

# Union Calendar No. 131

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2576

[Report No. 114-176]

To modernize the Toxic Substances Control Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2015

Mr. SHIMKUS (for himself, Mr. UPTON, Mr. PALLONE, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 23, 2015

Additional sponsors: Mr. HARPER, Mr. GENE GREEN of Texas, Mr. LATTA, Mr. BILIRAKIS, Mr. MOOLENAAR, Mr. DESJARLAIS, Mr. SCHWEIKERT, Mr. SCHRADER, Ms. SCHAKOWSKY, Mr. CARTER of Georgia, Mr. RICHMOND, Mr. RUSH, and Mr. THOMPSON of Mississippi

JUNE 23, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 26, 2015]

# **A BILL**

To modernize the Toxic Substances Control Act, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*  
5 *“TSCA Modernization Act of 2015”.*

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

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

*Sec. 2. Definitions.*

*Sec. 3. Testing of chemical substances and mixtures.*

*Sec. 4. Regulation of hazardous chemical substances and mixtures.*

*Sec. 5. Relationship to other Federal laws.*

*Sec. 6. Disclosure of data.*

*Sec. 7. Effect on State law.*

*Sec. 8. Administration of the Act.*

*Sec. 9. Conforming amendments.*

8 **SEC. 2. DEFINITIONS.**

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

11 (1) *by redesignating paragraphs (7) through (14)*  
12 *as paragraphs (8) through (10) and (12) through*  
13 *(16), respectively;*

14 (2) *by inserting after paragraph (6) the fol-*  
15 *lowing:*

16 *“(7) The term ‘intended conditions of use’ means the*  
17 *circumstances under which a chemical substance is in-*  
18 *tended, known, or reasonably foreseeable to be manufac-*  
19 *tured, processed, distributed in commerce, used, and dis-*  
20 *posed of.”; and*

1           (3) *by inserting after paragraph (10), as so re-*  
2           *designated, the following:*

3           “(11) *The term ‘potentially exposed subpopulation’*  
4           *means a group of individuals within the general population*  
5           *who, due to either greater susceptibility or greater potential*  
6           *exposure, are likely to be at greater risk than the general*  
7           *population of adverse health effects from exposure to a*  
8           *chemical substance.’”.*

9           **SEC. 3. TESTING OF CHEMICAL SUBSTANCES AND MIX-**  
10           **TURES.**

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

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

14                   (A) *in subparagraph (A)(iii), by striking “;*  
15                   *or” and inserting a semicolon;*

16                   (B) *in subparagraph (B)(iii), by striking “;*  
17                   *and” and inserting “; or”; and*

18                   (C) *by adding at the end the following:*

19                           “(C) *testing of a chemical substance is necessary*  
20                           *to conduct a risk evaluation under section 6(b); and”;*

21                   (2) *in the matter following subsection (a)(2), by*  
22                   *inserting “, order, or consent agreement” after “by*  
23                   *rule”; and*

1           (3) in subsection (b)(5), by striking “paragraph  
2           (1)(A) or (1)(B)” and inserting “paragraph (1)(A),  
3           (1)(B), or (1)(C)”.

4 **SEC. 4. REGULATION OF HAZARDOUS CHEMICAL SUB-**  
5 **STANCES AND MIXTURES.**

6           (a) *SCOPE OF REGULATION.*—Section 6(a) of the Toxic  
7 *Substances Control Act (15 U.S.C. 2605(a))* is amended—  
8           (1) by striking “finds that there is a reasonable  
9           basis to conclude” and inserting “determines under  
10           subsection (b)”;

11           (2) by inserting “or designates a chemical sub-  
12           stance under subsection (i)(2),” before “the Adminis-  
13           trator shall by rule”; and

14           (3) by striking “to protect adequately against  
15           such risk using the least burdensome requirements”  
16           and inserting “so that the chemical substance or mix-  
17           ture no longer presents or will present an unreason-  
18           able risk, including an identified unreasonable risk to  
19           a potentially exposed subpopulation”.

20           (b) *RISK EVALUATIONS.*—Section 6(b) of the Toxic  
21 *Substances Control Act (15 U.S.C. 2605(b))* is amended to  
22 read as follows:

23           “(b) *RISK EVALUATIONS.*—

24           “(1) *IN GENERAL.*—The Administrator shall con-  
25           duct risk evaluations pursuant to this subsection to

1 *determine whether or not a chemical substance pre-*  
2 *sents or will present, in the absence of requirements*  
3 *under subsection (a), an unreasonable risk of injury*  
4 *to health or the environment.*

5 “(2) *APPLYING REQUIREMENTS.*—*The Adminis-*  
6 *trator shall apply requirements with respect to a*  
7 *chemical substance through a rule under subsection*  
8 *(a) only if the Administrator determines through a*  
9 *risk evaluation under this subsection that the chem-*  
10 *ical substance presents or will present, in the absence*  
11 *of such requirements, an unreasonable risk of injury*  
12 *to health or the environment.*

13 “(3) *CONDUCTING RISK EVALUATION.*—

14 “(A) *REQUIRED RISK EVALUATIONS.*—*The*  
15 *Administrator shall conduct and publish the re-*  
16 *sults of a risk evaluation under this subsection*  
17 *for a chemical substance if—*

18 “(i) *the Administrator determines that*  
19 *the chemical substance may present an un-*  
20 *reasonable risk of injury to health or the en-*  
21 *vironment because of potential hazard and*  
22 *a potential route of exposure under the in-*  
23 *tended conditions of use; or*

24 “(ii) *a manufacturer of the chemical*  
25 *substance requests such a risk evaluation.*

1           “(B) *TSCA WORK PLAN CHEMICALS.*—*The*  
2           *Administrator may, without making a deter-*  
3           *mination under subparagraph (A)(i), conduct*  
4           *and publish the results of a risk evaluation*  
5           *under this subsection for a chemical substance*  
6           *that, on the date of enactment of the TSCA Mod-*  
7           *ernization Act of 2015, is listed in the TSCA*  
8           *Work Plan for Chemical Assessments published*  
9           *by the Administrator.*

10           “(4) *REQUIREMENTS.*—*In conducting a risk*  
11           *evaluation under this subsection, the Administrator*  
12           *shall—*

13           “(A) *integrate and assess information on*  
14           *hazards and exposures for all of the intended*  
15           *conditions of use of the chemical substance, in-*  
16           *cluding information that is relevant to specific*  
17           *risks of injury to health or the environment and*  
18           *information on potentially exposed subpopula-*  
19           *tions;*

20           “(B) *not consider information on cost and*  
21           *other factors not directly related to health or the*  
22           *environment;*

