112TH CONGRESS
1ST SESSION

S. 847

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

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

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

---

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe Chemicals Act of 2011''.

SEC. 2. PURPOSES.

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

SEC. 3. FINDINGS, POLICY, AND GOAL.

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

(1) in the heading, by striking ''**INTENT**'' and inserting ''**GOAL**''; and

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

''(a) FINDINGS.—Congress finds that—

''(1) each year human beings and the environment are exposed to a large number of chemical substances;

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

''(3) more than 3 decades after the enactment of this Act, people and the environment in the United States are still exposed to thousands of chemicals whose safety has not been adequately reviewed and may harm health and the environment;

''(4) the incidence of some diseases and disorders linked to chemical substance exposures is on the rise;

''(5) biomonitoring of chemical substances in humans reveals that people in the United States

carry hundreds of hazardous chemicals in their bodies;

''(6) the concentrations of certain chemical substances that persist and accumulate are increasing in the environment and in human bodies and are found across the world, including in the remote Arctic in which Native Americans face increasing contamination of traditional foods;

''(7) differences in metabolism and physiology at certain stages of development can make infants and children more vulnerable than adults to the effects of chemical exposure, especially exposure that occurs in utero, during infancy, and during other critical periods of development;

''(8) manufacturers and processors of chemicals should supply sufficient health and environmental information before distributing products in commerce;

''(9) the Administrator must have and exercise 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 exposure to chemical substances;

''(10) there is significant global trade in the chemical sector and many of the companies that conduct 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 those other regulatory programs may be useful in understanding hazards and exposures of chemical substances presented in the United States; and

''(11) a revised policy on the safety of chemical substances 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 products 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 environment from harmful exposures to chemical substances;

''(2) to promote the use of safer alternatives and other actions that reduce the use of and exposure to hazardous chemical substances and reward

innovation toward safer chemicals, processes, and products;

''(3) to require that chemicals in commerce meet a risk-based safety standard that protects vulnerable and affected populations and the environment;

''(4) to require companies to provide sufficient health and environmental information for the chemical substances that the companies manufacture, process, or import as a condition of allowing those companies to distribute chemical substances 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 hazards and uses of chemical substances that the public and workers may be exposed to by maximizing public access to information on chemical safety and use; and

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

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

populations to chemical substances caused by the distribution of chemical substances in commerce by—

''(1) reviewing all chemical substances for safety and identifying the highest priority chemical substances for expedited review;

''(2) determining whether chemical substances in commerce meet the safety standard under this title;

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

''(4) encouraging the replacement of harmful chemicals and processes with safer alternatives.''.

SEC. 4. DEFINITIONS.

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

(1) by striking paragraph (12);

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

(3) by inserting after paragraph (1) the following:

''(2) AGGREGATE EXPOSURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'aggregate exposure' means

exposure from all sources of a chemical substance, including exposure from—

"(i) the manufacture, processing, distribution, use, and disposal of that chemical substance; and

"(ii) all other sources of that chemical substance, including—

"(I) contamination of food, air, water, soil, and house dust from current or prior uses or activity;

"(II) accidental releases;

"(III) permitted sources of pollution;

"(IV) nonpoint sources of pollution;

"(V) documented background levels from natural and anthropogenic sources; and

"(VI) a mixture or article containing that chemical substance.

"(B) INCLUSIONS.—The term 'aggregate exposure' includes exposure from a chemical substance that is not considered to be a chemical substance under this Act solely because of the use of that substance as, or in, a food, food

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

''(3) BIOACCUMULATIVE.—

''(A) IN GENERAL.—The term 'bioaccumulative' means, with respect to a chemical substance or mixture, that the chemical substance or mixture, as determined by the Administrator, can significantly accumulate in biota, as indicated through monitoring data, or is highly likely to accumulate in biota, as indicated by other evidence.

''(B) UPDATE.—To reflect the best available science, the Administrator may, by rule, revise the definition of the term 'bioaccumulative' in such a way that reflects the state of the science and provides for equal or greater protection of human health and the environment.

