update of  
19          the TSCA Work Plan for Chemical Assessments,  
20          establish the fee at a level sufficient to defray 50  
21          percent of the costs to the Administrator of con-  
22          ducting the risk evaluation under section 6(b);  
23          and

1           “(iii) apply fees collected pursuant to  
2           clauses (i) and (ii) only to defray the costs de-  
3           scribed in those clauses;

4           “(E) prior to the establishment or amendment of  
5           any fees under paragraph (1), consult and meet with  
6           parties potentially subject to the fees or their rep-  
7           resentatives, subject to the condition that no obliga-  
8           tion under the Federal Advisory Committee Act (5  
9           U.S.C. App.) or subchapter II of chapter 5 of title 5,  
10          United States Code, is applicable with respect to such  
11          meetings;

12          “(F) beginning with the fiscal year that is 3  
13          years after the date of enactment of the Frank R.  
14          Lautenberg Chemical Safety for the 21st Century Act,  
15          and every 3 years thereafter, after consultation with  
16          parties potentially subject to the fees and their rep-  
17          resentatives pursuant to subparagraph (E), increase  
18          or decrease the fees established under paragraph (1)  
19          as necessary to adjust for inflation and to ensure that  
20          funds deposited in the Fund are sufficient to defray—

21                 “(i) approximately but not more than 25  
22                 percent of the costs to the Administrator of car-  
23                 rying out sections 4, 5, and 6, and of collecting,  
24                 processing, reviewing, and providing access to  
25                 and protecting from disclosure as appropriate

1           *under section 14 information on chemical sub-*  
2           *stances under this title, other than the costs to*  
3           *conduct and complete risk evaluations requested*  
4           *under section 6(b)(4)(C)(ii); and*

5                   *“(i) the costs of risk evaluations specified*  
6                   *in subparagraph (D); and*

7                   *“(G) if a notice submitted under section 5 is not*  
8           *reviewed or such a notice is withdrawn, refund the fee*  
9           *or a portion of the fee if no substantial work was per-*  
10          *formed on the notice.*

11          *“(5) MINIMUM AMOUNT OF APPROPRIATIONS.—Fees*  
12          *may not be assessed for a fiscal year under this section un-*  
13          *less the amount of appropriations for the Chemical Risk*  
14          *Review and Reduction program project of the Environ-*  
15          *mental Protection Agency for the fiscal year (excluding the*  
16          *amount of any fees appropriated for the fiscal year) are*  
17          *equal to or greater than the amount of appropriations for*  
18          *that program project for fiscal year 2014.*

19                *“(6) TERMINATION.—The authority provided by this*  
20          *subsection shall terminate at the conclusion of the fiscal*  
21          *year that is 10 years after the date of enactment of the*  
22          *Frank R. Lautenberg Chemical Safety for the 21st Century*  
23          *Act unless otherwise reauthorized or modified by Congress.”;*  
24          *and*

25                   *(3) by adding at the end the following:*

1       “(h) *SCIENTIFIC STANDARDS.*—*In carrying out sec-*  
2 *tions 4, 5, and 6, to the extent that the Administrator makes*  
3 *a decision based on science, the Administrator shall use sci-*  
4 *entific information, technical procedures, measures, meth-*  
5 *ods, protocols, methodologies, or models, employed in a*  
6 *manner consistent with the best available science, and shall*  
7 *consider as applicable—*

8               “(1) *the extent to which the scientific informa-*  
9 *tion, technical procedures, measures, methods, proto-*  
10 *cols, methodologies, or models employed to generate*  
11 *the information are reasonable for and consistent*  
12 *with the intended use of the information;*

13               “(2) *the extent to which the information is rel-*  
14 *evant for the Administrator’s use in making a deci-*  
15 *sion about a chemical substance or mixture;*

16               “(3) *the degree of clarity and completeness with*  
17 *which the data, assumptions, methods, quality assur-*  
18 *ance, and analyses employed to generate the informa-*  
19 *tion are documented;*

20               “(4) *the extent to which the variability and un-*  
21 *certainty in the information, or in the procedures,*  
22 *measures, methods, protocols, methodologies, or mod-*  
23 *els, are evaluated and characterized; and*

24               “(5) *the extent of independent verification or*  
25 *peer review of the information or of the procedures,*

1       *measures, methods, protocols, methodologies, or mod-*  
2       *els.*

3       “(i) *WEIGHT OF SCIENTIFIC EVIDENCE.*—*The Admin-*  
4       *istrator shall make decisions under sections 4, 5, and 6*  
5       *based on the weight of the scientific evidence.*

6       “(j) *AVAILABILITY OF INFORMATION.*—*Subject to sec-*  
7       *tion 14, the Administrator shall make available to the pub-*  
8       *lic—*

9               “(1) *all notices, determinations, findings, rules,*  
10       *consent agreements, and orders of the Administrator*  
11       *under this title;*