23           “(C) *take into account, where relevant, the*  
24           *likely duration, intensity, frequency, and num-*

1           *ber of exposures under the intended conditions of*  
2           *use of the chemical substance;*

3           “(D) *describe the weight of the scientific evi-*  
4           *dence for identified hazard and exposure;*

5           “(E) *consider whether the weight of the sci-*  
6           *entific evidence supports the identification of*  
7           *doses of the chemical substance below which no*  
8           *adverse effects can be expected to occur; and*

9           “(F) *in the case of a risk evaluation re-*  
10          *quested by a manufacturer under paragraph*  
11          *(3)(A)(i), ensure that the costs to the Environ-*  
12          *mental Protection Agency, including contractor*  
13          *costs, of conducting the risk evaluation are paid*  
14          *for by the manufacturer.*

15          “(5) *DEADLINES.—*

16          “(A) *RISK EVALUATIONS.—The Adminis-*  
17          *trator shall conduct and publish a risk evalua-*  
18          *tion under this subsection for a chemical sub-*  
19          *stance as soon as reasonably possible, subject to*  
20          *the availability of resources, but not later than*  
21          *3 years after the date on which—*

22                  “(i) *the Administrator—*

23                          “(I) *makes a determination under*  
24                          *paragraph (3)(A)(i); or*

1                   “(II) begins the risk evaluation  
2                   under paragraph (3)(B); or

3                   “(ii) a manufacturer requests the risk  
4                   evaluation under paragraph (3)(A)(ii).

5                   “(B) SUBSECTION (a) RULES.—If, based on  
6                   a risk evaluation conducted under this sub-  
7                   section, the Administrator determines that a  
8                   chemical substance presents or will present, in  
9                   the absence of a rule under subsection (a), an  
10                  unreasonable risk of injury to health or the envi-  
11                  ronment, the Administrator shall—

12                  “(i) propose a rule under subsection  
13                  (a) for the chemical substance not later than  
14                  90 days after the date on which the risk  
15                  evaluation regarding such chemical sub-  
16                  stance is published under subparagraph (A);  
17                  and

18                  “(ii) publish in the Federal Register a  
19                  final rule not later than 180 days after the  
20                  date on which the risk evaluation regarding  
21                  such chemical substance is published under  
22                  subparagraph (A).

23                  “(C) EXTENSION.—If the Administrator de-  
24                  termines that additional information is nec-  
25                  essary to make a risk evaluation determination

1           *under this subsection, the Administrator may ex-*  
2           *tend the deadline under subparagraph (A) ac-*  
3           *cordingly, except that the deadline may not be*  
4           *extended to a date that is later than—*

5                     *“(i) 90 days after receipt of such addi-*  
6                     *tional information; or*

7                     *“(ii) 2 years after the original dead-*  
8                     *line.*

9           “(6) *DETERMINATIONS OF NO UNREASONABLE*  
10       *RISK.—*

11                     *“(A) NOTICE AND COMMENT.—Not later*  
12                     *than 30 days before publishing a final deter-*  
13                     *mination under this subsection that a chemical*  
14                     *substance does not and will not present an un-*  
15                     *reasonable risk of injury to health or the envi-*  
16                     *ronment, the Administrator shall make a pre-*  
17                     *liminary determination to such effect and pro-*  
18                     *vide public notice of, and an opportunity for*  
19                     *comment regarding, such preliminary deter-*  
20                     *mination.*

21                     *“(B) POTENTIALLY EXPOSED SUBPOPULA-*  
22                     *TIONS.—The Administrator shall not make a de-*  
23                     *termination under this subsection that a chem-*  
24                     *ical substance will not present an unreasonable*  
25                     *risk of injury to health or the environment if the*

1            *Administrator determines that the chemical sub-*  
2            *stance, under the intended conditions of use, pre-*  
3            *sents or will present an unreasonable risk of in-*  
4            *jury to 1 or more potentially exposed subpopula-*  
5            *tions.*

6            “(C) *FINAL ACTION.*—*A final determination*  
7            *under this subsection that a chemical substance*  
8            *will not present an unreasonable risk of injury*  
9            *to health or the environment shall be considered*  
10           *a final agency action.*

11           “(7) *MINIMUM NUMBER.*—*Subject to the avail-*  
12           *ability of appropriations, the Administrator shall ini-*  
13           *tiate 10 or more risk evaluations under paragraphs*  
14           *(3)(A)(i) or (3)(B) in each fiscal year beginning in*  
15           *the fiscal year of the date of enactment of the TSCA*  
16           *Modernization Act of 2015.”.*

17           (c) *PROMULGATION OF SUBSECTION (a) RULES.*—*Sec-*  
18           *tion 6(c) of the Toxic Substances Control Act (15 U.S.C.*  
19           *2605(c)) is amended—*

20                      (1) *by amending paragraph (1) to read as fol-*  
21           *lows:*

22                      “(1) *REQUIREMENTS FOR RULE.*—*In promul-*  
23           *gating any rule under subsection (a) with respect to*  
24           *a chemical substance or mixture, the Administrator*  
25           *shall—*

1           “(A) consider and publish a statement with  
2           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 the chemical substance or mix-  
11                  ture;

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

14                  “(iv) the reasonably ascertainable eco-  
15                  nomic consequences of the rule, including  
16                  consideration of the likely effect of the rule  
17                  on the national economy, small business,  
18                  technological innovation, the environment,  
19                  and public health;

20                  “(B) impose requirements under the rule  
21                  that the Administrator determines, consistent  
22                  with the information published under subpara-  
23                  graph (A), are cost-effective, except where the Ad-  
24                  ministrator determines that additional or dif-  
25                  ferent requirements described in subsection (a)

1           *are necessary to protect against the identified*  
2           *risk;*

3           “(C) *based on the information published*  
4           *under subparagraph (A), in deciding whether to*  
5           *prohibit or restrict in a manner that substan-*  
6           *tially prevents a specific use of a chemical sub-*  
7           *stance or mixture and in setting an appropriate*  
8           *transition period for such action, determine*  
9           *whether technically and economically feasible al-*  
10          *ternatives that benefit health or the environment,*  
11          *compared to the use so proposed to be prohibited*  
12          *or restricted, will be reasonably available as a*  
13          *substitute when the proposed prohibition or other*  
14          *restriction takes effect;*

15          “(D) *exempt replacement parts designed*  
16          *prior to the date of publication in the Federal*  
17          *Register of the rule unless the Administrator*  
18          *finds such replacement parts contribute signifi-*  
19          *cantly to the identified risk, including identified*  
20          *risk to identified potentially exposed subpopula-*  
21          *tions; and*