''(4) CHEMICAL IDENTITY.—The term 'chemical identity' includes—

''(A) each common and trade name of a chemical substance;

''(B) the name of a chemical substance appearing in International Union of Pure and Ap-

plied Chemistry nomenclature and the most current Collective Index format;

''(C) each Chemical Abstracts Service registration number of a chemical substance; and

''(D) the molecular structure of a chemical substance.'';

(4) in paragraph (5) (as redesignated by paragraph (2))—

(A) by striking ''(2)(A) Except as provided in subparagraph (B)'' and inserting the following:

''(5) CHEMICAL SUBSTANCE.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C)'';

(B) in subparagraph (B), by striking ''(B) Such term'' and inserting the following:

''(B) EXCLUSIONS.—The term 'chemical substance' ''; and

(C) by adding at the end the following:

''(C) INCLUSIONS.—Notwithstanding molecular identity, the Administrator may determine that a variant of a chemical substance is a new chemical substance under section 5(a)(6).'';

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

''(7) CUMULATIVE EXPOSURE.—The term 'cumulative exposure' means the sum of aggregate exposure to each of the chemical substances that are known or suspected to contribute appreciably to the risk of the same or a similar adverse effect.'';

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

''(8) DISTRIBUTE IN COMMERCE.—The terms 'distribute in commerce' and 'distribution in commerce', when used to describe an action taken with respect to a chemical substance (or mixture or article containing that chemical substance), mean—

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

''(B) to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of, the substance, mixture, or article;

''(C) to hold, or the holding of, the substance, mixture, or article after its introduction into commerce; or

''(D) to export or offer for export the substance, mixture, or article.'';

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

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

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

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

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

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

(11) by inserting after paragraph (15) (as redesignated by paragraph (2)) the following:

''(16) PERSISTENT.—

''(A) IN GENERAL.—The term 'persistent' means, with respect to a chemical substance or mixture, that the chemical substance or mixture, as determined by the Administrator, significantly persists in 1 or more environmental media, as indicated by monitoring data or other evidence.

''(B) UPDATE.—To reflect the best available science, the Administrator may, by rule, revise the definition of the term 'persistent' in such a way that reflects the state of the science and provides for equal or greater protection of human health and the environment.

''(17) PERSON.—

''(A) IN GENERAL.—The term 'person' means an individual, trust, firm, joint stock company, corporation (including a Government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

''(B) INCLUSIONS.—The term 'person' includes each Federal agency and any officer, agent, or employee of a Federal agency.'';

(12) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

''(20) SPECIAL SUBSTANCE CHARACTERISTIC.—

''(A) IN GENERAL.—The term 'special substance characteristic' means a physical, chemical, or biological characteristic, other than molecular identity, that the Administrator determines, by order or rule, may significantly affect the risks posed by substances exhibiting that characteristic.

''(B) CONSIDERATIONS.—In determining the existence of special substance characteristics, the Administrator may consider—

''(i) size or size distribution;

''(ii) shape and surface structure;

''(iii) reactivity; and

''(iv) any other properties that may significantly affect the risks posed.'';

(13) by inserting after paragraph (21) (as redesignated by paragraph (2)) the following:

''(22) TOXIC.—The term 'toxic', with respect to a chemical substance or mixture, means that the

chemical substance or mixture has a toxicological property—

"(A) meeting the criteria for Category 1 or Category 2 for any of the toxicity endpoints established by the Globally Harmonized System for the Classification and Labeling of Hazardous Substances;

"(B) that causes an adverse effect that has been demonstrated in humans or other exposed organisms; or

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

"(23) TOXICOLOGICAL PROPERTY.—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—

"(A) mortality;

"(B) morbidity, including carcinogenesis;

''(C) reproduction;

''(D) growth and development;

''(E) the immune system;

''(F) the endocrine system;

''(G) the brain or nervous system;

''(H) other organ systems; or

''(I) any other biological functions in humans or nonhuman organisms.''; and

(14) by adding at the end the following:

''(25) VULNERABLE HUMAN POPULATION.—The term 'vulnerable human population' means a human population that is subject to disproportionate exposure to, or the potential for disproportionate adverse effect from exposure to, a chemical substance or mixture, including—

''(A) infants, children, and adolescents;

''(B) pregnant women;

''(C) elderly;

''(D) individuals with preexisting medical conditions;

''(E) workers that work with chemical substances and mixtures; and

''(F) members of any other appropriate population identified by the Administrator.''.

SEC. 5. MINIMUM DATA SETS AND TESTING OF CHEMICAL SUBSTANCES.

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

"SEC. 4. MINIMUM DATA SETS AND TESTING OF CHEMICAL SUBSTANCES.

