

112TH CONGRESS
1ST SESSION

S. _____

To amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LAUTENBERG (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Mrs. BOXER, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Chemicals Act
5 of 2011”.

6 **SEC. 2. PURPOSES.**

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

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

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

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

6 (2) by striking subsections (a) through (c) and
7 inserting the following:

8 “(a) FINDINGS.—Congress finds that—

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

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

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

22 “(4) the incidence of some diseases and dis-
23 orders linked to chemical substance exposures is on
24 the rise;

25 “(5) biomonitoring of chemical substances in
26 humans reveals that people in the United States

1 carry hundreds of hazardous chemicals in their bod-
2 ies;

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

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

15 “(8) manufacturers and processors of chemicals
16 should supply sufficient health and environmental
17 information before distributing products in com-
18 merce;

19 “(9) the Administrator must have and exercise
20 the authority to develop sufficient information to as-
21 sess chemical safety, and to act effectively when the
22 Administrator obtains information that indicates
23 there are risks of harmful exposure to chemical sub-
24 stances;

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

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

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

18 “(1) to protect the health of children, workers,
19 consumers, and the public, and to protect the envi-
20 ronment from harmful exposures to chemical sub-
21 stances;

22 “(2) to promote the use of safer alternatives
23 and other actions that reduce the use of and expo-
24 sure to hazardous chemical substances and reward

1 innovation toward safer chemicals, processes, and
2 products;

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

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

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

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

20 “(7) to strengthen cooperation between and
21 among the Federal Government and State, munic-
22 ipal, tribal, and foreign governments.

23 “(c) GOAL.—It is the goal of the United States to
24 address the harmful exposure of vulnerable or affected

1 populations to chemical substances caused by the distribu-
2 tion of chemical substances in commerce by—

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

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

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

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

13 **SEC. 4. DEFINITIONS.**

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

16 (1) by striking paragraph (12);

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

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) AGGREGATE EXPOSURE.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B), the term ‘aggregate exposure’ means

1 exposure from all sources of a chemical sub-
2 stance, including exposure from—

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

6 “(ii) all other sources of that chemical
7 substance, including—

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

11 “(II) accidental releases;

12 “(III) permitted sources of pollu-
13 tion;

14 “(IV) nonpoint sources of pollu-
15 tion;

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

19 “(VI) a mixture or article con-
20 taining that chemical substance.

21 “(B) INCLUSIONS.—The term ‘aggregate
22 exposure’ includes exposure from a chemical
23 substance that is not considered to be a chem-
24 ical substance under this Act solely because of
25 the use of that substance as, or in, a food, food

1 additive, cosmetic, or device (as those terms are
2 defined in section 201 of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 321)).

4 “(3) BIOACCUMULATIVE.—

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

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

19 “(4) CHEMICAL IDENTITY.—The term ‘chemical
20 identity’ includes—

21 “(A) each common and trade name of a
22 chemical substance;

23 “(B) the name of a chemical substance ap-
24 pearing in International Union of Pure and Ap-

1 plied Chemistry nomenclature and the most
2 current Collective Index format;

3 “(C) each Chemical Abstracts Service reg-
4 istration number of a chemical substance; and

5 “(D) the molecular structure of a chemical
6 substance.”;

7 (4) in paragraph (5) (as redesignated by para-
8 graph (2))—

9 (A) by striking “(2)(A) Except as provided
10 in subparagraph (B)” and inserting the fol-
11 lowing:

12 “(5) CHEMICAL SUBSTANCE.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraphs (B) and (C)”;

15 (B) in subparagraph (B), by striking “(B)
16 Such term” and inserting the following:

17 “(B) EXCLUSIONS.—The term ‘chemical
18 substance’ ”; and

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

20 “(C) INCLUSIONS.—Notwithstanding mo-
21 lecular identity, the Administrator may deter-
22 mine that a variant of a chemical substance is
23 a new chemical substance under section
24 5(a)(6).”;

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

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

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

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

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

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

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

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

1 (7) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

2 “(9) END CONSUMER.—The term ‘end consumer’ means an individual or other entity that purchases and uses or consumes a chemical substance (or mixture or article containing that chemical substance).”;

3 (8) in paragraph (10) (as redesignated by paragraph (2)), by inserting “ambient and indoor” after “includes water,”;

4 (9) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

5 “(11) FEDERAL AGENCY.—The term ‘Federal agency’ means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.”;

6 (10) in paragraph (15) (as redesignated by paragraph (2)), by striking “which is not included in the chemical substance list compiled and published under section 8(b)” and inserting “for which the manufacturer or processor of the chemical substance has not submitted a declaration under section 8(a)”;

1 (11) by inserting after paragraph (15) (as re-
2 designated by paragraph (2)) the following:

3 “(16) PERSISTENT.—

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

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

17 “(17) PERSON.—

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

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

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

6 “(20) SPECIAL SUBSTANCE CHARACTERISTIC.—

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

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

17 “(i) size or size distribution;

18 “(ii) shape and surface structure;

19 “(iii) reactivity; and

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

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

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

1 chemical substance or mixture has a toxicological
2 property—

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

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

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

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

24 “(A) mortality;

25 “(B) morbidity, including carcinogenesis;

- 1 “(C) reproduction;
- 2 “(D) growth and development;
- 3 “(E) the immune system;
- 4 “(F) the endocrine system;
- 5 “(G) the brain or nervous system;
- 6 “(H) other organ systems; or
- 7 “(I) any other biological functions in hu-
- 8 mans or nonhuman organisms.”; and
- 9 (14) by adding at the end the following:
- 10 “(25) VULNERABLE HUMAN POPULATION.—
- 11 The term ‘vulnerable human population’ means a
- 12 human population that is subject to disproportionate
- 13 exposure to, or the potential for disproportionate ad-
- 14 verse effect from exposure to, a chemical substance
- 15 or mixture, including—
- 16 “(A) infants, children, and adolescents;
- 17 “(B) pregnant women;
- 18 “(C) elderly;
- 19 “(D) individuals with preexisting medical
- 20 conditions;
- 21 “(E) workers that work with chemical sub-
- 22 stances and mixtures; and
- 23 “(F) members of any other appropriate
- 24 population identified by the Administrator.”.

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

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

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

7 **“(a) MINIMUM DATA SETS.—**

8 **“(1) MINIMUM DATA SETS RULES.—**

9 **“(A) IN GENERAL.—**Subject to subpara-
10 graph (B), and not later than 1 year after the
11 date of enactment of the Safe Chemicals Act of
12 2011, the Administrator shall establish, by rule,
13 the data that constitute the minimum data sets
14 for chemical substances.

15 **“(B) REQUIREMENTS.—**Any rule promul-
16 gated under subparagraph (A) shall—

17 **“(i) provide for varied or tiered data**
18 **to be provided for different chemical sub-**
19 **stances or categories of chemical sub-**
20 **stances;**

21 **“(ii) identify the particular minimum**
22 **data set that applies to a chemical sub-**
23 **stance or category of chemical substances;**

24 **“(iii) require each minimum data set**
25 **to include the minimum amount of infor-**
26 **mation necessary for the Administrator to**

1 conduct a screening-level risk assessment
2 of the chemical substance or category of
3 chemical substances, including information
4 on the characteristics, toxicological prop-
5 erties, exposure, and use of a chemical sub-
6 stance; and

7 “(iv) in accordance with section 30,
8 encourage and facilitate the use of alter-
9 native testing methods and testing strate-
10 gies to generate information quickly, at low
11 cost, and without the use of animal-based
12 testing, including toxicity pathway-based
13 risk assessment, in vitro studies, systems
14 biology, computational toxicology,
15 bioinformatics, and high-throughput
16 screening.

17 “(2) SUBMISSION OF MINIMUM DATA SET.—
18 Each manufacturer and processor of a chemical sub-
19 stance shall submit the minimum data set for the
20 chemical substance to the Administrator—

21 “(A) for new chemical substances, concu-
22 rent with the notice required under section
23 (5)(a)(1)(A); and

24 “(B) for existing chemical substances, on
25 the earlier of—

1 “(i) 18 months after the date on
2 which the chemical substance is assigned
3 to a priority class under section 6(a); and

4 “(ii) 5 years after the date of enact-
5 ment of the Safe Chemicals Act of 2011.

6 “(3) PROHIBITION.—The Administrator may,
7 by order, take any action authorized under section
8 6(c) if a manufacturer or processor is in violation of
9 paragraph (2), except as authorized under section
10 6(e).

11 “(b) TESTING.—

12 “(1) GENERAL SUBMISSIONS.—

13 “(A) IN GENERAL.—The Administrator
14 may, by rule or order, require testing with re-
15 spect to any chemical substance, and the sub-
16 mission of test results by a specified date, as
17 necessary for making any determination or car-
18 rying out any provision of this Act.

19 “(B) EFFECT ON OTHER AUTHORITY.—
20 Nothing in this paragraph limits the authority
21 of the Administrator under paragraph (2).

22 “(2) SAMPLE SUBMISSIONS.—

23 “(A) IN GENERAL.—The Administrator
24 may, by rule or order, require the submission of
25 a sample of any chemical substance in such

1 manner as the Administrator determines en-
2 ables the Administrator to conduct any tests
3 necessary for making any determination or car-
4 rying out any provision of this Act.

5 “(B) EFFECT ON OTHER AUTHORITY.—
6 Nothing in this paragraph limits the authority
7 of the Administrator under paragraph (1).

8 “(3) PROHIBITION.—The Administrator may,
9 by order, take any action authorized under section
10 6(c) if a manufacturer or processor is in violation of
11 a rule or order under paragraph (1), except as au-
12 thorized under section 6(e).

13 “(4) EXEMPTION.—If a manufacturer or proc-
14 essor has submitted a declaration of cessation of
15 manufacture or processing under section 8(a)(3) for
16 a chemical substance, the manufacturer or processor
17 shall be exempted from the requirements of this sub-
18 section.

19 “(c) TEST RULES OR ORDERS.—

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

22 “(A) identification of the chemical sub-
23 stance for which testing is required under the
24 rule or order;

1 “(B) standards for the development of test
2 data for that substance; and

3 “(C) a specification of the period (which
4 may not be of unreasonable duration) within
5 which the persons required to conduct the test-
6 ing shall submit to the Administrator data de-
7 veloped in accordance with the standards re-
8 ferred to in subparagraph (B).

9 “(2) CONSIDERATIONS.—

10 “(A) IN GENERAL.—In determining the
11 standards and period to be required under sub-
12 paragraphs (B) and (C) of paragraph (1), the
13 Administrator shall consider—

14 “(i) the relative costs of the various
15 test protocols and methodologies that may
16 be required under the rule or order; and

17 “(ii) the reasonably foreseeable avail-
18 ability of the facilities and personnel need-
19 ed to perform the testing required under
20 the rule.

21 “(B) PRELIMINARY DATA.—Any rule or
22 order issued by the Administrator under this
23 subsection may require a manufacturer or proc-
24 essor to submit preliminary data during the pe-
25 riod described in paragraph (1)(C).

1 “(3) TYPES OF HEALTH AND ENVIRONMENTAL
2 INFORMATION.—

3 “(A) IN GENERAL.—The Administrator
4 may prescribe standards for the development of
5 test data under this subsection for health and
6 environmental information, including—

7 “(i) information pertaining to carcino-
8 genesis, mutagenesis, teratogenesis, behav-
9 ioral disorders, cumulative, synergistic, or
10 any other effect that may be considered in
11 a safety standard determination;

12 “(ii) information pertaining to expo-
13 sure to the chemical substance, including
14 information regarding the presence of the
15 chemical substance in human blood, fluids,
16 or tissue; and

17 “(iii) information pertaining to—

18 “(I) bioaccumulation;

19 “(II) persistence;

20 “(III) acute toxicity;

21 “(IV) subacute toxicity;

22 “(V) chronic toxicity; and

23 “(VI) any other characteristic
24 that may present an adverse effect.

25 “(B) METHODOLOGIES.—

1 “(i) IN GENERAL.—The Administrator
2 may prescribe methodologies in standards
3 for the development of test data, includ-
4 ing—

5 “(I) epidemiologic studies;

6 “(II) biomonitoring studies;

7 “(III) serial or hierarchical tests;

8 “(IV) in vitro tests; and

9 “(V) whole animal tests, con-
10 sistent with section 30.

11 “(ii) REQUIREMENT.—Prior to pre-
12 scribing epidemiologic studies of employ-
13 ees, the Administrator shall consult with
14 the Director of the National Institute for
15 Occupational Safety and Health.

16 “(C) REVIEW.—Periodically, but not less
17 frequently than once every 3 years, the Admin-
18 istrator shall—

19 “(i) review the adequacy of the stand-
20 ards for development of data prescribed
21 under subparagraph (A); and

22 “(ii) if necessary, institute pro-
23 ceedings to make appropriate revisions of
24 those standards.

1 “(4) PERSONS REQUIRED TO CONDUCT TESTS
2 AND SUBMIT DATA.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), a rule or order under sub-
5 section (b) respecting a chemical substance
6 shall specify the persons required to conduct
7 tests and submit data to the Administrator on
8 the substance.

9 “(B) EXCEPTION.—The Administrator
10 may permit 2 or more of the persons described
11 in subparagraph (A) to designate 1 of the per-
12 sons or a qualified third party to conduct the
13 tests and submit the data on behalf of the per-
14 sons making the designation.

15 “(C) LIABILITY.—All persons described in
16 subparagraphs (A) and (B) shall remain liable
17 for compliance with any requirements subject to
18 the designation.

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

20 “(A) IN GENERAL.—Any rule or order
21 under subsection (b) that requires the testing
22 and submission of data for a particular chem-
23 ical substance shall expire at the end of the ap-
24 plicable reimbursement period (as defined in

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

3 “(B) CATEGORY OF CHEMICAL SUB-
4 STANCES.—A rule or order under subsection (b)
5 that requires the testing and submission of data
6 for a category of chemical substances shall ex-
7 pire with respect to a chemical substance in-
8 cluded in the category at the end of the applica-
9 ble reimbursement period (as defined in sub-
10 section (d)(3)) unless, prior to that date, the
11 Administrator withdraws the rule or order with
12 respect to the substance entirely.

13 “(d) EXEMPTIONS.—

14 “(1) IN GENERAL.—Any person required by a
15 rule or order under subsections (a) or (b) to conduct
16 tests and submit data for a chemical substance may
17 apply to the Administrator (in such form and man-
18 ner as the Administrator determines necessary) for
19 an exemption from the requirement.

20 “(2) ACTION BY ADMINISTRATOR.—In accord-
21 ance with paragraph (3) or (4), the Administrator
22 shall exempt an applicant under paragraph (1), if,
23 on receipt of the application, the Administrator de-
24 termines that—

1 “(A) the chemical substance for which the
2 application was submitted is equivalent to a
3 chemical substance for which—

4 “(i) data has been submitted to the
5 Administrator in accordance with a rule or
6 order under subsection (a) or (b); or

7 “(ii) data is being developed in ac-
8 cordance with the rule or order; and

9 “(B) submission of data by the applicant
10 for the substance would be duplicative of data
11 that—

12 “(i) has been submitted to the Admin-
13 istrator in accordance with the rule or
14 order under subsection (a) or (b); or

15 “(ii) is being developed in accordance
16 with the rule or order.

17 “(3) REIMBURSEMENT DUE TO EXEMPTION.—

18 “(A) DEFINITION OF REIMBURSEMENT PE-
19 RIOD.—In this paragraph, the term ‘reimburse-
20 ment period’, with respect to any test data for
21 a chemical substance, means a period that—

22 “(i) begins on the date on which the
23 test data is submitted in accordance with
24 a rule or order issued under subsection (a)
25 or (b); and

1 “(ii) ends on the later of—

2 “(I) 5 years after the date re-
3 ferred to in clause (i); or

4 “(II) the date which, as deter-
5 mined by the Administrator, provides
6 the applicant with a time period which
7 is sufficient to develop the test data.

8 “(B) REIMBURSEMENT FOR PREVIOUSLY
9 SUBMITTED TEST DATA.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), for an exemption under
12 paragraph (2)(B)(i), if the exemption is
13 granted during the reimbursement period
14 for the test data, the Administrator shall
15 order the person granted the exemption to
16 provide fair and equitable reimbursement
17 (in an amount determined by the Adminis-
18 trator) to—

19 “(I) the person who previously
20 submitted the test data, for a portion
21 of the costs incurred by the person in
22 complying with the data submission
23 requirement; and

24 “(II) any other person who has
25 been required under this subsection to

1 contribute with respect to the costs,
2 for a portion of the amount the per-
3 son was required to contribute.

4 “(ii) EXCEPTION.—Clause (i) shall
5 not apply if there is agreement on the
6 amount and method of reimbursement be-
7 tween an exempted person described in
8 clause (i) and the persons described in sub-
9 clauses (I) and (II) of that clause.

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

20 “(I) the effect on the competitive
21 position of the person required to pro-
22 vide reimbursement in relation to the
23 person to be reimbursed; and

24 “(II) the share of the market for
25 the substance of the person required

1 to provide reimbursement in relation
2 to the share of the market of the per-
3 sons to be reimbursed.

4 “(C) REIMBURSEMENT DUE TO EXEMP-
5 TION FOR TEST DATA BEING DEVELOPED IN
6 ACCORDANCE WITH A RULE OR ORDER.—

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

14 “(I) each person who is devel-
15 oping the test data, for the portion of
16 the costs incurred by each person in
17 complying with the rule or order; and

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

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

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

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

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

24 “(I) after providing written no-
25 tice and an opportunity for a hearing

1 to the person who holds the exemp-
2 tion, by order, terminate the exemp-
3 tion; and

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

8 “(e) NOTICE.—

9 “(1) IN GENERAL.—Not later than 15 days
10 after the date of receipt of any test data pursuant
11 to a rule or order under subsection (a) or (b), the
12 Administrator shall publish in the Federal Register
13 a notice of the receipt of the test data.

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

16 “(A) identify the chemical substance for
17 which data have been received;

18 “(B) list—

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

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

1 “(C) describe the nature of the test data
2 developed.

3 “(3) AVAILABILITY.—Subject to section 14, the
4 Administrator shall make the test data described in
5 this subsection available on a publicly accessible
6 Internet site.

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

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

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

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

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

23 “(A) subject to section 14, make the data
24 available to the requesting agency;

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

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

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

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

9 “(i) to develop the data; and

10 “(ii) to require the developed data to
11 be furnished to the requesting agency; or

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

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

21 “(1) is accurate and reliable; and

22 “(2) includes all material facts known to, in the
23 possession or control of, or reasonably ascertainable
24 by, the manufacturer or processor.”.

