H. R. ______

To amend the Toxic Substances Control Act to ensure that the public and the environment are protected from risks of chemical exposure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RUSH (for himself and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on ____________________

A BILL

To amend the Toxic Substances Control Act to ensure that the public and the environment are protected from risks of chemical exposure, 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 “Toxic Chemicals Safety

5 Act of 2010”.
SEC. 2. FINDINGS, POLICY, AND GOAL.

(a) FINDINGS, POLICY, AND GOAL.—Section 2 of the Toxic Substances Control Act (15 U.S.C. 2601) is amended—

(1) by striking “INTENT” in the section heading and inserting “GOAL”; and

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

“(a) FINDINGS.—Congress finds that—

“(1) the chemical industry is an important part of the United States economy and provides valuable products that are used in diverse manufacturing industries and other commercial, institutional, and consumer applications;

“(2) more than 3 decades after the enactment of the Toxic Substances Control Act, the public and the environment in the United States are still exposed to thousands of chemicals whose safety has not been adequately reviewed;

“(3) the incidence of some diseases and disorders linked to chemical exposures is on the rise;

“(4) biomonitoring reveals that people in the United States have many hazardous chemicals in their bodies;

“(5) the concentrations of certain chemicals that persist and bioaccumulate are increasing in
human bodies, the environment, and around the
world, including in the remote Arctic in which Na-
tive Americans face increasing contamination of tra-
ditional foods;

“(6) adverse effects from chemical exposures
are modulated by changes in metabolism, physiology,
and the potential for exposure over the course of
human development, especially exposures that occur
in utero, during infancy, and during other critical
periods of development;

“(7) there is significant global trade in the
chemical sector and many of the companies that con-
duct business in the United States must also comply
with chemical safety regulatory programs in other
countries, and the data that is generated to comply
with these other regulatory programs may be useful
in understanding the hazards of and exposures to
chemicals in the United States; and

“(8) a revised policy on the safety of chemicals
will assist in renewing the manufacturing sector of
the United States, create new and safer jobs, spur
innovations in green chemistry, restore confidence
domestically and internationally in the safety of
products of the United States, and ensure that prod-
icts of the United States remain competitive in the
global market.

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

“(1) to protect the health of children, workers,
consumers, and the public, and to protect the envi-
ronment from adverse effects of exposures to chemi-
cals;

“(2) to promote the use of safer alternatives
and other actions that reduce use of and exposure
to hazardous chemicals and reward innovation in de-
developing safer chemicals, processes, and products;

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

“(4) to require manufacturers and processors to
provide sufficient health and environmental informa-
tion for the chemicals which they manufacture or
process as a condition of allowing distribution of
such chemicals in commerce;

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

“(6) to guarantee the right of the public and
workers to know about the risks associated with
chemicals that they may be exposed to by maxi-
mizing public access to information on such chemicals;

“(7) to strengthen cooperation between and among the Federal Government and State, municipal, tribal, and foreign governments; and

“(8) to ensure the Administrator has the authority to develop sufficient information to assess chemical safety, and to act effectively when the Administrator obtains information that indicates there are risks of harmful chemical exposure.

“(c) GOAL.—It is the goal of the United States to protect health and the environment by addressing exposure to harmful chemicals distributed in commerce, including exposure of vulnerable or disproportionately affected populations, by—

“(1) determining whether all chemicals in commerce meet the safety standard under this title;

“(2) applying appropriate restrictions to the use of a chemical, where warranted; and

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

(b) CONFORMING AMENDMENT.—The table of contents for the Toxic Substances Control Act is amended by amending the item relating to section 2 to read as follows:

“Sec. 2. Findings, policy, and goal.”
SEC. 3. DEFINITIONS.

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

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(ii) in clause (i), by striking “and” after “nature,”;

(iii) in clause (ii), by striking the period at the end and inserting “, and”; and

(iv) by adding at the end the following new clause:

“(iii) any chemical substance contained in or formed into an article.”; and

(B) by adding at the end the following new subparagraph:

“(C) For purposes of this Act, such term may include more than 1 form of a substance with a particular molecular identity as described in subparagraph (A) if the Administrator has determined such forms to be different substances, based on variations in the substance characteristics. New forms of existing chemical substances so determined shall be considered new chemical substances.”;
(2) in paragraph (4)—

(A) by striking “or” after “or article;”;

and

(B) by inserting “; or to export or offer for export the substance, mixture, or article” after “article after its introduction into commerce”;

(3) in paragraph (5), by inserting “ambient and indoor” after “includes water,”;

(4) in paragraph (6), by inserting “relating to a chemical substance or mixture or to the specific chemical identity of the chemical substance or mixture” after “test”; 

(5) in paragraph (8), by inserting “The term ‘mixture’ includes any mixture contained in or formed into an article.” after “combination were combined.”;

(6) in paragraph (9), 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)(2) or section 5(c)(1)(A), except that, with respect to the first year after the date of enactment of the Toxic Chemicals Safety Act of 2010, such
term shall not include a chemical substance distrib-
uted in commerce as of such date of enactment’’;

(7) by striking paragraph (12) and redesig-
nating paragraphs (13) and (14) as paragraphs (12)
and (13), respectively; and

(8) by adding at the end the following new
paragraphs:

“(14) The term ‘adverse effect’ means a chem-
ical or biochemical change, anatomic change, or
functional impairment, or a known precursor to such
a change or impairment, that—

“(A) affects or alters the performance of
an anatomic structure of a vital system of an
organism or progeny of an organism;

“(B) causes irreversible change in the ho-
meostasis of an organism;

“(C) increases the susceptibility of an or-
ganism or progeny of an organism to other
chemical or biological stressors or reduces the
ability of an organism or progeny of an organ-
ism to respond to additional health or environ-
mental challenges; or

“(D) affects, alters, or harms the environ-
ment such that the health of humans or other
organisms is directly or indirectly threatened.
''(15) The term ‘aggregate exposure’ means—

“(A) all exposure from the manufacture, processing, distribution, use, and disposal of—

“(i) a chemical substance or mixture;

“(ii) a substance that is not considered to be the chemical substance or mixture under clause (i) solely because of the use of the substance as or in a food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)); and

“(iii) any mixture containing a substance described in clause (i) or clause (ii);

and

“(B) all exposure from all other sources of a substance described in subparagraph (A), including—

“(i) contamination of food, air, water, soil, house dust, and any other environmental media from current or prior uses or activity;

“(ii) accidental releases;

“(iii) permitted sources of pollution;
“(iv) nonpoint sources of pollution;

and

“(v) documented background levels from natural and anthropogenic sources.

“(16) The term ‘bioaccumulative’ has the meaning given to such term in the policy statement entitled ‘Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances’ (64 Fed. Reg. 60194; Nov. 4, 1999). In order to reflect best available science, the Administrator may, by rule, revise the definition of such term for purposes of this Act.

“(17) The term ‘chemical identity’ means, with respect to a chemical substance—

“(A) each common and trade name of the chemical substance;

“(B) the name of the chemical substance appearing in International Union of Pure and Applied Chemistry nomenclature and 9th Collective Index format;

“(C) each Chemical Abstracts Service registration number of the chemical substance; and

“(D) the molecular structure and the molecular identity of the chemical substance.

“(18) The term ‘cumulative exposure’ means the sum of aggregate exposure to—
“(A) each of the chemical substances that are known or suspected to contribute appreciably to the risk of the same or similar adverse effect; and

“(B) mixtures containing chemical substances described in subparagraph (A).


“(20) The term ‘persistent’ has the meaning given to such term in the policy statement entitled ‘Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances’ (64 Fed. Reg. 60194; Nov. 4, 1999). In order to reflect best available science, the Administrator may, by rule, revise the definition of such term for purposes of this Act.

“(21) The term ‘substance characteristic’ means, with respect to a particular chemical substance, the physical and chemical characteristics that may vary for such substance, and whose variation may bear on the toxicological properties of the chemical substance, including—
“(A) chemical structure and composition;

“(B) size or size distribution;

“(C) shape;

“(D) surface structure;

“(E) reactivity; and

“(F) other characteristics and properties that may bear on toxicological properties.

“(22) The term ‘toxic’, with respect to a chemical substance or mixture, means that the chemical substance or mixture has a toxicological property—

“(A) that causes an adverse effect that has been demonstrated in humans or other organisms; or

“(B) for which the weight of evidence (such as demonstration of such an adverse effect as described in subparagraph (A) in laboratory studies or data for a chemical from the same chemical class that exhibits such an adverse effect) demonstrates the potential for an adverse effect in humans or other organisms.

“(23) The term ‘toxicological property’ means actual or potential toxicity or other adverse effects of a chemical substance or mixture, including actual or potential effects of exposure to a chemical substance or mixture on—
13” (A) mortality;
14” (B) morbidity, including carcinogenesis;
15” (C) reproduction;
16” (D) growth and development;
17” (E) the immune system;
18” (F) the endocrine system;
19” (G) the brain or nervous system;
20” (H) other organ systems; or
21” (I) any other biological functions in humans or other organisms.

22” (24) The term ‘vulnerable population’ means a population that is subject to a disproportionate exposure to, or potential for a disproportionate adverse effect from exposure to, a chemical substance or mixture, including—
23” (A) infants, children, and adolescents;
24” (B) pregnant women;
25” (C) the elderly;
26” (D) individuals with preexisting medical conditions;
27” (E) workers; and
28” (F) members of any other appropriate population identified by the Administrator.”. 
SEC. 4. MINIMUM DATA SET AND TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

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

(1) By amending subsection (a) to read as follows:

“(a) MINIMUM DATA SET.—

“(1) Not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall establish, by rule, the data that constitute the minimum data set for chemical substances and mixtures. The rule shall require manufacturers and processors to submit a minimum data set, including information on substance characteristics and on hazard, exposure, and use of chemical substances and mixtures that the Administrator anticipates will be useful in conducting safety standard determinations pursuant to section 6(b) or carrying out any provision of this Act. The rule shall also establish requirements for manufacturers and processors to update their minimum data set submissions, as appropriate. The rule may provide for varied or tiered testing for different chemical substances, mixtures, or categories of chemical substances and mixtures. Studies conducted to satisfy
such data requirements shall be conducted in accordance with section 35.

“(2) The manufacturers and processors of a chemical substance or mixture shall submit the minimum data set established by the rule under paragraph (1) for such chemical substance or mixture to the Administrator—

“(A) for an existing chemical substance or mixture, not later than the earlier of—

“(i) 18 months after the date on which the Administrator lists the chemical substance or mixture on the priority list under section 6(a); or

“(ii) 5 years after the date of enactment of the Toxic Chemicals Safety Act of 2010; or

“(B) for a new chemical substance or mixture, the date on which the notice required under section 5(a)(1)(A) is submitted.

“(3) The Administrator may, by order, prohibit a manufacturer or processor in violation of paragraph (2) from manufacturing, processing, or distributing in commerce the chemical substance, or any mixture or article containing the chemical substance.”.
(2) In subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) in paragraph (1)—

(i) by striking “A rule under sub-
section (a) shall include” and all that fol-
ows through “during the period prescribed
under subparagraph (C)”; and

(C) by striking the following:

“(b)(1) Testing requirement rule.—” and in-
serting the following:

“(b) Testing rules and orders.—

“(1)(A) The Administrator may, by rule or
order, require testing in addition to the requirements
for testing for the minimum data set under sub-
section (a) with respect to any chemical substance or
mixture or categories of chemical substances or mix-
tures, and the submission of test results by a speci-
fied date, as necessary for making a safety standard
determination under section 6(b) or carrying out any
provision of this Act.