12               “(2) *any information required to be provided to*  
13       *the Administrator under section 4;*

14               “(3) *a nontechnical summary of each risk eval-*  
15       *uation conducted under section 6(b);*

16               “(4) *a list of the studies considered by the Ad-*  
17       *ministrator in carrying out each such risk evaluation,*  
18       *along with the results of those studies; and*

19               “(5) *each designation of a chemical substance*  
20       *under section 6(b), along with an identification of the*  
21       *information, analysis, and basis used to make the des-*  
22       *ignations.*

23       “(k) *REASONABLY AVAILABLE INFORMATION.*—*In car-*  
24       *rying out sections 4, 5, and 6, the Administrator shall take*  
25       *into consideration information relating to a chemical sub-*

1 *stance or mixture, including hazard and exposure informa-*  
2 *tion, under the conditions of use, that is reasonably avail-*  
3 *able to the Administrator.*

4 “(l) *POLICIES, PROCEDURES, AND GUIDANCE.*—

5 “(1) *DEVELOPMENT.*—*Not later than 2 years*  
6 *after the date of enactment of the Frank R. Lauten-*  
7 *berg Chemical Safety for the 21st Century Act, the*  
8 *Administrator shall develop any policies, procedures,*  
9 *and guidance the Administrator determines are nec-*  
10 *essary to carry out the amendments to this Act made*  
11 *by the Frank R. Lautenberg Chemical Safety for the*  
12 *21st Century Act.*

13 “(2) *REVIEW.*—*Not later than 5 years after the*  
14 *date of enactment of the Frank R. Lautenberg Chem-*  
15 *ical Safety for the 21st Century Act, and not less fre-*  
16 *quently than once every 5 years thereafter, the Ad-*  
17 *ministrator shall—*

18 “(A) *review the adequacy of the policies,*  
19 *procedures, and guidance developed under para-*  
20 *graph (1), including with respect to animal,*  
21 *nonanimal, and epidemiological test methods*  
22 *and procedures for assessing and determining*  
23 *risk under this title; and*

24 “(B) *revise such policies, procedures, and*  
25 *guidance as the Administrator determines nec-*

1           *essary to reflect new scientific developments or*  
2           *understandings.*

3           “(3) *TESTING OF CHEMICAL SUBSTANCES AND*  
4           *MIXTURES.—The policies, procedures, and guidance*  
5           *developed under paragraph (1) applicable to testing*  
6           *chemical substances and mixtures shall—*

7                   “(A) *address how and when the exposure*  
8                   *level or exposure potential of a chemical sub-*  
9                   *stance or mixture would factor into decisions to*  
10                  *require new testing, subject to the condition that*  
11                  *the Administrator shall not interpret the lack of*  
12                  *exposure information as a lack of exposure or ex-*  
13                  *posure potential; and*

14                   “(B) *describe the manner in which the Ad-*  
15                   *ministrator will determine that additional infor-*  
16                   *mation is necessary to carry out this title, in-*  
17                   *cluding information relating to potentially ex-*  
18                   *posed or susceptible populations.*

19           “(4) *CHEMICAL SUBSTANCES WITH COMPLETED*  
20           *RISK ASSESSMENTS.—With respect to a chemical sub-*  
21           *stance listed in the 2014 update to the TSCA Work*  
22           *Plan for Chemical Assessments for which the Admin-*  
23           *istrator has published a completed risk assessment*  
24           *prior to the date of enactment of the Frank R. Lau-*  
25           *tenberg Chemical Safety for the 21st Century Act, the*

1 *Administrator may publish proposed and final rules*  
2 *under section 6(a) that are consistent with the scope*  
3 *of the completed risk assessment for the chemical sub-*  
4 *stance and consistent with other applicable require-*  
5 *ments of section 6.*

6 “(5) *GUIDANCE.*—*Not later than 1 year after the*  
7 *date of enactment of the Frank R. Lautenberg Chem-*  
8 *ical Safety for the 21st Century Act, the Adminis-*  
9 *trator shall develop guidance to assist interested per-*  
10 *sons in developing and submitting draft risk evalua-*  
11 *tions which shall be considered by the Administrator.*  
12 *The guidance shall, at a minimum, address the qual-*  
13 *ity of the information submitted and the process to be*  
14 *followed in developing draft risk evaluations for con-*  
15 *sideration by the Administrator.*

16 “(m) *REPORT TO CONGRESS.*—

17 “(1) *INITIAL REPORT.*—*Not later than 6 months*  
18 *after the date of enactment of the Frank R. Lauten-*  
19 *berg Chemical Safety for the 21st Century Act, the*  
20 *Administrator shall submit to the Committees on En-*  
21 *ergy and Commerce and Appropriations of the House*  
22 *of Representatives and the Committees on Environ-*  
23 *ment and Public Works and Appropriations of the*  
24 *Senate a report containing an estimation of—*