1 **SEC. 6. MANUFACTURING AND PROCESSING NOTICES.**

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

4 **“SEC. 5. MANUFACTURING AND PROCESSING NOTICES.**

5 “(a) NEW CHEMICAL SUBSTANCES AND NEW USES
6 OF CHEMICAL SUBSTANCES.—

7 “(1) NEW CHEMICAL SUBSTANCES.—Except as
8 provided in subsection (d), no person may manufac-
9 ture or process a new chemical substance unless—

10 “(A) the person submits to the Adminis-
11 trator a notice, in accordance with subsection
12 (c), of the intention of the person to manufac-
13 ture or process the substance;

14 “(B) the person complies with subsection
15 (b); and

16 “(C) the Administrator finds that—

17 “(i) the manufacturers and processors
18 have established that the chemical sub-
19 stance meets the safety standard under
20 section 6(b); or

21 “(ii) the new chemical substance, or a
22 metabolite or degradation product of the
23 chemical substance, as applicable, is not,
24 and is not expected to be—

1 “(I)(aa) manufactured in a vol-
2 ume of more than 1,000,000 pounds
3 annually; or

4 “(bb) released into the environ-
5 ment in a volume of more than
6 100,000 pounds annually;

7 “(II) a known, probable, or sus-
8 pected reproductive, developmental,
9 neurological, or immunological toxic-
10 cant, carcinogen, mutagen, or endo-
11 crine disruptor;

12 “(III) persistent and bioaccumu-
13 lative;

14 “(IV) found in human cord
15 blood, or otherwise found in human
16 blood, fluids, or tissue, unless the
17 chemical substance, metabolite, or
18 degradation product is naturally
19 present at the level commonly found
20 in that medium; or

21 “(V) found in food, drinking
22 water, ambient or indoor air, residen-
23 tial soil, or house dust, unless the
24 chemical substance, metabolite, or
25 degradation product is naturally

1 present at the level commonly found
2 in that medium.

3 “(2) NEW USES OF EXISTING CHEMICAL SUB-
4 STANCES PRIOR TO SAFETY STANDARD DETERMINA-
5 TION.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), with respect to an existing
8 chemical substance for which the Administrator
9 has not made a safety standard determination
10 under section 6, no person may manufacture or
11 process the chemical substance—

12 “(i) for a use that was not ongoing on
13 the date of enactment of the Safe Chemi-
14 cals Act of 2011; or

15 “(ii) at a volume that is significantly
16 increased from the volume as of the date
17 of enactment of the Safe Chemicals Act of
18 2011.

19 “(B) EXCEPTION.—A person may manu-
20 facture or process a chemical substance in a
21 manner prohibited by subparagraph (A), if the
22 person—

23 “(i) submits to the Administrator a
24 new or updated declaration under section
25 8(a); and

1 “(ii) complies with subsection (b).

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

4 “(A) IN GENERAL.—For an existing chem-
5 ical substance for which the Administrator has
6 determined under section 6(b) that the manu-
7 facturers and processors of the chemical sub-
8 stance have established that the substance
9 meets the applicable safety standard, no person
10 may manufacture or process the chemical sub-
11 stance for uses, at production volumes, or in
12 manners other than those the Administrator
13 specified in the safety standard determination,
14 unless—

15 “(i) the manufacturer or processor
16 submits to the Administrator—

17 “(I) a notice of the intention of
18 the manufacturer or processor to
19 manufacture or process the substance
20 for a new use, at a new production
21 volume, or in such other manner as is
22 inconsistent with a specified condition
23 or term for that substance; and

24 “(II) all updates to the minimum
25 data set relevant to the new use, new

1 production volume, or other new man-
2 ner of manufacturing or processing;

3 “(ii) the notice under clause (i)(I) in-
4 dicates that the chemical substance will
5 continue to meet the safety standard if the
6 allowed uses, production volumes, or other
7 specified conditions or terms for that
8 chemical substance are revised to encom-
9 pass the new use, production volume, or
10 other manner of manufacturing or proc-
11 essing; and

12 “(iii) the Administrator determines
13 that the manufacturer or processor submit-
14 ting the notice has established that the
15 chemical substance will continue to meet
16 the safety standard if the allowed uses,
17 production volumes, or other specified con-
18 ditions or terms for that substance, are re-
19 vised to encompass the new use, produc-
20 tion volume, or other manner of manufac-
21 turing or processing.

22 “(B) AMENDMENT TO SAFETY STANDARD
23 DETERMINATION.—If the conditions described
24 in clauses (i) through (iii) of subparagraph (A)
25 are satisfied, the Administrator shall, by order,

1 amend the safety standard determination for
2 the chemical substance to include the new use,
3 production volume, or other manner of manu-
4 facturing or processing among the allowed uses,
5 production volumes, or manners of manufac-
6 turing or processing of the chemical substance.

7 “(4) SAFETY STANDARD DETERMINATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraphs (B) and (C), not later than 180
10 days after the date of receipt of a notice and
11 supporting data that satisfies paragraph (1)(A)
12 or paragraph (3)(A), the Administrator shall
13 determine whether the person submitting the
14 notice has established that the chemical sub-
15 stance will meet, or will continue to meet, the
16 safety standard under section 6(b).

17 “(B) EXCEPTION.—In the case of a notice
18 under paragraph (1)(A), the Administrator
19 shall not be subject to the deadline described in
20 subparagraph (A) if the Administrator first
21 makes the finding specified under paragraph
22 (1)(C)(ii).

23 “(C) EXTENSION.—The Administrator
24 may extend the determination deadline under
25 subparagraph (A) by 1 or more additional peri-

1 not exhibit the special substance character-
2 istics; or

3 “(ii) is a new chemical substance.

4 “(B) REQUIREMENTS FOR VARIANTS THAT
5 ARE SEPARATE USES.—In the case of a chem-
6 ical substance that the Administrator deter-
7 mines to be a separate use based on the special
8 substance characteristics of the chemical sub-
9 stance, the manufacturer or processor shall sat-
10 isfy such further conditions as the Adminis-
11 trator establishes, by order or rule.

12 “(b) SUBMISSION OF DATA.—

13 “(1) IN GENERAL.—A person shall submit to
14 the Administrator data in accordance with the rule
15 or order at the time that notice is submitted under
16 subsection (a) if the person is required to submit to
17 the Administrator—

18 “(A) under subsection (a), a notice prior to
19 beginning the manufacture or processing of a
20 chemical substance; and

21 “(B) under section 4(b), test data for the
22 chemical substance prior to the submission of
23 the notice.

24 “(2) AVAILABILITY.—Subject to section 14, the
25 Administrator shall make any test data submitted

1 under paragraph (1) available on a publicly acces-
2 sible Internet site.

3 “(c) CONTENT AND AVAILABILITY OF NOTICE.—

4 “(1) CONTENT.—Notice under subsection
5 (a)(1) shall include—

6 “(A) the declaration described in section
7 8(a)(2);

8 “(B) the minimum data set described in
9 section 4(a); and

10 “(C) a statement that the chemical sub-
11 stance will meet the applicable safety standard.

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

16 “(3) PUBLIC INFORMATION.—Subject to section
17 14, not later than 5 days (excluding Saturdays, Sun-
18 days, and legal holidays) after the date of the receipt
19 of a notice under subsection (a) or of data under
20 subsection (b), the Administrator shall make avail-
21 able on a publicly accessible Internet site informa-
22 tion that—

23 “(A) identifies the chemical substance for
24 which notice or data has been received;

1 “(B) lists the uses or intended uses of the
2 chemical substance;

3 “(C) in the case of the receipt of data
4 under subsection (b), describes—

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

7 “(ii) any data that were received
8 under subsection (b) or a rule or order
9 under section 4; and

10 “(D) references the availability of the min-
11 imum data set.

12 “(4) LIST OF NOTICES.—At the beginning of
13 each month, the Administrator shall make available
14 on a publicly accessible Internet site a list of each
15 chemical substance for which notice has been re-
16 ceived under subsection (a).

17 “(d) EXEMPTIONS.—

18 “(1) TEST MARKETING PURPOSES.—The Ad-
19 ministrator may, upon application, exempt any per-
20 son from any requirement of subsection (a) or (b) to
21 permit the person to manufacture or process a
22 chemical substance for test marketing purposes—

23 “(A) upon a showing by the person, in a
24 manner that the Administrator determines, that
25 the manufacture, processing, distribution in

1 commerce, use, and disposal of the chemical
2 substance (including any combination of those
3 activities) will not endanger human health or
4 the environment; and

5 “(B) under such restrictions as the Admin-
6 istrator considers appropriate.

7 “(2) EQUIVALENT CHEMICAL SUBSTANCES.—

8 “(A) IN GENERAL.—The Administrator
9 shall, upon application, fully or partially exempt
10 any person from the requirement to submit
11 data under subsection (a) if, on receipt of an
12 application, the Administrator determines
13 that—

14 “(i) the chemical substance for which
15 the application was submitted is equivalent
16 to a chemical substance for which data has
17 been submitted to the Administrator as re-
18 quired by this Act; and

19 “(ii) submission of data by the appli-
20 cant on the chemical substance would be
21 duplicative of data which has been sub-
22 mitted to the Administrator in accordance
23 with this Act.

24 “(B) EFFECTIVE DATE.—No exemption
25 under this paragraph may take effect before the

1 beginning of the reimbursement period applica-
2 ble to the data.

3 “(C) FAIR AND EQUITABLE REIMBURSE-
4 MENT.—

5 “(i) DEFINITION OF REIMBURSEMENT
6 PERIOD.—In this subparagraph, the term
7 ‘reimbursement period’, with respect to
8 any previously submitted data for a chem-
9 ical substance, means the period that—

10 “(I) begins on the date of the
11 termination of the prohibition, im-
12 posed under this section, on the man-
13 ufacture or processing of the chemical
14 substance by the person who sub-
15 mitted the data to the Administrator;
16 and

17 “(II) ends on the later of—

18 “(aa) the date that is 5
19 years after the date referred to in
20 subclause (I); or

21 “(bb) at the expiration of a
22 period that begins on the date re-
23 ferred to in subclause (I) and
24 ends on the date that the Admin-

1 “(A) IN GENERAL.—If the conditions de-
2 scribed in subparagraph (B) are met, sub-
3 sections (a) and (b) shall not apply with respect
4 to the manufacturing or processing of any
5 chemical substance that is manufactured or
6 processed, or proposed to be manufactured or
7 processed, only in small quantities (as defined
8 by the Administrator by rule) solely for pur-
9 poses of—

10 “(i) scientific experimentation or anal-
11 ysis; or

12 “(ii) chemical research on, or analysis
13 of, the substance or another substance, in-
14 cluding research or analysis for the devel-
15 opment of a product.

16 “(B) CONDITIONS.—All persons engaged
17 in the experimentation, research, or analysis
18 carried out in accordance with subparagraph
19 (A) for a manufacturer or processor shall be
20 notified (in such form and manner as the Ad-
21 ministrator may prescribe) of any risk to
22 human health that the manufacturer, processor,
23 or the Administrator has reason to believe may
24 be associated with that chemical substance.

1 “(4) TEMPORARY EXISTENCE.—The Adminis-
2 trator may, upon application, exempt from sub-
3 sections (a) and (b) the manufacturing or processing
4 of any chemical substance—

5 “(A) that exists temporarily as a result of
6 a chemical reaction in the manufacturing or
7 processing of a mixture or another chemical
8 substance; and

9 “(B) to which there is no, and will not be,
10 any human or environmental exposure.

11 “(5) PUBLICATION.—

12 “(A) IN GENERAL.—As soon as practicable
13 after the date of receipt of an application under
14 paragraph (1) or (4), the Administrator shall
15 publish in the Federal Register notice of the re-
16 ceipt of the application.

17 “(B) REQUIREMENTS.—The Administrator
18 shall—

19 “(i) give interested persons an oppor-
20 tunity to comment upon any application
21 described in subparagraph (A);

22 “(ii) not later than 45 days after the
23 date of receipt of an application, approve
24 or deny the application; and

1 “(iii) publish in the Federal Register
2 notice of the approval or denial of the ap-
3 plication.

4 “(e) CERTIFICATION.—Each submission required
5 under this section or under a rule or an order promulgated
6 or issued by the Administrator under this section shall be
7 accompanied by a certification signed by a responsible offi-
8 cial of the manufacturer or processor that each statement
9 contained in the submission—

10 “(1) is accurate and reliable; and

11 “(2) includes all material facts known to, in the
12 possession or control of, or reasonably ascertainable
13 by, the manufacturer or processor.

14 “(f) DEFINITIONS.—In this section:

15 “(1) MANUFACTURE AND PROCESS.—The terms
16 ‘manufacture’ and ‘process’ mean to manufacture or
17 process, respectively, for commercial purposes.

18 “(2) TEST MARKETING.—The term ‘test mar-
19 keting’ does not include any provision of a chemical
20 substance, or a mixture or article containing that
21 chemical substance, to an end consumer of the
22 chemical substance, mixture, or article.”.

1 **SEC. 7. PRIORITIZATION, SAFETY STANDARD DETERMINA-**
2 **TION, AND RISK MANAGEMENT.**

3 Section 6 of the Toxic Substances Control Act (15
4 U.S.C. 2605) is amended to read as follows:

5 **“SEC. 6. PRIORITIZATION, SAFETY STANDARD DETERMINA-**
6 **TION, AND RISK MANAGEMENT.**

7 **“(a) PRIORITIZATION OF CHEMICAL SUBSTANCES.—**

8 **“(1) PRIORITIZATION LIST.—**

9 **“(A) IN GENERAL.—**Subject to subpara-
10 graph (B), the Administrator shall, by order,
11 develop and publish a list that—

12 **“(i)** contains the names of the chem-
13 ical substances or categories of chemical
14 substances that the Administrator deter-
15 mines warrant placement within 1 of the 3
16 priority classes described in paragraphs (2)
17 through (4); and

18 **“(ii)** identifies the priority class to
19 which each listed chemical substance or
20 category of chemical substance has been
21 assigned by the Administrator.

22 **“(B) CONSIDERATIONS.—**In determining
23 which chemical substances to include in each
24 priority class, the Administrator shall give due
25 consideration to any prioritization recommenda-

1 tion that is provided by the committee estab-
2 lished under paragraph (5).

3 “(2) CHEMICAL SUBSTANCES REQUIRING IMME-
4 DIATE RISK MANAGEMENT (PRIORITY CLASS 1).—

5 “(A) DEFINITION OF PRIORITY CLASS 1.—

6 In this section, the term ‘priority class 1’ means
7 a priority class that contains chemical sub-
8 stances that the Administrator determines re-
9 quire immediate risk management.

10 “(B) ASSIGNMENT TO PRIORITY CLASS

11 1.—The Administrator shall assign a chemical
12 substance to priority class 1 if the Adminis-
13 trator determines that the chemical substance
14 is, or is degraded and metabolized into, a per-
15 sistent, bioaccumulative, and toxic substance
16 with the potential for widespread exposure to
17 humans or other organisms.

18 “(C) INITIAL ASSIGNMENT.—Not later

19 than 1 year after the date of enactment of the
20 Safe Chemicals Act of 2011, the Administrator
21 shall assign not less than 20, but not more than
22 30, chemical substances to the initial priority
23 class 1.

24 “(D) RISK MANAGEMENT.—

1 “(i) EXPEDITED EXPOSURE REDUC-
2 TION.—As soon as practicable, but not
3 later than 18 months after the date on
4 which a chemical substance is assigned to
5 priority class 1 under this paragraph, the
6 Administrator shall impose conditions in
7 accordance with subsection (c) on the man-
8 ufacturing, processing, use, distribution in
9 commerce, and disposal of a chemical sub-
10 stance assigned to priority class 1 that the
11 Administrator determines necessary to
12 achieve the greatest practicable reductions
13 in human or environmental exposure to the
14 chemical substance.

15 “(ii) RESIDUAL RISK ASSESSMENT.—
16 Not later than 1 year after the effective
17 date of any conditions established under
18 clause (i), the Administrator shall—

19 “(I) determine whether the chem-
20 ical substance meets the applicable
21 safety standard for the chemical sub-
22 stance, taking into account the resid-
23 ual risk posed by continued exposure
24 to the chemical substance; and

1 “(II) impose any further condi-
2 tions under subsection (c) that the
3 Administrator determines necessary to
4 ensure that the chemical substance
5 meets the applicable safety standard.

6 “(E) UPDATES.—

7 “(i) REVISIONS.—The Administrator
8 shall promptly revise the list under para-
9 graph (1) whenever the Administrator de-
10 termines that the addition or removal of a
11 chemical substance from priority class 1 is
12 warranted.

13 “(ii) REMOVAL PROCEDURE.—A
14 chemical substance may be removed from
15 the list under paragraph (1) only if the
16 Administrator finds that such substance
17 meets the safety standard under subsection
18 (b).

19 “(3) CHEMICAL SUBSTANCES REQUIRING SAFE-
20 TY STANDARD DETERMINATIONS (PRIORITY CLASS
21 2).—

22 “(A) DEFINITION OF PRIORITY CLASS 2.—
23 In this section, the term ‘priority class 2’ means
24 a priority class that contains chemical sub-

1 stances that Administrator determines require
2 safety standard determinations.

3 “(B) ASSIGNMENT TO PRIORITY CLASS
4 2.—

5 “(i) IN GENERAL.—Subject to clause
6 (ii), if the Administrator determines, based
7 on any more-than-theoretical concern, that
8 there is uncertainty as to whether a chem-
9 ical substance would satisfy the safety
10 standard in a determination made under
11 subsection (b), the Administrator shall as-
12 sign that chemical substance priority class
13 2.

14 “(ii) CONDITIONS.—The Adminis-
15 trator shall assign chemical substances to
16 priority class 2 subject to the conditions
17 that—

18 “(I) the rate at which chemical
19 substances are added to priority class
20 2 shall be expeditious, but shall not
21 exceed the rate at which the Adminis-
22 trator reasonably anticipates com-
23 pleting safety standard determinations
24 under subsection (b); and

1 “(II) the Administrator shall
2 first assign to priority class 2 those
3 chemical substances that present the
4 greater risks to human health or the
5 environment, as determined by the
6 Administrator.

7 “(C) REMOVAL PROCEDURE.—The Admin-
8 istrator shall not remove a chemical substance
9 from priority class 2 until the Administrator
10 has made a safety standard determination for
11 that chemical substance under subsection (b).