22          “(E) *in selecting among prohibitions and*  
23          *other restrictions to address an identified risk,*  
24          *apply prohibitions or other restrictions to arti-*  
25          *cles on the basis of a chemical substance or mix-*

1           *ture contained in the article only to the extent*  
2           *necessary to protect against the identified risk.”;*

3           *(2) in paragraph (2)—*

4                   *(A) by inserting “PROCEDURES.—” before*  
5                   *“When prescribing a rule”;*

6                   *(B) by striking “provide an opportunity for*  
7                   *an informal hearing in accordance with para-*  
8                   *graph (3); (D)”;*

9                   *(C) by striking “, and (E)” and inserting*  
10                   *“; and (D)”;* and

11                   *(D) by moving such paragraph 2 ems to the*  
12                   *right;*

13                   *(3) by striking paragraphs (3) and (4) and re-*  
14                   *designating paragraph (5) as paragraph (3); and*

15                   *(4) in paragraph (3) (as so redesignated)—*

16                   *(A) by striking “Paragraphs (1), (2), (3),*  
17                   *and (4)” and inserting “APPLICATION.—Para-*  
18                   *graphs (1) and (2)”;* and

19                   *(B) by moving such paragraph 2 ems to the*  
20                   *right.*

21           *(d) EFFECTIVE DATE.—Section 6(d)(2)(B) of the*  
22           *Toxic Substances Control Act (15 U.S.C. 2605(d)(2)(B)) is*  
23           *amended by adding at the end the following: “Any rule pro-*  
24           *mulgated under subsection (a) shall provide for a reasonable*  
25           *transition period.”.*

1           (e) *NON-RISK FACTORS; CRITICAL USE EXEMPTIONS;*  
2 *PBT CHEMICALS.*—Section 6 of the Toxic Substances Con-  
3 trol Act (15 U.S.C. 2605) is amended by adding at the end  
4 the following:

5           “(g) *NON-RISK FACTORS.*—The Administrator shall  
6 not consider costs or other non-risk factors when deciding  
7 whether to initiate a rulemaking under subsection (a).

8           “(h) *CRITICAL USE EXEMPTIONS.*—

9                 “(1) *CRITERIA FOR EXEMPTION.*—The Adminis-  
10 trator may grant an exemption from a requirement  
11 of a subsection (a) rule for a specific use of a chem-  
12 ical substance or mixture, if—

13                     “(A) the requirement is not cost-effective  
14 with respect to the specific use, as determined by  
15 the Administrator pursuant to subsection  
16 (c)(1)(B); and

17                     “(B) the Administrator finds that—

18                             “(i) the specific use is a critical or es-  
19 sential use; or

20                             “(ii) the requirement, as applied with  
21 respect to the specific use, would signifi-  
22 cantly disrupt the national economy, na-  
23 tional security, or critical infrastructure.

24                 “(2) *PROCEDURE.*—An exemption granted under  
25 paragraph (1) shall be—

1           “(A) supported by clear and convincing evi-  
2           dence;

3           “(B) preceded by public notice of the pro-  
4           posed exemption and an opportunity for com-  
5           ment; and

6           “(C) followed by notice of the granted ex-  
7           emption—

8                 “(i) to the public, by the Adminis-  
9                 trator; and

10                “(ii) to known commercial purchasers  
11                of the chemical substance or mixture with  
12                respect to which the exemption applies, by  
13                the manufacturers and processors of such  
14                chemical substance or mixture.

15           “(3) *PERIOD OF EXEMPTION.*—An exemption  
16           granted under paragraph (1) shall expire after a pe-  
17           riod not to exceed 5 years, but may be renewed for  
18           one or more additional 5-year periods if the Adminis-  
19           trator finds that the requirements of paragraph (1)  
20           continue to be met.

21           “(4) *CONDITIONS.*—The Administrator shall im-  
22           pose conditions on any use for which an exemption  
23           is granted under paragraph (1) to reduce risk from  
24           the chemical substance or mixture to the greatest ex-  
25           tent feasible.

1       “(i) *CHEMICALS THAT ARE PERSISTENT, BIOACCUMU-*  
2 *LATIVE, AND TOXIC.*—

3               “(1) *IDENTIFICATION.*—*Not later than 9 months*  
4 *after the date of enactment of the TSCA Moderniza-*  
5 *tion Act of 2015, the Administrator shall publish a*  
6 *list of those chemical substances that the Adminis-*  
7 *trator has a reasonable basis to conclude are per-*  
8 *sistent, bioaccumulative, and toxic, not including any*  
9 *chemical substance that is a metal, a metal com-*  
10 *ound, or subject to subsection (e).*

11               “(2) *CONFIRMATION OF CONCERN.*—*Not later*  
12 *than 2 years after the date of enactment of the TSCA*  
13 *Modernization Act of 2015, the Administrator shall*  
14 *designate as a PBT chemical of concern each chemical*  
15 *substance on the list published under paragraph (1)—*

16                       “(A) *that, with respect to persistence and*  
17 *bioaccumulation, scores high for one and either*  
18 *high or moderate for the other, pursuant to the*  
19 *TSCA Work Plan Chemicals Methods Document*  
20 *published by the Administrator in February*  
21 *2012; and*

22                       “(B) *exposure to which is likely to the gen-*  
23 *eral population or to a potentially exposed sub-*  
24 *population identified by the Administrator.*

1           “(3) *EXPEDITED ACTION.*—Notwithstanding sub-  
2           *section (b)(2), subject to the availability of appropri-*  
3           *tions, not later than 2 years after designating a*  
4           *chemical substance under paragraph (2), the Admin-*  
5           *istrator shall promulgate a rule under subsection (a)*  
6           *with respect to the chemical substance to reduce likely*  
7           *exposure to the extent practicable.*

8           “(4) *RELATIONSHIP TO SUBSECTION (b).*—If, at  
9           *any time prior to the date that is 90 days after the*  
10           *date on which the Administrator publishes the list*  
11           *under paragraph (1), the Administrator makes a*  
12           *finding under subsection (b)(3)(A)(i), or a manufac-*  
13           *turer requests a risk evaluation under subsection*  
14           *(b)(3)(A)(ii), with respect to a chemical substance,*  
15           *such chemical substance shall not be subject to this*  
16           *subsection.”.*

17 **SEC. 5. RELATIONSHIP TO OTHER FEDERAL LAWS.**

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

20           (1) *by striking “The Administrator shall coordi-*  
21           *nate” and inserting “(1) The Administrator shall co-*  
22           *ordinate”; and*

