

118TH CONGRESS
1ST SESSION

H. R. 1158

To amend the Toxic Substances Control Act with respect to new critical energy resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. CURTIS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Toxic Substances Control Act with respect to new critical energy resources, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Elimination of Future
5 Technology Delays Act of 2023”.

6 **SEC. 2. CHEMICAL SUBSTANCE REVIEW FOR CRITICAL EN-**
7 **ERGY RESOURCES.**

8 Section 5(a) of the Toxic Substances Control Act (15
9 U.S.C. 2604(a)) is amended by adding at the end the fol-
10 lowing:

1 “(6) CRITICAL ENERGY RESOURCES.—

2 “(A) STANDARD.—For purposes of a de-
3 termination under paragraph (3) with respect
4 to a chemical substance that is a critical energy
5 resource, the Administrator shall take into con-
6 sideration economic, societal, and environmental
7 costs and benefits, notwithstanding any require-
8 ment of this section to not take such factors
9 into consideration.

10 “(B) FAILURE TO RENDER DETERMINA-
11 TION.—

12 “(i) ACTIONS AUTHORIZED.—If, with
13 respect to a chemical substance that is a
14 critical energy resource, the Administrator
15 fails to make a determination on a notice
16 under paragraph (3) by the end of the ap-
17 plicable review period and the notice has
18 not been withdrawn by the submitter, the
19 submitter may take the actions described
20 in paragraph (1)(A) with respect to the
21 chemical substance, and the Administrator
22 shall be relieved of any requirement to
23 make such determination.

24 “(ii) NON-DUPLICATION.—A refund of
25 applicable fees under paragraph (4)(A)

1 shall not be made if a submitter takes an
2 action described in paragraph (1)(A) under
3 this subparagraph.

4 “(C) PREREQUISITE FOR SUGGESTION OF
5 WITHDRAWAL OR SUSPENSION.—The Adminis-
6 trator may not suggest to, or request of, a sub-
7 mitter of a notice under this subsection for a
8 chemical substance that is a critical energy re-
9 source that such submitter withdraw such no-
10 tice, or request a suspension of the running of
11 the applicable review period with respect to
12 such notice, unless the Administrator has—

13 “(i) conducted a preliminary review of
14 such notice; and

15 “(ii) provided to the submitter a draft
16 of a determination under paragraph (3),
17 including any supporting information.

18 “(D) DEFINITION.—For purposes of this
19 paragraph, the term ‘critical energy resource’
20 means, as determined by the Secretary of En-
21 ergy, any energy resource—

22 “(i) that is essential to the energy sec-
23 tor and energy systems of the United
24 States; and

1 “(ii) the supply chain of which is vul-
2 nerable to disruption.”.

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