1           “(A) *the capacity of the Environmental*  
2           *Protection Agency to conduct and publish risk*  
3           *evaluations under section 6(b)(4)(C)(i), and the*  
4           *resources necessary to conduct the minimum*  
5           *number of risk evaluations required under sec-*  
6           *tion 6(b)(2);*

7           “(B) *the capacity of the Environmental*  
8           *Protection Agency to conduct and publish risk*  
9           *evaluations under section 6(b)(4)(C)(ii), the like-*  
10          *ly demand for such risk evaluations, and the an-*  
11          *ticipated schedule for accommodating that de-*  
12          *mand;*

13          “(C) *the capacity of the Environmental*  
14          *Protection Agency to promulgate rules under sec-*  
15          *tion 6(a) as required based on risk evaluations*  
16          *conducted and published under section 6(b); and*

17          “(D) *the actual and anticipated efforts of*  
18          *the Environmental Protection Agency to increase*  
19          *the Agency’s capacity to conduct and publish*  
20          *risk evaluations under section 6(b).*

21          “(2) *SUBSEQUENT REPORTS.—The Adminis-*  
22          *trator shall update and resubmit the report described*  
23          *in paragraph (1) not less frequently than once every*  
24          *5 years.*

25          “(n) *ANNUAL PLAN.—*

1           “(1) *IN GENERAL.*—*The Administrator shall in-*  
2           *form the public regarding the schedule and the re-*  
3           *sources necessary for the completion of each risk eval-*  
4           *uation as soon as practicable after initiating the risk*  
5           *evaluation.*

6           “(2) *PUBLICATION OF PLAN.*—*At the beginning*  
7           *of each calendar year, the Administrator shall publish*  
8           *an annual plan that—*

9                   “(A) *identifies the chemical substances for*  
10                  *which risk evaluations are expected to be initi-*  
11                  *ated or completed that year and the resources*  
12                  *necessary for their completion;*

13                   “(B) *describes the status of each risk evalua-*  
14                  *tion that has been initiated but not yet com-*  
15                  *pleted; and*

16                   “(C) *if the schedule for completion of a risk*  
17                  *evaluation has changed, includes an updated*  
18                  *schedule for that risk evaluation.*

19           “(o) *CONSULTATION WITH SCIENCE ADVISORY COM-*  
20           *MITTEE ON CHEMICALS.*—

21                   “(1) *ESTABLISHMENT.*—*Not later than 1 year*  
22                  *after the date of enactment of the Frank R. Lauten-*  
23                  *berg Chemical Safety for the 21st Century Act, the*  
24                  *Administrator shall establish an advisory committee,*  
25                  *to be known as the Science Advisory Committee on*

1       *Chemicals (referred to in this subsection as the ‘Com-*  
2       *mittee’).*

3               “(2) *PURPOSE.*—*The purpose of the Committee*  
4       *shall be to provide independent advice and expert*  
5       *consultation, at the request of the Administrator, with*  
6       *respect to the scientific and technical aspects of issues*  
7       *relating to the implementation of this title.*

8               “(3) *COMPOSITION.*—*The Committee shall be*  
9       *composed of representatives of such science, govern-*  
10       *ment, labor, public health, public interest, animal*  
11       *protection, industry, and other groups as the Admin-*  
12       *istrator determines to be advisable, including rep-*  
13       *resentatives that have specific scientific expertise in*  
14       *the relationship of chemical exposures to women, chil-*  
15       *dren, and other potentially exposed or susceptible sub-*  
16       *populations.*

17               “(4) *SCHEDULE.*—*The Administrator shall con-*  
18       *vene the Committee in accordance with such schedule*  
19       *as the Administrator determines to be appropriate,*  
20       *but not less frequently than once every 2 years.*

21               “(p) *PRIOR ACTIONS.*—

22               “(1) *RULES, ORDERS, AND EXEMPTIONS.*—*Not-*  
23       *ing in the Frank R. Lautenberg Chemical Safety for*  
24       *the 21st Century Act eliminates, modifies, or with-*  
25       *draws any rule promulgated, order issued, or exemp-*

1 *tion established pursuant to this Act before the date*  
2 *of enactment of the Frank R. Lautenberg Chemical*  
3 *Safety for the 21st Century Act.*

4 “(2) *PRIOR-INITIATED EVALUATIONS.—Nothing*  
5 *in this Act prevents the Administrator from initi-*  
6 *ating a risk evaluation regarding a chemical sub-*  
7 *stance, or from continuing or completing such risk*  
8 *evaluation, prior to the effective date of the policies,*  
9 *procedures, and guidance required to be developed by*  
10 *the Administrator pursuant to the amendments made*  
11 *by the Frank R. Lautenberg Chemical Safety for the*  
12 *21st Century Act.*

