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HOUSE ENERGY AND COMMERCE COMMITTEE
Environment and Climate Change Subcommittee

TSCA and Public Health: Fulfilling the Promise Of The Lautenberg Act
October 27, 2021

Key Takeaways by Issue:

- **Agency Transparency, Operations, and Funding:** Members engaged the witness on how the U.S. Environmental Protection Agency (EPA) can increase transparency, ways in which the agency's operations will change under the Biden-Harris Administration, and the funding needed to better regulate chemicals.
- **Unreasonable Risk and Risk Evaluations:** The witness answered questions on how "unreasonable risk" is de fined and analyzed. Members also sought answers on how risk evaluations are conducted.
- **Protecting Vulnerable Populations and the General Public:** Members asked the witness on how the EPA is using its authority under the Toxic Substances Control Act (TSCA) to protect workers, fenceline communities, and the general public.
- **Expansion of Agency Authority and State Engagement:** Members and the witness discussed how TSCA is expanding EPA's authority to regulate pollutants currently regulated by other statutes. Members also asked questions on pause preemption and its impact on states.
- **New Chemical Review Backlog:** Members asked the witness to describe how EPA will address the backlog of new chemical reviews and how this process can be balanced with innovation.
- **Addressing Chemical Pollution:** The witness described how EPA is addressing asbestos, PFAS, and other hazardous chemical pollution.
- **Other:** Members raised other issues, including: (1) supply chains; (2) scientific integrity; (3) animal testing; (4) chemical extensions; and (5) chemical bans.

Witness:

- Hon. Michal Ilana Freedhoff, Ph.D., Assistant Administrator of the Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency (*Written Testimony*)

Opening Statements:

Chair Paul Tonko (D-NY) underscored how the Lautenberg Act was the result of a multi-year and bipartisan effort and its purpose was to regulates chemicals in commerce by modernizing the Toxic Substances Control Act (TSCA). He said this is the first oversight hearing of the Lautenberg Act since its enactment in 2016. Tonko expressed confidence in Michal Ilana Freedhoff, too,

saying she is well equipped to lead the Office of Chemical Safety and Pollution Prevention at the U.S. Environmental Protection Agency and that she has experience in implementing TSCA. Tonko said the Biden-Harris Administration must prioritize cleaning up PFAS, asbestos, methylene chloride, ethylene oxide, and other dangerous chemical pollution, but conceded that this will be challenging. Tonko fully acknowledged that TSCA was broken at the time of enactment and that amendments to the act in 2016 improved it, including explicit consideration of vulnerable groups and expedited risk management processes for persistent bioaccumulative toxic chemicals. Nonetheless, Tonko was worried about states' abilities to address chemical pollution, especially if the federal program failed to work. There have been many examples over the past five years of the program being titled by political appointees strongly in favor of the chemical industry instead of science-based public health recommendations, he said. Tonko expressed worry when he heard of reports on scientific integrity violations in the Office of Chemical Safety and Pollution Prevention but is encouraged by recent efforts such as the creation of a science policy advisor position and a new science and policy counsel. He closed that TSCA will play a critical role in implementing EPA's PFAS strategic roadmap and how it will help create a national PFAS testing strategy. This includes ensuring proper review of new market entrants and re-reviewing previous PFAS decisions. Tonko was concerned about new PFAS chemicals entering commerce through low-volume exemption requests and supported EPA's April 2021 decisions to deny future requests.

Ranking Member David McKinley (R-WV) said the Lautenberg Act provided much needed changes to unlock the country's chemical industry's power. He said it is unfortunate that the chemical industry's ability to innovate is being stifled by the EPA. McKinley said the chemical industry is key to bolstering a domestic supply chain. He expressed skepticism about EPA seeking to regulate more than just chemicals, specifically imported articles that "may" contain irregulated chemicals thereby challenging supply chains. McKinley echoed concerns by private industry, saying there is a significant backlog of new chemicals at EPA. He chided actions by Freedhoff, citing how she said staff should take more time off, have longer lunch breaks, limit public engagement, streamline meeting topics, and not schedule meetings on Fridays. He took issue with the EPA requesting more money while working less and said it is now clear why there is a chemical backlog. McKinley also raised concerns about section 902 from the Clean Futures Act, which places a three-year mortarium on permits for plastic facilities and how this limits domestic supply chains to resources for the strategic national stockpile. He was overall frustrated with the actions taken by the Biden-Harris Administration.