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

24           “(2) *In making a determination under paragraph (1)*  
25 *that it is in the public interest for the Administrator to*

1 *take an action under this title with respect to a chemical*  
2 *substance or mixture rather than under another law admin-*  
3 *istered in whole or in part by the Administrator, the Ad-*  
4 *ministrator shall consider the relevant risks, and compare*  
5 *the estimated costs and efficiencies, of the action to be taken*  
6 *under this title and an action to be taken under such other*  
7 *law to protect against such risk.”.*

8 **SEC. 6. DISCLOSURE OF DATA.**

9 *Section 14 of the Toxic Substances Control Act (15*  
10 *U.S.C. 2613) is amended—*

11 *(1) in subsection (a)—*

12 *(A) by striking “or” at the end of para-*  
13 *graph (3);*

14 *(B) by striking the period at the end of*  
15 *paragraph (4) and inserting a semicolon; and*

16 *(C) by adding after paragraph (4) the fol-*  
17 *lowing new paragraphs:*

18 *“(5) may be disclosed to a State, local, or tribal*  
19 *government official upon request of the official for the*  
20 *purpose of administration or enforcement of a law;*  
21 *and*

22 *“(6) shall be disclosed upon request—*

23 *“(A) to a health or environmental profes-*  
24 *sional employed by a Federal or State agency in*  
25 *response to an environmental release; or*

1           “(B) to a treating physician or other health  
2           care professional to assist in the diagnosis or  
3           treatment of 1 or more individuals.”;

4           (2) in subsection (b)(1), in the matter following  
5           subparagraph (B)—

6           (A) by striking “data which discloses” and  
7           inserting “data that disclose formulas (including  
8           molecular structures) of a chemical substance or  
9           mixture,”;

10          (B) by striking “mixture or,” and inserting  
11          “mixture, or,”; and

12          (C) by striking “the release of data dis-  
13          closing”;

14          (3) in subsection (c)—

15          (A) by striking the subsection heading and  
16          inserting “DESIGNATING AND SUBSTANTIATING  
17          CONFIDENTIALITY.—”;

18          (B) by amending paragraph (1) to read as  
19          follows: “(1)(A) In submitting information under  
20          this Act after date of enactment of the TSCA  
21          Modernization Act of 2015, a manufacturer,  
22          processor, or distributor in commerce shall des-  
23          ignate the information which such person be-  
24          lieves is entitled to protection under this section,  
25          and submit such designated information sepa-

1           *rately from other information submitted under*  
2           *this Act. A designation under this subparagraph*  
3           *shall be made in writing and in such manner as*  
4           *the Administrator may prescribe, and shall in-*  
5           *clude—*

6                   “(i) *justification for each designation of*  
7                   *confidentiality;*

8                   “(ii) *a certification that the information is*  
9                   *not otherwise publicly available; and*

10                   “(iii) *separate copies of all submitted infor-*  
11                   *mation, with 1 copy containing and 1 copy ex-*  
12                   *cluding the information to which the request ap-*  
13                   *plies.*

14                   “(B) *Designations made under subparagraph*  
15                   *(A) after the date of enactment of the TSCA Mod-*  
16                   *ernization Act of 2015 shall expire after 10 years, at*  
17                   *which time the information shall be made public un-*  
18                   *less the manufacturer, processor, or distributor in*  
19                   *commerce has reasserted the claim for protection, in*  
20                   *writing and in such manner as the Administrator*  
21                   *may prescribe, including all of the elements required*  
22                   *for the initial submission.*

23                   “(C) *Not later than 60 days prior to making in-*  
24                   *formation public under subparagraph (B), the Ad-*  
25                   *ministrator shall notify, as appropriate and prac-*

1        *licable, the manufacturer, processor, or distributor in*  
2        *commerce who designated the information under sub-*  
3        *paragraph (A) of the date on which such information*  
4        *will be made public unless a request for renewal is*  
5        *granted under subparagraph (B).”;* and

6                    *(C) in paragraph (2)—*

7                    *(i) in subparagraph (A), by inserting*  
8                    *“, for a reason other than the expiration of*  
9                    *such designation pursuant to paragraph*  
10                   *(1)(B),” before “proposes to release”;* and

11                   *(ii) in subparagraph (B)(i), by strik-*  
12                   *ing “or (4)” and inserting “(4), or (6)”;*  
13                   *and*

14                   *(4) by adding at the end the following new sub-*  
15        *sections:*

16        *“(f) PROHIBITION.—No person who receives informa-*  
17        *tion as permitted under subsection (a) may use such infor-*  
18        *mation for any purpose not specified in such subsection,*  
19        *nor disclose such information to any person not authorized*  
20        *to receive such information.*

21        *“(g) SAVINGS.—Nothing in this section shall be con-*  
22        *strued to affect the applicability of State or Federal rules*  
23        *of evidence or procedure in any judicial proceeding.”.*

1 **SEC. 7. EFFECT ON STATE LAW.**

2 (a) *IN GENERAL.*—Section 18(a) of the Toxic Sub-  
3 stances Control Act (15 U.S.C. 2617(a)) is amended—

4 (1) in paragraph (2)(A), by striking “; and” and  
5 inserting a semicolon;

6 (2) by striking paragraph (2)(B) and inserting  
7 the following:

8 “(B) if the Administrator makes a final deter-  
9 mination under section 6(b) that a chemical sub-  
10 stance will not present an unreasonable risk of injury  
11 to health or the environment under the intended con-  
12 dition of use, no State or political subdivision may,  
13 after the date of publication of such determination, es-  
14 tablish or continue in effect any requirement that ap-  
15 plies to such chemical substance under the intended  
16 conditions of use considered by the Administrator in  
17 the risk evaluation under section 6(b), and is designed  
18 to protect against exposure to such chemical substance  
19 under the intended conditions of use, unless the re-  
20 quirement of the State or political subdivision—

21 “(i) is adopted under the authority of a  
22 Federal law; or

23 “(ii) is adopted to protect air or water  
24 quality or is related to waste treatment or waste  
25 disposal, except that this clause does not apply  
26 to such a requirement if a provision of this title,

1           *or an action or determination made by the Ad-*  
2           *ministrator under this title, actually conflicts*  
3           *with the requirement; and*