12 “(4) CHEMICAL SUBSTANCES REQUIRING NO
13 IMMEDIATE ACTION (PRIORITY CLASS 3).—

14 “(A) DEFINITION OF PRIORITY CLASS 3.—
15 In this section, the term ‘priority class 3’ means
16 a priority class that contains chemical sub-
17 stances that the Administrator determines re-
18 quire no immediate action.

19 “(B) ASSIGNMENT TO PRIORITY CLASS
20 3.—The Administrator shall assign a chemical
21 substance to priority class 3 if the chemical
22 substance has intrinsic properties such that the
23 chemical substance, as determined by the Ad-
24 ministrator, does not and would not, at any
25 stage of the lifecycle of the chemical substance,

1 pose any risk of adverse effects to human
2 health or the environment under existing, pro-
3 posed, or anticipated levels of exposure to, or
4 production or patterns of use of, that chemical
5 substance

6 “(C) UPDATES.—The Administrator shall
7 promptly revise the list under paragraph (1)
8 whenever the Administrator determines that the
9 addition or removal of a chemical substance
10 from priority class 3 is warranted.

11 “(5) INTERAGENCY PRIORITIZATION AND TEST-
12 ING COMMITTEE.—

13 “(A) ESTABLISHMENT.—There is estab-
14 lished an interagency committee (referred to in
15 this section as the ‘committee’) to make rec-
16 ommendations to the Administrator con-
17 cerning—

18 “(i) the issuance of test rules or or-
19 ders for chemical substances and mixtures
20 under section 4(c); and

21 “(ii) the prioritization of chemical
22 substances under this subsection.

23 “(B) RECOMMENDATIONS.—

24 “(i) FACTORS.—In making a rec-
25 ommendation concerning—

1 “(I) the issuance of test rules or
2 orders under section 4(c), the com-
3 mittee shall consider all factors rel-
4 evant to risk; and

5 “(II) prioritization of chemical
6 substances or categories of chemical
7 substances under this subsection, the
8 committee shall consider the criteria
9 described in paragraphs (2)(B),
10 (3)(B), and (4)(B).

11 “(ii) FORM.—The recommendations of
12 the committee shall be in the form of 1 or
13 more lists of chemical substances and mix-
14 tures that shall specify, either by individual
15 substance or mixture or by categories of
16 substances or mixtures—

17 “(I) the recommendations of the
18 committee that particular chemical
19 substances, mixtures, or categories of
20 chemical substances or mixtures be
21 the subject of a test rule or order
22 under section 4(c); or

23 “(II) the recommendations of the
24 committee that particular chemical
25 substances, or categories of chemical

1 substances, be prioritized under this
2 subsection.

3 “(iii) ADDITIONS OR REVISIONS.—

4 “(I) IN GENERAL.—Not less fre-
5 quently than once every year, the
6 committee shall—

7 “(aa) make such additions
8 or revisions to the recommenda-
9 tions of the committee as the
10 committee determines to be nec-
11 essary; and

12 “(bb) submit to the Admin-
13 istrator the recommendations and
14 a statement of the reasons of the
15 committee for any additions or
16 revisions.

17 “(II) PUBLICATION.—On receipt
18 of any new or revised recommenda-
19 tions, the Administrator shall publish
20 in the Federal Register the rec-
21 ommendations and the statement of
22 the reasons for the additions or revi-
23 sions.

24 “(III) COMMENTS.—The Admin-
25 istrator shall—

1 “(aa) provide reasonable op-
2 portunity to any interested per-
3 son to file with the Administrator
4 written comments on the rec-
5 ommendations of the committee,
6 and any additions or revisions to
7 the recommendations by the com-
8 mittee;

9 “(bb) consider any com-
10 ments received under item (aa);
11 and

12 “(cc) make any comments
13 received under item (aa) available
14 to the public.

15 “(C) COMPOSITION.—The committee shall
16 consist of the following 8 members:

17 “(i) 1 member appointed by the Ad-
18 ministrator from among officers or employ-
19 ees of the Environmental Protection Agen-
20 cy.

21 “(ii) 1 member appointed by the Sec-
22 retary of Labor from among officers or
23 employees of the Department of Labor who
24 are engaged in the activities of the Sec-
25 retary of Labor under the Occupational

1 Safety and Health Act of 1970 (29 U.S.C.
2 651 et seq.).

3 “(iii) 1 member appointed by the
4 Chairman of the Council on Environmental
5 Quality from among the Council or the of-
6 ficers or employees of the Council.

7 “(iv) 1 member appointed by the Di-
8 rector of the National Institute for Occu-
9 pational Safety and Health from among of-
10 ficers or employees of the Institute.

11 “(v) 1 member appointed by the Di-
12 rector of the National Institute of Environ-
13 mental Health Sciences from among offi-
14 cers or employees of the Institute.

15 “(vi) 1 member appointed by the Di-
16 rector of the National Cancer Institute
17 from among officers or employees of the
18 Institute.

19 “(vii) 1 member appointed by the Di-
20 rector of the National Science Foundation
21 from among officers or employees of the
22 Foundation.

23 “(viii) 1 member appointed by the
24 Secretary of Commerce from among offi-

1 cers or employees of the Department of
2 Commerce.

3 “(D) APPOINTMENT OF MEMBERS.—

4 “(i) DESIGNEES.—

5 “(I) IN GENERAL.—An appointed
6 member may designate an individual
7 to serve on the committee on behalf of
8 the member.

9 “(II) PREREQUISITES.—A des-
10 ignation may be made only—

11 “(aa) with the approval of
12 the applicable appointing author-
13 ity; and

14 “(bb) if the individual is an
15 officer or employee of the entity
16 from which the member was ap-
17 pointed.

18 “(ii) TERMS.—

19 “(I) IN GENERAL.—No individual
20 may serve as a member of the com-
21 mittee for more than an aggregate pe-
22 riod of 4 years.

23 “(II) MEMBERS LEAVING AP-
24 POINTING ENTITIES.—If any member
25 of the committee leaves the entity

1 from which the member was ap-
2 pointed—

3 “(aa) the member may not
4 continue as a member of the
5 committee; and

6 “(bb) the position of the
7 member shall be considered va-
8 cant.

9 “(III) VACANCIES.—A vacancy
10 on the committee shall be filled in the
11 same manner in which the original ap-
12 pointment was made.

13 “(E) CONFLICTS OF INTEREST.—

14 “(i) POST-TERMINATION EMPLOY-
15 MENT OR COMPENSATION.—No member of
16 the committee, or designee of a member,
17 shall accept employment or compensation
18 from any person subject to any require-
19 ment of this Act or any rule promulgated
20 or order issued under this Act, for a period
21 of at least 1 year beginning after the date
22 of termination of service on the committee.

23 “(ii) FINANCIAL INTERESTS.—No per-
24 son, while serving as a member of the com-
25 mittee or designee of a member, may own

1 any stocks or bonds of, or have any pecu-
2 niary interest of substantial value in, any
3 person engaged in the manufacture, proc-
4 essing, or distribution in commerce of any
5 chemical substance or mixture subject to
6 this Act or of any rule promulgated or
7 order issued under this Act.

8 “(iii) VIOLATIONS.—The Adminis-
9 trator, acting through the Attorney Gen-
10 eral, may bring an action in the appro-
11 priate district court of the United States
12 for any violation of this subparagraph.

13 “(F) ADMINISTRATIVE SUPPORT.—The
14 Administrator shall provide the committee such
15 administrative support services as may be nec-
16 essary to enable the committee to carry out the
17 functions of the committee under this sub-
18 section.

19 “(6) NO JUDICIAL REVIEW.—The following ac-
20 tions shall not be subject to judicial review:

21 “(A) The assignment of a particular chem-
22 ical substance under this subsection.

23 “(B) A determination by the Administrator
24 of whether a particular assignment under this
25 subsection is warranted.

1 chemical substance meets the applica-
2 ble safety standard; and

3 “(II) the Administrator to deter-
4 mine whether the chemical substance
5 meets the applicable safety standard.

6 “(C) ASSESSMENT OF RISK.—

7 “(i) IN GENERAL.—Any determination
8 that a chemical substance meets the appli-
9 cable safety standard under subparagraph
10 (B)(ii) shall be supported by an assess-
11 ment of risk conducted by an employee of
12 the Environmental Protection Agency.

13 “(ii) SAFETY STANDARD.—

14 “(I) IN GENERAL.—The Admin-
15 istrator shall base the determination
16 of whether the safety standard for a
17 chemical substance has been met
18 under this title solely on consider-
19 ations of human health and the envi-
20 ronment, including the health of vul-
21 nerable human populations.

22 “(II) CONSIDERATIONS.—In
23 making a safety standard determina-
24 tion under this title, for each chemical
25 substance, the Administrator shall—

1 “(aa) to the extent prac-
2 ticable, review and incorporate
3 any available scientific informa-
4 tion relating to the effect of cu-
5 mulative exposure to that chem-
6 ical substance on human health
7 and the environment; and

8 “(bb) find that a chemical
9 substance meets the safety stand-
10 ard only if the Administrator
11 finds that there is a reasonable
12 certainty that no harm will result
13 to human health or the environ-
14 ment from aggregate exposure to
15 the chemical substance.

16 “(iii) FINANCIAL INTERESTS.—No
17 participant or peer reviewer in an assess-
18 ment described in clause (i) shall have a
19 direct or indirect financial interest in the
20 outcome of the assessment.

21 “(iv) METHODOLOGY.—

22 “(I) IN GENERAL.—Subject to
23 subclause (II), the Administrator shall
24 use the best available science when

1 conducting an assessment described in
2 clause (i).

3 “(II) CONSIDERATIONS.—For the
4 purpose of determining the current
5 best available science, the Adminis-
6 trator shall base the determination on
7 the recommendations of the National
8 Academy of Sciences in the report en-
9 titled ‘Science and Decisions’.

10 “(III) REVIEW.—Not later than
11 5 years after the date of enactment of
12 the Safe Chemicals Act of 2011, and
13 not less frequently than once every 5
14 years thereafter, the Administrator
15 shall review the methodology under
16 this paragraph and may revise the
17 methodology to reflect new scientific
18 developments or understandings.

19 “(v) SCOPE.—An assessment de-
20 scribed in clause (i) shall address human
21 health or environmental impacts, including
22 potential or demonstrated cancer and non-
23 cancer endpoints.

24 “(vi) TRANSPARENCY.—In carrying
25 out this subsection, the Administrator shall

1 ensure that the approaches and resulting
2 assessments are communicated in a man-
3 ner that is transparent and understandable
4 to the public and to risk managers.

5 “(vii) MANUFACTURE OR PROCESSING
6 FOR EXPORT.—In the case of a chemical
7 substance that is manufactured or proc-
8 essed in whole or in part for export, in de-
9 termining whether the chemical substance
10 meets the applicable safety standard under
11 subparagraph (B)(ii), the Administrator
12 shall take into account any risks that the
13 chemical substance may pose in the United
14 States, including risks involving long-range
15 transport of the chemical substance in the
16 environment and risks involving the import
17 of articles and mixtures containing the
18 chemical substance.

19 “(viii) RISK ASSESSMENT NOT RE-
20 QUIRED.—The Administrator shall not be
21 required to conduct a risk assessment to
22 determine that a manufacturer or proc-
23 essor has not met the burden of proof
24 under subparagraph (B).

1 “(D) NO JUDICIAL REVIEW.—A determina-
2 tion by the Administrator that a manufacturer
3 or processor has not established that the chem-
4 ical substance meets the applicable safety
5 standard under this subsection shall not be sub-
6 ject to judicial review.

7 “(2) DUTIES.—

8 “(A) MANUFACTURER AND PROCESSOR
9 DUTIES.—

10 “(i) INITIAL SAFETY STANDARD DE-
11 TERMINATION SUBMISSION.—

12 “(I) IN GENERAL.—By the date
13 that is 30 months after the date on
14 which a chemical substance is as-
15 signed to priority class 2 under sub-
16 section (a), the manufacturers and
17 processors of a chemical substance
18 shall—

19 “(aa) update the minimum
20 dataset, if the data set was sub-
21 mitted prior to the assignment of
22 the chemical substance to priority
23 class 2 under subsection (a);

24 “(bb) submit to the Admin-
25 istrator any additional informa-

1 tion the Administrator may re-
2 quire to make a safety standard
3 determination, including any in-
4 formation the Administrator de-
5 termines is necessary to be devel-
6 oped by testing; and

7 “(cc) indicate whether the
8 chemical substance, including
9 specified uses to be evaluated and
10 any proposed conditions on the
11 specified uses, meets the safety
12 standard.

13 “(II) SUBMITTING MANUFACTUR-
14 ERS AND PROCESSORS.—The Admin-
15 istrator may permit the manufactur-
16 ers and processors of a chemical sub-
17 stance to designate 1 or more manu-
18 facturers or processors to submit the
19 information required under subclause
20 (I) on behalf of the manufacturers
21 and processors making the designa-
22 tion.

23 “(III) LIABILITY.—All manufac-
24 turers and processors described in
25 subclause (II) shall remain liable for

1 compliance with any requirements
2 subject to the designation.

3 “(ii) RENEWAL OF SAFETY STANDARD
4 DETERMINATION SUBMISSION.—

5 “(I) IN GENERAL.—Not later
6 than 15 years after the date of the
7 previous submission under clause (i),
8 this clause, or section 5(c)(1), the
9 manufacturers and processors of each
10 chemical substance shall—

11 “(aa) submit to the Admin-
12 istrator an updated minimum
13 data set for the chemical sub-
14 stance, as established under sec-
15 tion 4(a); and

16 “(bb) indicate whether the
17 chemical substance, including
18 specified uses to be evaluated and
19 any proposed conditions on the
20 specified use meets the safety
21 standard.

22 “(II) SUBMITTING MANUFACTUR-
23 ERS AND PROCESSORS.—The Admin-
24 istrator may permit the manufactur-
25 ers and processors of a chemical sub-

1 stance to designate 1 or more manu-
2 facturers or processors to submit the
3 information required under subclause
4 (I) on behalf of the manufacturers
5 and processors making the designa-
6 tion.

7 “(III) LIABILITY.—All manufac-
8 turers and processors described in
9 subclause (II) shall remain liable for
10 compliance with any requirements
11 subject to the designation.

12 “(iii) NOTICE OF PENDING DETER-
13 MINATION.—If the Administrator fails to
14 act by an applicable deadline under sub-
15 paragraph (B)(i), each manufacturer and
16 processor of a chemical substance for
17 which the Administrator has failed to act
18 shall provide to the Administrator, the
19 public, the employees and recognized bar-
20 gaining agents of any employees who are
21 represented by bargaining agents of the
22 manufacturer or processor, and each
23 known customer who has purchased the
24 chemical substance within a reasonable
25 timeframe, as determined by the Adminis-

1 trator by rule or order, a written notice
2 that a determination by the Administrator
3 of the safety of the chemical substance is
4 pending.

5 “(iv) FAILURE OF MANUFACTURER OR
6 PROCESSOR TO MEET DUTIES.—If a manu-
7 facturer or processor fails to meet any
8 duty under this subparagraph for a chem-
9 ical substance, the Administrator may, by
10 order, take any action authorized under
11 subsection (c) if a manufacturer or proc-
12 essor is in violation of a duty under this
13 subparagraph, except as authorized sub-
14 section (e).

15 “(B) ADMINISTRATOR DUTIES.—

16 “(i) SAFETY STANDARD DETERMINA-
17 TION.—Not later than 1 year after the ear-
18 lier of the date of receipt of a complete
19 submission or the applicable submission
20 deadline under clause (i) or (ii) of subpara-
21 graph (A), or after initiating a redeter-
22 mination under clause (iii) of this subpara-
23 graph, with respect to a chemical sub-
24 stance, the Administrator shall by order
25 determine, or redetermine, as appropriate,

1 whether the manufacturers and processors
2 of the chemical substance have established
3 that the chemical substance meets the
4 safety standard.

5 “(ii) USES AND CONDITIONS.—If the
6 Administrator determines that the chem-
7 ical substance meets the safety standard,
8 the Administrator shall specify in the
9 order—

10 “(I) the allowed uses of the sub-
11 stance, which shall be limited to the
12 uses evaluated in the determination;
13 and

14 “(II) any conditions on the speci-
15 fied uses to ensure the safety stand-
16 ard is met, including conditions that
17 relate to the manufacture, processing,
18 use, distribution in commerce, or dis-
19 posal of a chemical substance, or mix-
20 ture or article containing such chem-
21 ical substance, and any conditions de-
22 scribed in subsection (c).

23 “(iii) REDETERMINATION.—The Ad-
24 ministrator shall initiate a redetermination
25 of whether the manufacturers and proc-

1 essors of a chemical substance distributed
2 in commerce have established that the
3 chemical substance meets the safety stand-
4 ard—

5 “(I) if new information raises a
6 credible question as to whether the
7 chemical substance continues to meet
8 the safety standard;

9 “(II) on the receipt of a renewal
10 submission under subparagraph
11 (A)(ii); or

12 “(III) after the 15-year period
13 beginning on the date of the previous
14 applicable determination of the Ad-
15 ministrator under this subparagraph,
16 if a redetermination has not already
17 been initiated subsequent to the deter-
18 mination.

19 “(iv) PETITION FOR REDETERMINA-
20 TION.—

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

1 “(II) BASIS.—The person shall
2 include in the petition a description of
3 the basis for requesting the redeter-
4 mination.

5 “(III) ACTION BY ADMINIS-
6 TRATOR.—On receipt of the petition,
7 the Administrator shall—

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

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

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

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

1 “(ii) any other chemical substance, ef-
2 fective 1 year after the Administrator
3 makes a safety standard determination for
4 a chemical substance under paragraph
5 (2)(B)(i) and does not determine that the
6 chemical substance meets the applicable
7 safety standard.

8 “(C) POSITIVE SAFETY STANDARD DETER-
9 MINATION.—Effective beginning 1 year after
10 the date on which the Administrator determines
11 under paragraph (2)(B)(i) that a chemical sub-
12 stance meets the safety standard or imme-
13 diately after such a determination is made for
14 a new chemical substance for which notice is re-
15 quired under section 5(a), no person shall man-
16 ufacture, process, or distribute in commerce the
17 chemical substance, or any mixture or article
18 containing the chemical substance, for any use
19 other than those specified in the determination
20 established under paragraph (2)(B)(ii).