“(B) The Administrator may, by order, prohibit
a manufacturer or processor in violation of a rule or
order under subparagraph (A) from manufacturing,
processing, or distributing in commerce the chemical
substance or mixture or any article containing the
chemical substance or mixture.

“(2) A rule or order under paragraph (1)(A)
shall include—

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

“(B) a methodology for testing for such
substance or mixture; and

“(C) a specification of the period (which
period may not be of unreasonable duration)
within which the persons required to conduct
the testing shall submit to the Administrator
data developed in accordance with a method-
ology referred to in subparagraph (B).

In determining the methodology and period to be in-
cluded, pursuant to subparagraphs (B) and (C), in
a rule or order under paragraph (1)(A), the Admin-
istrator’s considerations shall include the relative
costs of the various test protocols and methodologies
which may be required under the rule or order and
the reasonably foreseeable availability of the facili-
ties and personnel needed to perform the testing re-
quired under the rule or order. Any such rule or
order may require the submission to the Administrator of preliminary data during the period prescribed under subparagraph (C).”;

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating subparagraph (B) as subparagraph (C);

(ii) in subparagraph (A)—

(I) by striking “standards for the development of test data” and inserting “testing”;

(II) by inserting “endocrine disruption,” after “cumulative or synergistic effects,”;

(III) by striking “present an unreasonable risk of injury to health or the environment.” and inserting “be considered in a safety standard determination under section 6(b). The exposure information for which testing may be prescribed includes the presence of the chemical substance or mixture in animal or human biological media.”;}
by striking “which such standards” and inserting “which testing”; 

(V) by inserting “bioaccumulation,” after “persistence,”; 

(VI) by striking “present such a risk” and inserting “be considered in a safety standard determination under section 6(b)”;

(VII) by redesignating the sentence beginning “The methodologies that may be prescribed” as subparagraph (B); and 

(VIII) in subparagraph (B), as redesignated by subclause (VII), by striking “such standards” and inserting “testing”; and 

(iii) in subparagraph (C), as redesignated by clause (i)—

(I) by striking “standards for development of data” and inserting “methodology for testing”;

(II) by striking “under subsection (a)” and inserting “or orders under paragraph (1)(A)”; and
(III) by striking “such standards” and inserting “such methodology”; 

(E) in paragraph (4), as redesignated by subparagraph (A) of this paragraph—

(i) by striking subparagraph (B); and 

(ii) by striking “(A) A rule under subsection (a) respecting a chemical substance or mixture shall require the persons described in subparagraph (B)” and inserting “A rule or order under paragraph (1)(A) respecting a chemical substance or mixture shall specify the persons required”; 

(F) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) by striking “under subsection (a)” in both places it appears and inserting “or order under paragraph (1)(A)”;

(ii) by striking “repeals the rule” in both places it appears and inserting “withdraws the rule or order”; and

(iii) by striking “repeals the application of the rule” and inserting “withdraws the rule or order with respect”; and
(G) by amending paragraph (6), as redesignated by subparagraph (A) of this paragraph, to read as follows:

“(6) If a manufacturer or processor has submitted a declaration of cessation of manufacture or processing under section 8(a)(3) for a chemical substance or mixture, the manufacturer or processor shall be exempted from the requirements of this subsection with regard to such chemical substance or mixture.”.

(3) In subsection (c)—

(A) in paragraph (1)—

(i) by inserting “or order” after “rule”; and

(ii) by striking “subsection (a)” and inserting “subsection (b)(1)(A)”;

(B) in paragraph (2)—

(i) by striking “under subsection (a)” and inserting “under subsection (b)(1)(A)”;

(C) in paragraph (3)(B)(i), by striking “promulgated under subsection (a)” and inserting “or order issued under subsection (b)(1)(A)”;

and
(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking “promulgated under subsection (a)” and inserting “issued under subsection (b)(1)(A)”;

and

(II) by inserting “or order” after “rule” each place it appears; and

(ii) in subparagraph (B)—

(I) by striking “promulgated under subsection (a)” and inserting “or order issued under subsection (b)(1)(A)”;

and

(II) by inserting “or order” after “such rule”; and

(III) by inserting “or order” after “requirements of the rule”.

(4) In subsection (d), by striking “under subsection (a)” and inserting “or order under subsection (b)(1)(A)”.

(5) In subsection (e)—

(A) in the subsection heading, by striking “PRIORITY LIST” and inserting “INTERAGENCY TESTING COMMITTEE”; and

(B) in paragraph (1)—
(i) in subparagraph (A)—

   (I) by striking “rule under subsection (a)” and inserting “rule or order under subsection (b)(1)(A)”;

   (II) in clause (v), by striking “an unreasonable risk of injury to” and inserting “a substantial hazard to”;

   and

   (III) in the flush language after clause (viii)—

   (aa) by striking “cancer, gene mutations, or birth defects” and inserting “adverse effects on health or the environment”; and

   (bb) by striking “under subsection (a)” each place it appears and inserting “under subsection (b)(1)(A)”;

(ii) in subparagraph (B), by striking “rulemaking proceeding under subsection (a)” and inserting “proceeding to promulgate a rule or issue an order under subsection (b)(1)(A)”; and

(iii) by inserting after subparagraph (B) the following new subparagraph:
“(C) The committee shall provide advice and recommendation to the Administrator regarding the priority list under section 6(a)(1).”.

(6) By amending subsection (f) to read as follows:

“(f) REQUESTS FROM OTHER FEDERAL AGENCIES FOR ADDITIONAL INFORMATION OR TESTING.—

“(1) IN GENERAL.—If a Federal agency determines that information relating to a chemical substance or mixture, including data derived from new testing or monitoring, would assist such agency in carrying out duties or exercising authority of such agency, but such information is not available to the agency, such agency may request the Administrator to seek such information on its behalf.

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

“(A) if in possession of the requested data, make such data available to the requesting agency, subject to section 14;

“(B) issue an order, under section 8(b)(1), requiring the submission of existing data to the requesting agency and to the Administrator;
“(C) issue a rule or order, under subsection (b)(1)(A), to develop such data, and fur-
ther requiring such data be furnished to the re-
questing agency; or

“(D) publish in the Federal Register the
reason for not taking any of the actions de-
scribed in subparagraphs (A) through (C).”.

(7) By striking subsection (g).

SEC. 5. MANUFACTURING AND PROCESSING NOTICES.

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

(1) By amending subsection (a) to read as fol-
lows:

“(a) NEW CHEMICAL SUBSTANCES AND MIXTURES
AND NEW USES OF CHEMICAL SUBSTANCES AND MIX-
TURES.—

“(1) Except as provided in subsection (d), no
person may manufacture or process a new chemical
substance or mixture, or manufacture or process any
chemical substance or mixture for a use which the
Administrator has determined, in accordance with
paragraph (2), is a new use, unless—

“(A) such person submits to the Adminis-
trator, at least 90 days before such manufac-
ture or processing, a notice, in accordance with
subsection (c) and section 8(h), of such person’s intention to manufacture or process such substance and such person complies with any applicable requirement of subsection (b); and

“(B) the Administrator finds that—

“(i) such substance or mixture, or use of such substance or mixture, is not reasonably anticipated to present a risk of injury to health or the environment, based upon anticipated use and production volume, toxicity, persistence, bioaccumulation, or other properties indicating risk, as determined by the Administrator; or

“(ii) the manufacturers and processors have established that the anticipated use of the chemical substance or mixture meets the safety standard under section 6(b).

“(2)(A) A use shall be determined by the Administrator to be new if—

“(i) no manufacturer or processor has previously declared the use under section 8(a)(2);
“(ii) the manufacturer or processor proposing the use has not previously declared the use under section 8(a)(2); or

“(iii) the proposed use will result in manufacturing or processing of the chemical substance or mixture at a significantly increased volume from that previously declared under section 8(a)(2).

“(B) For any new use of an existing chemical substance or mixture that has already received a safety standard determination under section 6(b), the requirement described in paragraph (1)(B)(ii) shall only be met through a re-determination including the proposed new use.

“(3) Not later than 30 days after the date on which a manufacturer or processor commences manufacturing or processing of a new chemical substance or mixture or commences manufacturing or processing of a chemical substance or mixture for a new use, the manufacturer or processor shall submit to the Administrator a notice of commencement of manufacture or processing.”.

(2) By amending subsection (b) to read as follows:

“(b) SUBMISSION OF TEST DATA FOR NEW USES.—
“(1) For any new use of a chemical substance or mixture that is subject to a rule or order under section 4, the manufacturer or processor of such chemical substance or mixture shall submit to the Administrator any data required in accordance with such rule or order with the notice under subsection (a)(1)(A).

“(2) Not later than 90 days after submission of a notice under subsection (a)(1)(A), and data under paragraph (1), if required, the Administrator shall determine whether the chemical substance or mixture is not reasonably anticipated to present a risk of injury to health or the environment under subsection (a)(1)(B). Not later than 6 months after the date of such determination, the Administrator shall complete the safety standard determination for any chemical substance or mixture that may be reasonably anticipated to present a risk of injury to health or the environment. The Administrator’s failure to make a determination pursuant to this paragraph in a timely manner shall not be deemed to satisfy subsection (a)(1)(B).”.

(3) By striking subsection (e) and redesignating subsection (d) as subsection (e).
(4) In subsection (c), as redesignated by paragraph (3) of this section—

(A) by amending paragraph (1) to read as follows: (1) The notice required by subsection (a)(1)(A) shall include—

“(A) the declaration under section 8(a)(2);

“(B) the minimum data set, as defined pursuant to section 4(a); and

“(C) a statement that the chemical substance or mixture is reasonably anticipated to meet the safety standard under section 6(b) and a justification for such statement.

Such a notice shall be made available, subject to section 14, for examination by interested persons.”;

(B) in paragraph (2)—

(i) by striking “or of data under subsection (b)”;

(ii) by amending subparagraph (A) to read as follows:

“(A) identifies the chemical substance or mixture for which notice has been received by name and chemical identity;”;

(iii) in subparagraph (B), by striking “substance; and” and inserting “substance or mixture;”;
(iv) in subparagraph (C), by striking “describes the nature” and all that follows through “section 4.” and inserting “describes the nature and results of the tests performed on such substance or mixture; and”; and

(v) by striking the flush language following subparagraph (C) and adding at the end the following new subparagraph:

“(D) discloses the availability of the declaration under section 8(a) and the minimum data set under section 4(a).”; and

(C) by striking paragraph (3).

(5) By striking subsections (e), (f), and (g), and redesignating subsections (h) and (i) as subsections (d) and (e), respectively.

(6) In subsection (d), as redesignated by paragraph (5) of this section—

(A) in paragraph (1)—

(i) by inserting “and by order,” after “upon application,”;

(ii) by inserting “or mixture” after “substance” each place it appears; and

(iii) by striking “any unreasonable” and inserting “a substantial”;
(B) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) The Administrator shall exempt any person from the requirement to submit data for a chemical substance or mixture pursuant to subsection (b)(1), if upon receipt of an application from such person, the Administrator determines that—

“(i) the chemical substance or mixture with respect to which such application was submitted is equivalent to a chemical substance or mixture for which data has been submitted to the Administrator as required by this Act; and

“(ii) submission of data by the applicant on such substance or mixture would be duplicative of data which has been submitted to the Administrator in accordance with subsection (b)(1).