Rep. Frank Pallone, Jr. (D-NJ), Chair of the Full Committee criticized the Trump Administration's implementation of the Lautenberg Act through its secrecy and political influence. He said this undermined the creation of a strong regulatory system. The Lautenberg Act was supposed to give EPA the needed tools to regulate chemicals like asbestos, tools TSCA did not provide despite scientific knowledge of the chemical's dangers. The Biden-Harris Administration, he said, is on a path to finally address legacy exposures to dangerous chemicals, including asbestos. Pallone, Jr. praised the features of the Biden-Harris Administration's PFAS roadmap which includes features of the PFAS Action Plan which passed the House of Representative twice on a bipartisan basis.

He expressed hope about how EPA's Office of Chemical Safety and Pollution Prevention will operate free of political influence moving forward.

Rep. Cathy McMorris Rodgers (R-WA), Ranking Member of the Full Committee said how this hearing is about the EPA's Office of Chemical Safety and Pollution Prevention and its implementation of Title 1 of TSCA. TSCA gives EPA broad authority to regulate the entire chain of commerce to control unreasonable risks posed by chemical substance – with authority this sweeping, it is fundamental that Congress conduct oversight. She said there are concerns about the Lautenberg Act's impact on supply chains, greenhouse gas emission reductions through innovation, inflation, and America's competitive edge with China. Rodgers said it was not the intention for the legislation to address precautions, as precautions do not constitute risks. She added that Section 5 of TSCA has long been considered the gateway for American innovation and how multiple EPA managers of the chemical's program testified that new chemicals tend to be greener and safer than legacy chemicals. EPA has only made 27 determinations on the 203 pre-manufacture notices it has received in 2021, Rodgers cited, and added that these decisions are required within no more than 180 days. In addition to delays on significant new uses, the average is 1.3 years which allows competitors to commercialize substances which defeats the purpose of issuing use conditions. Rodgers concluded that industry is not receiving downstream confidence and how it is not a question of science or risk, but rather management.

Committee Members in Attendance:

Democrats
Chair Paul Tonko (D-NY)
Diane DeGette (D-CO)
Janice Schakowksy (D-IL)
John Sarbanes (D-MD)
Yvette Clarke (D-NY)
Scott Peters (D-CA)
Debbie Dingell (D-MI)
Nanette Diaz Barragán (D-CA)
Lisa Blunt Rochester (D-AL)
Darren Soto (D-FL)
Frank Pallone, Jr. (D-NJ), Chair of the Full Committee

Republicans
Ranking Member David McKinley (R-WV)
Bill Johnson (R-OH)
Richard Hudson (R-NC)
Earl L. "Buddy" Carter (R-GA)
Gary Palmer (R-AL)
John Curtis (R-UT)
Dan Crenshaw (R-TX)
Cathy McMorris Rodgers (R-WA), Ranking Member of the Full Committee

Agency Transparency, Operations, and Funding

Chair Paul Tonko (D-NY): There were problems of transparency related to the Toxic Substances Control Act (TSCA). Do you intend to make all health and safety studies public for all chemicals under review?

- **Hon. Michal Ilana Freedhoff, Ph.D.:** I agree that increased transparency that was included in the 2016 TSCA amendments. These studies must be made public.

Tonko: What steps are you taking to ensure greater transparency?

- **Freedhoff:** Recent steps we have taken include moving the identities of almost 400 chemicals from the confidential to the public part of the TSCA inventory. This follows a rule mandated by the Lautenberg Act. We will continue making this information public. We are looking at providing more public information on new chemicals, but also consider the importance of confidential information for businesses' sake.

Rep. Cathy McMorris Rodgers (R-WA), Ranking Member of the Full Committee: Can you address the impact of assessments on national security interests, climate priorities, and infrastructure development?

- **Freedhoff:** TSCA requires we consider these issues. TSCA is a risk-based law and I support the risk-based approach to chemical review.

Rep. Bill Johnson (R-OH): Does the EPA's chemical's office coordinate with other departments in the agency to ensure compliance?

- **Freedhoff:** Yes, regularly.