21 “(c) RISK MANAGEMENT.—The Administrator, in
22 making a safety standard determination, may impose con-
23 ditions on the manufacture, processing, use, distribution
24 in commerce, or disposal of a chemical substance, or mix-

1 ture or article containing that chemical substance, in ac-
2 cordance with subsection (b)(2)(B)(ii)(II), including—

3 “(1) a requirement limiting the quantity of the
4 substance that may be manufactured, processed, or
5 distributed in commerce;

6 “(2) a requirement—

7 “(A) prohibiting the manufacture, proc-
8 essing, or distribution in commerce of the sub-
9 stance for a particular use in a concentration in
10 excess of a level specified by the Administrator
11 in conditions under subsection (b)(2)(B)(ii)(II);
12 or

13 “(B) limiting the quantity of the substance
14 that may be manufactured, processed, or dis-
15 tributed in commerce for—

16 “(i) a particular use; or

17 “(ii) a particular use in a concentra-
18 tion in excess of a level specified by the
19 Administrator in conditions established
20 under subsection (b)(2)(B)(ii)(II);

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

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

3 “(4) a requirement that manufacturers and
4 processors of the substance—

5 “(A) make and retain records of the proc-
6 esses used to manufacture or process the sub-
7 stance; and

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

11 “(5) a requirement prohibiting or otherwise reg-
12 ulating any manner or method of commercial use of
13 the substance;

14 “(6) a requirement prohibiting or otherwise reg-
15 ulating any manner or method of disposal of the
16 substance by—

17 “(A) the manufacturer or processor of the
18 substance; or

19 “(B) any other person that uses, or dis-
20 poses of, the substance for commercial pur-
21 poses; and

22 “(7) a requirement that the manufacturers and
23 processors of the substance, mixture, or article de-
24 velop a risk reduction management plan to achieve
25 a risk reduction specified by the Administrator.

1 “(d) QUALITY CONTROL ORDERS.—

2 “(1) IN GENERAL.—If the Administrator has a
3 reasonable basis to conclude that a particular manu-
4 facturer or processor is manufacturing or processing
5 a chemical substance in a manner that may present
6 a substantial endangerment to human health or the
7 environment, the Administrator may, by order, re-
8 quire the manufacturer or processor to submit a de-
9 scription of the quality control procedures followed
10 in the manufacturing or processing of the chemical
11 substance.

12 “(2) ORDERS.—

13 “(A) IN GENERAL.—If the Administrator
14 determines that quality control procedures de-
15 scribed in paragraph (1) are inadequate to pre-
16 vent the chemical substance from presenting a
17 risk of injury to human health or the environ-
18 ment, the Administrator may order the manu-
19 facturer or processor to revise the quality con-
20 trol procedures to the extent necessary to rem-
21 edy the inadequacy.

22 “(B) SUBSTANTIAL ENDANGERMENT.—If
23 the Administrator determines that quality con-
24 trol procedures described in paragraph (1) have
25 resulted in the distribution in commerce of a

1 chemical substance that may present a substan-
2 tial endangerment to human health or the envi-
3 ronment, the Administrator may order the man-
4 ufacturer or processor—

5 “(i) to give notice of the
6 endangerment to—

7 “(I) processors or distributors (or
8 both) in commerce of the substance;
9 and

10 “(II) to the extent reasonably as-
11 certainable, any other person in pos-
12 session of or exposed to the substance;

13 “(ii) to give public notice of the
14 endangerment; and

15 “(iii) to provide for the replacement
16 or repurchase, as prescribed by the Admin-
17 istrator, of the substance as the Adminis-
18 trator determines necessary to adequately
19 protect human health or the environment.

20 “(e) EXEMPTIONS TO RESTRICTIONS.—

21 “(1) APPLICATION.—This subsection applies to
22 the restrictions established under sections 4(a)(3),
23 4(b)(3), 8(b)(6), and 8(c)(3), and paragraphs
24 (2)(A)(iv) and (3) of subsection (b).

25 “(2) EXEMPTIONS.—

1 “(A) IN GENERAL.—

2 “(i) REQUEST.—The manufacturers
3 and processors of a chemical substance
4 may request an exemption from any re-
5 striction described in paragraph (1) for a
6 specified use of the chemical substance.

7 “(ii) ORDER.—The Administrator
8 may, by order, grant an exemption from
9 any restriction described in paragraph (1)
10 for a period of not to exceed 5 years if the
11 manufacturers and processors of the chem-
12 ical substance have established by clear
13 and convincing evidence that the uses to be
14 exempted meet the exemption criteria de-
15 scribed in subparagraph (B).

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

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

21 “(ii) the lack of availability of the
22 chemical substance would cause significant
23 disruption in the national economy; or

1 “(iii) the use for which the exemption
2 is sought is a critical or essential use for
3 which—

4 “(I) no feasible safer alternative
5 for the specified use of the chemical
6 substance is available; or

7 “(II) the specified use of the
8 chemical substance when compared to
9 all available alternatives, provides a
10 net benefit to human health, the envi-
11 ronment, or public safety.

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

15 “(i) the manufacturers and processors
16 of the chemical substance shall, for the ex-
17 empted use, provide notice of the exemp-
18 tion to each known purchaser of—

19 “(I) the chemical substance; and

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

22 “(ii) the Administrator shall provide
23 the public with a notice of the exemption.

24 “(D) RENEWAL.—The Administrator may,
25 by order, renew an exemption under this para-

1 graph for 1 or more additional 5-year periods
2 if the Administrator concludes, after providing
3 public notice and an opportunity for comment,
4 that the use of the chemical substance con-
5 tinues to meet the criteria described in subpara-
6 graph (B).

7 “(E) CONDITIONS.—

8 “(i) IN GENERAL.—The Administrator
9 shall, by order, impose any condition on an
10 exemption issued under this paragraph
11 that the Administrator determines to be
12 necessary to ensure the protection of
13 human health and the environment.

14 “(ii) COMPLIANCE.—Effective imme-
15 diately after the date on which the Admin-
16 istrator establishes conditions on exempted
17 use under clause (i), the manufacturing,
18 processing, or distribution in commerce of
19 the chemical substance, or any mixture or
20 article containing the chemical substance,
21 shall be prohibited except to the extent
22 that the conditions are satisfied.

23 “(3) RESALE OF USED ARTICLES.—The restric-
24 tions described in paragraph (1) shall not apply to
25 the resale of an article subject to a restriction under

1 subsection (b) if the article has previously been used
2 by an end consumer.

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

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

14 “(i) is necessary and appropriate to
15 allow for depletion of the existing retail in-
16 ventory; and

17 “(ii) will not present a substantial
18 endangerment to human health or the en-
19 vironment.

20 “(B) EXCEPTION.—An extension under
21 subparagraph (A) shall not apply to any retailer
22 that the Administrator determines has failed to
23 comply with an order requesting information
24 issued by the Administrator pursuant to section
25 8.

1 “(f) POLYCHLORINATED BIPHENYLS.—

2 “(1) IN GENERAL.—The Administrator shall
3 act by order or rule consistent with paragraphs (2)
4 and (3)—

5 “(A) to prescribe methods for the disposal
6 of polychlorinated biphenyls; and

7 “(B) to require polychlorinated biphenyls
8 to be marked with clear and adequate warnings
9 and instructions with respect to the processing,
10 distribution in commerce, use, or disposal (or
11 any combination of such activities) of poly-
12 chlorinated biphenyls.

13 “(2) MANUFACTURE, PROCESS, OR DISTRIBUTION
14 IN TOTALLY ENCLOSED MANNER.—

15 “(A) DEFINITION OF TOTALLY ENCLOSED
16 MANNER.—In this paragraph, the term ‘totally
17 enclosed manner’ means any manner that en-
18 sures that any exposure of human beings or the
19 environment to the polychlorinated biphenyl will
20 be insignificant, as determined by the Adminis-
21 trator by order or rule.

22 “(B) PROHIBITION.—Except as provided
23 in subparagraph (C), no person may manufac-
24 ture, process, distribute in commerce, or use

1 any polychlorinated biphenyl in any manner
2 other than in a totally enclosed manner.

3 “(C) ALTERNATIVE MANNER.—The Ad-
4 ministrator may, by order or rule, authorize the
5 manufacture, processing, distribution in com-
6 merce, or use (or any combination of such ac-
7 tivities) of any polychlorinated biphenyl in a
8 manner other than in a totally enclosed manner
9 if the Administrator finds that the manufac-
10 ture, processing, distribution in commerce, or
11 use (or combination of such activities) will not
12 present a substantial endangerment to human
13 health or the environment.

14 “(3) PROHIBITION ON MANUFACTURE, PROC-
15 ESS, OR DISTRIBUTION.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraphs (B), (C), and (D)—

18 “(i) no person may manufacture any
19 polychlorinated biphenyl; and

20 “(ii) no person may process or dis-
21 tribute in commerce any polychlorinated
22 biphenyl.

23 “(B) EXEMPTIONS.—

24 “(i) IN GENERAL.—Any person may
25 petition the Administrator for an exemp-

1 tion from the requirements of subpara-
2 graph (A), and the Administrator may
3 grant by rule the exemption, if the Admin-
4 istrator finds that—

5 “**(I)** a substantial endangerment
6 to human health or environment
7 would not result; and

8 “**(II)** good faith efforts have been
9 made to develop a chemical substance
10 that meets the safety standard and
11 that may be substituted for such poly-
12 chlorinated biphenyl.

13 “**(ii)** **ADMINISTRATION.**—An exemp-
14 tion granted under this subparagraph shall
15 be—

16 “**(I)** subject to such terms and
17 conditions as the Administrator may
18 prescribe; and

19 “**(II)** be in effect for such period
20 (but not more than 1 year after the
21 date on which the exemption is grant-
22 ed, except as provided in subpara-
23 graph (D)) as the Administrator may
24 prescribe.

1 “(C) PRIOR SALES.—Subparagraph (A)
2 shall not apply to the distribution in commerce
3 of any polychlorinated biphenyl if the poly-
4 chlorinated biphenyl was sold for purposes other
5 than resale before the expiration of the 2 ½-
6 year period beginning on the date of enactment
7 of this Act.

8 “(D) EXTENSION OF EXEMPTIONS.—

9 “(i) IN GENERAL.—The Administrator
10 may, by order or rule, extend an exemption
11 granted under subparagraph (B) that has
12 not yet expired for a period not to exceed
13 60 days for the purpose of authorizing the
14 Secretary of Defense and the Secretaries
15 of the military departments to provide for
16 the transportation into the customs terri-
17 tory of the United States of poly-
18 chlorinated biphenyls generated by or
19 under the control of the Department of
20 Defense for purposes of the disposal, treat-
21 ment, or storage of the polychlorinated
22 biphenyls in the customs territory of the
23 United States if the polychlorinated
24 biphenyls are already in transit from stor-
25 age locations but the Administrator deter-

1 mines, in the sole discretion of the Admin-
2 istrator, the polychlorinated biphenyls
3 would not otherwise arrive in the customs
4 territory of the United States within the
5 period of the original exemption.

6 “(ii) NOTICE.—The Administrator
7 shall promptly publish in the Federal Reg-
8 ister notice of the extension.

9 “(g) MERCURY.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), no Federal agency shall convey, sell, or
12 distribute to any other Federal agency, any State or
13 local government agency, or any private individual or
14 entity any elemental mercury under the control or
15 jurisdiction of the Federal agency.

16 “(2) EXCEPTIONS.—Paragraph (1) shall not
17 apply to—

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

22 “(B) a conveyance, sale, distribution, or
23 transfer of coal.

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

1 “(h) CERTIFICATION.—Each submission required
2 pursuant to this section or pursuant to a rule or an order
3 promulgated or issued by the Administrator under this
4 section shall be accompanied by a certification signed by
5 a responsible official of the manufacturer or processor that
6 each statement contained in the submission—

7 “(1) is accurate and reliable; and

8 “(2) includes all material facts known to, in the
9 possession or control of, or reasonably ascertainable
10 by, the manufacturer or processor.

11 “(i) EFFECTIVE DATE.—In any rule or order under
12 this section, the Administrator shall specify the date on
13 which the rule or order shall take effect, which shall be
14 as soon as practicable.”.

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

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

18 **“SEC. 7. IMMINENT HAZARDS.**

19 “(a) ACTIONS AUTHORIZED AND REQUIRED.—

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

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

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

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

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

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

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

18 “(2) OTHER ACTIONS.—

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

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

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

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

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

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

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

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

24 “(b) RELIEF AUTHORIZED.—

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

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

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

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

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

24 “(ii) public notice of the risk;

25 “(iii) recall;

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

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

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

10 “(3) SEIZURE AND CONDEMNATION.—

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

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

20 “(c) VENUE AND CONSOLIDATION.—

21 “(1) VENUE.—

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

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

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

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

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

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

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

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

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

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

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

14 “(a) SUBSTANCE IDENTIFICATION, DECLARATION,
15 AND INFORMATION.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of the Safe Chemicals Act of
18 2011, each manufacturer or processor of a chemical
19 substance distributed in commerce shall submit to
20 the Administrator the declaration described in para-
21 graph (2) or (3), accompanied by the certification
22 described in subsection (h).

23 “(2) DECLARATION OF CURRENT MANUFAC-
24 TURE OR PROCESSING.—A declaration described in
25 this paragraph is a statement that includes, for each

1 chemical substance manufactured or processed by a
2 manufacturer or processor—

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

6 “(B) the name and location of each facility
7 under the control of the manufacturer or proc-
8 essor at which the chemical substance is manu-
9 factured or processed or from which the chem-
10 ical substance is distributed in commerce;

11 “(C) a list of health and safety studies
12 conducted or initiated by or for, known to, or
13 reasonably ascertainable by the manufacturer
14 or processor with respect to the chemical sub-
15 stance, and copies of any such studies that have
16 not previously been submitted to the Adminis-
17 trator; and

18 “(D) all other information known to, in the
19 possession or control of, or reasonably ascer-
20 tainable by the manufacturer or processor that
21 has not previously been submitted to the Ad-
22 ministrator regarding—

23 “(i) the physical, chemical, and toxi-
24 cological properties of the chemical sub-
25 stance;

1 “(ii) the annual production volume
2 and known uses of, and exposure and fate
3 information relating to, the chemical sub-
4 stance; and

5 “(iii) the name and location of each
6 facility to which the chemical substance is
7 sent, after manufacture and processing, for
8 subsequent processing, distribution, or use.

9 “(3) DECLARATION OF CESSATION OF MANU-
10 FACTURING OR PROCESSING.—A declaration de-
11 scribed in this paragraph is a statement certifying
12 that the manufacturer or processor has ceased, or
13 will cease not later than 180 days after the date of
14 submission of the declaration, all production, impor-
15 tation, processing, and export of the chemical sub-
16 stance.

17 “(4) UPDATING OF INFORMATION.—Each man-
18 ufacturer or processor of a chemical substance that
19 submits to the Administrator a declaration described
20 in paragraph (2) shall update and submit to the Ad-
21 ministrator a new declaration—

22 “(A) at a minimum every 3 years; and

23 “(B) immediately, at any time at which
24 there becomes known or available to, in the pos-
25 session or control of, or reasonably ascertain-

1 able by the manufacturer or processor signifi-
2 cant new information regarding a physical,
3 chemical, toxicological property or use of, or ex-
4 posure to, the chemical substance, including
5 any information that—

6 “(i) demonstrates a new potential
7 toxic effect of the chemical substance;

8 “(ii) corroborates previous informa-
9 tion demonstrating or suggesting a toxic
10 effect; or

11 “(iii) suggests a toxic effect at a lower
12 dose than previously demonstrated.

13 “(5) RECORDS TO SUPPORT DECLARATIONS.—
14 Each manufacturer or processor of a chemical sub-
15 stance distributed in commerce shall maintain
16 records of the information described in subpara-
17 graphs (A) through (D) of paragraph (2).

18 “(6) PROHIBITION ON MANUFACTURING, PROC-
19 ESSING, OR DISTRIBUTION.—The Administrator
20 may, by order, prohibit a manufacturer or processor
21 in violation of this subsection from manufacturing,
22 processing, or distributing in commerce the chemical
23 substance or any article containing the chemical sub-
24 stance, except as authorized under section 6(e).

25 “(b) REPORTS.—

1 “(1) REQUIREMENT.—

2 “(A) IN GENERAL.—Except as provided in
3 paragraph (2), the Administrator may by rule
4 or order require any person who manufactures,
5 processes, distributes in commerce, uses, or dis-
6 poses of a chemical substance to maintain
7 records of and report by a specified date any in-
8 formation concerning the substance that, in the
9 judgment of the Administrator, would assist the
10 Administrator in—

11 “(i) making a safety standard deter-
12 mination with respect to a chemical sub-
13 stance under this title; or

14 “(ii) any other aspect of administering
15 this Act.

16 “(B) CHARACTERISTICS.—The Adminis-
17 trator may by rule or order require that any re-
18 port or information submitted pursuant to this
19 Act include chemical identity and special sub-
20 stance characteristics, as appropriate to the
21 chemical substance that is the subject of the re-
22 port or information.

23 “(C) REQUIRED INFORMATION.—The Ad-
24 ministrator shall by rule or order specify or
25 modify the information that is required to be

1 submitted with a particular report or informa-
2 tion submission to establish the chemical iden-
3 tity and special substance characteristics of the
4 subject chemical substance (or mixture or arti-
5 cle containing that chemical substance) for the
6 purposes of the report or information submis-
7 sion.

8 “(2) SMALL QUANTITIES FOR RESEARCH OR
9 ANALYSIS.—In the case of the manufacture, proc-
10 essing, distribution in commerce, use, or disposal of
11 a chemical substance in small quantities (as defined
12 by the Administrator by rule) solely for purposes of
13 scientific experimentation or analysis or chemical re-
14 search (including any such research or analysis for
15 the development of a product), the Administrator
16 may promulgate or issue a rule or order under para-
17 graph (1) only to the extent that the Administrator
18 determines the maintenance of records or submission
19 of reports, or both, are necessary for the effective
20 enforcement of this Act.

21 “(3) PROHIBITION ON MANUFACTURING, PROC-
22 ESSING, OR DISTRIBUTION.—The Administrator
23 may, by order, prohibit a manufacturer or processor
24 in violation of a requirement of a rule or order
25 under paragraph (1) from manufacturing, proc-

1 essing, or distributing in commerce the chemical
2 substance or any article containing the chemical sub-
3 stance, except as authorized under section 6(e).

4 “(c) INVENTORY.—

5 “(1) IN GENERAL.—The Administrator shall
6 compile, keep current, and publish a list of each
7 chemical substance that is manufactured or proc-
8 essed in the United States.

9 “(2) CONTENTS.—The list shall at least include
10 the name of each chemical substance that any per-
11 son reports, under section 5 or subsection (b) of this
12 section, is manufactured or processed in the United
13 States.