13 “(3) *ACTIONS COMPLETED PRIOR TO COMPLE-*  
14 *TION OF POLICIES, PROCEDURES, AND GUIDANCE.—*  
15 *Nothing in this Act requires the Administrator to re-*  
16 *voke or withdraw a completed risk evaluation, deter-*  
17 *mination, or rule under this Act solely because the ac-*  
18 *tion was completed prior to the development of a pol-*  
19 *icy, procedure, or guidance pursuant to the amend-*  
20 *ments made by the Frank R. Lautenberg Chemical*  
21 *Safety for the 21st Century Act.”.*

22 **SEC. 18. STATE PROGRAMS.**

23 *Section 28 of the Toxic Substances Control Act (15*  
24 *U.S.C. 2627) is amended by striking subsections (c) and*  
25 *(d).*

1 **SEC. 19. CONFORMING AMENDMENTS.**

2 (a) *TABLE OF CONTENTS.*—*The table of contents in*  
3 *section 1 of the Toxic Substances Control Act is amended—*

4 (1) *by striking the item relating to section 6 and*  
5 *inserting the following:*

*“Sec. 6. Prioritization, risk evaluation, and regulation of chemical substances and mixtures.”;*

6 (2) *by striking the item relating to section 10*  
7 *and inserting the following:*

*“Sec. 10. Research, development, collection, dissemination, and utilization of information.”;*

8 (3) *by striking the item relating to section 14*  
9 *and inserting the following:*

*“Sec. 14. Confidential information.”;*

10 *and*

11 (4) *by striking the item relating to section 25.*

12 (b) *SECTION 2.*—*Section 2(b)(1) of the Toxic Sub-*  
13 *stances Control Act (15 U.S.C. 2601(b)(1)) is amended by*  
14 *striking “data” both places it appears and inserting “infor-*  
15 *mation”.*

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

18 (1) *in paragraph (8) (as redesignated by section*  
19 *3 of this Act), by striking “data” and inserting “in-*  
20 *formation”;* *and*

21 (2) *in paragraph (15) (as redesignated by sec-*  
22 *tion 3 of this Act)—*

1           (A) by striking “standards” and inserting  
2           “protocols and methodologies”;

3           (B) by striking “test data” both places it  
4           appears and inserting “information”; and

5           (C) by striking “data” each place it ap-  
6           pears and inserting “information”.

7           (d) SECTION 4.—Section 4 of the Toxic Substances  
8           Control Act (15 U.S.C. 2603) is amended—

9           (1) in subsection (b)—

10           (A) in paragraph (1)—

11           (i) in the paragraph heading, by add-  
12           ing “, ORDER, OR CONSENT AGREEMENT” at  
13           the end; and

14           (ii) by striking “rule” each place it ap-  
15           pears and inserting “rule, order, or consent  
16           agreement”;

17           (B) in paragraph (2)(B), by striking  
18           “rules” and inserting “rules, orders, and consent  
19           agreements”;

20           (C) in paragraph (3)(A), by striking “rule”  
21           and inserting “rule or order”; and

22           (D) in paragraph (4)—

23           (i) by striking “rule under subsection  
24           (a)” each place it appears and inserting

1 “rule, order, or consent agreement under  
2 subsection (a)”;

3 (ii) by striking “repeals the rule” each  
4 place it appears and inserting “repeals the  
5 rule or order or modifies the consent agree-  
6 ment to terminate the requirement”; and

7 (iii) by striking “repeals the applica-  
8 tion of the rule” and inserting “repeals or  
9 modifies the application of the rule, order,  
10 or consent agreement”;

11 (2) in subsection (c)—

12 (A) in paragraph (1), by striking “rule”  
13 and inserting “rule or order”;

14 (B) in paragraph (2)—

15 (i) in subparagraph (A), by striking  
16 “a rule under subsection (a) or for which  
17 data is being developed pursuant to such a  
18 rule” and inserting “a rule, order, or con-  
19 sent agreement under subsection (a) or for  
20 which information is being developed pursu-  
21 ant to such a rule, order, or consent agree-  
22 ment”;

23 (ii) in subparagraph (B), by striking  
24 “such rule or which is being developed pur-  
25 suant to such rule” and inserting “such

1           *rule, order, or consent agreement or which*  
2           *is being developed pursuant to such rule,*  
3           *order, or consent agreement”*; and

4                   *(iii) in the matter following subpara-*  
5                   *graph (B), by striking “the rule” and in-*  
6                   *serting “the rule or order”*;

7                   *(C) in paragraph (3)(B)(i), by striking*  
8                   *“rule promulgated” and inserting “rule, order,*  
9                   *or consent agreement”*; and

10                   *(D) in paragraph (4)—*

11                           *(i) by striking “rule promulgated”*  
12                           *each place it appears and inserting “rule,*  
13                           *order, or consent agreement”*;

14                           *(ii) by striking “such rule” each place*  
15                           *it appears and inserting “such rule, order,*  
16                           *or consent agreement”*; and

17                           *(iii) in subparagraph (B), by striking*  
18                           *“the rule” and inserting “the rule or order”*;

19                   *(3) in subsection (d), by striking “rule” and in-*  
20                   *serting “rule, order, or consent agreement”*; and

21                   *(4) in subsection (g), by striking “rule” and in-*  
22                   *serting “rule, order, or consent agreement”*.