Johnson: In some cases, the EPA is conducting multiple assessments of the same chemical under multiple statutes. Can you discuss how EPA ensures there are not duplicative efforts for chemical assessments and whether scientific quality criteria are applies to assessment from other programs?

- **Freedhoff:** TSCA requires the best available science be used. If there is another assessment on a chemical, we are required to use this work. TSCA also requires we consider exposures, conditions of use, potentials of environmental damage, and chemical use, we need to look at the best information across this spectrum.

Johnson: If the Integrated Risk Information System (IRIS) and the Federal Insecticide, Fungicide, and Rodenticide Act are already regulating chemicals, where does your office need to do the same work? This sounds duplicative and costly.

- **Freedhoff:** IRIS studies and risk evaluations are not the same and IRIS is a non-regulatory document – it is just the science used to inform regulations.

Rep. Richard Hudson (R-NC): The toxicology assessments on animal studies were critical, but levels were lowered than when they were previously assessed. How will EPA communicate toxicology threats?

- **Freedhoff:** Communicating risk to people who have been exposed to PFAS chemicals is important and challenging.

Rep. Gary Palmer (R-AL): Would you submit proposals to improve transparency and communication to the committee?

- **Freedhoff:** Absolutely.

Palmer: During the pandemic, the FDA released guidance that laid out data they wanted to see for vaccines and therapeutics. This sped up the process by eliminating time spent on data that is not needed. Are there plans for the EPA to publish a single document that clarifies the exact data needed for chemical reviews?

- **Freedhoff:** We can do a better job conveying our expectations to industry. It is in both of our interests. We can also be smarter about data collection. We are considering a rule that would add data requests as we need them and take away those that we do not need. We are translating ideas on this into a proposed rule.

Rep. Scott Peters (D-CA): What did the agency find during the public comment period that led to it revaluating final rules issues by the Trump Administration?

- **Freedhoff:** We are still looking at comments and there was one portion that a large number of industry sectors were concerned about relating to supply chains. We think reexamination means we can strengthen the rules and are looking at opportunities. We are also looking at addressing supply chain challenges.

Rep. Darren Soto (D-FL): How will your office use the expanded Toxic Release Inventory Program reporting data to further regulatory efforts?

- **Freedhoff:** We implemented what Congress wrote in the 2020 National Defense Authorization Act and this language required the addition of 200 toxic PFAS to reporting requirement. We are continuing to add PFAS to this list. We are looking at ways to expand data from these releases since we got much less data than expected.

Soto: What resources will you need to carry out new responsibilities under the Lautenberg Act?

- **Freedhoff:** The president's 2022 budget request is a step forward, but to fully realize the promise of TSCA, we need to work with Congress to build on these efforts.

Soto: How does the office quantify costs of implementation and how does the office envision solutions to shortcomings?

- **Freedhoff:** We have a report to Congress due at the end of this year that answers these questions. Policy reversals have change cost considerations, as do unanticipated complexities.

Unreasonable Risk and Risk Evaluations

Tonko: In 2018 the EPA published a draft method document that was criticized by the scientific community. At this stage, the EPA has yet to produce a new draft method subject to public comment and peer review. It remains and it is unclear what methods are being used for risk evaluations by the EPA. When will this be publicly released?

- **Freedhoff:** The EPA has not been using the older method for some time. It is anticipated the new draft method be released later this year.

Rep. Jan Schakowsky (D-IL): If a determination has been made that phthalates are a problem, why is that the EPA is still considering more risk evaluations on them?

- **Freedhoff:** Phthalates were originally studied as they related to children's products, not other products for which they are used. TSCA risk evaluations ask us to look at all conditions of use and address risk subsequently.

Schakowsky: What is a range of use that might promote phthalate removal?

- **Freedhoff:** I do not believe there are regulations that address phthalates in products outside of children's products. If we find risk, we can write regulations for additional risks.

Rep. Earl L. "Buddy" Carter (R-GA): The EPA must decide whether a chemical substance poses an unreasonable risk to human health and the environment. The law was not intended to be hazard based. There have been long delays, and this is concerning. How are you ensuring chemicals are evaluated based on risk, not hazard?

- **Freedhoff:** The law requires a risk-based approach. This includes a consideration of both hazard and exposure, and this is what our office undertakes.