14 “(3) TIMING.—

15 “(A) IN GENERAL.—In the case of a chem-
16 ical substance for which a notice is submitted in
17 accordance with section 5, the chemical sub-
18 stance shall be included on the list as of the
19 earliest date (as determined by the Adminis-
20 trator) on which the substance was manufac-
21 tured or processed in the United States.

22 “(B) PUBLICATION.—The Administrator
23 shall first publish a list under subparagraph (A)
24 not later than 18 months after the effective
25 date of this Act.

1 “(4) SMALL QUANTITIES FOR RESEARCH OR
2 ANALYSIS.—The Administrator shall not include in
3 the list any chemical substance that is manufactured
4 or processed only in small quantities (as defined by
5 the Administrator by rule) solely for purposes of sci-
6 entific experimentation or analysis or chemical re-
7 search on, or analysis of, the substance or another
8 substance, including such research or analysis for
9 the development of a product.

10 “(d) PUBLIC ACCESS TO SIGNIFICANT INFORMA-
11 TION.—

12 “(1) ELECTRONIC DATABASE.—Not later than
13 1 year after the date of enactment of the Safe
14 Chemicals Act of 2011, the Administrator, through
15 collaboration, as appropriate, shall establish—

16 “(A) an electronic, Internet-accessible
17 database for storing and sharing of information
18 relating to the toxicity and use of, and exposure
19 to, chemical substances; and

20 “(B) procedures for use in maintaining
21 and updating the database.

22 “(2) PUBLIC ACCESS.—Not later than 18
23 months after the date of enactment of the Safe
24 Chemicals Act of 2011, or not later than 90 days
25 after the date of decisions made by the Adminis-

1 trator or receipt by the Administrator of information
2 submitted pursuant to this title (for decisions made
3 or information submitted after that 18-month pe-
4 riod), the Administrator shall, subject to section 14,
5 make available to the public via the Internet-acces-
6 sible database described in paragraph (1) a descrip-
7 tion of all significant—

8 “(A) decisions made by the Administrator
9 under this title; and

10 “(B) information submitted pursuant to
11 this title.

12 “(e) RECORDS.—

13 “(1) IN GENERAL.—Any person that manufac-
14 tures, processes, or distributes in commerce any
15 chemical substance shall maintain and submit to the
16 Administrator records of significant adverse reac-
17 tions to health or the environment, as determined by
18 the Administrator by rule, that are alleged to have
19 been caused by the substance.

20 “(2) DURATION.—

21 “(A) IN GENERAL.—Records of the ad-
22 verse reactions to the health of employees shall
23 be retained for a period of at least 30 years
24 after the date on which the reactions were first

1 reported to or known by the person maintaining
2 the records.

3 “(B) OTHER RECORDS.—Any other record
4 of the adverse reactions shall be retained for a
5 period of at least 5 years after the date on
6 which information contained in the record was
7 first reported to or known by the person main-
8 taining the record.

9 “(3) CONTENTS.—Records required to be main-
10 tained under this subsection shall include—

11 “(A) records of consumer allegations of
12 personal injury or harm to health;

13 “(B) reports of occupational disease or in-
14 jury; and

15 “(C) reports or complaints of injury to the
16 environment submitted to the manufacturer,
17 processor, or distributor in commerce from any
18 source.

19 “(f) INFORMATION IN THE POSSESSION OF OTHER
20 FEDERAL AGENCIES.—

21 “(1) SYNOPSES.—

22 “(A) IN GENERAL.—From time to time,
23 each Federal agency and Federal institution
24 shall submit to the Administrator a synopsis of
25 the data and records in the possession or con-

1 trol of the agency or institution, respectively,
2 that may be useful to the Administrator in car-
3 rying out this Act.

4 “(B) FORMAT AND CONTENT.—Not later
5 than 1 year after the date of enactment of the
6 Safe Chemicals Act of 2011, the Administrator
7 shall prescribe, by order, the format, content,
8 and level of detail of the synopses.

9 “(C) INITIAL SUBMISSION.—Not later than
10 18 months after the date of enactment of the
11 Safe Chemicals Act of 2011, each Federal agen-
12 cy and Federal institution shall make the initial
13 submission of a synopsis of the agency and in-
14 stitution, respectively, to the Administrator.

15 “(D) UPDATES.—At least once every 3
16 years, each Federal agency and Federal institu-
17 tion shall—

18 “(i) update the synopsis of the agency
19 and institution, respectively; and

20 “(ii) submit the updated synopsis to
21 the Administrator.

22 “(2) REQUESTS BY ADMINISTRATOR.—On the
23 request of the Administrator, any information in the
24 possession or control of an agency or institution re-
25 lating to a hazard of, use of, exposure to, or risk of

1 a chemical substance (or mixture or article con-
2 taining that chemical substance) shall be provided to
3 the Administrator.

4 “(g) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL
5 RISKS.—Any person that manufactures, processes, or dis-
6 tributes in commerce a chemical substance and that ob-
7 tains information that reasonably supports the conclusion
8 that the substance presents a substantial risk of injury
9 to health or the environment shall immediately inform the
10 Administrator of the information unless the person has ac-
11 tual knowledge that the Administrator has been ade-
12 quately informed of the information.

13 “(h) CERTIFICATION.—Each submission required
14 pursuant to this section or pursuant to a rule or an order
15 promulgated or issued by the Administrator under this
16 section, other than a submission under subsection (f),
17 shall be accompanied by a certification signed by a respon-
18 sible official of the manufacturer or processor that each
19 statement contained in the submission—

20 “(1) is accurate and reliable; and

21 “(2) includes all material facts known to, in the
22 possession or control of, or reasonably ascertainable
23 by the manufacturer or processor.”

24 “(i) DEFINITION OF MANUFACTURE AND PROC-
25 ESS.—In this section, the terms ‘manufacture’ and ‘proc-

1 ess' mean manufacture and process, respectively, for com-
2 mercial purposes.”.

3 **SEC. 10. 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) by striking paragraphs (1) and (2) and
8 inserting the following:

9 “(1) REPORT.—

10 “(A) IN GENERAL.—If the Administrator
11 determines that the manufacture, processing,
12 distribution in commerce, use, or disposal of a
13 chemical substance, or that any combination of
14 those activities, does not meet a safety standard
15 under this title or requires conditions or restric-
16 tions in order to the meet the safety standard,
17 and the Administrator determines that action
18 may be taken under a Federal law not adminis-
19 tered by the Administrator to address the uses
20 of, or exposure to, the chemical substance, the
21 Administrator shall submit to the agency that
22 administers the Federal law a report that—

23 “(i) describes with specification the
24 activity or combination of activities that
25 prevent the chemical substance from meet-

1 ing the safety standard or restrictions or
2 conditions required to meet the safety
3 standard under this title;

4 “(ii) requests that the agency—

5 “(I) determine whether the 1 or
6 more actions may be taken under
7 Federal law administered by the agen-
8 cy;

9 “(II) if the agency determines
10 under clause (i) that the 1 or more
11 actions may be taken, initiate and
12 provide a timetable for the 1 or more
13 actions; and

14 “(III) respond to the Adminis-
15 trator with respect to the matters de-
16 scribed in the report; and

17 “(iii) includes a detailed statement of
18 the information on which the report is
19 based.

20 “(B) PUBLICATION.—A report of the Ad-
21 ministrator submitted under subparagraph (A)
22 shall be promptly published in the Federal Reg-
23 ister.

24 “(C) ACTION BY RECIPIENT AGENCY.—Not
25 later than 90 days after the date of receipt of

1 a report from the Administrator under subpara-
2 graph (A), or by such earlier date as the Ad-
3 ministrator may specify in such a report, an
4 agency that receives the report shall—

5 “(i) make all determinations requested
6 by the Administrator in the report;

7 “(ii) take all action necessary to en-
8 sure that a chemical substance meets the
9 safety standard under this title, if appro-
10 priate;

11 “(iii) include with the response of the
12 agency a detailed statement of the findings
13 and conclusions of the agency; and

14 “(iv) publish that statement in the
15 Federal Register.

16 “(2) INITIATION OF ACTION.—If the Adminis-
17 trator submits a report under paragraph (1) with re-
18 spect to a chemical substance to an agency, and the
19 agency that receives the report initiates, within the
20 period specified in the request under paragraph (1),
21 a civil action under Federal law administered by the
22 agency to ensure that a chemical substance meets
23 the safety standard under this title, or requires re-
24 strictions or conditions to meet that safety standard,
25 the Administrator may not take action under this

1 Act with respect to the civil action (other than any
2 action taken pursuant to section 7).”;

3 (B) by redesignating paragraph (3) as
4 paragraph (4);

5 (C) by inserting after paragraph (2) the
6 following:

7 “(3) NO ACTION.—The Administrator may, by
8 order, initiate action or a combination of actions
9 under this Act to ensure compliance with the safety
10 standard for a chemical substance under this title
11 if—

12 “(A) the Administrator submits a report
13 under paragraph (1) with respect to a chemical
14 substance; and

15 “(B) the agency to which the report was
16 submitted—

17 “(i) determines that action cannot be
18 taken under the authorities of the agency;

19 “(ii) does not initiate action, if appro-
20 priate, within the period specified in the
21 request under paragraph (1);

22 “(iii) does not complete the action
23 within the timeframe provided by the agen-
24 cy; or

25 “(iv) fails to respond.”; and

1 (D) in paragraph (4) (as redesignated by
2 subparagraph (B))—

3 (i) by striking “(4) If the Adminis-
4 trator has initiated action under section 6
5 or 7” and inserting the following:

6 “(4) CONSULTATION.—If the Administrator has
7 initiated action under this Act”; and

8 (ii) by striking “against such risk”
9 after “Federal action”;

10 (2) in subsection (c)—

11 (A) by striking “the Administrator shall
12 not” and inserting “Administrator—

13 “(1) shall not”; and

14 (B) by striking the period at the end and
15 inserting “; and”; and

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

17 “(2) shall ensure that any actions to address
18 workplace exposures that the Administrator takes or
19 requires to be taken by manufacturers or processors
20 of a chemical substance are consistent with the in-
21 dustrial hygiene hierarchy of controls.”; and

22 (3) in subsection (d)—

23 (A) in the first sentence, by striking “while
24 imposing the least burden of duplicative re-

1 quirements on those subject to the Act and for
2 other purposes”; and

3 (B) in the second sentence, by striking “,
4 in the report required by section 30,”.

5 **SEC. 11. INSPECTIONS AND SUBPOENAS.**

6 Section 11 of the Toxic Substances Control Act (15
7 U.S.C. 2610) is amended to read as follows:

8 **“SEC. 11. INSPECTIONS AND SUBPOENAS.**

9 “(a) INSPECTIONS.—

10 “(1) IN GENERAL.—For purposes of admin-
11 istering this Act, the Administrator, and any duly
12 designated representative of the Administrator, may
13 inspect—

14 “(A) any establishment, facility, or other
15 premises in which chemical substances, mix-
16 tures, or articles subject to this Act are manu-
17 factured, processed, stored, or held before or
18 after distribution in commerce;

19 “(B) any conveyance being used to trans-
20 port such chemical substances, mixtures, or ar-
21 ticles in connection with distribution in com-
22 merce; and

23 “(C) any place at which records relating to
24 the chemical substances, mixtures, or articles,

1 or otherwise relating to compliance with this
2 Act, are held.

3 “(2) METHOD.—Each inspection under para-
4 graph (1) shall be—

5 “(A) commenced and completed with rea-
6 sonable promptness; and

7 “(B) conducted at reasonable times, within
8 reasonable limits, and in a reasonable manner.

9 “(3) SAMPLES.—The Administrator, and any
10 duly designated representative of the Administrator,
11 may inspect and obtain samples of any—

12 “(A) chemical substance, mixture, or arti-
13 cle; and

14 “(B) container or labeling of a chemical
15 substance, mixture, or article.

16 “(b) SCOPE.—An inspection conducted under sub-
17 section (a) shall extend to all things within the premises
18 or conveyance inspected (including records, files, papers,
19 processes, controls, and facilities) regarding whether the
20 owner or operator of the premises, conveyance, or records
21 has complied with provisions of this Act applicable to the
22 chemical substances, mixtures, articles, or records.

23 “(c) INFORMATION-GATHERING.—

24 “(1) IN GENERAL.—In carrying out this Act,
25 the Administrator may require the attendance and

1 testimony of witnesses and the production of such
2 reports, papers, documents, items, answers to ques-
3 tions, and other information, including the develop-
4 ment of analyses and other information, as the Ad-
5 ministrator determines to be necessary.

6 “(2) PAYMENT OF WITNESSES.—A witness de-
7 scribed in paragraph (1) shall be paid the same fees
8 and mileage that are paid witnesses in the courts of
9 the United States.

10 “(d) WARRANTS.—For purposes of enforcing this
11 Act, upon a showing to an officer or court of competent
12 jurisdiction that there is reason to believe that a provision
13 of this Act has been violated, officers or employees duly
14 designated by the Administrator are empowered to obtain
15 and to execute warrants authorizing—

16 “(1) entry, inspection, and copying of records
17 for purposes of this Act; and

18 “(2) the seizure of any chemical substance, mix-
19 ture, or article that is in violation of this Act.”.

20 **SEC. 12. EXPORTS.**

21 Section 12 of the Toxic Substances Control Act (15
22 U.S.C. 2611) is amended—

23 (1) by striking subsection (a);

24 (2) by redesignating subsections (b) and (c) as
25 subsections (a) and (b), respectively;

1 (3) in subsection (a) (as redesignated by para-
2 graph (2))—

3 (A) in paragraph (1)—

4 (i) by striking “or intends to export”;

5 (ii) by striking “section 4 or 5(b)”

6 and inserting “section 4, 5, or 6(b)”;

7 (iii) by striking “or intent to export”

8 and inserting “, not later than 30 days

9 after the date of exportation of the sub-

10 stance or mixture,”; and

11 (iv) by inserting “promptly there-

12 after” before “furnish”;

13 (B) in paragraph (2)—

14 (i) by striking “or intends to export”;

15 (ii) by striking “an order has been

16 issued under section 5 or a rule has been

17 proposed or promulgated under section 5

18 or 6, or with respect to which an action is

19 pending or relief has been granted under

20 section 5 or 7” and inserting “an action

21 has been taken pursuant to section 6 or

22 7”;

23 (iii) by striking “or intent to export”

24 and inserting “, not later than 30 days

1 after the date of exportation of the sub-
2 stance or mixture,”;

3 (iv) by inserting “promptly there-
4 after” before “furnish”; and

5 (v) by striking “such rule, order, ac-
6 tion, or relief” and inserting “the action
7 taken pursuant to section 6 or 7”; and

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

9 “(3) CHANGE IN EXPORT STATUS.—

10 “(A) IN GENERAL.—Any person that has
11 notified the Administrator of the exportation of
12 a chemical substance or mixture under this sec-
13 tion shall notify the Administrator of any
14 change in the export status of the substance or
15 mixture by not later than 30 days after such a
16 change in status.

17 “(B) UPDATED NOTICE.—The Adminis-
18 trator shall promptly furnish an updated notice
19 to the governments that have been notified pur-
20 suant to paragraphs (1) and (2) regarding the
21 exportation of any chemical substance or mix-
22 ture subject to this section if—

23 “(i) data for the substance or mixture
24 have been received by the Administrator
25 pursuant to section 4, 5, 6(b), or 8;

1 “(ii) a change has occurred in the ex-
2 port status of the substance or mixture; or

3 “(iii) a change has been made in any
4 risk management action taken pursuant to
5 section 6 or 7 for the substance or mix-
6 ture.”;

7 (4) in subsection (b), as redesignated by para-
8 graph (2) of this section—

9 (A) by striking paragraph (2); and

10 (B) by redesignating paragraphs (3), (4),
11 (5), and (6) as paragraphs (2), (3), (4), and
12 (5), respectively; and

13 (5) by adding at the end the following:

14 “(c) PUBLIC RECORDS.—The Administrator shall—

15 “(1) maintain copies of all current notices pro-
16 vided to other governments under this section; and

17 “(2) make such copies available to the public in
18 electronic format.”.

19 **SEC. 13. ENTRY INTO CUSTOMS TERRITORY OF THE**
20 **UNITED STATES.**

21 Section 13 of the Toxic Substances Control Act (15
22 U.S.C. 2612) is amended—

23 (1) by striking “Secretary of the Treasury”
24 each place it appears and inserting “Secretary of
25 Homeland Security”;

1 (2) in subsection (a)—

2 (A) in paragraph (1), by striking “if—”
3 and subparagraphs (A) and (B) and inserting
4 “if the substance, mixture, or article fails to
5 comply with or is offered for entry in violation
6 of any rule or order in effect under this Act.”;
7 and

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

9 “(3) IMPORT AS PART OF AN ARTICLE.—Chem-
10 ical substances and mixtures imported as part of an
11 article shall be subject to the same requirements
12 under this Act as if the substances and mixtures had
13 been imported in bulk, except as the Administrator
14 may provide by rule under this Act, or as the Sec-
15 retary of Homeland Security may provide by rule
16 under subsection (b).”.

17 **SEC. 14. DISCLOSURE OF DATA.**

18 Section 14 of the Toxic Substances Control Act (15
19 U.S.C. 2613) is amended—

20 (1) by redesignating subsections (a) through (e)
21 as subsections (c) through (g), respectively;

22 (2) by inserting before subsection (c) (as redес-
23 igned by paragraph (1)), the following:

24 “(a) AGENCY RESPONSIBILITIES.—The Adminis-
25 trator shall ensure that—

1 “(1) information control designations under this
2 section are not a determinant of public disclosure
3 pursuant to section 552 of title 5, United States
4 Code (commonly known as the ‘Freedom of Informa-
5 tion Act’); and

6 “(2) all information in the possession of the
7 agency that is releasable pursuant to an appropriate
8 request under that section is made available to mem-
9 bers of the public.