4           “(C) *if the Administrator imposes a requirement,*  
5           *through a rule or order under section 5 or 6, that ap-*  
6           *plies to a chemical substance or mixture (other than*  
7           *a requirement described in section 6(a)(6)) and is de-*  
8           *signed to protect against a risk of injury to health or*  
9           *the environment associated with such chemical sub-*  
10          *stance or mixture, no State or political subdivision*  
11          *may, after the effective date of such requirement, es-*  
12          *tablish or continue in effect any requirement that ap-*  
13          *plies to such chemical substance or mixture (includ-*  
14          *ing a requirement that applies to an article because*  
15          *the article contains the chemical substance or mix-*  
16          *ture) and is designed to protect against exposure to*  
17          *the chemical substance or mixture either under the in-*  
18          *tended conditions of use considered by the Adminis-*  
19          *trator in the risk evaluation under section 6(b) or*  
20          *from a use identified in a notice received by the Ad-*  
21          *ministrator under section 5(a), or, in the case of a re-*  
22          *quirement imposed pursuant to section 6(i), is de-*  
23          *signed to protect against a risk of injury considered*  
24          *by the Administrator in imposing such requirement,*

1       *unless the requirement of the State or political sub-*  
2       *division—*

3               *“(i) is identical to the requirement imposed*  
4       *by the Administrator;*

5               *“(ii) is adopted under the authority of a*  
6       *Federal law; or*

7               *“(iii) is adopted to protect air or water*  
8       *quality or is related to waste treatment or waste*  
9       *disposal, except that this clause does not apply*  
10       *to such a requirement if a provision of this title,*  
11       *or an action or determination made by the Ad-*  
12       *ministrator under this title, actually conflicts*  
13       *with the requirement.”; and*

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

15       *“(3) In the case of an identical requirement described*  
16       *in paragraph (2)(C)(i)—*

17               *“(A) a State may not assess a penalty for a spe-*  
18       *cific violation for which the Administrator has as-*  
19       *essed a penalty under section 16; and*

20               *“(B) if a State has assessed a penalty for a spe-*  
21       *cific violation, the Administrator may not assess a*  
22       *penalty for that violation in an amount that would*  
23       *cause the total of the penalties assessed for the viola-*  
24       *tion by the State and the Administrator combined to*  
25       *exceed the maximum amount that may be assessed for*

1       *that violation by the Administrator under section*  
2       *16.”.*

3       **(b) SAVINGS.**—*Section 18 of the Toxic Substances Con-*  
4       *trol Act (15 U.S.C. 2617) is amended by adding at the end*  
5       *the following:*

6       **“(c) SAVINGS.**—

7               **“(1) PRIOR STATE ACTIONS.**—*Nothing in this*  
8       *title, nor any risk evaluation, rule, order, standard,*  
9       *or requirement completed or implemented under this*  
10       *title, shall be construed to preempt or otherwise affect*  
11       *the authority of a State or political subdivision of a*  
12       *State to continue to enforce any action taken before*  
13       *August 1, 2015, under the authority of a State law*  
14       *that prohibits or otherwise restricts the manufac-*  
15       *turing, processing, distribution in commerce, use, or*  
16       *disposal of a chemical substance, or any action taken*  
17       *pursuant to a State law that was in effect on August*  
18       *31, 2003, unless an action or determination made by*  
19       *the Administrator under this title actually conflicts*  
20       *with the action taken pursuant to such a State law.*

21               **“(2) TORT AND CONTRACT LAW.**—*Nothing in this*  
22       *title, nor any risk evaluation, rule, order, standard,*  
23       *or requirement completed or implemented under this*  
24       *title, shall be construed to preempt or otherwise affect*  
25       *either Federal or State tort law or the law governing*

1       *the interpretation of contracts of any State, including*  
2       *any remedy for civil relief, whether under statutory*  
3       *or common law, including a remedy for civil dam-*  
4       *ages, and any cause of action for personal injury,*  
5       *wrongful death, property damage, or other injury*  
6       *based on negligence, strict liability, products liability,*  
7       *failure to warn, or any other legal theory relating to*  
8       *tort law.*

9               “(3) *INTENT OF CONGRESS.—It is not the intent*  
10       *of Congress that this title, or rules, regulations, or or-*  
11       *ders issued pursuant to this title, be interpreted as in-*  
12       *fluencing, in either a plaintiff’s or defendant’s favor,*  
13       *the disposition of any civil action for damages in a*  
14       *State court, or the authority of any court to make a*  
15       *determination in an adjudicatory proceeding under*  
16       *applicable State law with respect to the admissibility*  
17       *of evidence, unless a provision of this title actually*  
18       *conflicts with the State court action.*

19               “(4) *APPLICATION.—For purposes of this title,*  
20       *the term ‘requirements’ does not include civil tort ac-*  
21       *tions for damages under State law.”.*

22               “(c) *EFFECT OF ACTIONS BY ADMINISTRATOR.—Noth-*  
23       *ing in this Act, or the amendments made by this Act, shall*  
24       *be construed as changing the preemptive effect of an action*

1 *taken by the Administrator prior to the date of enactment*  
2 *of this Act or under section 6(e).*

3 **SEC. 8. ADMINISTRATION OF THE ACT.**

4 *Section 26 of the Toxic Substances Control Act (15*  
5 *U.S.C. 2625) is amended—*

6 *(1) in subsection (b)(1)—*

7 *(A) by striking “of a reasonable fee”;*

8 *(B) by inserting “of a fee that is sufficient*  
9 *and not more than reasonably necessary” after*  
10 *“section 4 or 5”;*

11 *(C) by inserting “, or who requests a risk*  
12 *evaluation under section 6(b)(3)(A)(ii),” before*  
13 *“to defray the cost”;*

14 *(D) by striking “this Act” and inserting*  
15 *“the provision of this title for which such fee is*  
16 *collected”;* and

17 *(E) by striking “Such rules shall not pro-*  
18 *vide for any fee in excess of \$2,500 or, in the*  
19 *case of a small business concern, any fee in ex-*  
20 *cess of \$100.” and inserting “Such rules shall*  
21 *provide for lower fees for small business con-*  
22 *cerns.”;*

23 *(2) by adding at the end of subsection (b) the fol-*  
24 *lowing:*

25 *“(3) FUND.—*

1           “(A) *ESTABLISHMENT.*—*There is established in*  
2 *the Treasury of the United States a revolving fund,*  
3 *to be known as the TSCA Service Fee Fund (in this*  
4 *paragraph referred to as the ‘Fund’), consisting of*  
5 *such amounts as are deposited in the Fund under this*  
6 *paragraph.*

7           “(B) *COLLECTION AND DEPOSIT OF FEES.*—*The*  
8 *Administrator shall collect the fees described in para-*  
9 *graph (1) and deposit those fees in the Fund.*