Carter: When you say "unreasonable risk," what does this mean?

- **Freedhoff:** It means we do a risk assessment, describe findings, and take steps to address the risk. Unreasonable is not synonymous with "no" nor "any."

Rep. Buddy Carter (R-GA): Will the EPA grant chemicals that pose unreasonable risk if they are used in limited conditions that pose little to no risk?

- **Freedhoff:** We would tailor risk management decision that address the uses that show the risk. If uses do not pose risk, we would not restrict them.

Rep. Buddy Carter (R-GA): How do you balance between chemical risk and benefit?

- **Freedhoff:** We can do both and should not be forced to choose. We can recognize the benefits chemicals present while also protecting people from exposure if improperly released.

Rep. Dan Crenshaw (R-TX): You said "unreasonable" is an adjective, but it is a term defined by the courts and case law. How do you define "unreasonable"?

- **Freedhoff:** There is not a single definition of "unreasonable" and when coming up with a definition, no one believed there was a precise definition. The Lautenberg Act required that the EPA come up with a risk evaluation that defines risk and in turn implement regulations that consider cost and chemical use.

Barragán: It is critical that the EPA consider cumulative impacts when considering cumulative chemical exposures, especially for communities that are exposed to numerous chemicals simultaneously. Will TSCA be used to advance the cumulative risk assessment of chemicals?

- **Freedhoff:** This is a difficult problem to solve scientifically. We are looking at ways to consider cumulative effects, and the fenceline community methodology we are proposing is the first step in understanding disproportionate exposures some communities have faced for decades.

Protecting Vulnerable Populations and the General Public

Tonko: Regarding PV-29, the draft risk evaluation failed to consider worker exposures as required by the law. What steps are you taking to ensure vulnerable populations, such as works, are considered from the beginning of the chemical review process?

- **Freedhoff:** You are right. The law requires we consider populations such as workers and frontline communities who may be disproportionally exposed to these chemicals. We recently announced the reversal of the failure to consider all risks posed to workers as part of our risk evaluations, but we are also creating a fenceline screening methodology that is intended to ensure the EPA has not inadvertently left communities out of evaluations. This methodology will be released later this fall for public comment and peer review.

Rep. Nanette Barragán (D-CA): When TSCA was updated, the EPA was required to consider susceptible populations when determining unreasonable risk. How will fenceline communities be protected by your office?

- **Freedhoff:** The previous administration decided to exclude air, water, and disposal exposure from being considered under risk evaluations. We do not agree with this approach and have reversed this decision. We are developing a fenceline screening methodology to quickly analyze which communities will be impacted and whether actions will help. We hope to release this methodology later this year.

Rep. Lisa Blunt Rochester (D-DE): The first ten chemical risk evaluations under TSCA under the Trump Administration did not consider vulnerable populations. Why is it important for the EPA to supplement its risk evaluations with an environmental justice lens?

- **Freedhoff:** Some communities have been exposed to certain chemicals for generations. This can be lead or ethelyne oxide, PFAS, or landfill emissions. TSCA should do what Congress demanded and that is to protect populations form unreasonable risk and exposure to dangerous chemicals.

Blunt Rochester: How is the EPA utilizing information from environmental justice stakeholders and how will they be considered in future plans?

- **Freedhoff:** We will work with them and welcome ideas on how to better engage with important environmental justice stakeholders. We need to know how rules are impacting people.

Blunt Rochester: How will implementation of the Lautenberg Act benefit the general public?

- **Freedhoff:** Companies supported and encouraged TSCA reform because they knew if the public believe a chemical was in use because it was safe, the more confident they would be. If the EPA is credible, the public will trust the agency's decision making.

Expansion of Agency Authority and State Engagement

Rep. Bill Johnson (R-OH): The Ninth Circuit of the U.S. Court of Appeals underscored TSCA's role as a gap-filling statute and that TSCA was never meant to regulate discharge emission, consumer products, and ambient air. Yet the EPA recently announced it would expand risk evaluations to address chemicals regulated by other statues, such as the Clean Air Act and Clean Water Act. Does the EPA disagree with the Ninth Circuit and instead believe TSCA supersedes other statutes? Or that TSCA should regular discharges that are already regulated? This is yes or no.

- **Freedhoff:** I agree.

Rep. John Sarbanes (D-MD): I have concerns around pause preemption which allows the federal government to block states from regulating chemicals by simply proposing to study them. This can lead to years of a state being unable to regulate chemicals if the federal government is not acting. This did not apply to the first 10 chemicals that the EPA evaluated under the Lautenberg Act, is that correct?

- **Freedhoff:** Yes.

Rep. John Sarbanes (D-MD): Subsequent chemicals, including high-priority chemicals, the pause preemption would apply, correct?

- **Freedhoff:** Yes.

Rep. John Sarbanes (D-MD): This is a concern for me since states have been active in trying to regulate PFAS in the absence of federal action. The pause preemption could leave communities exposed. Does pause preemption help or hinder in keeping the public safe?

- **Freedhoff:** The pause preemption provisions were the last to be resolved in negotiations. The Biden-Harris Administration has a different view in working with states. We want to be productive partners with state regulators, and I am not aware of a state's efforts that will be paused during the next 20 risk evolutions. That is not to say they do not exist. There are opportunities for states to ask for waives from pause preemption.

Rep. John Curtis (R-UT): As a former mayor, I do not like seeing federal government intervention, but I personally feel that one state – when not using widely accepted science – should not use their market power to force regulations on other governments or place companies in a position of either complying or leaving the state.

Curtis: States should feel they do not need their own regulations. Can you talk about how states can be more comfortable to avoid their own regulation on chemicals?

- **Freedhoff:** This is how Congress landed on a preemption compromise when reforming TSCA. If there was a credible federal regulation, states would not feel they would need to

spend resources on regulations. When the EPA says a chemical should not be used, it is important there is confidence behind these decisions.

Curtis: Are you aware of states that might consider action against a chemical under evaluation by your office?

- **Freedhoff:** I am not aware of pending state actions for the following 20 substances we are doing risk evaluations on.

Curtis: Will EPA act on chemicals that will create national standards and cause preemption from current state regulation?

- **Freedhoff:** The EPA is moving forward to set federal chemical safety regulations and implement authorities that we have from the preemption that flows from these decisions.

Curtis: Are there specifics that would evoke this preemption?

- **Freedhoff:** No and that is because pause preemption did not apply to the first 10 chemicals that underwent risk evaluations and we did write rules on these chemicals that trigger preemption.

Crenshaw: EPA has been given resources to enforce greenhouse gas emission standards. Can EPA regulate these emissions under TSCA?

- **Freedhoff:** I have not thought about this question and would like to answer for the record. We will follow the law and look at Section Nine of TSCA to guide our decision making.

New Chemical Review Backlog

Rep. Cathy McMorris Rodgers (R-WA), Ranking Member of the Full Committee: The Lautenberg Act did not alter the 90-day review period for new chemical submissions; however, the EPA's new chemical division has only been able to complete its review on a small portion of the pre-manufacture notices submitted since January 2020 within 90 days. 153 pre-manufacture notices have been pending at the EPA for more than six months and only eight decisions were finalized within 90 days. How does EPA track new chemical reviews and who oversees EPA's responsibility to meeting statutory deadlines?

- **Freedhoff:** In August 2017, the Trump Administration issued a press release describing the end of the new chemicals backlog. They said the agency had only 308 cases under review and that this represented a typical active workload. As of a couple a weeks ago, we had 319 pending cases and 58 were waiting for industry action, not that of the EPA. We are working under a typical, active workload. We have 58 percent less of the resources we need to carry out the new chemicals division the way Congress wants it to.

Rodgers: Congress does not want the EPA implementation of TSCA to impede innovation. When will the backlog without decisions within 90 days be resolved and will you commit that the office will meet statutory deadlines under TSCA section 5?

- **Freedhoff:** When we go beyond 90 days, it is often because a company has requested this. A company may be providing new information on their chemicals or because they disagreed with the risk assessment decision and are seeking to change the EPA's mind.

Palmer: Industry groups feel that, once a new chemical is submitted for review, it disappears. Are there plans to increase transparency and communications with industry?

- **Freedhoff:** I have frequently met with industry and environmental groups and our work is only better when we get input.

Crenshaw: How will statutory deadlines be met without slowing innovation?