10 “(b) VOLUNTARY RELEASE OF UNCLASSIFIED IN-
11 FORMATION NOT PROHIBITED.—Nothing in this section
12 prevents or discourages the Administrator from volun-
13 tarily releasing to the public any unclassified information
14 that is not exempt from disclosure under section 552 of
15 title 5, United States Code (commonly known as the
16 ‘Freedom of Information Act’).”;

17 (3) in subsection (c) (as redesignated by para-
18 graph (1))—

19 (A) in the subsection heading, by striking
20 “IN GENERAL” and inserting “DISCLOSURE OF
21 CERTAIN INFORMATION”;

22 (B) by striking “subsection (b)” and in-
23 serting “subsection (d)”;

24 (C) by redesignating paragraphs (3) and
25 (4) as paragraphs (4) and (5), respectively;

1 (D) by inserting after paragraph (2) the
2 following:

3 “(3) shall be disclosed upon request to a State,
4 tribal, or municipal government, including identifica-
5 tion of the location of the manufacture, processing,
6 or storage of a chemical substance upon the request
7 of the government for the purpose of administration
8 or enforcement of a law, if 1 or more applicable
9 agreements ensure that the recipient government
10 will take appropriate steps to maintain the confiden-
11 tiality of the information in accordance with this sec-
12 tion and section 350.19 of title 40, Code of Federal
13 Regulations (or any successor regulation);” and

14 (E) in paragraph (4) (as redesignated by
15 subparagraph (B)), by striking “an unreason-
16 able risk of injury” and inserting “an imminent
17 and substantial endangerment”;

18 (4) in subsection (d) (as redesignated by para-
19 graph (1))—

20 (A) in the subsection heading, by striking
21 “DATA FROM HEALTH AND SAFETY STUDIES”
22 and inserting “INFORMATION NOT ELIGIBLE
23 FOR PROTECTION”;

24 (B) by striking paragraph (1) and insert-
25 ing the following:

1 “(1) INELIGIBLE INFORMATION.—

2 “(A) IN GENERAL.—The following types of
3 information shall not be eligible for protection
4 under this section, and the Administrator shall
5 not approve a request to treat information of
6 the following types as confidential under this
7 section:

8 “(i) The identity of a chemical sub-
9 stance, except as provided in section 5.

10 “(ii) Any safety standard determina-
11 tion developed under section 6, including
12 supporting information developed by the
13 Administrator.

14 “(iii) Any health and safety study
15 that is submitted under this Act with re-
16 spect to—

17 “(I) any chemical substance or
18 mixture—

19 “(aa) which, on the date on
20 which the study is to be disclosed
21 has been offered for commercial
22 distribution; or

23 “(bb) for which testing is re-
24 quired under section 4 or for

1 which notification is required
2 under section 5; and

3 “(II) any data reported to, or
4 otherwise obtained by, the Adminis-
5 trator from a health and safety study
6 which relates to a chemical substance
7 or mixture described in item (aa) or
8 (bb) of subclause (I).

9 “(iv) Any information indicating the
10 presence of a chemical substance in a con-
11 sumer article intended for use or reason-
12 ably expected to be used by children or to
13 which children can otherwise be reasonably
14 expected to be exposed.

15 “(B) PROHIBITION.—This paragraph does
16 not authorize the release of any data which dis-
17 closes processes used in the manufacturing or
18 processing of a chemical substance or mixture
19 or, in the case of a mixture, the release of data
20 disclosing the portion of the mixture comprised
21 by any of the chemical substances in the mix-
22 ture.”; and

23 (C) in paragraph (2)—

1 (i) by striking “the first sentence of
2 paragraph (1)” and inserting “item (aa) or
3 (bb) of paragraph (1)(A)(iii)”; and

4 (ii) by striking “in the second sen-
5 tence of such paragraph” and inserting “in
6 paragraph (1)(B)”;

7 (5) in subsection (e) (as redesignated by para-
8 graph (1))—

9 (A) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) DUTIES OF MANUFACTURERS AND PROC-
12 ESSORS.—

13 “(A) IN GENERAL.—In submitting data
14 under this Act, a manufacturer, processor, or
15 distributor in commerce may—

16 “(i) designate the data which the
17 manufacturer, processor, or distributor be-
18 lieves is entitled to confidential treatment
19 under subsection (a); and

20 “(ii) submit the designated data sepa-
21 rately from other data submitted under
22 this Act.

23 “(B) REQUIREMENTS.—A designation
24 under this paragraph shall be made in writing

1 and in such manner as the Administrator may
2 prescribe, and shall include—

3 “(i) justification for each claim for
4 confidentiality;

5 “(ii) a certification that the informa-
6 tion is not otherwise publicly available; and

7 “(iii) separate copies of all submitted
8 information, with 1 copy containing and 1
9 copy excluding the information to which
10 the request applies.”;

11 (B) by redesignating paragraph (2) as
12 paragraph (3);

13 (C) by inserting after paragraph (1) the
14 following:

15 “(2) DUTIES OF THE ADMINISTRATOR.—

16 “(A) IN GENERAL.—The Administrator
17 shall—

18 “(i)(I) not later than 1 year after the
19 date of enactment of the Safe Chemicals
20 Act of 2011, by order develop and make
21 publicly available standards that specify—

22 “(aa) the acceptable bases on
23 which written requests to maintain
24 confidentiality of information may be
25 approved, which shall be no more re-

1 strictive of public disclosure than sec-
2 tion 552 of title 5, United States
3 Code; and

4 “(bb) the documentation that
5 must accompany those requests; and

6 “(II) not later than 1 year after the
7 date of enactment of the Safe Chemicals
8 Act of 2011, identify by rule those types of
9 information for which the Administrator
10 shall not prospectively specify the term of
11 confidentiality pursuant to this subpara-
12 graph;

13 “(ii) not later than 90 days after the
14 date of receipt of information designated
15 under paragraph (1), review all requests to
16 maintain confidentiality of the submitted
17 information and decide whether to approve
18 or deny each request based on whether the
19 request and accompanying documentation
20 comply with the standards that are devel-
21 oped under clause (i) (except that if a re-
22 quest for the information is received under
23 section 552 of title 5, United States Code,
24 before the 90-day review and decision pe-
25 riod has elapsed, the disclosure require-

1 Administrator under paragraph
2 (2)(A)(ii)”; and

3 (II) by striking the last sentence
4 and inserting “The Administrator
5 shall release the information in ac-
6 cordance with the disclosure and pro-
7 cedural requirements of section 552 of
8 title 5, United States Code.”;

9 (ii) in subparagraph (B)(i)—

10 (I) in the first sentence—

11 (aa) by striking “or (4)”
12 and inserting “(4), or (5)”;

13 (bb) by striking “subsection
14 (a)” each place it appears and in-
15 serting “subsection (c)”;

16 (cc) by striking “paragraph
17 (3)” and inserting “paragraph
18 (4)”;

19 (II) in the second sentence, by
20 striking “except that” and all that fol-
21 lows through “such release is made”
22 and inserting “except if the Adminis-
23 trator determines that the release of
24 such data is necessary to protect
25 against an imminent and substantial

1 endangerment to health or the envi-
2 ronment then no notice is required.”;

3 and

4 (iii) in subparagraph (B)(ii), by strik-
5 ing “(b)(1)” and inserting “(d)(1)(A)(iii)”;

6 (6) in subsection (f) (as redesignated by para-
7 graph (1)), by striking “subsection (a)” and insert-
8 ing “subsection (c)”;

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

10 “(h) RISK INFORMATION FOR WORKERS.—The Ad-
11 ministrators shall provide standards for, and facilitate the
12 sharing of, chemical identity, safety standard determina-
13 tion, and health and safety data described in subsection
14 (d) that pertains to chemical substances or mixtures, or
15 articles containing chemical substances, that workers may
16 come into contact with or otherwise be exposed to during
17 the course of work, to and with those workers and rep-
18 resentatives of each certified or recognized bargaining
19 agent representing those employees.”.

20 **SEC. 15. PROHIBITED ACTS.**

21 Section 15 of the Toxic Substances Control Act (15
22 U.S.C. 2614) is amended—

23 (1) by striking paragraph (1) and inserting the
24 following:

1 “(1) fail or refuse to comply with any rule,
2 order, prohibition, restriction, or other requirement
3 imposed by this Act or by the Administrator under
4 this Act;”;

5 (2) in paragraph (2)—

6 (A) by striking “use” and inserting “man-
7 ufacture, process, distribute in commerce, use,
8 or dispose of”;

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

11 (C) by striking “section 5 or 6, a rule or
12 order under section 5 or 6, or an order issued
13 in action brought under section 5 or 7” and in-
14 serting “any rule, order, prohibition, restriction,
15 or other requirement imposed by this Act or by
16 the Administrator under this Act”;

17 (3) in paragraph (3)—

18 (A) in subparagraph (A), by inserting “ac-
19 curate and complete” after “maintain”;

20 (B) in subparagraph (B)—

21 (i) by inserting “or make accurate
22 and complete” after “submit”; and

23 (ii) by inserting “information submis-
24 sions, disclosures, declarations, certifi-
25 cations,” after “notices,”; and

1 (C) in subparagraph (C), by striking “or”
2 after the semicolon;

3 (4) in paragraph (4), by striking the period at
4 the end and inserting a semicolon; and

5 (5) by adding at the end the following:

6 “(5) make or submit a statement, declaration,
7 disclosure, certification, writing, data set, or rep-
8 resentation that is materially false, in whole or in
9 part, or to falsify or conceal any material fact, in
10 taking any action or making any communication
11 pursuant to this Act or pursuant to any rule or
12 order promulgated or issued under this Act; or

13 “(6) take any action prohibited by this Act.”.

14 **SEC. 16. PENALTIES.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in the first sentence—

20 (I) by inserting “this Act or a
21 rule or order promulgated or issued
22 pursuant to this Act, as described in”
23 after “a provision of”; and

24 (II) by striking “\$25,000” and
25 inserting “\$37,500”; and

1 (ii) in the second sentence, by striking
2 “violation of section 15 or 409” and in-
3 serting “violation of this Act”;

4 (B) by redesignating paragraphs (2), (3),
5 and (4) as paragraphs (3), (4), and (5), respec-
6 tively;

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) In the case of any violation described in
10 paragraph (1), the Administrator may commence a
11 civil action in the appropriate United States district
12 court to assess penalties pursuant to that para-
13 graph.”;

14 (D) in subparagraph (A) of paragraph (3)
15 (as redesignated by subparagraph (B))—

16 (i) in the first sentence, by inserting
17 “this Act, as described in” before “section
18 15 or 409”; and

19 (ii) in the last sentence, by striking
20 “within 15 days of” and inserting “not
21 later than 15 days after”;

22 (E) in the first sentence of paragraph (4)
23 (as redesignated by subparagraph (B))—

24 (i) by striking “paragraph (2)(A)”
25 and inserting “paragraph (3)(A)”; and

1 (ii) by striking “the United States
2 Court of Appeals for the District of Co-
3 lumbia Circuit or for any other circuit”
4 and inserting “the appropriate district
5 court of the United States for the dis-
6 trict”; and

7 (F) in paragraph (5) (as redesignated by
8 subparagraph (B)), by striking “paragraph (3)”
9 each place it appears and inserting “paragraph
10 (4)”; and

11 (2) in subsection (b)—

12 (A) by striking “Any person” and inserting
13 the following:

14 “(1) IN GENERAL.—Any person”;

15 (B) by striking “or willfully”;

16 (C) by inserting “this Act, as described in”
17 after “any provision of”;

18 (D) by striking “\$25,000” and inserting
19 “\$50,000”;

20 (E) by striking “one year” and inserting
21 “5 years”; and

22 (F) by adding at the end the following:

23 “(2) IMMINENT DANGER OF DEATH OR SERIOUS
24 BODILY INJURY.—

1 “(A) IN GENERAL.—Any individual who
2 knowingly violates any provision of this Act and
3 who knows at the time that the violation places
4 another person in imminent danger of death or
5 serious bodily injury shall upon conviction be
6 subject to a fine of not more than \$250,000, or
7 imprisonment of not more than 15 years, or
8 both.

9 “(B) OTHER PERSONS.—A person that is
10 not an individual shall, upon conviction of vio-
11 lating this paragraph, be subject to a fine of
12 not more than \$1,000,000.”.

13 **SEC. 17. SPECIFIC ENFORCEMENT AND SEIZURE.**

14 Section 17 of the Toxic Substances Control Act (15
15 U.S.C. 2616) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking “(1) The district
19 courts” and all that follows through the
20 end of subparagraph (C) and inserting the
21 following:

22 “(1) AUTHORITY OF THE ADMINISTRATOR.—

23 “(A) IN GENERAL.—The Administrator
24 may commence a civil action in the appropriate
25 United States district court to compel compli-

1 (III), respectively, and indenting ap-
2 propriately;

3 (II) by striking “(D) direct any
4 manufacturer” and inserting the fol-
5 lowing:

6 “(iv) to order any manufacturer”;

7 (III) by striking “product subject
8 to title IV” and inserting “article sub-
9 ject to this Act”;

10 (IV) by striking “product” each
11 place it appears and inserting “arti-
12 cle”;

13 (V) by striking “of section 5, 6,
14 or title IV” and inserting “this Act”;
15 and

16 (VI) by striking “under section
17 5, 6, or title IV” and inserting “pro-
18 mulgated and issued under this Act,
19 as described in section 15 or 409,”;

20 (B) in paragraph (2)—

21 (i) by striking “(2) A civil action” and
22 all that follows through “described in sub-
23 paragraph (A) of such paragraph” in sub-
24 paragraph (A) and inserting the following:

25 “(2) CIVIL ACTIONS.—

1 “(A) IN GENERAL.—The district courts of
2 the United States shall have jurisdiction over a
3 civil action described in paragraph (1).

4 “(B) REQUIREMENTS.—A civil action de-
5 scribed in paragraph (1) may be brought—

6 “(i) in the case of a civil action de-
7 scribed in subparagraphs (A) and (B) of
8 paragraph (1)”;

9 (ii) in clause (i) (as so designated), by
10 striking “of section 15” and inserting “of
11 this Act, as described in section 15 or
12 409”;

13 (iii) by redesignating subparagraph
14 (B) as clause (ii) and indenting appro-
15 priately; and

16 (iv) in clause (ii) (as so designated),
17 by striking “such paragraph” and insert-
18 ing “paragraph (1)”;

19 (C) in the undesignated matter following
20 paragraph (2), by striking “In any” and insert-
21 ing the following:

22 “(3) SERVING OF PROCESS AND SUBPOENAS.—
23 In any”; and

24 (2) in the first sentence of subsection (b)—

1 (A) by striking “title IV” and inserting
2 “this Act”; and

3 (B) by striking “product” the first place it
4 appears and inserting “article”; and

5 (C) by striking “product,” both places it
6 appears.

7 **SEC. 18. PREEMPTION.**

8 Section 18 of the Toxic Substances Control Act (15
9 U.S.C. 2617) is amended to read as follows:

10 **“SEC. 18. PREEMPTION.**

11 “Nothing in this Act affects the right of a State or
12 a political subdivision of a State to adopt or enforce any
13 regulation, requirement, or standard of performance that
14 is different from, or in addition to, a regulation, require-
15 ment, liability, or standard of performance established
16 pursuant to this Act unless compliance with both this Act
17 and the State or political subdivision of a State regulation,
18 requirement, or standard of performance is impossible, in
19 which case the applicable provisions of this Act shall con-
20 trol.”.

21 **SEC. 19. JUDICIAL REVIEW.**

22 Section 19 of the Toxic Substances Control Act (15
23 U.S.C. 2618) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking subparagraph (B);

2 (ii) in subparagraph (A), by striking

3 “(1)(A) Not later” and all that follows

4 through “under title II or IV,” and insert-

5 ing the following:

6 “(1) JUDICIAL REVIEW.—Not later than 60

7 days after the date of the promulgation or issuance

8 of a rule under of this Act,”;

9 (iii) by inserting “or order” after

10 “rule” each place it appears; and

11 (iv) in the second sentence, by strik-

12 ing “(other than in an enforcement pro-

13 ceeding)”;

14 (B) in paragraph (2)—

15 (i) in the first sentence, by striking

16 “paragraph (1)(A)” and inserting “para-

17 graph (1)”;

18 (ii) in the second sentence, by insert-

19 ing “or order” after “rule”; and

20 (C) by striking paragraph (3);

21 (2) in subsection (b), by inserting “or order”

22 after “rule” each place it appears; and

23 (3) in subsection (c), by striking paragraph (1)

24 and inserting the following:

1 “(1) IN GENERAL.—Upon the filing of a peti-
2 tion under subsection (a)(1) for judicial review of a
3 rule or order, the court shall have jurisdiction—

4 “(A) to grant appropriate relief, including
5 interim relief, as provided in chapter 7 of title
6 5, United States Code; and

7 “(B) to review the rule or order in accord-
8 ance with that chapter.”.

9 **SEC. 20. CITIZENS’ CIVIL ACTION.**

10 Section 20 of the Toxic Substances Control Act (15
11 U.S.C. 2619) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “under
14 section 4, 5, or 6, or title II or IV, or order
15 issued under section 5 or title II or IV to re-
16 strain such violation,” and inserting “or order
17 issued under this Act;”; and

18 (B) in the third sentence of the undesig-
19 nated language following paragraph (2), by in-
20 serting “, to enforce this Act or any rule pro-
21 mulgated or order issued under this Act, or to
22 order the Administrator to perform an act or
23 duty described in this Act, as the case may be”
24 after “citizenship of the parties”; and

1 (2) in subsection (b)(1), by striking “to re-
2 strain” and inserting “respecting”.

3 **SEC. 21. CITIZENS’ PETITIONS.**

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

6 (1) in subsection (a), by striking “under section
7 4, 6, or 8 or an order under section 5(e) or
8 (6)(b)(2)” and inserting “, order, or any other ac-
9 tion authorized under this Act”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1), by striking “under
12 section 4, 6, or 8 or an order under section
13 5(e), 6(b)(1)(A), or 6(b)(1)(B)” and inserting
14 “or order or to initiate other action authorized
15 under this Act”;

16 (B) in the first sentence of paragraph (3),
17 by striking “section 4, 5, 6, or 8” and inserting
18 “the applicable provisions of this Act”; and

19 (C) in paragraph (4)—

20 (i) in the first sentence of subpara-
21 graph (A), by striking “a rulemaking pro-
22 ceeding” and inserting “proceedings au-
23 thorized under this Act”; and

24 (ii) in subparagraph (B)—

1 (I) in the matter preceding clause

2 (i)—

3 (aa) in the first sentence, by
4 striking “a proceeding to issue a
5 rule under section 4, 6, or 8 or
6 an order under section 5(e) or
7 6(b)(2)” and inserting “pro-
8 ceedings authorized under this
9 Act”; and

10 (bb) by inserting “Notwith-
11 standing the preceding sentence,
12 in the case of a petition to delist
13 a chemical substance under sec-
14 tion 6(a), the delisting may not
15 proceed except as authorized
16 under that subsection.” after the
17 first sentence;

18 (II) in clause (i)—

19 (aa) in the matter preceding
20 subclause (I), by striking “in the
21 case of a petition to initiate a
22 proceeding for the issuance of a
23 rule under section 4 or an order
24 under section 5(e)” and inserting
25 “except as provided in clause (ii),

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1 in the case of a petition to ini-
2 tiate a proceeding for the
3 issuance of a rule or an order
4 under this Act”; and

5 (bb) in subclause (II), by
6 striking “an unreasonable risk
7 to” and inserting “substantial
8 endangerment”; and

9 (III) in clause (ii)—

10 (aa) by striking “issuance of
11 a rule under section 6 or 8 or an
12 order under section 6(b)(2)” and
13 inserting “imposition or issuance
14 of a restriction, use condition, or
15 order under this chapter”;

16 (bb) by striking “an unrea-
17 sonable risk of injury” and in-
18 serting “a substantial
19 endangerment”; and

20 (cc) by striking the period at
21 the end and inserting a semi-
22 colon.