10           “(C) *CREDITING AND AVAILABILITY OF FEES.*—  
11 *On request by the Administrator, the Secretary of the*  
12 *Treasury shall transfer from the Fund to the Admin-*  
13 *istrator amounts appropriated to pay or recover the*  
14 *full costs incurred by the Environmental Protection*  
15 *Agency, including contractor costs, in carrying out*  
16 *the provisions of this title for which the fees are col-*  
17 *lected under paragraph (1).*

18           “(D) *USE OF FUNDS BY ADMINISTRATOR.*—  
19 *Amounts equivalent to fees collected by the Adminis-*  
20 *trator and deposited in the Fund under this section*  
21 *shall be available without fiscal year limitation to the*  
22 *Administrator, subject to the availability of appro-*  
23 *priations, for use only in administering the provi-*  
24 *sions of this title for which the fees are collected.*

25           “(E) *ACCOUNTING AND AUDITING.*—

1           “(i) *ACCOUNTING.*—*The Administrator shall*  
2           *biennially prepare and submit to the Committee*  
3           *on Environment and Public Works of the Senate*  
4           *and the Committee on Energy and Commerce of*  
5           *the House of Representatives a report that in-*  
6           *cludes an accounting of the fees paid to the Ad-*  
7           *ministrator under this paragraph and amounts*  
8           *disbursed from the Fund for the period covered*  
9           *by the report, as reflected by financial statements*  
10           *provided in accordance with sections 3515 and*  
11           *3521 of title 31, United States Code.*

12           “(ii) *AUDITING.*—

13           “(I) *IN GENERAL.*—*For the purpose of*  
14           *section 3515(c) of title 31, United States*  
15           *Code, the Fund shall be considered a compo-*  
16           *nent of a covered executive agency.*

17           “(II) *COMPONENTS OF AUDIT.*—*The*  
18           *annual audit required in accordance with*  
19           *sections 3515 and 3521 of title 31, United*  
20           *States Code, of the financial statements of*  
21           *activities carried out using amounts from*  
22           *the Fund shall include an analysis of—*

23                   “(aa) *the fees collected and*  
24                   *amounts disbursed under this sub-*  
25                   *section;*

1                   “(bb) the reasonableness of the fees  
2                   in place as of the date of the audit to  
3                   meet current and projected costs of ad-  
4                   ministering the provisions of the title  
5                   for which the fees are collected; and

6                   “(cc) the number of requests for a  
7                   risk evaluation made by manufacturers  
8                   under section 6(b)(3)(A)(ii).

9                   “(III) FEDERAL RESPONSIBILITY.—

10                   *The Inspector General of the Environmental*  
11                   *Protection Agency shall conduct the annual*  
12                   *audit described in subclause (II) and sub-*  
13                   *mit to the Administrator a report that de-*  
14                   *scribes the findings and any recommenda-*  
15                   *tions of the Inspector General resulting from*  
16                   *the audit.”; and*

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

18                   “(h) SCIENTIFIC STANDARDS.—In carrying out sec-  
19                   tions 4, 5, and 6, to the extent that the Administrator makes  
20                   a decision based on science, the Administrator shall con-  
21                   sider, as applicable—

22                   “(1) the extent to which the scientific and tech-  
23                   nical procedures, measures, methods, or models em-  
24                   ployed to generate the information are reasonable for  
25                   and consistent with the use of the information;

1           “(2) *the extent to which the information is rel-*  
2 *evant for the Administrator’s use in making a deci-*  
3 *sion about a chemical substance or mixture;*

4           “(3) *the degree of clarity and completeness with*  
5 *which the data, assumptions, methods, quality assur-*  
6 *ance, and analyses employed to generate the informa-*  
7 *tion are documented;*

8           “(4) *the extent to which the variability and un-*  
9 *certainty in the information, or in the procedures,*  
10 *measures, methods, or models, are evaluated and char-*  
11 *acterized; and*

12           “(5) *the extent of independent verification or*  
13 *peer review of the information or of the procedures,*  
14 *measures, methods, or models.*

15           “(i) *WEIGHT OF SCIENTIFIC EVIDENCE.—The Admin-*  
16 *istrator shall make decisions under sections 4, 5, and 6*  
17 *based on the weight of the scientific evidence.*

18           “(j) *AVAILABILITY OF INFORMATION.—Subject to sec-*  
19 *tion 14, the Administrator shall make available to the pub-*  
20 *lic all notices, determinations, findings, rules, and orders*  
21 *of the Administrator under this title.*

22           “(k) *POLICIES, PROCEDURES, AND GUIDANCE.—*

23           “(1) *DEVELOPMENT.—Not later than 2 years*  
24 *after the date of enactment of the TSCA Moderniza-*  
25 *tion Act of 2015, the Administrator shall develop any*

1 *policies, procedures, and guidance the Administrator*  
2 *determines are necessary to carry out the amendments*  
3 *to this Act made by the TSCA Modernization Act of*  
4 *2015.*

5 “(2) *REVIEW.*—*Not later than 5 years after the*  
6 *date of enactment of the TSCA Modernization Act of*  
7 *2015, and not less frequently than once every 5 years*  
8 *thereafter, the Administrator shall—*

9 “(A) *review the adequacy of the policies,*  
10 *procedures, and guidance developed under para-*  
11 *graph (1), including with respect to animal,*  
12 *nonanimal, and epidemiological test methods*  
13 *and procedures for assessing and determining*  
14 *risk under this title; and*

15 “(B) *revise such policies, procedures, and*  
16 *guidance as the Administrator determines nec-*  
17 *essary to reflect new scientific developments or*  
18 *understandings.*

19 “(l) *REPORT TO CONGRESS.*—

20 “(1) *INITIAL REPORT.*—*Not later than 6 months*  
21 *after the date of enactment of the TSCA Moderniza-*  
22 *tion Act of 2015, the Administrator shall submit to*  
23 *the Committees on Energy and Commerce and Appro-*  
24 *propriations of the House of Representatives and the*  
25 *Committees on Environment and Public Works and*

1       *Appropriations of the Senate a report containing an*  
2       *estimation of—*

3               “(A) *the capacity of the Environmental*  
4               *Protection Agency to conduct and publish risk*  
5               *evaluations under subparagraphs (A)(i) and (B)*  
6               *of section 6(b)(3), and the resources necessary to*  
7               *initiate the minimum number of risk evaluations*  
8               *required under section 6(b)(7);*

9               “(B) *the capacity of the Environmental*  
10              *Protection Agency to conduct and publish risk*  
11              *evaluations under section 6(b)(3)(A)(ii), the like-*  
12              *ly demand for such risk evaluations, and the an-*  
13              *ticipated schedule for accommodating that de-*  
14              *mand;*