23           *(e) SECTION 5.—Section 5 of the Toxic Substances*  
24           *Control Act (15 U.S.C. 2604) is amended—*

25                   *(1) in subsection (b)—*



1 (A) in paragraph (1)(A)—

2 (i) by striking “rule promulgated” and  
3 inserting “rule, order, or consent agree-  
4 ment”; and

5 (ii) by striking “such rule” and insert-  
6 ing “such rule, order, or consent agree-  
7 ment”;

8 (B) in paragraph (1)(B), by striking “rule  
9 promulgated” and inserting “rule or order”; and

10 (C) in paragraph (2)(A)(ii), by striking  
11 “rule promulgated” and inserting “rule, order,  
12 or consent agreement”; and

13 (2) in subsection (d)(2)(C), by striking “rule”  
14 and inserting “rule, order, or consent agreement”.

15 (f) SECTION 7.—Section 7(a) of the Toxic Substances  
16 Control Act (15 U.S.C. 2606(a)) is amended—

17 (1) in paragraph (1), in the matter following  
18 subparagraph (C), by striking “a rule under section  
19 4, 5, 6, or title IV or an order under section 5 or title  
20 IV” and inserting “a determination under section 5  
21 or 6, a rule under section 4, 5, or 6 or title IV, an  
22 order under section 4, 5, or 6 or title IV, or a consent  
23 agreement under section 4”; and

24 (2) in paragraph (2), by striking “subsection  
25 6(d)(2)(A)(i)” and inserting “section 6(d)(3)(A)(i)”.

1           (g) *SECTION 8.—Section 8(a) of the Toxic Substances*  
2 *Control Act (15 U.S.C. 2607(a)) is amended—*

3                 (1) *in paragraph (2)(E), by striking “data” and*  
4 *inserting “information”; and*

5                 (2) *in paragraph (3)(A)(ii)(I), by striking “or*  
6 *an order in effect under section 5(e)” and inserting*  
7 *“, an order in effect under section 4 or 5(e), or a con-*  
8 *sent agreement under section 4”.*

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

11                 (1) *in subsection (a), by striking “section 6”*  
12 *each place it appears and inserting “section 6(a)”;*  
13 *and*

14                 (2) *in subsection (d), by striking “Health, Edu-*  
15 *cation, and Welfare” and inserting “Health and*  
16 *Human Services”.*

17           (i) *SECTION 10.—Section 10 of the Toxic Substances*  
18 *Control Act (15 U.S.C. 2609) is amended—*

19                 (1) *in the section heading, by striking “**DATA**”*  
20 *and inserting “**INFORMATION**”;*

21                 (2) *by striking “Health, Education, and Wel-*  
22 *fare” each place it appears and inserting “Health*  
23 *and Human Services”;*

24                 (3) *in subsection (b)—*

1           (A) in the subsection heading, by striking  
2           “DATA” and inserting “INFORMATION”;

3           (B) by striking “data” and inserting “in-  
4           formation” in paragraph (1);

5           (C) by striking “data” and inserting “infor-  
6           mation” in paragraph (2)(A); and

7           (D) by striking “a data” and inserting “an  
8           information” in paragraph (2)(B); and

9           (4) in subsection (g), by striking “data” and in-  
10          serting “information”.

11          (j) SECTION 11.—Section 11(b)(2) of the Toxic Sub-  
12          stances Control Act (15 U.S.C. 2610(b)(2)) is amended—

13           (1) by striking “data” each place it appears and  
14           inserting “information”; and

15           (2) in subparagraph (E), by striking “rule pro-  
16           mulgated” and inserting “rule promulgated, order  
17           issued, or consent agreement entered into”.

18          (k) SECTION 12.—Section 12(b)(1) of the Toxic Sub-  
19          stances Control Act (15 U.S.C. 2611(b)(1)) is amended by  
20          striking “data” both places it appears and inserting “infor-  
21          mation”.

22          (l) SECTION 15.—Section 15(1) of the Toxic Sub-  
23          stances Control Act (15 U.S.C. 2614(1)) is amended by  
24          striking “(A) any rule” and all that follows through “or  
25          (D)” and inserting “any requirement of this title or any

1 rule promulgated, order issued, or consent agreement en-  
2 tered into under this title, or”.