23 **SEC. 22. EMPLOYMENT EFFECTS.**

24 Section 24 of the Toxic Substances Control Act (15
25 U.S.C. 2623) is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1)—

3 (A) by striking “continuing” and inserting
4 “periodic”; and

5 (B) by striking “plant closures)” and all
6 that follows through the end of paragraph (2)
7 and inserting “plant closures) of the implemen-
8 tation of this Act.”;

9 (2) in subsection (b)—

10 (A) in paragraph (1), in the undesignated
11 language following subparagraph (B), by strik-
12 ing “section 4, 5, or 6 or a requirement of sec-
13 tion 5 or 6” and inserting “this Act”;

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)(ii), by strik-
16 ing “by order issued” and inserting “in
17 writing,”; and

18 (ii) in subparagraph (B)—

19 (I) in clause (i), by striking the
20 comma after “such request” and in-
21 serting “; and”;

22 (II) by striking clause (ii); and

23 (III) by redesignating clause (iii)
24 as clause (ii); and

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

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

2 “(c) EFFECT.—Nothing in this section—

3 “(1) requires the Administrator to amend or re-
4 peal any rule or order in effect under this Act; or

5 “(2) conditions the authority of the Adminis-
6 trator to issue orders or promulgate rules under this
7 Act.”.

8 **SEC. 23. ADMINISTRATION OF THE TOXIC SUBSTANCES**
9 **CONTROL ACT.**

10 Section 26 of the Toxic Substances Control Act (15
11 U.S.C. 2625) is amended—

12 (1) by striking subsection (b) and inserting the
13 following:

14 “(b) FEES.—

15 “(1) IN GENERAL.—The Administrator may, by
16 rule, require the payment of a reasonable fee from
17 any person required to submit data to defray the
18 cost of administering this Act.

19 “(2) CONSIDERATIONS.—In setting a fee under
20 this subsection, the Administrator shall take into ac-
21 count—

22 “(A) the ability to pay of the person re-
23 quired to submit the data; and

24 “(B) the cost to the Administrator of re-
25 viewing the data.

1 “(3) FEE SHARING.—Rules described in para-
2 graph (1) may provide for sharing a fee in any case
3 in which the expenses of testing are shared under
4 this Act.”;

5 (2) in subsection (c)—

6 (A) in the subsection heading, by adding
7 “AND MIXTURES” after “CATEGORIES”; and

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

9 “(3) MIXTURES.—Any action authorized or re-
10 quired to be taken by the Administrator or any other
11 person under any provision of this Act with respect
12 to a chemical substance is likewise also authorized or
13 required with respect to a mixture, if the Adminis-
14 trator determines that such extension is reasonable
15 and efficient.”; and

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

17 “(h) RULEMAKING OR ORDERS.—In carrying out this
18 Act, the Administrator may issue such orders and pre-
19 scribe such regulations as are necessary to carry out this
20 Act.”.

21 **SEC. 24. STATE PROGRAMS.**

22 Section 28 of the Toxic Substances Control Act (15
23 U.S.C. 2627) is amended—

24 (1) in the first sentence of subsection (a)—

25 (A) by striking “unreasonable”; and

1 (B) by striking “is unable or is not likely
2 to take” and inserting “has not taken”;

3 (2) by redesignating subsections (b), (c), and
4 (d) as subsections (c), (d), and (e), respectively;

5 (3) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) COORDINATION.—The Administrator shall es-
8 tablish a process to coordinate with States, on an on-going
9 basis, to share data and priorities relating to the manage-
10 ment of chemical substances under this title and under
11 programs operated by States, in accordance with section
12 14.”; and

13 (4) in subsection (c)(2) (as redesignated by
14 paragraph (2)), by striking “including cancer, birth
15 defects, and gene mutations,”.

16 **SEC. 25. AUTHORIZATION OF APPROPRIATIONS.**

17 Title I of the Toxic Substances Control Act (15
18 U.S.C. 2601 et seq.) is amended—

19 (1) by redesignating section 29 (15 U.S.C.
20 2628) as section 39;

21 (2) by redesignating section 30 (15 U.S.C.
22 2629) as section 38;

23 (3) by striking section 31 (Public Law 94–469;
24 100 Stat. 2989); and

1 (4) by amending section 39 (as redesignated by
2 paragraph (1)) to read as follows:

3 **“SEC. 39. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to the Ad-
5 ministrator to carry out this Act such sums as are nec-
6 essary for each of fiscal years 2011 through 2018.”.

7 **SEC. 26. ADDITIONAL REQUIREMENTS.**

8 (a) RESTRICTIONS ON CERTAIN CHEMICAL SUB-
9 STANCES.—The Toxic Substances Control Act is amended
10 by inserting after section 28 (15 U.S.C. 2627) the fol-
11 lowing:

12 **“SEC. 29. CHILDREN’S ENVIRONMENTAL HEALTH RE-
13 SEARCH PROGRAM.**

14 “(a) CHILDREN’S ENVIRONMENTAL HEALTH RE-
15 SEARCH PROGRAM.—

16 “(1) ESTABLISHMENT.—Not later than 90 days
17 after the date of enactment of the Safe Chemicals
18 Act of 2011, the Administrator shall establish within
19 the Environmental Protection Agency a program to
20 be known as the ‘Children’s Environmental Health
21 Research Program’ (referred to in this subsection as
22 the ‘Program’).

23 “(2) PURPOSE.—Subject to amounts made
24 available in advance in appropriations Acts, the Ad-
25 ministrator may enter into contracts and make

1 grants under the Program to further understanding
2 of the vulnerability of children to chemical sub-
3 stances and mixtures.

4 “(3) CONSULTATION.—Contracts and grants
5 under this section shall be provided in consultation
6 with the Interagency Science Advisory Board on
7 Children’s Health Research established under sub-
8 section (b)(1).

9 “(b) INTERAGENCY SCIENCE ADVISORY BOARD ON
10 CHILDREN’S HEALTH RESEARCH.—

11 “(1) ESTABLISHMENT.—Not later than 90 days
12 after the date of enactment of the Safe Chemicals
13 Act of 2011, the Administrator shall establish an ad-
14 visory board to be known as the ‘Interagency
15 Science Advisory Board on Children’s Health Re-
16 search’ (referred to in this subsection as the
17 ‘Board’).

18 “(2) PURPOSE.—The purpose of the Board
19 shall be to provide independent advice, expert con-
20 sultation, and peer review, on request of the Admin-
21 istrator or Congress, with respect to the scientific
22 and technical aspects of issues relating to the imple-
23 mentation of this title with respect to research on
24 protecting children’s health.

25 “(3) COMPOSITION.—The Administrator shall—

1 “(A) appoint the members of the Board,
2 including, at a minimum, representatives of—

3 “(i) the National Institute of Environ-
4 mental Health Sciences;

5 “(ii) the Centers for Disease Control
6 and Prevention;

7 “(iii) the National Toxicology Pro-
8 gram;

9 “(iv) the National Cancer Institute;

10 “(v) the National EPA-Tribal Science
11 Council; and

12 “(vi) not fewer than 3 centers of chil-
13 dren’s health at leading institutions of
14 higher education;

15 “(B) ensure that at least $\frac{1}{3}$ of the mem-
16 bers of the Board have specific scientific exper-
17 tise in the relationship of chemical exposures to
18 prenatal, infant, and children’s health; and

19 “(C) ensure that no individual appointed
20 to serve on the Board has a conflict of interest
21 that is relevant to the functions performed by
22 the Board, unless—

23 “(i) the individual promptly and pub-
24 licly discloses the conflict; and

1 “(ii) the Administrator determines
2 that the conflict is unavoidable.

3 “(4) APPLICABLE LAW.—The Board shall be
4 subject to subchapter II of chapter 5, and chapter
5 7, of title 5, United States Code (commonly known
6 as the ‘Administrative Procedure Act’).

7 “(c) PRENATAL AND INFANT EXPOSURES.—

8 “(1) MONITORING.—If, through studies per-
9 formed under subsection (a) or section 4 or in any
10 other available research, the Administrator identifies
11 a chemical substance that may be present in human
12 biological media that may have adverse effects on
13 early childhood development, the Administrator shall
14 coordinate with the Secretary of Health and Human
15 Services to conduct, not later than 2 years after the
16 date on which the Administrator identifies the chem-
17 ical substance, a biomonitoring study to determine
18 the presence of the chemical substance in human bi-
19 ological media in, at a minimum, pregnant women
20 and infants.

21 “(2) PUBLICATION.—On completion of any
22 study conducted under paragraph (1), the Secretary
23 of Health and Human Services shall—

24 “(A) notify the Administrator of the re-
25 sults of the study; and

1 “(B) publish the results of the study in a
2 publicly available electronic format.

3 “(3) POSITIVE RESULTS.—

4 “(A) MANUFACTURE DISCLOSURE.—If a
5 chemical substance or mixture is determined to
6 be present in a study conducted under para-
7 graph (1), the manufacturers and processors of
8 the chemical substance or mixture shall, not
9 later than 180 days after the date of publica-
10 tion of the study, disclose to the Administrator,
11 commercial customers of the manufacturers and
12 processors, consumers, and the public—

13 “(i) all known uses of the chemical
14 substance or mixture; and

15 “(ii) all articles in which the chemical
16 substance or mixture is, or is expected to
17 be, present.

18 “(B) COST AND FORM OF DISCLOSURE.—
19 Information under clauses (i) and (ii) of sub-
20 paragraph (A) shall be—

21 “(i) made available by the Adminis-
22 trator in electronic format; and

23 “(ii) made readily accessible and free
24 of charge by each applicable manufacturer
25 and processor in electronic format to the

1 commercial customers of such manufac-
2 turer or processor, consumers, and the
3 public.

4 **“SEC. 30. REDUCTION OF ANIMAL-BASED TESTING.**

5 “(a) ADMINISTRATION.—The Administrator shall
6 take action to minimize the use of animals in testing of
7 chemical substances or mixtures, including—

8 “(1) encouraging and facilitating, to the max-
9 imum extent practicable—

10 “(A) the use of existing data of sufficient
11 scientific quality;

12 “(B) the use of test methods that eliminate
13 or reduce the use of animals while providing
14 data of high scientific quality;

15 “(C) the grouping of 2 or more chemical
16 substances into scientifically appropriate cat-
17 egories in cases in which testing of 1 chemical
18 substance would provide reliable and useful
19 data on others in the category;

20 “(D) the formation of industry consortia to
21 jointly conduct testing to avoid unnecessary du-
22 plication of tests; and

23 “(E) the parallel submission of data from
24 animal-based studies and from emerging meth-
25 ods and models; and

1 “(2) funding research and validation studies to
2 reduce, refine, and replace the use of animal tests in
3 accordance with this subsection.

4 “(b) INTERAGENCY SCIENCE ADVISORY BOARD ON
5 ALTERNATIVE TESTING METHODS.—

6 “(1) ESTABLISHMENT.—Not later than 90 days
7 after the date of enactment of the Safe Chemicals
8 Act of 2011, the Administrator shall establish an ad-
9 visory board to be known as the ‘Interagency
10 Science Advisory Board on Alternative Testing
11 Methods’ (referred to in this subsection and sub-
12 section (c) as the ‘Board’).

13 “(2) COMPOSITION.—The Administrator shall—

14 “(A) appoint the members of the Board,
15 including, at a minimum, representatives of—

16 “(i) the National Institute of Environ-
17 mental Health Sciences;

18 “(ii) the Centers for Disease Control
19 and Prevention;

20 “(iii) the National Toxicology Pro-
21 gram;

22 “(iv) the National Cancer Institute;
23 and

24 “(v) the National EPA-Tribal Science
25 Council; and

1 “(B) ensure that no individual appointed
2 to serve on the Board has a conflict of interest
3 that is relevant to the functions to be per-
4 formed, unless—

5 “(i) the individual promptly and pub-
6 licly discloses the conflict; and

7 “(ii) the Administrator determines
8 that the conflict is unavoidable.

9 “(3) PURPOSE.—The purpose of the Board
10 shall be to provide independent advice and peer re-
11 view to Congress and the Administrator on the sci-
12 entific and technical aspects of issues relating to the
13 implementation of this title with respect to mini-
14 mizing the use of animals in testing chemical sub-
15 stances or mixtures.

16 “(4) APPLICABLE LAW.—The Board shall be
17 subject to subchapter II of chapter 5, and chapter
18 7, of title 5, United States Code (commonly known
19 as the ‘Administrative Procedure Act’).

20 “(5) REPORT.—Not later than 1 year after the
21 date of enactment of the Safe Chemicals Act of
22 2011, and every 3 years thereafter, the Adminis-
23 trator, in consultation with the Board, shall publish
24 in the Federal Register a list of testing methods that
25 reduce the use of animals in testing under section 4.

1 “(c) IMPLEMENTATION OF ALTERNATIVE TESTING
2 METHODS.—To promote the development and timely in-
3 corporation of new testing methods that are not animal-
4 based, the Administrator shall—

5 “(1) in consultation with the Board, and after
6 providing an opportunity for public comment, de-
7 velop a strategic plan to promote the development
8 and implementation of alternative test methods and
9 testing strategies to generate information used for
10 safety standard determinations under section 6(b)
11 that do not use animals, including toxicity pathway-
12 based risk assessment, in vitro studies, systems biol-
13 ogy, computational toxicology, bioinformatics, and
14 high-throughput screening;

15 “(2) beginning on the date that is 2 years after
16 the date of enactment of the Safe Chemicals Act of
17 2011 and every 2 years thereafter, submit to Con-
18 gress a report that describes the progress made in
19 implementing this section; and

20 “(3) fund and carry out research, development,
21 performance assessment, and translational studies to
22 accelerate the development of test methods and test-
23 ing strategies that are not animal-based for use in
24 safety standard determinations under section 6(b).

1 “(d) CRITERIA FOR ADAPTING OR WAIVING ANIMAL
2 TESTING REQUIREMENTS.—On request from a manufac-
3 turer or processor that is required to conduct animal-
4 based testing of a chemical substance or mixture under
5 this title, the Administrator may adapt or waive the ani-
6 mal testing requirement if the Administrator determines
7 that—

8 “(1) there is a sufficient weight of evidence
9 from several independent sources of information to
10 support a conclusion that a chemical substance or
11 mixture has, or does not have, a particular property,
12 in any case in which the information from each indi-
13 vidual source alone is regarded as insufficient to
14 support the conclusion;

15 “(2) because of 1 or more physical or chemical
16 properties of the chemical substance or mixture,
17 testing for a specific endpoint is technically not
18 practicable to conduct; or

19 “(3) a chemical substance or mixture cannot be
20 tested in animals at concentrations that do not re-
21 sult in significant pain or distress, because of phys-
22 ical or chemical properties of the chemical substance
23 or mixture, such as potential to cause severe corro-
24 sion or severe irritation to tissues.

1 **“SEC. 31. SAFER ALTERNATIVES AND GREEN CHEMISTRY**
2 **AND ENGINEERING.**

3 “(a) SAFER ALTERNATIVES PROGRAM.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of the Safe Chemicals Act of
6 2011, the Administrator shall establish a program to
7 create market incentives for the development of safer
8 alternatives to existing chemical substances that re-
9 duce or avoid the use and generation of hazardous
10 substances.

11 “(2) REQUIREMENTS.—The program estab-
12 lished under paragraph (1) shall include—

13 “(A) expedited review of new chemical sub-
14 stances for which the manufacturer or proc-
15 essor submits an alternatives analysis indicating
16 that the new chemical substance is the safer al-
17 ternative for a particular use than existing
18 chemical substances used for the same purpose;

19 “(B) recognition for a chemical substance
20 or product determined by the Administrator to
21 be a safer alternative for a particular use by
22 means of a special designation intended for use
23 in marketing the safer alternative, and periodic
24 public awards or rewards; and

25 “(C) such other incentives, as the Adminis-
26 trator considers to be appropriate to encourage

1 the development, marketing, and use of chem-
2 ical substances or products determined by the
3 Administrator to be safer alternatives for the
4 particular uses, such as job training and worker
5 assistance.

6 “(b) GREEN CHEMISTRY RESEARCH NETWORK.—
7 The Administrator shall establish a network of not less
8 than 4 green chemistry and engineering centers, located
9 in various regions of the United States, to support the
10 development and adoption of safer alternatives to chemical
11 substances, particularly chemical substances listed under
12 section 6(a).

13 “(c) GREEN CHEMISTRY AND ENGINEERING RE-
14 SEARCH GRANTS.—The Administrator shall make grants
15 to promote and support the research, development, and
16 adoption of safer alternatives to hazardous substances.

17 “(d) GREEN CHEMISTRY WORKFORCE EDUCATION
18 AND TRAINING PROGRAM.—

19 “(1) IN GENERAL.—The Administrator shall es-
20 tablish a program to facilitate the development of a
21 workforce, including industrial and scientific work-
22 ers, that produces safer alternatives to existing
23 chemical substances.

1 “(2) GOALS.—The goals of the program estab-
2 lished under paragraph (1) are to provide workforce
3 training on skills that would—

4 “(A) facilitate the expansion of green
5 chemistry;

6 “(B) develop scientific and technical lead-
7 ership in green chemistry;

8 “(C) facilitate the successful and safe inte-
9 gration of green chemistry into infrastructure
10 projects;

11 “(D) inform and engage communities
12 about green chemistry; and

13 “(E) promote innovation and strong public
14 health and environmental protections.

15 “(3) IMPLEMENTATION.—The Administrator
16 shall implement the program to achieve the goals of
17 this Act, including by—

18 “(A) helping to develop a broad range of
19 skills relevant to the production and use of the
20 safer alternatives, including the design, manu-
21 facturing, use, and disposal of the alternatives;

22 “(B) offering to develop partnerships with
23 educational institutions, training organizations,
24 private sector companies, and community orga-
25 nizations; and

1 “(C) providing grants to States, units of
2 local government, and the partnerships devel-
3 oped under subparagraph (B) to promote and
4 support activities consistent with achieving the
5 goals of the program established under this
6 subsection.