15              “(C) *the capacity of the Environmental*  
16              *Protection Agency to promulgate rules under sec-*  
17              *tion 6(a) as required based on risk evaluations*  
18              *conducted and published under section 6(b); and*

19              “(D) *the actual and anticipated efforts of*  
20              *the Environmental Protection Agency to increase*  
21              *the Agency’s capacity to conduct and publish*  
22              *risk evaluations under section 6(b).*

23              “(2) *SUBSEQUENT REPORTS.—The Adminis-*  
24              *trator shall update and resubmit the report described*

1        *in paragraph (1) not less frequently than once every*  
2        *5 years.”.*

3        **SEC. 9. CONFORMING AMENDMENTS.**

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

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

7                        (A) *in paragraph (1), by striking “rule”*  
8                        *each place it appears and inserting “rule, order,*  
9                        *or consent agreement”;*

10                      (B) *in paragraph (2)(B), by striking*  
11                      *“rules” and inserting “rules, orders, and consent*  
12                      *agreements”;*

13                      (C) *in paragraph (3), by striking “rule”*  
14                      *each place it appears and inserting “rule, order,*  
15                      *or consent agreement”;* and

16                      (D) *in paragraph (4)—*

17                                (i) *by striking “rule under subsection*  
18                                *(a)” each place it appears and inserting*  
19                                *“rule, order, or consent agreement under*  
20                                *subsection (a)”;*

21                                (ii) *by striking “repeals the rule” each*  
22                                *place it appears and inserting “repeals the*  
23                                *rule or order or modifies the consent agree-*  
24                                *ment to terminate the requirement”;* and

1                   (iii) by striking “repeals the applica-  
2                   tion of the rule” and inserting “repeals or  
3                   modifies the application of the rule, order,  
4                   or consent agreement”;

5                   (2) in subsection (c)—

6                   (A) in paragraph (1), by striking “rule”  
7                   and inserting “rule or order”;

8                   (B) in paragraph (2)—

9                   (i) in subparagraph (A), by striking  
10                  “a rule under subsection (a) or for which  
11                  data is being developed pursuant to such a  
12                  rule” and inserting “a rule, order, or con-  
13                  sent agreement under subsection (a) or for  
14                  which data is being developed pursuant to  
15                  such a rule, order, or consent agreement”;

16                  (ii) in subparagraph (B), by striking  
17                  “such rule or which is being developed pur-  
18                  suant to such rule” and inserting “such  
19                  rule, order, or consent agreement or which  
20                  is being developed pursuant to such rule,  
21                  order, or consent agreement”; and

22                  (iii) in the matter following subpara-  
23                  graph (B), by striking “the rule” and in-  
24                  serting “the rule or order”;

1           (C) in paragraph (3)(B)(i), by striking  
2           “rule promulgated” and inserting “rule, order,  
3           or consent agreement”; and

4           (D) in paragraph (4)—

5                 (i) by striking “rule promulgated”  
6                 each place it appears and inserting “rule,  
7                 order, or consent agreement”;

8                 (ii) by striking “such rule” each place  
9                 it appears and inserting “such rule, order,  
10                 or consent agreement”; and

11                 (iii) in subparagraph (B), by striking  
12                 “the rule” and inserting “the rule, order, or  
13                 consent agreement”;

14           (3) in subsection (d), by striking “rule” and in-  
15           serting “rule, order, or consent agreement”; and

16           (4) in subsection (g), by striking “rule” and in-  
17           serting “rule, order, or consent agreement”.

18           (b) SECTION 5.—Section 5 of the Toxic Substances  
19           Control Act (15 U.S.C. 2604) is amended—

20                 (1) in subsection (b)—

21                         (A) in paragraph (1)(A)—

22                                 (i) by striking “rule promulgated” and  
23                                 inserting “rule, order, or consent agree-  
24                                 ment”; and

1                   (ii) by striking “such rule” and insert-  
2                   ing “such rule, order, or consent agree-  
3                   ment”;

4                   (B) in paragraph (1)(B)—

5                   (i) by striking “rule promulgated” and  
6                   inserting “rule or order”; and

7                   (ii) by striking “the date of the submis-  
8                   sion in accordance with such rule” and in-  
9                   serting “the required date of submission”;  
10                  and

11                  (C) in paragraph (2)(A)(ii), by striking  
12                  “rule promulgated” and inserting “rule, order,  
13                  or consent agreement”;

14                  (2) in subsection (d)(2)(C), by striking “rule”  
15                  and inserting “rule, order, or consent agreement”;  
16                  and

17                  (3) in subsection (h)(4), by striking “paragraphs  
18                  (2) and (3) of section 6(c)” and inserting “paragraph  
19                  (2) of section 6(c)”.

20                  (c) SECTION 6.—Section 6 of the Toxic Substances  
21                  Control Act (15 U.S.C. 2605) is amended—

22                  (1) in subsection (d)(2)(B)—

23                  (A) by striking “, provide reasonable oppor-  
24                  tunity, in accordance with paragraphs (2) and  
25                  (3) of subsection (c), for a hearing on such rule,”

1           and inserting “in accordance with paragraph  
2           (2) of subsection (c),”; and

3                   (B) by striking “; and if such a hearing is  
4           requested” and all that follows through “or re-  
5           voke it.” and inserting a period; and

6           (2) in subsection (e)(4), by striking “paragraphs  
7           (2), (3), and (4) of subsection (c)” and inserting  
8           “paragraph (2) of subsection (c)”.

9           (d) SECTION 7.—Section 7(a)(1) of the Toxic Sub-  
10          stances Control Act (15 U.S.C. 2606(a)(1)) is amended, in  
11          the matter following subparagraph (C), by striking “a rule  
12          under section 4, 5, 6, or title IV or an order under section  
13          5 or title IV” and inserting “a rule under section 4, 5, or  
14          6 or title IV, an order under section 4 or 5 or title IV,  
15          or a consent agreement under section 4”.

16          (e) SECTION 8.—Section 8(a)(3)(A)(ii)(I) of the Toxic  
17          Substances Control Act (15 U.S.C. 2607(a)(3)(A)(ii)(I)) is  
18          amended by striking “or an order in effect under section  
19          5(e)” and inserting “, an order in effect under section 4  
20          or 5(e), or a consent agreement under section 4”.

21          (f) SECTION 9.—Section 9(a) of the Toxic Substances  
22          Control Act (15 U.S.C. 2608(a)) is amended by striking  
23          “section 6” each place it appears and inserting “section  
24          6(a)”.