- **Freedhoff:** The agency is currently operating with less than 58 percent of the resources it needs to carry out the new chemicals program in the way Congress intended. Innovation and safety are not mutually exclusive.

Addressing Chemical Pollution

Rep. Frank Pallone, Jr. (D-NJ), Chair of the Full Committee: The EPA receiving tools to address asbestos through TSCA was integral. What is your office doing now to address the risk of asbestos and what is the timeline of the EPA action?

- **Freedhoff:** I expect that proposed rule will go to the Office of Management and Budget for review by the end of this calendar year. I also expect that our scope of asbestos of risk evaluation that addresses use and fiber type – issues previously excluded by the Trump Administration – will be done by end of year. We are hoping to finish this evaluations by end of 2024.

Pallone, Jr.: How do you work to overcome the deficiencies in the EPA's asbestos work to date?

- **Freedhoff:** Getting the program back on track, generally, is going to be a work in progress. In five years since the law passed, Congress was asked by President Biden through his budget request for the first increase in funding to meet its requests. The EPA has been unable to hire the experts it needs.

Pallone, Jr.: How will the work you are doing on asbestos inform your work on other chemical substances?

- **Freedhoff:** Our counterparts that handle superfund laws and RCRA will teach us a lot through engagement. We are working closely with water and air offices, too, as we go through risk evaluation and risk management stages. This will teach us more about asbestos and chemical impurities.

Hudson: The EPA is required to conduct and fund studies for PFAS by the end of the year. Can you clarify when testing orders for PFAS will be issued? testing on PFAS will be completed at the EPA within the year

- **Freedhoff:** We expect this to be done by the end of the year and fill health information gaps on around 2,000 chemicals. We expect to continue to fill information gaps using our authority in the upcoming months.

Hudson: How quickly will we see results from this first round of test orders?

- **Freedhoff:** TSCA allows us to tell industries about what studies they must conduct and data the EPA needs. The timeline will be based on requests to industry. This could take a month to a couple of years, but this is a guess. We must ensure what we are asking is correct and that industry can comply.

Hudson: Is there enough domestic laboratory capacity to meet TSCA requirements?

- **Freedhoff:** I do not have a reason to believe this is not the case. One of the advantages of the PFAS testing strategy is that instead of testing one chemical at a time, we are instead targeting our testing to focus on one PFAS from each category to be as efficient and smart as possible.

Rep. Debbie Dingell (D-MI): I believe the PFAS Action Act is important and the PFAS road map from EPA is also important. This legislation, like the roadmap, is based on a robust testing regime. What is your plan to implement a national testing strategy and implementing TSCA to address PFAS? How many orders can we expect before the end of the year?

- **Freedhoff:** We appreciate the bipartisan leadership on PFAS. We expect to issue the first 20 test order to companies that make 20 different PFAS in 20 different categories before the end of the year. This is the first step and will be focused on PFAS that we have missing health risk information.

Dingell: The best science available shows PFAS poses significant health risks. While I applaud The EPA's decisions to deny low-volume exemptions for PFAS, I do not believe any exemption should be made for new PFAS. Does the EPA plan on granting other exemptions for PFAS in the future?

- **Freedhoff:** Low-volume reviews are not as rigorous when compared with those in the Lautenberg Act for new chemical submissions. Our announcement focused on low-volume exemptions because in Section Five of TSCA there are other exemptions, but they have never been used for new PFAS. TSCA authority is also being used to re-review older decisions.

Rep. Yvette Clarke (D-NY): I want to focus on methylene chloride which is volatile chemical solvent. Short-term and chronic exposure pose dangers, as does acute exposure at high concentrations. TSCA requires the EPA effectively mitigate these risks. What is the EPA doing to protect people from methylene chloride exposure?

- **Freedhoff:** There is a ban on retail sues of this substance and we are now continuing the rule being considered will not include fenceline communities. Once completed, we

expect to send a proposed rule on other uses of methylene chloride for review sometime next year.

Clarke: Is methylene chloride any less harmful in commercial applications as it is in consumer use?

- **Freedhoff:** Yes, our proposed role addresses commercial uses of methylene chloride.

Clarke: How will the EPA ensure workers are protected from methylene chloride similar to non-commercial consumers?

- **Freedhoff:** We have reversed the Trump Administration's policy decision to assume workers are always properly protected. With methylene chloride, workers who had protective gear were still poisoned. The occupational risks associated with exposure are top of mind for us.

Barragán: Will the EPA revisit the chemicals it has approved for fracking as part of its review for PFAS approvals?

- **Freedhoff:** We have been taking a backwards look on previous decisions, since some were made before data were available.

Soto: How does your office work on testing and PFAS review to inform your EPA colleagues?

- **Freedhoff:** We are regulating just a handful of the thousands of PFAS in use. Instead of studying each chemical, we are sorting them into subcategories based on similar properties. Our first 20 test orders will actually give us more information the can extrapolated to two thousand chemicals in use.

Other

Ranking Member David McKinley (R-WV): There was a consensus that there was a shortage of personal protective equipment (PPE) and that more needed to be domestically manufactured. Section 902 of the Clean Future Act restricts the building and expansion of plastic facilities, how would this policy promote the additional availability of PPE in the United States?

- **Freedhoff:** This section relations to the Clean Air Act. I would need to take this question to EPA's air office. In the pesticide office which I oversee, we have worked closely with manufacturing to ensure supply chain stresses do not occur.

McKinley: I agree it would be hard to identify each and every chemical in each and every imported good. By trying to assess every chemical in every product, it could take years to see what chemicals are in production. So, if Congress bans future plastic facility construction and the importation of goods under TSCA because they might contain certain chemicals, how will America avoid supply chain shortages in the future?

- **Freedhoff: The** EPA is concerned about supply chain shortages. The rule that regulates articles causing these concerns was finalized by the Trump Administration. The Administration made every effort to communicate with industry and seek feedback. Since

I joined, industry started to realize supply chain implications. The Biden-Harris Administration has extended the compliance date for this rule and EPA is still working to address these concerns.

Rep. Diane DeGette (D-CO): I was concerned when I heard reports of allegations related to a disregard for scientific integrity in both the past and current Administration. What have you done to address these concerns?

- **Freedhoff:** We are doing the following: (1) cooperating with investigations conducted by the inspector general; (2) launching scientific integrity training sessions for the office; (3) creating openings for scientists to raise disagreements; (4) hiring someone to make recommendations on improvement; and (5) changing record keeping practices. This will take time, but I am committed.

Schakowsky: The Safe Cosmetics and Personal Care Products Act is a bill I introduced last Congress which would ban nearly all animal testing. I have been encouraged since the publication of the strategic plan to promote the development and implementation of alternative test methods in the TSCA proposal. What progress has been made in eliminating dangerous animal testing?

- **Freedhoff:** This is an area where EPA scientists is working with the Office of Research and Development and creating both better and more predictive tests that do not involve animals.

Palmer: Can we be assured the EPA will not allow barbaric experiences on animals, like what we saw with beagle puppies that were literally eaten alive by sandflies? I want to ensure the EPA does not impose this type of suffering – apparently the dogs' vocal cords were slit to prevent barking

- **Freedhoff:** I have not seen these images and am shocked.

Curtis: How do you plan to execute decisions that vies industry time to respond and meet consumer, investor, and shareholder needs?

- **Freedhoff:** Predictable and transparent regular order is what TSCA implementation needs. This is being improved and I welcome suggestions.

Peters: Giving extensions to processors and distributors who failed to engage on public rule makings may not be consistent with TSCA reform. Can you explain why phenol, isopropylated phosphate (3:1) (PIP 3:1) was given an extension?

- **Freedhoff:** Despite the Trump Administration's efforts to engage with stakeholders, no industries came to the EPA with concerns until after the rule was finalized. It seemed like such a wide portion of the economy would be impacted if interim measures were not taken on this one part of the rule.

Peters: Do you anticipate other extensions for persistent bioaccumulative toxic chemicals in the TSCA workplan?

- **Freedhoff:** We did propose an additional extension but need scientifically and legal reasons why extensions are needed.

Peters: We should not be setting a precedent for extending compliance for industries that fail to identify their chemics and notify the EPA during the comment period.

Carter: If there is a ban on chemicals, we cannot use them.

- **Freedhoff:** I do not think there will be a ban on all chemicals we are evaluating.

Carter: I think a total ban on chemicals that have beneficial, and at times essential, uses is shortsighted.