7 **“SEC. 32. COOPERATION WITH INTERNATIONAL EFFORTS.**

8 “In cooperation with the Secretary of State and the
9 head of any other appropriate Federal agency (as deter-
10 mined by the Administrator), the Administrator shall co-
11 operate with international efforts as appropriate—

12 “(1) to develop a common protocol or electronic
13 database relating to chemical substances; or

14 “(2) to develop safer alternatives for chemical
15 substances.

16 **“SEC. 33. RELIABLE INFORMATION AND ADVICE.**

17 “Not later than 18 months after the date of enact-
18 ment of the Safe Chemicals Act of 2011, the Adminis-
19 trator shall, by order, establish and implement procedures
20 to ensure data reliability including, at a minimum, re-
21 quirements that the Administrator—

22 “(1) not less than annually randomly inspect
23 laboratories that develop the data required under
24 this title on the various properties and characteris-
25 tics of a chemical substance;

1 “(2) annually perform a comprehensive data
2 audit on a subset, as chosen by the Administrator,
3 of the data submissions under this title;

4 “(3) establish and maintain a registry of all
5 health- and safety-related studies initiated in re-
6 sponse to requirements under this title;

7 “(4) have access to all records of health- and
8 safety-related studies initiated in response to re-
9 quirements under this title; and

10 “(5) require the submitter of any research
11 study conducted by a third party in response to re-
12 quirements under this title to disclose to the Admin-
13 istrator and the public, at the time of submission,
14 the sources of any funding used for the conduct or
15 publication of the study received by the researchers
16 who conducted the study.

17 **“SEC. 34. HOT SPOTS.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) DISPROPORTIONATE EXPOSURE.—The
20 term ‘disproportionate exposure’ means residential
21 population exposure to 1 or more toxic chemical sub-
22 stances or mixtures at levels that are significantly
23 greater than the average exposure in the United
24 States, as defined and identified by the Adminis-

1 trator in accordance with the criteria established
2 under subsection (b).

3 “(2) LOCALITY.—The term ‘locality’ means any
4 geographical area (including a county, city, town,
5 neighborhood, census tract, zip code area, or other
6 commonly understood political or geographical sub-
7 division) in which the Administrator identifies dis-
8 proportionate exposure.

9 “(b) CRITERIA.—Not later than 180 days after the
10 date of enactment of the Safe Chemicals Act of 2011, the
11 Administrator shall promulgate a rule to establish criteria
12 consistent with this section that—

13 “(1) defines disproportionate exposure; and

14 “(2) identifies any locality that is disproportion-
15 ately exposed.

16 “(c) IDENTIFICATION.—

17 “(1) IN GENERAL.—Not later than 120 days
18 after the date on which the rule is promulgated
19 under subsection (b), the Administrator shall iden-
20 tify localities in the United States that are subject
21 to disproportionate exposure.

22 “(2) USE OF DATA.—In identifying localities
23 under paragraph (1), the Administrator—

24 “(A) shall use data contained in the Na-
25 tional Air Toxic Assessment Database; and

1 “(B) may use other data available to the
2 Administrator, including data developed
3 under—

4 “(i) the Safe Drinking Water Act (42
5 U.S.C. 300f et seq.);

6 “(ii) the Solid Waste Disposal Act (42
7 U.S.C. 6901 et seq.);

8 “(iii) the Comprehensive Environ-
9 mental Response, Compensation, and Li-
10 ability Act of 1980 (42 U.S.C. 9601 et
11 seq.); and

12 “(iv) the Emergency Planning and
13 Community Right-to-Know Act of 1986
14 (42 U.S.C. 11001 et seq.).

15 “(3) PUBLIC PARTICIPATION.—The Adminis-
16 trator shall provide an opportunity for members of
17 the public to nominate localities in which dispropor-
18 tionate exposure may be found for inclusion in the
19 identification of localities under paragraph (1).

20 “(d) LOCALITY LIST.—

21 “(1) IN GENERAL.—Not later than 180 days
22 after completing the identification of localities under
23 subsection (c)(1), the Administrator, after notice
24 and consultation with applicable State, local, county

1 health, and environmental officials, State, local, and
2 county legislators, and other elected officials, shall—

3 “(A) publish a list of the localities subject
4 to disproportionate exposure identified under
5 that subsection in the Federal Register; and

6 “(B) make the list published under sub-
7 paragraph (A) available electronically.

8 “(2) UPDATED LIST.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), not later than 5 years after the date
11 on which the list is published under paragraph
12 (1)(A), and at least once every 5 years there-
13 after, the Administrator shall update and re-
14 publish the list.

15 “(B) DISCRETIONARY UPDATES.—The Ad-
16 ministrator may update and republish the list
17 under paragraph (1) more frequently than every
18 5 years—

19 “(i) to add new localities that meet
20 the criteria established under subsection
21 (b); or

22 “(ii) to remove localities, if the Ad-
23 ministrator determines that the exposure
24 reduction has been achieved and no further

1 action is needed after actions are taken
2 under subsection (f).

3 “(C) NOTIFICATION.—The Administrator
4 shall notify all applicable State, local, county
5 health, and environmental officials, State, local,
6 and county legislators, and other elected offi-
7 cials of the updated listing.

8 “(e) NO JUDICIAL REVIEW; NONDISCRETIONARY
9 DUTY.—

10 “(1) NO JUDICIAL REVIEW.—The following ac-
11 tions under this section shall not be subject to judi-
12 cial review:

13 “(A) A decision to include on the list pub-
14 lished under subsection (d)(1) a locality identi-
15 fied under subsection (e)(1).

16 “(B) A decision in response to nominations
17 submitted under subsection (e)(3).

18 “(C) A decision to list localities under sub-
19 section (d)(1) or update the list under sub-
20 section (d)(2).

21 “(2) NONDISCRETIONARY DUTY.—Notwith-
22 standing paragraph (1), the failure of the Adminis-
23 trator to publish or update the list of localities in ac-
24 cordance with this section shall be—

1 “(A) considered to be a failure to perform
2 a nondiscretionary duty; and

3 “(B) subject to judicial review.

4 “(f) ACTION PLANS.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date on which the list is published or updated
7 under subsection (d), the Administrator shall de-
8 velop and publish, for each locality identified on the
9 list, an action plan that includes—

10 “(A) an identification of the chemical sub-
11 stances and mixtures that contribute to the dis-
12 proportionate exposure (including exposure lev-
13 els, sources, and pathways); and

14 “(B) a description of actions planned by
15 the Administrator to reduce disproportionate
16 exposure in the locality.

17 “(2) GOALS.—The goal of each action plan
18 under this subsection shall be to reduce dispropor-
19 tionate exposure in the locality by establishing—

20 “(A) a percentage exposure reduction goal
21 for each chemical substance and mixture; and

22 “(B) a timeline to achieve the percentage
23 exposure reduction goal.

24 “(g) REPORT TO CONGRESS.—The Administrator
25 shall—

1 “(1) submit to Congress an annual report that
2 identifies—

3 “(A) each locality added to the list in the
4 prior year under subsection (d);

5 “(B) each action plan developed in the
6 prior year under subsection (f); and

7 “(C) the progress on each action plan to
8 date; and

9 “(2) make the report available to the public in
10 electronic format.

11 **“SEC. 35. APPLICATION OF THIS ACT TO FEDERAL AGEN-**
12 **CIES.**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (e), each Federal agency, and any officer, agent, or em-
15 ployee of a Federal agency, shall be subject to, and comply
16 with, all applicable requirements of this Act described in
17 subsection (b), both substantive and procedural, in the
18 same manner, and to the same extent, as any person sub-
19 ject to the requirements.

20 “(b) DESCRIPTION OF REQUIREMENTS.—The sub-
21 stantive and procedural requirements referred to in this
22 subsection include—

23 “(1) any administrative order;

24 “(2) any civil or administrative penalty or fine,
25 regardless of whether the penalty or fine is—

1 “(A) punitive or coercive in nature; or

2 “(B) imposed for isolated, intermittent, or
3 continuing violations;

4 “(3) any requirement for reporting;

5 “(4) any provision for injunctive relief and
6 sanctions that may be imposed by a court to enforce
7 such relief; and

8 “(5) payment of reasonable service charges.

9 “(c) WAIVER OF IMMUNITY.—The United States ex-
10 pressly waives any immunity otherwise applicable to the
11 United States with respect to any substantive or proce-
12 dural requirement referred to under subsection (a).

13 “(d) CIVIL PENALTIES.—No agent, employee, or offi-
14 cer of the United States shall be personally liable for any
15 civil penalty under this title with respect to any act or
16 omission within the scope of the official duties of the
17 agent, employee, or officer.

18 “(e) CRIMINAL SANCTIONS.—An agent, employee, or
19 officer of the United States shall be subject to any crimi-
20 nal sanction (including any fine or imprisonment) under
21 this Act, but no department, agency, or instrumentality
22 of the executive, legislative, or judicial branch of the Fed-
23 eral Government shall be subject to such sanction.

24 “(f) EXEMPTION.—

1 “(1) IN GENERAL.—If the President determines
2 it is in the paramount interest of the United States,
3 the President may grant an exemption for any Fed-
4 eral agency from compliance with any requirement
5 of this Act.

6 “(2) LACK OF APPROPRIATION.—No exemption
7 shall be granted under paragraph (1) due to lack of
8 appropriation unless—

9 “(A) the President has specifically re-
10 quested the appropriation as a part of the
11 budgetary process; and

12 “(B) Congress has failed to make the re-
13 quested appropriation available.

14 “(3) PERIOD OF EXEMPTION.—Any exemption
15 granted under paragraph (1) shall be for a period of
16 not more than 1 year, but additional exemptions
17 may be granted for periods not to exceed 1 year, if
18 the President makes a subsequent determination
19 that the exemption is in the paramount interest of
20 the United States.

21 “(4) REPORT.—Each January after the date of
22 enactment of this section, the President shall submit
23 to Congress a report that describes—

1 “(A) all exemptions granted under this
2 subsection during the preceding calendar year;
3 and

4 “(B) the reason for granting each exemp-
5 tion.

6 “(g) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

7 “(1) IN GENERAL.—The Administrator may ini-
8 tiate an administrative enforcement action against
9 any Federal agency—

10 “(A) in accordance with the enforcement
11 authorities of this Act; and

12 “(B) in the same manner and under the
13 same circumstances as an action would be initi-
14 ated against another person.

15 “(2) SETTLEMENT.—Any voluntary resolution
16 or settlement of an administrative enforcement ac-
17 tion initiated under this subsection shall be set forth
18 in a consent order.

19 “(3) FINALITY OF ADMINISTRATIVE ORDER.—
20 No administrative order issued to a Federal depart-
21 ment, agency, or instrumentality under this sub-
22 section shall become final until the Federal depart-
23 ment, agency, or instrumentality has had the oppor-
24 tunity to confer with the Administrator.

1 **“SEC. 36. IMPLEMENTATION OF STOCKHOLM CONVENTION,**
2 **THE LRTAP POPS PROTOCOL, AND THE ROT-**
3 **TERDAM CONVENTION.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) CHEMICAL.—The term ‘chemical’ includes
6 any substance or mixture of substances, including a
7 substance that is part of an article.

8 “(2) LRTAP CONVENTION.—The term
9 ‘LRTAP Convention’ means the Convention on
10 Long-Range Transboundary Air Pollution, done at
11 Geneva on November 13, 1979 (TIAS 10541), and
12 any subsequent amendments to which the United
13 States is a party.

14 “(3) LRTAP POPS CHEMICAL.—The term
15 ‘LRTAP POPS chemical’ means any chemical listed
16 on any Annex of the LRTAP POPS Protocol, if such
17 listing has entered into force for the United States.

18 “(4) LRTAP POPS PROTOCOL.—The term
19 ‘LRTAP POPS Protocol’ means the Protocol on Per-
20 sistent Organic Pollutants to the LRTAP Conven-
21 tion, done at Aarhus on June 24, 1998, and any
22 subsequent amendment to which the United States
23 is a party.

24 “(5) MEETING OF THE PARTIES.—The term
25 ‘meeting of the parties’ means—

1 “(A) the Conference of the Parties estab-
2 lished by and operating under Article 19 of the
3 Stockholm Convention;

4 “(B) the Executive Body established by
5 and operating under Article 10 of the LRTAP
6 POPs Convention; and

7 “(C) the Conference of the Parties estab-
8 lished by and operating under Article 18 of the
9 Rotterdam Convention.

10 “(6) PIC CHEMICAL.—The term ‘PIC chemical’
11 means any chemical identified by notification to the
12 Secretariat of the Rotterdam Convention by the
13 United States as banned or severely restricted in the
14 United States, and any chemical listed on any Annex
15 of the Rotterdam Convention, if such listing has en-
16 tered into force for the United States.

17 “(7) POPS CHEMICAL.—The term ‘POPs chem-
18 ical’ means any chemical that is listed on any Annex
19 of the Stockholm Convention, if such listing has en-
20 tered into force for the United States.

21 “(8) ROTTERDAM CONVENTION.—The term
22 ‘Rotterdam Convention’ means the Rotterdam Con-
23 vention on the Prior Informed Consent Procedure
24 for Certain Hazardous Chemicals and Pesticides in
25 International Trade, done at Rotterdam on Sep-

1 tember 10, 1998, and any subsequent amendment to
2 which the United States is a party.

3 “(9) STOCKHOLM CONVENTION.—The term
4 ‘Stockholm Convention’ means the Stockholm Con-
5 vention on Persistent Organic Pollutants, done at
6 Stockholm on May 22, 2001, and any subsequent
7 amendment to which the United States is a party.

8 “(b) IMPLEMENTATION OF INTERNATIONAL AGREE-
9 MENTS.—

10 “(1) IN GENERAL.—The Administrator, in co-
11 operation with appropriate Federal agencies, shall
12 implement and support the implementation by the
13 United States of the provisions of the Stockholm
14 Convention, the LRTAP POPs Protocol, and the
15 Rotterdam Convention that have entered into effect
16 for the United States.

17 “(2) PROHIBITIONS.—Notwithstanding any
18 other provision of law, no person may manufacture,
19 process, distribute in commerce, use, dispose of, or
20 take any other action with respect to a POPs chem-
21 ical, LRTAP POPs chemical, or PIC chemical in a
22 manner inconsistent with applicable obligations for
23 that chemical under the Stockholm Convention,
24 LRTAP POPs Protocol, or Rotterdam Convention.

25 “(3) PUBLIC NOTICE AND COMMENT.—

1 “(A) IN GENERAL.—The Administrator
2 shall provide timely public notice and oppor-
3 tunity to comment on a chemical proposed for
4 listing to any Annex to the Stockholm Conven-
5 tion, the LRTAP POPs Protocol, or the Rot-
6 terdam Convention.

7 “(B) CONTENTS.—The Administrator shall
8 identify in the notice under subparagraph (A)
9 any relevant toxicity, exposure, and risk infor-
10 mation on the chemical known to the Adminis-
11 trator, and any domestic activities involving the
12 chemical known to the Administrator.

13 “(C) NOTICE AND COMMENT.—

14 “(i) IN GENERAL.—Any interested
15 person may provide relevant comment and
16 information on the chemical in response to
17 the notice under subparagraph (A).

18 “(ii) REQUEST FOR INFORMATION.—
19 The Administrator may require the provi-
20 sion of relevant information related to a
21 proposed chemical from any person, as the
22 Administrator determines necessary to as-
23 sist the United States in the review.

24 “(iii) PUBLIC DOCKET.—The Admin-
25 istrator shall consider all comments and in-

1 formation received under this subpara-
2 graph in the review of the proposal and in-
3 clude the comments and information in an
4 established public docket.

5 “(D) POST-RECOMMENDATION.—

6 “(i) IN GENERAL.—The Administrator
7 shall provide timely public notice and op-
8 portunity to comment after a recommenda-
9 tion is made to list a chemical on any
10 Annex to the Stockholm Convention, the
11 LRTAP POPs Protocol, or the Rotterdam
12 Convention.

13 “(ii) MEETING OF THE PARTIES.—
14 The Administrator shall provide the notice
15 under clause (i) in advance of the meeting
16 of the Parties at which the recommenda-
17 tion is to be considered.

18 “(iii) REQUEST FOR INFORMATION.—
19 The Administrator shall request comment
20 and information on all aspects of the rec-
21 ommendation and may, if the Adminis-
22 trator determines it to be necessary to as-
23 sist the United States in the review, re-
24 quire the provision of relevant information

1 related to a proposed chemical from any
2 person.

3 “(iv) PUBLIC DOCKET.—The Adminis-
4 trator shall consider all comments and in-
5 formation received under this subpara-
6 graph in the review of the proposal and in-
7 clude the comments and information in an
8 established public docket.

9 “(E) DECISIONS.—

10 “(i) IN GENERAL.—Not later than 30
11 days after a decision by the meeting of the
12 parties, the Administrator shall provide
13 timely public notice and opportunity to
14 comment on any decision by the meeting of
15 the parties to list a chemical on any Annex
16 to the Stockholm Convention.

17 “(ii) CONTENTS.—The Administrator
18 shall provide in the notice under clause (i)
19 a description of the amendments to the in-
20 struments and identify the changes to the
21 domestic activities that the Administrator
22 believes, based on information available to
23 the Administrator, would be necessary if
24 the United States chose to be bound by the
25 listing decision.

1 “(ii) may specify the requirements
2 that are applicable for individual chemicals
3 in a public notice under this subparagraph.

4 “(4) GENERAL RULEMAKING AUTHORITY.—The
5 Administrator may promulgate regulations necessary
6 to carry out the Stockholm Convention, the LRTAP
7 POPs Protocol, or the Rotterdam Convention, or to
8 ensure compliance with any obligations under such
9 instruments.

10 “(5) OBLIGATIONS.—If a chemical is subject to
11 obligations under more than 1 of the instruments
12 that includes the Stockholm Convention, the LRTAP
13 POPs Protocol, or the Rotterdam Convention, the
14 most stringent of the obligations shall apply to en-
15 sure compliance with each of the instruments.

16 “(c) ENFORCEMENT.—The prohibitions and any
17 other requirements of this section shall be enforced in the
18 same manner as final rules or orders under section 6.”.

19 (b) CONFORMING AMENDMENTS.—The table of con-
20 tents for the Toxic Substances Control Act (15 U.S.C.
21 2601 et seq.) is amended—

22 (1) by striking the item relating to section 2
23 and inserting the following:

“Sec. 2. Findings, policy, and goal.”;