1           (g) *SECTION 11.*—*Section 11(b)(2)(E) of the Toxic*  
2 *Substances Control Act (15 U.S.C. 2610(b)(2)(E)) is*  
3 *amended by striking “rule promulgated” and inserting*  
4 *“rule promulgated, order issued, or consent agreement en-*  
5 *tered into”.*

6           (h) *SECTION 15.*—*Section 15(1) of the Toxic Sub-*  
7 *stances Control Act (15 U.S.C. 2614(1)) is amended by*  
8 *striking “(A) any rule” and all that follows through “or*  
9 *(D)” and inserting “any requirement of this title or any*  
10 *rule promulgated, order issued, or consent agreement en-*  
11 *tered into under this title, or”.*

12           (i) *SECTION 18.*—*Section 18(a)(2)(A) of the Toxic*  
13 *Substances Control Act (15 U.S.C. 2617(a)(2)(A)) is*  
14 *amended—*

15                   (1) *by striking “rule promulgated” and inserting*  
16 *“rule, order, or consent agreement”; and*

17                   (2) *by striking “such rule” each place it appears*  
18 *and inserting “such rule, order, or consent agree-*  
19 *ment”.*

20           (j) *SECTION 19.*—*Section 19 of the Toxic Substances*  
21 *Control Act (15 U.S.C. 2618) is amended—*

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

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

24                                   (i) *by striking “(A) Not later than 60*  
25 *days after the date of the promulgation of*

1           *a rule*” and inserting “Not later than 60  
2           days after the date on which a rule is pro-  
3           mulgated”;

4           (ii) by inserting “or the date on which  
5           an order is issued under section 4,” before  
6           “any person”;

7           (iii) by striking “such rule” and in-  
8           serting “such rule or order”; and

9           (iv) by striking “such a rule” and in-  
10          serting “such a rule or order”;

11          (B) by striking paragraph (1)(B);

12          (C) in paragraph (2), by striking “the rule”  
13          and inserting “the rule or order”; and

14          (D) in paragraph (3)—

15           (i) in subparagraph (A), by striking  
16           “the rule” and inserting “the rule or order”;

17           (ii) in subparagraph (B), by striking  
18           “a rule under section 4(a)” and inserting  
19           “a rule or order under section 4(a)”;

20           (iii) in subparagraph (C), by striking  
21           “such rule” and inserting “such rule or  
22           order”;

23           (iv) in subparagraph (D), by striking  
24           “such rule” and inserting “such rule or  
25           order”; and

1                   (v) in subparagraph (E)—

2                   (I) by striking “to such rule” and  
3                   inserting “to such rule or order”; and

4                   (II) by striking “the date of the  
5                   promulgation of such rule” and insert-  
6                   ing “the date on which such rule is  
7                   promulgated or such order is issued”;

8                   (2) in subsection (b)—

9                   (A) by striking “review a rule” and insert-  
10                  ing “review a rule, or an order under section  
11                  4,”;

12                  (B) by striking “such rule” and inserting  
13                  “such rule or order”;

14                  (C) by striking “the rule” and inserting  
15                  “the rule or order”;

16                  (D) by striking “new rule” each place it ap-  
17                  pears and inserting “new rule or order”; and

18                  (E) by striking “modified rule” and insert-  
19                  ing “modified rule or order”; and

20                  (3) in subsection (c)—

21                  (A) in paragraph (1)—

22                   (i) in subparagraph (A)—

23                   (I) by striking “a rule” and in-  
24                   serting “a rule, or an order under sec-  
25                   tion 4”; and

1                   (II) by striking “such rule” and  
2                   inserting “such rule or order”; and

3                   (ii) in subparagraph (B)—

4                   (I) in the matter preceding clause  
5                   (i), by striking “a rule” and inserting  
6                   “a rule or order”;

7                   (II) in clause (i)—

8                   (aa) by inserting “or an  
9                   order under section 4,” before “the  
10                  standard for review”;

11                  (bb) by striking “such rule”  
12                  and inserting “such rule or  
13                  order”;

14                  (cc) by striking “the rule”  
15                  and inserting “the rule or order”;  
16                  and

17                  (dd) by striking the semi-  
18                  colon and inserting “; and”; and

19                  (III) by striking clause (ii) and  
20                  redesignating clause (iii) as clause (ii);  
21                  and

22                  (B) in paragraph (2), by striking “any  
23                  rule” and inserting “any rule or order”.

24                  (k) SECTION 20.—Section 20(a)(1) of the Toxic Sub-  
25                  stances Control Act (15 U.S.C. 2619(a)(1)) is amended by

1 *striking “order issued under section 5” and inserting “order*  
2 *issued under section 4 or 5”.*

3 (l) *SECTION 21.—Section 21 of the Toxic Substances*  
4 *Control Act (15 U.S.C. 2620) is amended—*

5 (1) *in subsection (a), by striking “order under*  
6 *section 5(e) or (6)(b)(2)” and inserting “order under*  
7 *section 4 or 5(e)”;* and

8 (2) *in subsection (b)—*

9 (A) *in paragraph (1), by striking “order*  
10 *under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)”*  
11 *and inserting “order under section 4 or 5(e)”;*  
12 *and*

13 (B) *in paragraph (4)(B)—*

14 (i) *in the matter preceding clause (i),*  
15 *by striking “order under section 5(e) or*  
16 *6(b)(2)” and inserting “order under section*  
17 *4 or 5(e)”;*

18 (ii) *in clause (i), by striking “order*  
19 *under section 5(e)” and inserting “order*  
20 *under section 4 or 5(e)”;* and

21 (iii) *in clause (ii), by striking “or an*  
22 *order under section 6(b)(2)”.*

23 (m) *SECTION 24.—Section 24(b)(2)(B) of the Toxic*  
24 *Substances Control Act (15 U.S.C. 2623(b)(2)(B)) is*  
25 *amended—*

1           (1) *by inserting “and” at the end of clause (i);*

2           (2) *by striking clause (ii); and*

3           (3) *by redesignating clause (iii) as clause (ii).*

4           (n) *SECTION 27.—Section 27(a) of the Toxic Sub-*  
5 *stances Control Act (15 U.S.C. 2626(a)) is amended by*  
6 *striking “rules promulgated” and inserting “rules, orders,*  
7 *or consent agreements”.*

8           (o) *SECTION 30.—Section 30(2) of the Toxic Sub-*  
9 *stances Control Act (15 U.S.C. 2629(2)) is amended by*  
10 *striking “rule” and inserting “rule, order, or consent agree-*  
11 *ment”.*

Union Calendar No. 131

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2576**

[Report No. 114-176]

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## **A BILL**

To modernize the Toxic Substances Control Act,  
and for other purposes.

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JUNE 23, 2015

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed