

TSCA in the Spotlight: TSCA Is Focus of First Energy & Commerce Hearing of 119th Congress; GAO Issues Report on New Chemicals Program

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In a development no one could have predicted several weeks ago, the first hearing of the 119th Congress in the [House Committee on Energy and Commerce](#) (E&C) focused on the Toxic Substances Control Act (TSCA) and amendments to TSCA that were enacted more than eight years ago.

The E&C [Subcommittee on Environment](#) (the Subcommittee) hearing on January 22, 2025, “A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act,” featured four witnesses and robust and enthusiastic attendance by the Subcommittee members. (Attendance exceeded the Subcommittee roster because Representative Diana Harshbarger (R-TN), waived onto the Subcommittee to participate in the hearing, where she made news by announcing her intent to introduce a Congressional Review Act resolution.)

[Richard E. Engler, Ph.D.](#), Director of Chemistry for The Acta Group (Acta[®]) and Bergeson & Campbell, P.C. (B&C[®]), testified alongside Mr. Chris Jahn, CEO of the American Chemistry Council (ACC); Mr. Geoff Moody, Senior Vice President, Government Relations and Policy, at the American Fuel and Petrochemical Manufacturers (AF&PM); and Maria J. Doa, Ph.D., Senior Director, Chemicals Policy, at the Environmental Defense Fund (EDF). Witness testimony, the staff hearing memo, and a link to a recording of the hearing can be found [here](#).

Dr. Engler testified about the TSCA New Chemicals Program, how EPA’s practice has led to a bias against new chemicals, and how EPA’s approach has stifled innovation and led to newer, sustainable chemistry being commercialized outside of the United States.

An interesting development from the hearing was that both ACC and AF&PM testified that improvements to TSCA are necessary, but that they were not advocating for a comprehensive “opening up” of TSCA. Instead, they seemed to support more narrowly targeted changes to the statute.

The January 22 hearing was the first of what we expect to be a series of hearings on TSCA in the House of Representatives and Senate this year. Congress must pass legislation during the current 119th Congress to reauthorize TSCA fees that are set to expire **September 30, 2026**, the **end of fiscal year 2026**. A majority of members of the House of Representatives, and nearly half of the members of the Subcommittee, were not yet in Congress when the Frank R. Lautenberg Chemical Safety for the 21st Century Act ([Pub. Law 114-182](#)) was enacted in 2016.

Minutes before the E&C hearing, the U.S. General Accountability Office (GAO) released the report "[New Chemicals Program: EPA Needs a Systematic Process to Better Manage and Assess Performance](#)." The report echoes a 2023 report by the EPA Office of Inspector General, "[The EPA Lacks Complete Guidance for the New Chemicals Program to Ensure Consistency and Transparency in Decisions](#)" (23-P-0026). GAO found that EPA's New Chemicals Division (NCD) "does not follow most key practices for managing and assessing the results of the New Chemicals Program."

GAO interviewed representatives from 19 manufacturers for the report. According to the report, "most (16 of 19) representatives told GAO they experienced review delays and described effects of these delays on their businesses. Effects manufacturers cited included harming customer relations, creating a competitive advantage for existing chemical alternatives at the expense of new chemicals, and hindering market participation." Our January 23, 2025, blog item on the GAO report is available [here](#).

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