3 (m) SECTION 19.—Section 19 of the Toxic Substances  
4 Control Act (15 U.S.C. 2618) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)(A)—

7 (i) by striking “Not later than 60 days  
8 after the date of the promulgation of a rule  
9 under section 4(a), 5(a)(2), 5(b)(4), 6(a),  
10 6(e), or 8, or under title II or IV” and in-  
11 sserting “Except as otherwise provided in  
12 this title, not later than 60 days after the  
13 date on which a rule is promulgated under  
14 this title, title II, or title IV, or the date on  
15 which an order is issued under section 4,  
16 5(e), 5(f), or 6(i)(1),”;

17 (ii) by striking “such rule” and insert-  
18 ing “such rule or order”; and

19 (iii) by striking “such a rule” and in-  
20 sserting “such a rule or order”;

21 (B) in paragraph (1)(B)—

22 (i) by striking “Courts” and inserting  
23 “Except as otherwise provided in this title,  
24 courts”; and

1                   (ii) by striking “subparagraph (A) or  
2                   (B) of section 6(b)(1)” and inserting “this  
3                   title, other than an order under section 4,  
4                   5(e), 5(f), or 6(i)(1),”; and  
5                   (C) in paragraph (2)—

6                   (i) by striking “rulemaking record”  
7                   and inserting “record”; and

8                   (ii) by striking “based the rule” and  
9                   inserting “based the rule or order”;

10                  (2) in subsection (b)—

11                   (A) by striking “review a rule” and insert-  
12                   ing “review a rule, or an order under section 4,  
13                   5(e), 5(f), or 6(i)(1),”;

14                   (B) by striking “such rule” and inserting  
15                   “such rule or order”;

16                   (C) by striking “the rule” and inserting  
17                   “the rule or order”;

18                   (D) by striking “new rule” each place it ap-  
19                   pears and inserting “new rule or order”; and

20                   (E) by striking “modified rule” and insert-  
21                   ing “modified rule or order”; and

22                  (3) in subsection (c)—

23                   (A) in paragraph (1)—

24                   (i) in subparagraph (A)—

1                   (I) by striking “a rule” and in-  
2                   serting “a rule or order”; and

3                   (II) by striking “such rule” and  
4                   inserting “such rule or order”;

5                   (ii) in subparagraph (B)—

6                   (I) in the matter preceding clause  
7                   (i), by striking “a rule” and inserting  
8                   “a rule or order”;

9                   (II) by amending clause (i) to  
10                  read as follows:

11                 “(i) in the case of review of—

12                         “(I) a rule under section 4(a), 5(b)(4), 6(a)  
13                         (including review of the associated determination  
14                         under section 6(b)(4)(A)), or 6(e), the standard  
15                         for review prescribed by paragraph (2)(E) of  
16                         such section 706 shall not apply and the court  
17                         shall hold unlawful and set aside such rule if the  
18                         court finds that the rule is not supported by sub-  
19                         stantial evidence in the rulemaking record taken  
20                         as a whole; and

21                         “(II) an order under section 4, 5(e), 5(f), or  
22                         6(i)(1), the standard for review prescribed by  
23                         paragraph (2)(E) of such section 706 shall not  
24                         apply and the court shall hold unlawful and set  
25                         aside such order if the court finds that the order

1           is not supported by substantial evidence in the  
2           record taken as a whole; and”;

3                               (III) by striking clauses (ii) and  
4                               (iii) and the matter after clause (iii)  
5                               and inserting the following:

6           “(ii) the court may not review the contents and  
7           adequacy of any statement of basis and purpose re-  
8           quired by section 553(c) of title 5, United States  
9           Code, to be incorporated in the rule or order, except  
10          as part of the record, taken as a whole.”; and

11                              (iii) by striking subparagraph (C);  
12                              and

13                              (B) in paragraph (2), by striking “any  
14                              rule” and inserting “any rule or order”.

15          (n) SECTION 20.—Section 20(a)(1) of the Toxic Sub-  
16          stances Control Act (15 U.S.C. 2619(a)(1)) is amended by  
17          striking “order issued under section 5” and inserting “order  
18          issued under section 4 or 5”.

19          (o) SECTION 21.—Section 21 of the Toxic Substances  
20          Control Act (15 U.S.C. 2620) is amended—

21                              (1) in subsection (a), by striking “order under  
22                              section 5(e) or (6)(b)(2)” and inserting “order under  
23                              section 4 or 5(e) or (f)”;

24                              (2) in subsection (b)—

1           (A) in paragraph (1), by striking “order  
2 under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)”  
3 and inserting “order under section 4 or 5(e) or  
4 (f)”; and

5           (B) in paragraph (4)(B)—

6           (i) in the matter preceding clause (i),  
7 by striking “order under section 5(e) or  
8 6(b)(2)” and inserting “order under section  
9 4 or 5(e) or (f)”; and

10          (ii) in clause (i), by striking “order  
11 under section 5(e)” and inserting “order  
12 under section 4 or 5(e)”; and

13          (iii) in clause (ii), by striking “section  
14 6 or 8 or an order under section 6(b)(2),  
15 there is a reasonable basis to conclude that  
16 the issuance of such a rule or order is nec-  
17 essary to protect health or the environment  
18 against an unreasonable risk of injury to  
19 health or the environment” and inserting  
20 “section 6(a) or 8 or an order under section  
21 5(f), the chemical substance or mixture to be  
22 subject to such rule or order presents an un-  
23 reasonable risk of injury to health or the en-  
24 vironment, without consideration of costs or  
25 other nonrisk factors, including an unrea-



1                    *sonable risk to a potentially exposed or sus-*  
2                    *ceptible subpopulation, under the conditions*  
3                    *of use”.*

4            (p) *SECTION 24.—Section 24(b)(2)(B) of the Toxic*  
5 *Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is*  
6 *amended—*

7                    (1) *by inserting “and” at the end of clause (i);*  
8                    (2) *by striking clause (ii); and*  
9                    (3) *by redesignating clause (iii) as clause (ii).*

10           (q) *SECTION 26.—Section 26 of the Toxic Substances*  
11 *Control Act (15 U.S.C. 2625) is amended—*

12                    (1) *in subsection (e), by striking “Health, Edu-*  
13 *cation, and Welfare” each place it appears and in-*  
14 *serting “Health and Human Services”; and*  
15                    (2) *in subsection (g)(1), by striking “data” and*  
16 *inserting “information”.*

17           (r) *SECTION 27.—Section 27(a) of the Toxic Sub-*  
18 *stances Control Act (15 U.S.C. 2626(a)) is amended—*

19                    (1) *by striking “Health, Education, and Wel-*  
20 *fare” and inserting “Health and Human Services”;*  
21                    (2) *by striking “test data” both places it appears*  
22 *and inserting “information”;*  
23                    (3) *by striking “rules promulgated” and insert-*  
24 *ing “rules, orders, or consent agreements”; and*

1           (4) by striking “standards” and inserting “pro-  
2           tocols and methodologies”.

3           (s) *SECTION 30.*—Section 30(2) of the Toxic Sub-  
4           stances Control Act (15 U.S.C. 2629(2)) is amended by  
5           striking “rule” and inserting “rule, order, or consent agree-  
6           ment”.

7           **SEC. 20. NO RETROACTIVITY.**

8           *Nothing in sections 1 through 19, or the amendments*  
9           *made by sections 1 through 19, shall be interpreted to apply*  
10          *retroactively to any State, Federal, or maritime legal action*  
11          *filed before the date of enactment of this Act.*

12          **SEC. 21. TREVOR’S LAW.**

13          (a) *PURPOSES.*—*The purposes of this section are—*

14                  (1) *to provide the appropriate Federal agencies*  
15                  *with the authority to help conduct investigations into*  
16                  *potential cancer clusters;*

17                  (2) *to ensure that Federal agencies have the au-*  
18                  *thority to undertake actions to help address cancer*  
19                  *clusters and factors that may contribute to the cre-*  
20                  *ation of potential cancer clusters; and*

21                  (3) *to enable Federal agencies to coordinate with*  
22                  *other Federal, State, and local agencies, institutes of*  
23                  *higher education, and the public in investigating and*  
24                  *addressing cancer clusters.*



1           “(2) *REQUIREMENTS.*—*The criteria developed*  
2           *under paragraph (1) shall consider, as appropriate—*

3                   “(A) *a standard for cancer cluster identi-*  
4                   *fication and reporting protocols used to deter-*  
5                   *mine when cancer incidence is greater than*  
6                   *would be typically observed;*

7                   “(B) *scientific screening standards that en-*  
8                   *sure that a cluster of a particular cancer in-*  
9                   *volves the same type of cancer, or types of can-*  
10                   *cers;*

11                   “(C) *the population in which the cluster of*  
12                   *a particular cancer occurs by factors such as*  
13                   *race, ethnicity, age, and gender, for purposes of*  
14                   *calculating cancer rates;*

15                   “(D) *the boundaries of a geographic area in*  
16                   *which a cluster of a particular cancer occurs so*  
17                   *as not to create or obscure a potential cluster by*  
18                   *selection of a specific area; and*

19                   “(E) *the time period over which the number*  
20                   *of cases of a particular cancer, or the calculation*  
21                   *of an expected number of cases, occurs.*

22           “(c) *GUIDELINES FOR INVESTIGATION OF POTENTIAL*  
23           *CANCER CLUSTERS.*—*The Secretary, in consultation with*  
24           *the Council of State and Territorial Epidemiologists and*  
25           *representatives of State and local health departments, shall*

1 *develop, publish, and periodically update guidelines for in-*  
2 *vestigating potential cancer clusters. The guidelines shall—*