No exemption which is granted under this subparagraph with respect to the submission of data for a chemical substance or mixture may take effect before the beginning of the reimbursement period applicable to such data.”;

(ii) in subparagraph (B)—
(I) by striking “subsection (b)(2)” each place it appears and inserting “subsection (b)(1)”;

(II) by inserting “or mixture” after “chemical substance” each place it appears; and

(III) in the flush language after clause (ii), by inserting “or mixture” after “market for such substance”; and

(iii) in subparagraph (C), by inserting “or mixture” after “substance” each place it appears;

(C) in paragraph (3), by inserting “or mixture” after “substance” each place it appears;

(D) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(E) in paragraph (5), as redesignated by subparagraph (D) of this paragraph, by striking “(5)” and inserting “(4)”. 
SEC. 6. PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT.

(a) SAFETY STANDARD DETERMINATION.—Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended as follows:

(1) By amending the section heading to read as follows: “PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT”.

(2) By striking subsection (d).

(3) By redesignating subsections (e) and (f) as subsections (f) and (g), respectively.

(4) By redesignating subsections (a) through (c) as subsections (e) through (e), respectively.

(5) By inserting before subsection (e), as redesignated by paragraph (4) of this subsection, the following new subsections:

“(a) PRIORITY LIST FOR SAFETY STANDARD DETERMINATIONS.—

“(1) ESTABLISHMENT OF LIST.—Not later than 18 months after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall publish in the Federal Register a list of not fewer than 300 chemical substances and mixtures for which safety standard determinations shall first be made. Chemical substances and mixtures shall be listed at the Administrator’s discretion, based on
available scientific evidence, consideration of their risk relative to other chemical substances and mixtures, presence in biological and environmental media, use, production volume, toxicity, persistence, bioaccumulation, or other properties indicating risk.

“(2) Updating of List.—The Administrator shall—

“(A) remove a chemical substance or mixture from the list under paragraph (1) only after the safety standard determination has been made for such chemical substance or mixture pursuant to subsection (b); and

“(B) add chemical substances or mixtures to the list periodically so that the number of chemical substances on the list will not be fewer than 300 at any given time, until such time as all chemical substances and mixtures distributed in commerce have had a safety standard determination. Additions to the list shall be consistent with paragraph (1) and based on consideration of risk relative to listed chemical substances and mixtures to the extent practicable. Such additions to the list may be made in response to petitions under section 21 or rec-
ommendations from the Interagency Testing Committee under section 4(e).

“(b) SAFETY STANDARD DETERMINATIONS.—

“(1) SAFETY STANDARD.—The Administrator shall apply, as a safety standard under this title, a standard takes into account aggregate and cumulative exposure to a chemical substance or mixture and that provides a reasonable certainty of no harm, including to vulnerable populations, and protects the public welfare from adverse effects, including effects on the environment.

“(2) BURDEN OF PROOF.—The manufacturers and processors of a chemical substance or mixture shall bear the burden of proving that the chemical substance or mixture meets the safety standard.

“(3) DETERMINATION.—The Administrator shall determine whether a manufacturer or processor of a chemical substance or mixture has shown that the chemical substance or mixture meets the safety standard based on known or anticipated uses using the best available science and regarding any adverse effect. In assessing risk to make this determination, the Administrator may require the submission of additional information by the manufacturer or processor, pursuant to a rule or order under section
Failure to submit such information shall constitute grounds for determining that the manufacturers and processors have not demonstrated that the chemical substance or mixture meets the safety standard. The determination shall be completed not later than 6 months after the submission of all required information.

“(4) PUBLICATION.—The Administrator shall make publicly available the determination made pursuant to paragraph (3) with a list of allowed uses of the chemical substance or mixture and any conditions on those uses necessary to ensure that the safety standard is met.

“(5) RENEWAL AND REDETERMINATION.—The determination made pursuant to paragraph (3) regarding a chemical substance or mixture shall remain in effect for 15 years, except that the Administrator shall make a redetermination pursuant to paragraph (3) if a new use of such chemical substance or mixture is introduced or new information on such chemical substance or mixture warrants a redetermination. The Administrator may renew a determination made pursuant to paragraph (3) for additional 15 year periods. The burden of proof for renewal of a determination or redetermination shall re-
main with the manufacturers and processors of each chemical substance or mixture.

“(6) Failure to Meet Deadlines.—If the Administrator fails to publish or renew a determination or publish a redetermination by the applicable deadline pursuant to this subsection, the Administrator shall publish notice of such failure in the Federal Register, identifying the chemical substance or mixture and any information gaps that have impeded the determination.”.

(6) By amending subsection (c), as redesignated by paragraph (4) of this subsection, to read as follows:

“(c) Risk Management.—

“(1) Chemical substances and mixtures determined to meet the safety standard without conditions.—A chemical substance or mixture, for which the Administrator has determined, pursuant to subsection (b)(3), that the manufacturers and processors have demonstrated that the chemical substance or mixture meets the safety standard without imposition of conditions, may be manufactured, processed, and distributed in commerce.
“(2) Chemical substances and mixtures determined to meet the safety standard with conditions.—A chemical substance or mixture, for which the Administrator has determined, pursuant to subsection (b)(2), that imposition of conditions is required to ensure that the chemical substance or mixture meets the safety standard, may be subject to conditions on manufacture, processing, use, distribution in commerce, or disposal, as specified by the Administrator, including:

“(A) A requirement—

“(i) prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture; or

“(ii) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce.

“(B) A requirement—

“(i) prohibiting the manufacture, processing, or distribution in commerce of such substance or mixture for—

“(I) a particular use; or

“(II) a particular use in a concentration in excess of a level specified
by the Administrator in the rule imposing the requirement; or

“(ii) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce for—

“(I) a particular use; or

“(II) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement.

“(C) A requirement that such substance or mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use, distribution in commerce, or disposal or with respect to any combination of such activities. The form and content of such warnings and instructions shall be prescribed by the Administrator.

“(D) A requirement that manufacturers and processors of such substance or mixture make and retain records of the processes used to manufacture or process such substance or mixture and monitor or conduct tests which are
reasonable and necessary to assure compliance with the requirements of any rule applicable under this paragraph.

“(E) A requirement prohibiting or otherwise regulating any manner or method of commercial use of such substance or mixture.

“(F)(i) A requirement prohibiting or otherwise regulating any manner or method of disposal of such substance or mixture, or of any article containing such substance or mixture, by its manufacturer or processor or by any other person who uses, or disposes of, it for commercial purposes.

“(ii) A requirement under clause (i) may not require any person to take any action which would be in violation of any law or requirement of, or in effect for, a State or political subdivision, and shall require each person subject to it to notify each State and political subdivision in which a required disposal may occur of such disposal.

“(G) A requirement that the manufacturers and processors of such chemical substance or mixture, or article containing such chemical substance or mixture, develop a risk reduction
management plan to achieve a risk reduction specified by the Administrator.

Where the Administrator imposes conditions in a safety standard determination for a chemical substance or mixture, effective one year after publication of the determination, no person shall manufacture, process, or distribute in commerce the chemical substance or mixture, or any article containing the chemical substance or mixture, unless all conditions of the determination are met.

“(3) If the Administrator determines that the manufacturers and processors of a chemical substance or mixture have not shown that such substance or mixture meets the safety standard—

“(A) for a new chemical substance or mixture, no person shall manufacture, process, or distribute in commerce the new chemical substance or mixture;

“(B) for a new use of an existing chemical substance or mixture, no person shall manufacture, process, or distribute in commerce the existing chemical substance or mixture for the new use; or

“(C) for an existing chemical substance or mixture, effective 1 year after publication of the
determination, no person shall manufacture, process, or distribute in commerce the chemical substance or mixture.”.

(7) In subsection (d), as redesignated by paragraph (4) of this subsection—

(A) by striking “unintentionally” before “causes the chemical substance or mixture to present or which will cause it to present”; and

(B) by striking “present an unreasonable” each place it appears and inserting “present a substantial”.

(8) By amending subsection (e), as redesignated by paragraph (4) of this subsection, to read as follows:

“(e) CRITICAL USE EXEMPTIONS.—

“(1) Exemptions from restrictions on manufacture, processing, use, distribution in commerce, or disposal imposed under this title may be requested for a specific use by a manufacturer or processor of a chemical substance or mixture, and may be granted by the Administrator if the Administrator determines, after providing public notice and opportunity for comment, that the manufacturer or processor has demonstrated by clear and convincing evidence that—
“(A)(i) an exemption for the specific use is in the paramount interest of national security;

“(ii) the restriction would significantly disrupt the national economy; or

“(iii) the specific use is a critical or essential use; and

“(B)(i) no feasible safer alternative for the specified use is available; or

“(ii) the specified use of the chemical substance or mixture provides a net benefit to health or the environment when compared to all available alternatives.

“(2) Exemptions granted under paragraph (1) shall expire after a period not to exceed 5 years, but may be renewed for one or more additional 5 year periods if the Administrator finds, after providing public notice and opportunity for comment, that the use continues to meet the requirements of paragraph (1).

“(3) Notice of any exemption granted under this subsection shall be provided—

“(A) to known purchasers by the manufacturers and processors of the subject chemical substance or mixture; and

“(B) to the public by the Administrator.
“(4) The Administrator may impose conditions on any use receiving an exemption under this subsection to protect health and the environment. Any such condition shall take effect upon the granting of such exemption under paragraph (1).”.

(b) CONFORMING AMENDMENT.—The table of contents for the Toxic Substances Control Act is amended by amending the item relating to section 6 to read as follows:

“Sec. 6. Prioritization, safety standard determination, and risk management.”.

SEC. 7. IMMINENT HAZARDS.

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

(1) By amending subsection (a) to read as follows:

“(a) ACTIONS AUTHORIZED AND REQUIRED.—

“(1) The Administrator may commence a civil action in an appropriate district court of the United States—

“(A) for seizure of a chemical substance or mixture or any article containing such a substance or mixture, that may present an imminent and substantial endangerment to health or the environment;

“(B) for relief (as authorized by subsection (b)) against any person who manufactures,
processes, distributes in commerce, uses, or disposes of, a chemical substance or mixture or any article containing such a substance or mixture, that may present an imminent and substantial endangerment to health or the environment; or

“(C) for both such seizure and relief.

A civil action may be commenced under this paragraph notwithstanding the existence of a rule or order under this Act, and notwithstanding the pendency of any administrative or judicial proceeding under any provision of this Act.

“(2) The Administrator may issue such orders as may be necessary to protect health or the environment from a chemical substance or mixture that may present an imminent and substantial endangerment to health or the environment. Such orders may include any requirements on the manufacture, processing, distribution in commerce, use, or disposal of such chemical substance or mixture, or article containing such chemical substance or mixture, as are necessary to protect health or the environment, including those requirements listed in section 6(c) and the relief authorized in subsection (b) of this section.”.
(2) In subsection (b)—

(A) in paragraph (1)—

(i) by striking “subsection (a)” and
inserting “subsection (a)(1)”; and

(ii) by striking “unreasonable risk”
and inserting “imminent and substantial
endangerment”;

(B) in paragraph (2)—

(i) by striking “subsection (a)” and
inserting “subsection (a)(1)”; 

(ii) by striking “or distributes in com-
merce” and inserting “distributes in com-
merce, uses, or disposes of”;

(iii) by striking “risk” each place it
appears and inserting “hazard”; and

(iv) by striking “article; or (E)” and
inserting “(E) risk management measures
available pursuant to section 6(e); or (F)”;

and

(C) in paragraph (3), by striking “sub-
section (a)” and inserting “subsection (a)(1)”; 

(3) In subsection (c), by striking “subsection
(a)” each place it appears and inserting “subsection
(a)(1)”.

[Discussion Draft]
(4) By striking subsections (d) and (f) and redesignating subsection (e) as subsection (d).

(5) In subsection (d), as redesignated by paragraph (4) of this section, by striking “subsection (a)” and inserting “subsection (a)(1)”.

SEC. 8. REPORTING AND RETENTION OF INFORMATION.

Section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) is amended—

(1) by striking subsection (a) and redesignating subsection (b) as subsection (c);

(2) by redesignating subsection (e) as subsection (g);

(3) by redesignating subsection (c) as subsection (e);

(4) by striking subsection (d);

(5) by redesignating subsection (f) as subsection (i);

(6) by inserting before subsection (c), as redesignated by paragraph (1) of this section, the following new subsections:

“(a) DECLARATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, each manufacturer or processor of a chemical substance or mixture distributed in com-
merce shall submit to the Administrator a declaration described in paragraph (2) or (3), accompanied by the certification described in subsection (h).

“(2) Declaration of current manufacture or processing.—A declaration described in this paragraph is a statement that includes, for each chemical substance or mixture that is or will be manufactured or processed by a manufacturer or processor—

“(A) the chemical identity of the chemical substance or mixture;

“(B) the name and location of each facility under the control of the manufacturer or processor at which the chemical substance or mixture is manufactured or processed or from which the chemical substance or mixture is distributed in commerce;

“(C) a list of health and safety studies conducted or initiated by or for, known to, or reasonably ascertainable by the manufacturer or processor with respect to the chemical substance or mixture, and copies of any such studies that have not previously been submitted to the Administrator; and
“(D) all other information known to, in the possession or control of, or reasonably ascertainable by the manufacturer or processor that has not previously been submitted to the Administrator regarding—

“(i) the physical, chemical, and toxicological properties of the chemical substance or mixture;

“(ii) the annual production volume and known uses of, and exposure information relating to, the chemical substance or mixture; and

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

“(3) DECLARATION OF CESSATION OF MANUFACTURING OR PROCESSING.—A declaration described in this paragraph is a statement certifying that the manufacturer or processor has ceased, or will cease not later than 180 days after the date of submission of the declaration, all production, importation, processing, and export of the chemical substance or mixture.
“(4) UPDATING OF DECLARATION.—Each manufacturer or processor of a chemical substance or mixture that submits to the Administrator a declaration required under paragraph (2) or section 5(c)(1)(A) shall update and submit to the Administrator a new declaration, at a minimum, once every 3 years, and immediately, at any time at which there becomes known or available to, in the possession or control of, or reasonably ascertainable by the manufacturer or processor, significant new information regarding a physical, chemical, toxicological property or use of, or exposure to, the chemical substance or mixture, including any information that demonstrates a new potential adverse effect of the chemical substance or mixture, corroborates previous information demonstrating or suggesting an adverse effect, or suggests an adverse effect at a lower dose than previously demonstrated.

“(5) RECORDS TO SUPPORT DECLARATIONS.—Each manufacturer or processor of a chemical substance distributed in commerce shall maintain records of the information described in subparagraphs (A) through (D) of paragraph (2).

“(6) PROHIBITION.—The Administrator may, by order, prohibit a manufacturer or processor in
violation of paragraphs (1) or (4) from manufacturing, processing, or distributing in commerce a chemical substance or mixture or any article containing such chemical substance or mixture.

“(b) RECORDKEEPING AND REPORTS.—

“(1) The Administrator may, by rule or order, require any person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance, mixture, or article containing such substance or mixture (other than as described in paragraph (2)) to maintain records of and submit reports by a specified date any information concerning the chemical substance, mixture, or article containing such substance or mixture that, in the judgment of the Administrator, would assist the Administrator in—

“(A) making a safety standard determination with respect to a chemical substance or mixture under this title; or

“(B) any other aspect of administering this Act.

“(2) With respect to the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture in small quantities (as defined by the Administrator by rule) solely for
purposes of scientific experimentation or analysis or chemical research, including any such research or analysis for the development of a product, the Administrator may require a person to maintain records or submit a report under paragraph (1) only to the extent the Administrator determines the maintenance of records or submission of reports, or both, is necessary for the effective enforcement of this Act.

“(3) The Administrator may, by order, prohibit a manufacturer or processor in violation of a requirement of a rule or order under paragraph (1) from manufacturing, processing, or distributing in commerce the chemical substance or any article containing the chemical substance.”;

(7) in subsection (e), as redesignated by paragraph (1) of this section—

(A) in the subsection heading, by inserting “AND CATEGORIZATION” after “INVENTORY”;

(B) in paragraph (1)—

(i) by inserting the paragraph heading “INVENTORY”;

(ii) by inserting “or mixture” after “substance” each place it appears;
(iii) by striking “subsection (a)” and inserting “subsection (b)”; and

(iv) by striking “within three years before the effective date of the rules promulgated pursuant to the last sentence of subsection (a)(1)”; and

(C) by amending paragraph (2) to read as follows:

“(2) CATEGORIZATION.—Not later than 5 years after the date of enactment of the Toxic Chemicals Safety Act of 2010, and from time to time thereafter, the Administrator shall publish in the Federal Register a list of all chemical substances and mixtures distributed in commerce that categorizes the chemical substances and mixtures, based on existing information available to the Administrator, based upon known health or environmental effects, exposure, insufficient data, or other category that the Administrator determines appropriate.”;

(8) by inserting after subsection (c), as redesignated by paragraph (1) of this section, the following new subsection:

“(d) ELECTRONIC DATABASE AND PUBLIC ACCESS TO SIGNIFICANT INFORMATION.—
“(1) **Electronic Database.**—Not later than 1 year after the date of enactment of Toxic Chemicals Safety Act of 2010, the Administrator shall establish—

“(A) an electronic database that is publicly accessible on the Internet for storing and sharing of information relating to the toxicity and use of, and exposure to, chemical substances and mixtures; and

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

“(2) **Public Access to Significant Information.**—Not later than 90 days after the date of any significant decision made by the Administrator or receipt by the Administrator of any significant information submitted pursuant to this title, the Administrator shall, at the discretion of the Administrator and subject to section 14, make available to the public on the electronic database established under paragraph (1) significant decisions made by the Administrator under this title or significant information submitted pursuant to this title.”; 

(9) in subsection (e), as redesignated by paragraph (3) of this section—
(A) in the subsection heading, by inserting “OF SIGNIFICANT ADVERSE REACTIONS” after “RECORDS”; 

(B) by inserting “Such records shall be submitted to the Administrator on an annual basis.” after the first sentence; and 

(C) by striking the last sentence; 

(10) by inserting after subsection (e), as redesignated by paragraph (3) of this section, the following new subsection:

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

“(1) Upon the request of the Administrator, each Federal agency shall submit to the Administrator— 

“(A) any information in the possession or control of such Federal agency relating to a hazard of, use of, exposure to, or risk of a chemical substance or mixture; and 

“(B) a report, including copies of the data and records in the possession or control of such Federal agency that may be useful to the Administrator in carrying out the purposes of this Act.
“(2) The Administrator shall prescribe, by order issued to the Federal agency, the format, content, and level of detail of the report under paragraph (1)(B).

“(3) Each Federal agency shall make its initial submission to the Administrator within 60 days of receipt of the order issued under paragraph (2).”;

and

(11) by inserting after subsection (g), as redesignated by paragraph (2) of this section, the following new subsection:

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

“(1) is accurate and reliable; and

“(2) includes all material facts known to, in the possession or control of, or reasonably ascertainable by the manufacturer or processor.”.
SEC. 9. RELATIONSHIP TO OTHER FEDERAL LAWS.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking “If the Administrator has reasonable basis” through “which the Administrator has reason to believe so presents such risk.” and inserting “If the Administrator determines that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or that any combination of such activities, does not meet the safety standard under section 6(b), and the Administrator determines that action may be taken under a Federal law not administered by the Administrator to address the uses of, or aggregate and cumulative exposure to, such chemical substance or mixture, the Administrator shall submit to the agency which administers such law a report that describes with specification the activity or combination of activities that prevent the chemical substance or mixture from meeting the safety standard under section 6(b).”;

(B) in the flush language after subpara-
(i) by inserting “promptly” before “published” both places it appears; and

(ii) by striking “issue the requested order, and make the requested response” and inserting “take the action necessary to ensure that the chemical substance or mixture meets the safety standard under section 6(b), if appropriate, and respond to the Administrator’s request”

(C) by striking subparagraphs (A) and (B) and inserting the following:

“(A) determine if action may be taken under such law (or laws) administered by such agency;

“(B) if the agency determines under subparagraph (A) that such action may be taken by such agency, initiate such action and provide a timetable for such action; and

“(C) respond to the Administrator with respect to the matters described in the report.”;

(D) by amending paragraph (2) to read as follows:

“(2) If the Administrator submits a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which such report was submitted initiates, within such time speci-
fied in the request under paragraph (1), action
under the law (or laws) administered by such agency
to ensure that a chemical substance or mixture
meets the safety standard under section 6(b), the
Administrator may not take action under this Act
with respect to that chemical substance or mix-
ture.”;

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

(F) by inserting after paragraph (2) the
following new paragraph:

“(3) If the Administrator submits a report
under paragraph (1) with respect to a chemical sub-
stance or mixture and the agency to which such re-
port was submitted either—

“(A) determines that action cannot be
taken under the authorities of such agency;

“(B) does not initiate action, if appro-
priate, within such time specified in the request
under paragraph (1);

“(C) does not complete action within the
timeframe provided by such agency;

“(D) initiates action that does not ensure
that the chemical substance or mixture meets
the safety standard under section 6(b); or
“(E) fails to respond;
the Administrator may, by order, initiate action or
a combination of actions under this Act to ensure
compliance with the safety standard for the chemical
substance or mixture under section 6(b).”; and

(G) in paragraph (4), as redesignated by
subparagraph (E) of this paragraph—
(i) by striking “section 6 or 7” and
inserting “this Act”; and
(ii) by striking “against such risk”
after “Federal action”; and
(2) in subsection (d)—
(A) by striking “while imposing the least
burdens of duplicative requirements on those
subject to the Act and for other purposes”; and
(B) by striking “, in the report required by
section 30,”.

SEC. 10. INSPECTIONS AND SUBPOENAS.

Section 11 of the Toxic Substances Control Act (15
U.S.C. 2610) is amended by inserting “, articles con-
taining such substances or mixtures under this title” be-
fore “, or products subject to title IV”.

SEC. 11. EXPORTS.

Section 12 of the Toxic Substances Control Act (15
U.S.C. 2611) is amended—
(1) by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(2) in subsection (a), as redesignated by paragraph (1) of this section—

(A) in paragraph (1)—

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

(ii) by striking “or intent to export” and inserting “not later than 30 days after the date of exportation of the substance or mixture”; and

(iii) by inserting “promptly thereafter” before “furnish”; and

(B) in paragraph (2)—

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

(ii) by striking “an order has been issued under section 5 or a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending, or relief has been granted under section 5 or 7” and inserting “an action has been taken pursuant to section 6(c) or section 7”; and

(iii) by striking “or intent to export” and inserting “not later than 30 days after
the date of exportation of the substance or mixture’’;

(iv) by inserting “promptly thereafter” before “furnish”; and

(v) by striking “such rule, order, action, or relief” and inserting “such action taken pursuant to section 6(e) or section 7”; and

(C) by adding at the end the following new paragraph:

“(3)(A) Any person that has notified the Administrator of the exportation of a chemical substance or mixture under this section shall notify the Administrator of any change in the export status of the substance or mixture not later than 30 days after such a change in status.

“(B) The Administrator shall promptly furnish an updated notice to the governments that have been notified pursuant to paragraphs (1) and (2) regarding the exportation of any chemical substance or mixture subject to this section if—

“(i) data for such substance or mixture have been received by the Adminis-
trator pursuant to section 4, section 5(b), section 8(e), or section 8(g);

“(ii) a change has occurred in the export status of such substance or mixture;
or

“(iii) a change has been made in any risk management action taken pursuant to section 6(c) or section 7 for such substance or mixture.”;

(3) in subsection (b), as redesignated by paragraph (1), by striking paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(4) by adding at the end the following new subsections:

“(c) CHEMICALS LISTED UNDER THE PIC CONVENTION.—If any person intends to export to a foreign country a chemical substance or mixture contained in Annex III of the PIC Convention as of the date of enactment of the Toxic Chemicals Safety Act of 2010, such person shall file the notice required under subsection (a) not later than 30 days prior to the date of exportation of such substance or mixture.

“(d) PUBLIC RECORDS.—The Administrator shall maintain copies of all current notices provided to other
governments under this section, and make such copies available to the public in electronic format.

“(e) DEFINITION.—For purposes of this title, the term ‘PIC Convention’ means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted in Rotterdam on September 10, 1998, and any subsequent amendment or protocol.”.

SEC. 12. ENTRY INTO CUSTOMS TERRITORY OF THE UNITED STATES.

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

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

(2) in subsection (a)(1), by striking the em dash and subparagraphs (A) and (B) and inserting “the substance, mixture, or article fails to comply with or is offered for entry in violation of any rule or order in effect under this Act.”.

SEC. 13. DISCLOSURE OF DATA.

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

(1) by redesignating subsections (a) through (e) as subsections (e) through (g), respectively;
(2) by inserting, before subsection (c), as redesignated by paragraph (1) of this section, the following new subsections:

“(a) ADMINISTRATOR RESPONSIBILITIES.—The Administrator shall ensure that—

“(1) information control designations under this section are not a determinant of public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’); and

“(2) all information in the Administrator’s possession that is releasable pursuant to an appropriate request under section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’), is made available to members of the public.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent or discourage the Administrator from voluntarily releasing to the public any unclassified information that is not exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’).”;

(3) in subsection (c), as redesignated by paragraph (1) of this subsection—
(A) by striking “subsection (b)” and inserting “subsection (d)”; 

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; 

(C) by adding after paragraph (2) the following new paragraph: 

“(3) shall be disclosed upon request to a State, tribal, municipal, or foreign government, including identification of the location of the manufacture, processing, or storage of a chemical substance upon the request of such a government— 

“(A) for the purpose of administration or enforcement of a law; and 

“(B) in accordance with any applicable agreements that ensure that the recipient government takes appropriate steps to maintain the confidentiality of the information in accordance with this section and section 350.27 of title 40, Code of Federal Regulations, or any successor to such regulation;”; and 

(D) in paragraph (4), as redesignated by subparagraph (B) of this paragraph, by striking “an unreasonable” and inserting “a substantial”;
(4) in subsection (d), as redesignated by paragraph (1) of this section—

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

(B) by amending paragraph (1) to read as follows:

“(1) The following types of information shall not be eligible for confidential treatment under this section, and the Administrator shall not approve a designation to treat information of the following types as confidential under this section:

“(A) The identity of a chemical substance, except as provided in section 5.

“(B) Any safety standard developed under section 6(b), including any supporting information developed by the Administrator.

“(C) Any health and safety study which is submitted under this Act with respect to—

“(i) any chemical substance or mixture—

“(I) which, on the date on which such study is to be disclosed has been offered for commercial distribution; or
“(II) for which testing is required under section 4 or for which notification is required under section 5 of this title; and

“(ii) any data reported to, or otherwise obtained by, the Administrator from a health and safety study which relates to a chemical substance or mixture described in clause (i).

“(D) Any information indicating the presence of a chemical substance or mixture in an article intended for use or reasonably expected to be used by children or to which children can otherwise be reasonably expected to be exposed. This paragraph does not authorize the release of any data which discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the release of data disclosing the portion of the mixture comprised by any of the chemical substances in the mixture.”;

(C) in paragraph (2)—

(i) by striking “the first sentence of paragraph (1)” and inserting “paragraph (1)(C)”;

and
(ii) by striking “in the second sentence of such paragraph” and inserting “in the last sentence of paragraph (1)”;

(5) in subsection (e), as redesignated by paragraph (1) of this section—

(A) by amending paragraph (1) to read as follows:

“(1) Duties of manufacturers and processors.—

“(A) In submitting data under this Act, a manufacturer, processor, or distributor in commerce may—

“(i) designate the data which such manufacturer, processor, or distributor believes is entitled to confidential treatment under this section; and

“(ii) submit such designated data separately from other data submitted under this Act.

“(B) A designation by a manufacturer, processor, or distributor under this paragraph shall be made in writing and in such manner as the Administrator may prescribe, and shall include—
“(i) justification for each claim for confidentiality;

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

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

(B) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

“(2) DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

“(A) not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, by order, develop and make publicly available standards that specify—

“(i) the acceptable bases on which designations under paragraph (1) to maintain confidentiality of information may be approved under subparagraph (B), which shall be no more restrictive of public disclosure than section 552 of title 5, United States Code; and
“(ii) the documentation needed to accompany such designations;

“(B) not later than 90 days after the date of receipt of information designated by a manufacturer, processor, or distributor under paragraph (1), review such designation to maintain confidentiality of the submitted information and determine whether to approve or deny such designation based on whether such designation and accompanying documentation comply with standards that are developed under subparagraph (A) (except that if a request for the information is received under section 552 of title 5, United States Code, before the 90-day review and decision period has elapsed, the disclosure requirements, procedures, and judicial review provisions of such section shall apply);

“(C) if such a designation is denied, make the information available to the public in accordance with section 8(d); and

“(D) if such a designation is approved, specify a time period of not greater than 5 years for which the submitted information shall be kept confidential.”
(C) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (A)—

(I) by striking “paragraph (1)(A)” and inserting “paragraph (1) and approved by the Administrator under paragraph (2)(B)” ; and

(II) by striking “The Administrator may not release such data until the expiration of 30 days after the manufacturer, processor, or distributor in commerce submitting such data has received the notice required by this subparagraph.” and inserting “The Administrator shall release the information in accordance with the disclosure and procedural requirements of section 552 of title 5, United States Code.” ; and

(ii) in subparagraph (B)(i)—

(I) by striking “or (4)” and inserting “(4), or (5)” ;

(II) by striking “subsection (a)” each place it appears and inserting “subsection (c)” ;
(III) by striking “paragraph (3)” and inserting “paragraph (4)”;

(IV) by striking “that” before “if the Administrator determines that the release of such data”;

(V) by striking “, unreasonable” before “risk of injury”; and

(VI) by striking “, such notice may be made by such means as the Administrator determines will provide notice at least 24 hours before such release is made”; and

(6) by adding at the end the following new subsection:

“(h) Risk Information for Workers.—The Administrator shall provide standards for and facilitate the sharing of chemical identity, safety standard determination, and health and safety data described in subsection (d) that pertains to chemical substances or mixtures, or articles containing chemical substances or mixtures, that workers may come into contact with or otherwise be exposed to during the course of their work, with such workers and representatives of each certified or recognized bargaining agent representing such workers.”.
SEC. 14. PROHIBITED ACTS.

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

(1) in paragraph (1), by striking “(A)” and all that follows through “under title II” and inserting “any rule, order, prohibition, restriction, or other requirement imposed by this Act or by the Administrator under this Act”;

(2) in paragraph (2)—

(A) by striking “use” and inserting “manufacture, process, distribute in commerce, use, or dispose of”;

(B) by striking “or mixture” and inserting “, mixture, or article containing such substance or mixture”; and

(C) by striking “section 5 or 6, a rule or order under section 5 or 6, or an order issued in action brought under section 5 or 7” and inserting “any rule, order, prohibition, restriction, or other requirement imposed by this Act or by the Administrator under this Act”;

(3) by amending paragraph (3) to read as follows:

“(3) fail or refuse to (A) establish or maintain accurate and complete records, (B) submit or make accurate and complete reports, notices, information
submissions, disclosures, declarations, certifications,
or other information, or (C) permit access to or
 copying of records, as required by this Act or a rule
 thereunder;’’;

(4) in paragraph (4), by striking the final pe-
 riod and inserting ‘‘; or’’; and

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

‘‘(5) make or submit a statement, declaration,
disclosure, certification, data set, or any oral, writ-
ten, or electronic representation that is materially
false, in whole or in part, or to falsify or conceal any
material fact, in taking any action or making any
communication pursuant to this Act or pursuant to
any rule or order promulgated or issued under this
Act.’’.

SEC. 15. PENALTIES.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ‘‘this Act or a rule or
 order promulgated or issued pursuant to
 this Act, as described in” before “section
15 or 409 shall be’’;
(ii) by striking “$25,000” and inserting “$37,500”; and

(iii) by striking “violation of section 15 or 409” and inserting “violation of this Act”; 

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; 

(C) by inserting after paragraph (1) the following new paragraph:

“(2) In the case of any violation described in paragraph (1), the Administrator may commence a civil action in the appropriate United States district court to assess penalties pursuant to paragraph (1).”

(D) in subparagraph (A) of paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by inserting “this Act, as described in” before “section 15 or 409”; and 

(ii) by striking “within 15 days of” and inserting “not later than 15 days after”; 

(E) in paragraph (4), as redesignated by subparagraph (B) of this paragraph—
(i) by striking “paragraph (2)(A)” and inserting “paragraph (3)(A)”; and

(ii) by striking “the United States Court of Appeals for the District of Columbia Circuit or for any other circuit” and inserting “the appropriate district court of the United States for the district”; and

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

(2) in subsection (b)—

(A) by inserting “(1)” before “Any person who”;

(B) by inserting “this Act, as described in” before “section 15 or 409”;

(C) by striking “$25,000” and inserting “$50,000”;

(D) by striking “one year” and inserting “5 years”; and

(E) by adding at the end the following new paragraph:

“(2) Any person who knowingly or willfully violates any provision of this Act and who knows that
such violation may result in imminent danger of death or serious bodily injury to any person shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person that is not an individual shall, upon conviction of violating this paragraph, be subject to a fine of not more than $1,000,000.”.

SEC. 16. SPECIFIC ENFORCEMENT AND SEIZURE.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “The district courts of the United States shall have jurisdiction over civil actions to” and inserting “The Administrator may commence a civil action in the appropriate United States district court to compel compliance of any person with any provision of this Act or any rule or order promulgated pursuant to this Act. The Administrators authority to enforce this Act includes the authority to”;

(ii) by striking subparagraphs (A) through (C) and inserting the following subparagraphs:
“(A) seek civil or criminal penalties under section 16 for any violation of this Act as described in section 15 or 409;

“(B) enjoin any violation of this Act, or of a rule or order promulgated or issued under this Act, as described in section 15 or 409;

“(C) order the compliance of any person with any provision of this Act, or with any rule or order promulgated or issued under this Act, through an administrative proceeding in which the Administrator may assess penalties under section 16; or”

(iii) in subparagraph (D)—

(I) by striking “direct” and inserting “order”;

(II) by inserting “, articles containing such substances or mixtures under this title” before “, or product subject to title IV”;

(III) by striking “of section 5, 6, or title IV” and inserting “this Act”;

(IV) by striking “under section 5, 6, or title IV” and inserting “promulgated and issued under this Act, as described in section 15 or 409”;
(V) by inserting “, article” before “, or product and, to the extent”;

(VI) by inserting “, article” before “, or product or exposed to such substance”;

(VII) by inserting “, article” before “, or product, (ii) to give”; and

(VIII) by inserting “, article” before “, or product, whichever the person to which the requirement”.

(B) in paragraph (2)—

(i) by striking “A civil action described in paragraph (1)” and inserting “The district courts of the United States shall have jurisdiction over a civil action described in paragraph (1). A civil action”;

(ii) in subparagraph (A)—

(I) by striking “subparagraph (A) of such paragraph” and inserting “subparagraphs (A) and (B) of paragraph (1)”;

(II) by inserting “this Act, as described in” before “section 15”; and

(III) by inserting “or 409” after “section 15”; and
(iii) in subparagraph (B) by striking “such paragraph” and inserting “paragraph (1)”; and

(2) in subsection (b), by inserting “, articles containing such substances or mixtures under this title” before “, or product subject to title IV”.

SEC. 17. PREEMPTION.

Section 18 of the Toxic Substances Control Act (15 U.S.C. 2617) is amended to read as follows:

“SEC. 18. PREEMPTION.

“Nothing in this Act affects the right of a State or political subdivision of a State to adopt or enforce any regulation, requirement, or standard of performance that is different from or in addition to a regulation, requirement, liability, or standard of performance established pursuant to this Act unless compliance with both this Act and the State or political subdivision of a State regulation, requirement, or standard of performance is impossible.”.

SEC. 18. JUDICIAL REVIEW.

Section 19 of the Toxic Substances Control Act (15 U.S.C. 2618) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by striking “(A)”;

(ii) by striking “(A)”;

(iii) by striking “(B)”;

(iv) by striking “(C)”;

(v) by striking “(D)”;

(vi) by striking “(E)”;

(vii) by striking “(F)”;

(viii) by striking “(G)”;

(ix) by striking “(H)”;

(x) by striking “(I)”;

(xi) by striking “(J)”;

(xii) by striking “(K)”;

(xiii) by striking “(L)”;

(xiv) by striking “(M)”;

(xv) by striking “(N)”;

(xvi) by striking “(O)”;

(xvii) by striking “(P)”;

(xviii) by striking “(Q)”;

(xix) by striking “(R)”;

(xx) by striking “(S)”;

(xxi) by striking “(T)”;

(xxii) by striking “(U)”;

(xxiii) by striking “(V)”;

(xxiv) by striking “(W)”;

(xxv) by striking “(X)”;

(xxvi) by striking “(Y)”;

(xxvii) by striking “(Z)”;

(xxviii) by striking “(a)”;

(xxix) by striking “(b)”;

(3) in subsection (c), by striking “before the expiration” after “may” and inserting “of the” after “shall”;

(4) in subsection (d), by striking “a Court of Appeals in the District” after “shall” and inserting “for the appeal of the Board of Appeals”;

(5) in subsection (e), by striking “the district courts” after “may” and inserting “the courts of appeals” after “shall”;

(6) in subsection (f), by striking “a Court of Appeals in the District” after “may” and inserting “of the” after “shall”;

(7) in subsection (g), by striking “a Court of Appeals in the District” after “may” and inserting “of the” after “shall”;

(8) in subsection (h), by striking “a Court of Appeals in the District” after “may” and inserting “of the” after “shall”;

(9) in subsection (i), by striking “a Court of Appeals in the District” after “may” and inserting “of the” after “shall”;
(iii) by inserting “or issuance” after “promulgation”;

(iv) by striking “section 4(a), 5(a)(2), 5(b)(4), 6(a), 6(e), or 8, or under title II or IV” and inserting “this Act”;

(v) by inserting “or order” after “rule” each place it appears; and

(vi) by striking “subparagraph” and inserting “paragraph”;

(B) in paragraph (2)—

(i) by striking “paragraph (1)(A)” and inserting “paragraph (1)”; and

(ii) by inserting “or order” after “rule”; and

(C) by striking paragraph (3); 

(2) in subsection (b), by inserting “or order” after “rule” each place it appears; and

(3) in subsection (c), by amending paragraph (1) to read as follows:

“(1) Upon the filing of a petition under subsection (a)(1) for judicial review of a rule or order, the court shall have jurisdiction—

“(A) to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5, United States Code; and
“(B) to review such rule or order in accordance with chapter 7 of title 5, United States Code”.

SEC. 19. CITIZENS’ CIVIL ACTION.

Section 20 of the Toxic Substances Control Act (15 U.S.C. 2619) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “under section 4, 5, or 6, or title II or IV,”; and

(ii) by striking “section 5 or title II or IV to restrain such violation” and inserting “this Act”; and

(B) in the flush language following paragraph (2), by inserting “, to enforce this Act or any rule promulgated or order issued under this Act, or to order the Administrator to perform an act or duty described in this Act, as the case may be” after “citizenship of the parties”; and

(2) in subsection (b)(1), by striking “to restrain” and inserting “respecting”.

SEC. 20. CITIZENS’ PETITIONS.

Section 21 of the Toxic Substances Control Act (15 U.S.C. 2620) is amended—
(1) in subsection (a), by striking “under section 4, 6, or 8 or an order under section 5(e) or (6)(b)(2)” and inserting “order, or any other action authorized under this Act”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “under section 4, 6, or 8 or an order under section 5(e), 6(b)(1)(A), or 6(b)(1)(B)” and inserting “or order or to initiate other action authorized under this Act”;

(B) in paragraph (3), by striking “section 4, 5, 6, or 8” and inserting “the applicable provisions of this Act”; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking “a rulemaking proceeding” and inserting “proceedings authorized under this Act”;

and

(ii) in subparagraph (B)—

(I) by striking “a proceeding to

issue a rule under section 4, 6, or 8 or an order under section 5(e) or 6(b)(2)” and inserting “proceedings authorized under this Act”;

(II) in clause (i)—
(aa) by inserting “except as provided in clause (ii),” before “in the case of”; 

(bb) by inserting “or order” after “issuance of a rule”; 

(cc) by striking “or an order under section 5(e)”; and 

(dd) by striking “an unreasonable” and inserting “a substantial”; and 

(III) in clause (ii)— 

(aa) by striking “issuance of a rule under section 6 or 8 or an order under section 6(b)(2)” and inserting “promulgation of a rule, issuance of an order, or imposition or issuance of a restriction or use condition under this Act”; and 

(bb) by striking “an unreasonable” and inserting “a substantial”.

SEC. 21. EMPLOYMENT EFFECTS.

Section 24 of the Toxic Substances Control Act (15 U.S.C. 2623) is amended—
(1) in subsection (a)—

  (A) by striking “continuing” and inserting “periodic”; and

  (B) by striking the em dash and paragraphs (1) and (2) and inserting “the implementation of this Act.”; and

(2) in subsection (b)—

  (A) in paragraph (1), by striking “section 4, 5, or 6 or a requirement of section 5 or 6” and inserting “this Act”;

  (B) in paragraph (2)—

    (i) in subparagraph (A), by striking “by order issued” and inserting “in writing,”; and

    (ii) in subparagraph (B)—

      (I) in clause (i), by inserting “and” after the “such request,”; and

      (II) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

  (C) by amending paragraph (4) to read as follows:

“(4) This section shall not be construed—
“(A) to require the Administrator to amend or repeal any rule or order under this Act; or

“(B) to impose a condition on the Administrator’s authority to issue orders or promulgate rules under this Act.”.

SEC. 22. ADMINISTRATION OF THE ACT.

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

(1) by amending subsection (b) to read as follows:

“(b) FEES.—The Administrator may, by rule, require the payment of a reasonable fee from any person required to submit data under this Act to defray the cost of administering this Act. In setting a fee under this subsection, the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under this Act.”;

and

(2) by adding at the end the following new subsection:
“(h) RULEMAKING.—In carrying out this Act, the Administrator is authorized to prescribe such regulations as are necessary to carry out this Act.”.

SEC. 23. STATE PROGRAMS.

Section 28 of the Toxic Substances Control Act (15 U.S.C. 2627) is amended—

(1) in subsection (a)—

(A) by striking “unreasonable” before “risks within the States”; and

(B) by striking “is unable or is not likely to take” and inserting “has not taken”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) in subsection (e), as redesignated by paragraph (2) of this section, in paragraph (2), by striking “including cancer, birth defects, and gene mutations,”; and

(4) by inserting after subsection (a) the following new subsection:

“(b) COORDINATION.—The Administrator shall establish a process to coordinate with States, on an on-going basis, to share data and priorities relating to the management of chemical substances and mixtures under this title and under programs operated by States, in keeping with requirements of section 14.”.
SEC. 24. AUTHORIZATION FOR APPROPRIATIONS.

(a) Authorization.—Section 29 of the Toxic Substances Control Act (15 U.S.C. 2628) is amended to read as follows:

“SEC. 29. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this Act such sums as necessary for each of fiscal years 2011 through 2018.”.

SEC. 25. ADDITIONAL REQUIREMENTS.

(a) Additional Requirements.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding after section 31 the following new sections:

“SEC. 32. RISK ASSESSMENT FOR CHEMICAL SUBSTANCES AND MIXTURES THAT ARE PERSISTENT AND BIOACCUMULATIVE.

“(a) Risk Evaluation Methodology.—Not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall promulgate a rule, after notice and opportunity for comment, establishing methodology for evaluation of risk from chemical substances and mixtures determined to be persistent and bioaccumulative. Such rule shall take into account potential exposures and predicted rates of increase in exposures that result from persistence and bioaccumulation.”
“(b) Safety Standard Determination.—For each chemical substance or mixture listed on the priority list under section 6(a) of this title, the Administrator shall determine whether the chemical substance or mixture is persistent and bioaccumulative, and shall conduct the safety standard determination for any chemical substances or mixtures so identified in accordance with the rule promulgated under subsection (a).

“(c) Use, Conditions, and Risk Reduction.—The Administrator shall take action under section 6(c) as necessary to ensure that the manufacturing, processing, distribution in commerce, use, and disposal of a chemical substance or mixture identified as persistent and bioaccumulative meets the safety standard.

“SEC. 33. EXPEDITED ACTION FOR CHEMICAL SUBSTANCES WITH DOCUMENTED RISKS.

“(a) Purpose.—In the case of a chemical substance identified in subsection (b) for which risk to health and the environment have been well documented yet sufficient risk management actions have not been taken, expedited action under this title is warranted.

“(b) Covered Chemical Substances.—This section applies to the following chemical substances:

“(1) Anthracene, pure.

“(2) Asbestos.
“(3) Bisphenol A.

“(4) Cadmium and cadmium compounds.


“(6) Decabromodiphenyl ether and congeners in the commercial DecaBDE mixture.

“(7) p-Dichlorobenzene.

“(8) Formaldehyde.

“(9) n-Hexane.

“(10) Hexabromocyclododecane, including all major diastereomers.

“(11) Hexachlorobutadiene.

“(12) Hexavalent chromium.

“(13) Lead and lead compounds.

“(14) Methylene chloride.

“(15) Mercury and mercury compounds.

“(16) Musk xylene.

“(17) The following perfluorinated compounds:

“(A) Fluorinated telomers.

“(B) Perfluoroalkyl sulfonates.

“(C) Perfluorooctane sulfonic acid, its salts, and perfluorooctane sulfonyl fluoride.

“(D) Perfluorooctanoic acid and related salts.
“(E) Polyfluoroalkyl phosphoric acid diesters.

“(18) Phenanthrene.

“(19) The following phthalates:

“(A) Benzyllbutyl phthalate.

“(B) Dibutyl phthalate.

“(C) Diethylhexyl phthalate.

“(D) Di-isodecyl phthalate.

“(E) Di-n-hexyl phthalate.

“(20) Polybrominated biphenyls.

“(21) Polychlorinated terphenyls.

“(22) Tetrabromobisphenol A.

“(23) 1,2,3–Trichlorobenzene.

“(24) 1,2,4–Trichlorobenzene.

“(25) 1,2,3,4–Tetrachlorobenzene.

“(26) 1,2,4,5–Tetrachlorobenzene.

“(27) Trichloroethylene.

“(28) Tris (1,3-dichloro-2-propyl) phosphate.

“(29) Tris (2-chloroethyl) phosphate.

“(30) Tris (2,3-dibromopropyl) phosphate.

“(31) Vinyl chloride.

“(c) EXPEDITED ACTION.—

“(1) MANUFACTURER DUTIES.—

“(A) Notwithstanding the requirements of section 4(a) of this title, manufacturers of
chemical substances listed in subsection (b) shall not be required to submit a minimum data set for such chemicals unless and until the determination made pursuant to paragraph (2) expires.

“(B) Notwithstanding the deadline under section 8(a)(1), not later than 6 months after the date of enactment of the Toxic Chemicals Safety Act of 2010, manufacturers and processors of chemical substances listed in subsection (b) shall submit the declaration required by section 8(a)(2) of this title.

“(2) Administrator Duties.—Notwithstanding the deadline under section 6(b), not later than 12 months after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall determine whether the manufacturers and processors of each chemical substance listed in subsection (b) have established that the substance meets the safety standard, and shall then take appropriate action under section 6(c) to ensure that the manufacturing, processing, distribution in commerce, use, and disposal of the chemical substance or mixture meet the safety standard.
“(d) NEW USES OF LISTED CHEMICAL SUBSTANCES.—No person may manufacture or process any chemical substance listed under subsection (b) for a use that is a new use as determined under section 5(a)(2), except pursuant to section 6(e) of this title, and in accordance with the redetermination process of section 6(b)(5).

“SEC. 34. CHILDREN’S ENVIRONMENTAL HEALTH PROGRAM.

“(a) CHILDREN’S ENVIRONMENTAL HEALTH RESEARCH PROGRAM.—

“(1) Establishment.—Not later than 90 days after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall establish the ‘Children’s Environmental Health Research Program’ within the Environmental Protection Agency.

“(2) Purpose.—Subject to amounts made available in advance in appropriations Acts, under the Children’s Environmental Health Research Program established under paragraph (1), the Administrator may enter into contracts and make grants to further understanding of the vulnerability of children to chemical substances and mixtures.

“(3) Consultation.—Contracts and grants under this section shall be made in consultation with Interagency Science Advisory Board on Children’s
Health and Toxic Substances established under subsection (b).

“(b) **INTERAGENCY SCIENCE ADVISORY BOARD ON CHILDREN’S HEALTH AND TOXIC SUBSTANCES.**—

“(1) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall establish an advisory board to be known as the ‘Interagency Science Advisory Board on Children’s Health and Toxic Substances’. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(2) **PURPOSES.**—The purposes of the Interagency Science Advisory Board on Children’s Health and Toxic Substances shall be to provide independent advice, expert consultation, and peer review upon the request of the Administrator and Congress on the scientific and technical aspects of issues relating to the implementation of this title with respect to protecting children’s health in the context of this Act.

“(3) **COMPOSITION.**—The Administrator shall—

“(A) appoint the members of the Board, including, at a minimum, representatives of—

“(i) the National Institute of Environmental Health Sciences;
“(ii) the Centers for Disease Control and Prevention;

“(iii) the National Toxicology Program;

“(iv) the National Cancer Institute;

“(v) the National Tribal Science Council; and

“(vi) not fewer than 3 centers of children’s health at leading universities;

“(B) ensure that at least 1/3 of the members of the Board have specific scientific expertise in the relationship of chemical exposures to prenatal, infant, and children’s health; and

“(C) ensure that no individual appointed to serve on the Board has a conflict of interest that is relevant to the functions performed, unless such conflict is promptly and publicly disclosed and the Administrator determines that the conflict is unavoidable.

“(e) PRENATAL AND INFANT EXPOSURES.—

“(1) MONITORING.—If, through studies performed pursuant to grants and contracts under subsection (a), testing under section 4, or other available research, the Administrator identifies a chemical substance that may be present in human biologi-
cal media that may have adverse effects on early
cildhood development, the Administrator shall co-
ordinate with the Secretary of Health and Human
Services to conduct, not later than 2 years after the
date on which the Administrator makes such identi-
fication, a biomonitoring study to determine the
presence of the chemical substance in human biologi-
cal media in, at a minimum, pregnant women and
infants.

“(2) PUBLICATION.—Upon completion of any
biomonitoring study conducted pursuant to para-
graph (1), the Administrator shall publish the re-
sults of the study in a publicly available electronic
format.

“(3) POSITIVE RESULTS.—

“(A) MANUFACTURE DISCLOSURE.—When-
ever a chemical substance or mixture is deter-
mained to be present in human biological media
in a biomonitoring study conducted pursuant to
paragraph (1), the manufacturers and proc-
cessors of such chemical substance or mixture
shall, not later than 180 days after the date of
publication of such study, disclose to the Ad-
ministrator, commercial customers of the manu-
facturers and processors, consumers, and the public—

“(i) all known uses of the chemical substance or mixture; and

“(ii) all articles in which the chemical substance or mixture is or is expected to be present.

“(B) Cost and form of disclosure.—

Information under clauses (i) and (ii) of subparagraph (A) shall be—

“(i) made available by the Administrator in electronic format; and

“(ii) made readily accessible and free of charge by each applicable manufacturer and processor in electronic format to the commercial customers of such manufacturer or processor, consumers, and the public.

“SEC. 35. REDUCTION OF ANIMAL-BASED TESTING.

“(a) Administration.—The Administrator shall take action to minimize the use of animals in testing of chemical substances or mixtures, including—

“(1) encouraging and facilitating, where prac-ticable—
“(A) use of existing data of sufficient scientific quality;

“(B) use of test methods that eliminate or reduce the use of animals but provide data of high scientific quality;

“(C) grouping of 2 or more chemical substances into scientifically appropriate categories where testing of one chemical substance will provide reliable and useful data on others in the category;

“(D) formation of industry consortia to jointly conduct testing to avoid unnecessary duplication of tests; and

“(E) parallel submission of data from animal-based studies and from emerging methods and models;

“(2) funding research and validation studies to reduce, refine, and replace the use of animal tests in accordance with this subsection; and

“(3) in consultation with the Interagency Science Advisory Board on Alternative Testing Methods established under subsection (b)(1), and after providing an opportunity for public comment—

“(A) by developing a strategic plan to promote the development and implementation of al-
ternative test methods and testing strategies to
generate information used for safety standard
determinations under section 6(b) that do not
use animals, including toxicity pathway-based
risk assessment, in vitro studies, systems biol-
ogy, computational toxicology, bioinformatics,
and high-throughput screening; and

“(B) biennially reporting to Congress on
progress made in implementing this section.

“(b) INTERAGENCY SCIENCE ADVISORY BOARD ON
ALTERNATIVE TESTING METHODS.—

“(1) ESTABLISHMENT.—Not later than 90 days
after the date of enactment of the Toxic Chemicals
Safety Act of 2010, the Administrator shall establish
an advisory board to be known as the ‘Interagency
Science Advisory Board on Alternative Testing
Methods’. The Board shall be subject to the Federal
Advisory Committee Act (5 U.S.C. App.).

“(2) COMPOSITION.—The Administrator shall—

“(A) appoint the members of the Inter-
agency Science Advisory Board on Alternative
Testing Methods, including, at a minimum, rep-
representatives of—

“(i) the National Institute of Environ-
mental Health Sciences;
“(ii) the Centers for Disease Control and Prevention;

“(iii) the National Toxicology Program;

“(iv) the National Cancer Institute;

and

“(v) the National Tribal Science Council; and

“(B) ensure that no individual appointed to serve on the Interagency Science Advisory Board on Alternative Testing Methods has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Administrator determines that the conflict is unavoidable.

“(3) PURPOSE.—The purpose of the Interagency Science Advisory Board on Alternative Testing Methods shall be to provide independent advice and peer review to the Administrator and Congress on the scientific and technical aspects of issues relating to the implementation of this title with respect to minimizing the use of animals in testing of chemical substances or mixtures.
“(4) List of Methods.—Not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, and triennially thereafter, the Administrator, in consultation with the Interagency Science Advisory Board on Alternative Testing Methods established under paragraph (1), shall publish a list of testing methods that reduce the use of animals in testing under section 4 of this title.

“(c) Criteria for Adapting or Waiving Animal Testing Requirements.—Upon request from a manufacturer or processor that is required to conduct animal-based testing of a chemical substance or mixture under this title, the Administrator may adapt or waive such requirement if the Administrator determines that—

“(1) there is sufficient weight-of-evidence from several independent sources of information to support a conclusion that a chemical substance or mixture has, or does not have, a particular property, in any case in which the information from each individual source alone is regarded as insufficient to support the conclusion;

“(2) testing for a specific endpoint is technically not practicable to conduct as a consequence of 1 or more physical or chemical properties of the chemical substance or mixture; or
“(3) a chemical substance or mixture cannot be tested in animals at concentrations that do not result in significant pain or distress, due to physical or chemical properties of the chemical substance or mixture, such as potential to cause severe corrosion or severe irritation to tissues.

“SEC. 36. SAFER ALTERNATIVES AND GREEN CHEMISTRY AND ENGINEERING.

“(a) Safer Alternatives Program.—

“(1) In general.—Not later than 1 year after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall establish a program to create market incentives for the development of safer alternatives to existing chemical substances or mixtures that reduce or avoid the use and generation of hazardous chemical substances or mixtures.

“(2) Requirements.—The program under paragraph (1) shall include—

“(A) expedited review of new chemical substances or mixtures for which the manufacturer or processor submits an alternatives analysis indicating that the new chemical substance or mixture is the safer alternative for a particular
use than existing chemical substances or mixtures used for the same purpose;

“(B) recognition for a chemical substance or mixture or an article containing such chemical substance or mixture determined by the Administrator to be a safer alternative for a particular use by means of a special designation intended for use in marketing the safer alternative, and periodic public awards or rewards; and

“(C) such other incentives as the Administrator considers to be appropriate to encourage the development, marketing, and use of chemical substances or mixtures or articles containing such substances or mixtures determined by the Administrator to be safer alternatives for particular uses.

“(b) Green Chemistry Research Network.—

Subject to amounts made available in advance in appropriations Acts, the Administrator shall establish a network of not fewer than 4 green chemistry and engineering centers, located in various regions of the United States, to support the development and adoption of safer alternatives to chemical substances and mixtures, particularly chemical...
substances and mixtures listed on the priority list under section 6(a).

“(c) Green Chemistry and Engineering Research.—Subject to amounts made available in advance in appropriations Acts, the Administrator shall make grants and enter into contracts to promote and support the research, development, and adoption of safer alternatives to hazardous chemical substances and mixtures.

“Sec. 37. International Cooperation and Agreements.

“(a) Cooperation.—In coordination with the Secretary of State and the head of any other Federal agency, as appropriate, the Administrator shall cooperate with any international effort—

“(1) to develop a common protocol or electronic database relating to chemical substances and mixtures; or

“(2) to develop safer alternatives for chemical substances and mixtures that the Administrator determines has broad international support and a reasonable expectation of success.

“(b) Prohibition.—

“(1) Prohibition.—Except as provided in paragraph (2), notwithstanding any other provision of law, effective 5 years after the date of enactment
of the Toxic Chemicals Safety Act of 2010, no person shall manufacture, process, distribute in commerce, use, or dispose of the following chemical substances, except in a manner determined by the Administrator to be protective of health and the environment:

“(A) Hexabromobiphenyl.
“(B) Hexachlorobenzene.
“(C) Hexabromodiphenyl ether and Heptabromodiphenyl ether and congeners in the commercial OctaBDE mixture.
“(D) Pentachlorobenzene.
“(E) Tetrabromodiphenyl ether and pentabromodiphenyl ether and congeners in the commercial PentaBDE mixture.

“(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply to a use exempted pursuant to section 6(e).

“(c) NOTICE OF RESTRICTIONS UNDER INTERNATIONAL AGREEMENTS.—Not later than 60 days after the enactment of the Toxic Chemicals Safety Act of 2010, the Administrator, in consultation with the Secretary of State, shall publish in the Federal Register a notice of the chemical substances or mixtures that are subject to the Stockholm Convention, the PIC Convention, and the
LRTAP POPs Protocol, including conditions or restrictions relating to such chemical substances or mixtures imposed by such agreements or by foreign governments pursuant to such agreements.

“(d) IMPLEMENTING AGREEMENTS.—In consultation with the Secretary of State and the head of any other appropriate Federal agency (as determined by the Administrator), the Administrator shall implement the provisions of international agreements (and any subsequent amendment to such agreements) related to chemical substances and mixtures to which the United States becomes a party. Such implementation shall provide notice at each step in the listing and delisting process as required in such agreements and include requirements that:

“(1) Not later than 30 days after the United States ratifies an international agreement related to chemical substances and mixtures, the Administrator shall provide public notice of the chemical substances or mixtures that are subject to that agreement, and shall provide similar public notice of any chemical substance or mixture subsequently added under that agreement. In providing such notice, the Administrator may specify the applicable requirements for individual chemical substances or mixtures.
“(2) Whenever a chemical substance or mixture has been proposed for listing under an international agreement to which the United States is a party, the Administrator shall publish in the Federal Register a notice that—

“(A) includes any relevant toxicity, exposure, and risk information related to the chemical substance or mixture known to the Administrator, as well as any domestic activities involving the chemical substance or mixture known to the Administrator;

“(B) includes a summary of the process, under the international agreement, for the listing or delisting step that was taken, including criteria applied in that process and records generated by the international body during that process;

“(C) requires any person that manufactures, processes, distributes in commerce, uses, or disposes of the chemical substance or mixture to provide to the Administrator any information that the Administrator determines to be necessary to assist the United States in its consideration of the proposal; and
“(D) provides an opportunity for public comment on the proposed listing of the chemical substance or mixture. The comments and information received under this paragraph shall be placed in a public docket and shall be considered in the Administrator’s review of the proposal.

“(3) Any chemical substance or mixture listed under an international agreement to which the United States is a party that is not already subject to risk management under section 6(e) or already listed on the priority list under section 6(a) shall be promptly added to the priority list under section 6(a).

“(4) If there are applicable obligations for a chemical substance or mixture under more than one international agreements to which the United States is a party, the most stringent of such obligations shall apply to ensure compliance with each of those agreements.

“(e) RULES.—The Administrator may promulgate such rules as the Administrator determines are necessary to cooperate with international efforts pursuant to subsection (a) and to implement international agreements re-
lated to chemical substances and mixtures pursuant to subsection (d).

“(f) DEFINITIONS.—In this section:

“(1) LRTAP CONVENTION.—The term ‘LRTAP Convention’ means the Convention on Long-Range Transboundary Air Pollution, adopted in Geneva on November 13, 1979, and any subsequent amendment or protocol.

“(2) LRTAP POPs PROTOCOL.—The term ‘LRTAP POPs Protocol’ means the Protocol on Persistent Organic Pollutants to the LRTAP Convention, adopted in Aarhus on June 24, 1998, and any subsequent amendment.


“SEC. 38. DATA QUALITY.

“Not later than 18 months after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall, by order, establish and implement procedures to ensure data quality under this Act including, at a minimum, requirements that—
“(1) not less than annually, the Administrator randomly inspect commercial and private laboratories that develop the data required under this title on the various properties and characteristics of a chemical substance or mixture;

“(2) annually, the Administrator perform a comprehensive data audit on a subset, as selected by the Administrator, of the data submissions submitted by manufacturers and processors under this title;

“(3) the Administrator have access to all records of privately sponsored health and safety studies initiated in response to requirements under this title; and

“(4) the Administrator require the submitter of any study conducted by a third party in response to requirements under this title to disclose to the Administrator and the public, at the time of submission, the sources of any funding used for the conduct or publication of the study received by the researchers who conducted the study.

“SEC. 39. HOT SPOTS.

“(a) DEFINITIONS.—In this section:

“(1) DISPROPORTIONATE EXPOSURE.—The term ‘disproportionate exposure’ means a residential
population exposure to 1 or more toxic chemical substances and mixtures at levels that are significantly greater than the average exposure in the United States, as defined and identified by the Administrator in accordance with the criteria under subsection (b).

“(2) LOCALITY.—The term ‘locality’ means any geographical area in which the Administrator identifies disproportionate exposure and may include a county, city, town, neighborhood, census tract, zip code, or other commonly understood political or geographical subdivision.

“(b) CRITERIA.—Not later than 180 days after the date of enactment of the Toxic Chemicals Safety Act of 2010, the Administrator shall promulgate a rule to establish criteria consistent with this section to—

“(1) define disproportionate exposure; and

“(2) identify any locality that is disproportionately exposed.

“(c) IDENTIFICATION.—

“(1) IN GENERAL.—Not later than 120 days after promulgation of the rule under subsection (b), the Administrator shall identify localities within the United States subject to disproportionate exposure.
“(2) USE OF DATA.—In identifying localities under paragraph (1), the Administrator—

“(A) shall use data contained in the National Air Toxie Assessment Database; and

“(B) may use other data available to the Administrator, including data developed pursuant to—

“(i) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(iii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

“(iv) the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

“(3) PUBLIC PARTICIPATION.—The Administrator shall provide an opportunity for members of the public to nominate localities for which there may be disproportionate exposure for inclusion in the identification of localities under paragraph (1).

“(d) HOT SPOT LIST.—
“(1) IN GENERAL.—Not later than 180 days after completing the identification of localities under subsection (c)(1), the Administrator shall, after notice and consultation with all applicable State, local, county health, and environmental officials, and State, local, and county legislators and other elected officials, publish a list of the localities subject to disproportionate exposure identified pursuant to such subsection in the Federal Register and make such list available electronically.

“(2) UPDATING.—Not later than 5 years after the date of publication of the list under paragraph (1), and at least once every 5 years thereafter, the Administrator shall update and republish such list as necessary. The Administrator may update and republish such list more frequently than every 5 years to add new localities that meet the criteria under subsection (b), or to remove localities when the Administrator determines that the percentage exposure reduction goal for such a locality established pursuant to subsection (e) has been achieved and no further action is needed after actions are taken under such subsection. The Administrator shall notify all applicable State, local, county health, and environmental officials, and State, local, and county legisla-
tors and other elected officials of such an updated listing.

“(e) ACTION PLANS.—Not later than 1 year after publishing or updating the list under subsection (d), the Administrator shall develop and publish, for each locality identified on the list, an action plan to reduce disproportionate exposure within such locality. Each such action plan shall include—

“(1) identification of the chemical substances and mixtures that contribute to the disproportionate exposure (including exposure levels, sources, and pathways);

“(2) a description of actions to be undertaken by the Administrator, to reduce disproportionate exposure within the locality;

“(3) a percentage exposure reduction goal for each chemical substance and mixture identified under paragraph (1); and

“(4) a timeline to achieve a percentage exposure reduction goal under paragraph (3).

“(f) REPORT TO CONGRESS.—The Administrator shall—

“(1) prepare and submit to Congress an annual report identifying —
“(A) each locality added to the list in the prior year under subsection (d);
“(B) each action plan developed in the prior year under subsection (e); and
“(C) the progress on each action plan to date; and
“(2) make the report available to the public in electronic format.

“SEC. 40. APPLICATION OF THIS ACT TO FEDERAL AGENCIES.

“(a) IN GENERAL.—Except as provided in subsection (e), each Federal agency, and any officer, agent, or employee thereof, shall be subject to, and comply with, all applicable requirements of this Act, both substantive and procedural, in the same manner, and to the same extent, as any person subject to such requirements. The substantive and procedural requirements referred to in this subsection include—
“(1) any rule or order;
“(2) any civil or administrative penalty or fine, regardless of whether such penalty or fine is punitive or coercive in nature or is imposed for isolated, intermittent, or continuing violations;
“(3) any requirement for reporting;
“(4) any provision for injunctive relief and such sanctions as may be imposed by a court to enforce such relief; and

“(5) payment of user fees under section 26(b).

“(b) WAIVER OF IMMUNITY.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any substantive or procedural requirement referred to under subsection (a).

“(c) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this Act with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

“(d) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including any fine or imprisonment) under this Act, but no Federal agency shall be subject to any such sanction.

“(e) EXEMPTION.—

“(1) IN GENERAL.—If the President determines it is in the paramount interest of the United States, the President may grant an exemption for any Federal agency from compliance with any requirement of this Act.
“(2) LACK OF APPROPRIATION.—No exemption shall be granted under paragraph (1) due to lack of appropriation unless the President has specifically requested such appropriation as a part of the budgetary process and the Congress has failed to make available such requested appropriation.

“(3) PERIOD OF EXEMPTION.—Any exemption granted under paragraph (1) shall be for a period of not more than 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President’s making a new determination that such exemption is in the paramount interest of the United States.

“(4) REPORT.—Annually after the date of enactment of the Toxic Chemicals Safety Act of 2010, the President shall report to the Congress all exemptions under this subsection granted during the preceding calendar year, together with the reason for granting each such exemption.

“(f) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

“(1) IN GENERAL.—The Administrator may commence an administrative enforcement action against any Federal agency pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement
action against such agency in the same manner and 
under the same circumstances as an action would be 
initiated against another person. Any voluntary reso-
lution or settlement of an administrative enforce-
ment action shall be set forth in a consent order.

“(2) FINAL.—No administrative order issued to 
a Federal agency shall become final until such agen-
cy has had the opportunity to confer with the Ad-
ministrator.”.

(b) CONFORMING AMENDMENT.—The table of con-
tents for the Toxic Substances Control Act is amended 
by adding after the item relating to section 31, the fol-
lowing new items:

“Sec. 32. Risk assessment for chemical substances and mixtures that are per-
sistent and bioaccumulative.
“Sec. 33. Expedited action for chemical substances with documented risks.
“Sec. 34. Children’s environmental health program.
“Sec. 35. Reduction of animal-based testing.
“Sec. 36. Safer alternatives and green chemistry and engineering.
“Sec. 37. International cooperation and agreements.
“Sec. 38. Data quality.
“Sec. 39. Hot spots.
“Sec. 40. Application of this Act to Federal agencies.”.