3           “(1) *recommend that investigations of cancer*  
4 *clusters—*

5                   “(A) *use the criteria developed under sub-*  
6 *section (b);*

7                   “(B) *use the best available science; and*

8                   “(C) *rely on a weight of the scientific evi-*  
9 *dence;*

10           “(2) *provide standardized methods of reviewing*  
11 *and categorizing data, including from health surveil-*  
12 *lance systems and reports of potential cancer clusters;*  
13 *and*

14           “(3) *provide guidance for using appropriate epi-*  
15 *demiological and other approaches for investigations.*

16           “(d) *INVESTIGATION OF CANCER CLUSTERS.—*

17                   “(1) *SECRETARY DISCRETION.—The Secretary—*

18                           “(A) *in consultation with representatives of*  
19 *the relevant State and local health departments,*  
20 *shall consider whether it is appropriate to con-*  
21 *duct an investigation of a potential cancer clus-*  
22 *ter; and*

23                           “(B) *in conducting investigations shall have*  
24 *the discretion to prioritize certain potential can-*

1           *cer clusters, based on the availability of re-*  
2           *sources.*

3           “(2) *COORDINATION.*—*In investigating potential*  
4           *cancer clusters, the Secretary shall coordinate with*  
5           *agencies within the Department of Health and*  
6           *Human Services and other Federal agencies, such as*  
7           *the Environmental Protection Agency.*

8           “(3) *BIOMONITORING.*—*In investigating poten-*  
9           *tial cancer clusters, the Secretary shall rely on all ap-*  
10          *propriate biomonitoring information collected under*  
11          *other Federal programs, such as the National Health*  
12          *and Nutrition Examination Survey. The Secretary*  
13          *may provide technical assistance for relevant biomon-*  
14          *itoring studies of other Federal agencies.*

15          “(e) *DUTIES.*—*The Secretary shall—*

16                “(1) *ensure that appropriate staff of agencies*  
17                *within the Department of Health and Human Serv-*  
18                *ices are prepared to provide timely assistance, to the*  
19                *extent practicable, upon receiving a request to inves-*  
20                *tigate a potential cancer cluster from a State or local*  
21                *health authority;*

22                “(2) *maintain staff expertise in epidemiology,*  
23                *toxicology, data analysis, environmental health and*  
24                *cancer surveillance, exposure assessment, pediatric*  
25                *health, pollution control, community outreach, health*

1        *education, laboratory sampling and analysis, spatial*  
2        *mapping, and informatics;*

3            *“(3) consult with community members as inves-*  
4        *tigations into potential cancer clusters are conducted,*  
5        *as the Secretary determines appropriate;*

6            *“(4) collect, store, and disseminate reports on in-*  
7        *vestigations of potential cancer clusters, the possible*  
8        *causes of such clusters, and the actions taken to ad-*  
9        *dress such clusters; and*

10          *“(5) provide technical assistance for inves-*  
11        *tigating cancer clusters to State and local health de-*  
12        *partments through existing programs, such as the*  
13        *Epi-Aids program of the Centers for Disease Control*  
14        *and Prevention and the Assessments of Chemical Ex-*  
15        *posures Program of the Agency for Toxic Substances*  
16        *and Disease Registry.”.*

17        ***TITLE II—RURAL HEALTHCARE***  
18                            ***CONNECTIVITY***

19        ***SEC. 201. SHORT TITLE.***

20            *This title may be cited as the “Rural Healthcare*  
21        *Connectivity Act of 2016”.*

1 **SEC. 202. TELECOMMUNICATIONS SERVICES FOR SKILLED**  
2 **NURSING FACILITIES.**

3 (a) *IN GENERAL.*—Section 254(h)(7)(B) of the Com-  
4 munications Act of 1934 (47 U.S.C. 254(h)(7)(B)) is  
5 amended—

6 (1) in clause (vi), by striking “and” at the end;

7 (2) by redesignating clause (vii) as clause (viii);

8 (3) by inserting after clause (vi) the following:

9 “(vii) skilled nursing facilities (as de-  
10 fined in section 1819(a) of the Social Secu-  
11 rity Act (42 U.S.C. 1395i–3(a))); and”;

12 (4) in clause (viii), as redesignated, by striking  
13 “clauses (i) through (vi)” and inserting “clauses (i)  
14 through (vii)”.

15 (b) *SAVINGS CLAUSE.*—Nothing in subsection (a) shall  
16 be construed to affect the aggregate annual cap on Federal  
17 universal service support for health care providers under  
18 section 54.675 of title 47, Code of Federal Regulations, or  
19 any successor regulation.



1       (c) *EFFECTIVE DATE.*—*The amendments made by sub-*  
2 *section (a) shall apply beginning on the date that is 180*  
3 *days after the date of the enactment of this Act.*

Attest:

*Clerk.*

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H.R. 2576**

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**HOUSE AMENDMENT TO  
SENATE AMENDMENT**