''(a) MINIMUM DATA SETS.—

''(1) MINIMUM DATA SETS RULES.—

''(A) IN GENERAL.—Subject to subparagraph (B), and not later than 1 year after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall establish, by rule, the data that constitute the minimum data sets for chemical substances.

''(B) REQUIREMENTS.—Any rule promulgated under subparagraph (A) shall—

''(i) provide for varied or tiered data to be provided for different chemical substances or categories of chemical substances;

''(ii) identify the particular minimum data set that applies to a chemical substance or category of chemical substances;

''(iii) require each minimum data set to include the minimum amount of information necessary for the Administrator to

conduct a screening-level risk assessment of the chemical substance or category of chemical substances, including information on the characteristics, toxicological properties, exposure, and use of a chemical substance; and

''(iv) in accordance with section 30, encourage and facilitate the use of alternative testing methods and testing strategies to generate information quickly, at low cost, and without the use of animal-based testing, including toxicity pathway-based risk assessment, in vitro studies, systems biology, computational toxicology, bioinformatics, and high-throughput screening.

''(2) SUBMISSION OF MINIMUM DATA SET.—Each manufacturer and processor of a chemical substance shall submit the minimum data set for the chemical substance to the Administrator—

''(A) for new chemical substances, concurrent with the notice required under section (5)(a)(1)(A); and

''(B) for existing chemical substances, on the earlier of—

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

''(ii) 5 years after the date of enactment of the Safe Chemicals Act of 2011.

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

''(b) TESTING.—

''(1) GENERAL SUBMISSIONS.—

''(A) IN GENERAL.—The Administrator may, by rule or order, require testing with respect to any chemical substance, and the submission of test results by a specified date, as necessary for making any determination or carrying out any provision of this Act.

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

''(2) SAMPLE SUBMISSIONS.—

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

manner as the Administrator determines enables the Administrator to conduct any tests necessary for making any determination or carrying out any provision of this Act.

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

''(3) PROHIBITION.—The Administrator may, by order, take any action authorized under section 6(c) if a manufacturer or processor is in violation of a rule or order under paragraph (1), except as authorized under section 6(e).

''(4) EXEMPTION.—If a manufacturer or processor has submitted a declaration of cessation of manufacture or processing under section 8(a)(3) for a chemical substance, the manufacturer or processor shall be exempted from the requirements of this subsection.

''(c) TEST RULES OR ORDERS.—

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

''(A) identification of the chemical substance for which testing is required under the rule or order;

''(B) standards for the development of test data for that substance; and

''(C) a specification of the period (which 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 the standards referred to in subparagraph (B).

''(2) CONSIDERATIONS.—

''(A) IN GENERAL.—In determining the standards and period to be required under subparagraphs (B) and (C) of paragraph (1), the Administrator shall consider—

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

''(ii) the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule.

''(B) PRELIMINARY DATA.—Any rule or order issued by the Administrator under this subsection may require a manufacturer or processor to submit preliminary data during the period described in paragraph (1)(C).

''(3) TYPES OF HEALTH AND ENVIRONMENTAL INFORMATION.—

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

''(i) information pertaining to carcinogenesis, mutagenesis, teratogenesis, behavioral disorders, cumulative, synergistic, or any other effect that may be considered in a safety standard determination;

''(ii) information pertaining to exposure to the chemical substance, including information regarding the presence of the chemical substance in human blood, fluids, or tissue; and

''(iii) information pertaining to—

''(I) bioaccumulation;

''(II) persistence;

''(III) acute toxicity;

''(IV) subacute toxicity;

''(V) chronic toxicity; and

''(VI) any other characteristic that may present an adverse effect.

''(B) METHODOLOGIES.—

"(i) IN GENERAL.—The Administrator may prescribe methodologies in standards for the development of test data, including—

"(I) epidemiologic studies;

"(II) biomonitoring studies;

"(III) serial or hierarchical tests;

"(IV) in vitro tests; and

"(V) whole animal tests, consistent with section 30.

"(ii) REQUIREMENT.—Prior to prescribing epidemiologic studies of employees, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

"(C) REVIEW.—Periodically, but not less frequently than once every 3 years, the Administrator shall—

"(i) review the adequacy of the standards for development of data prescribed under subparagraph (A); and

"(ii) if necessary, institute proceedings to make appropriate revisions of those standards.

''(4) PERSONS REQUIRED TO CONDUCT TESTS AND SUBMIT DATA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a rule or order under subsection (b) respecting a chemical substance shall specify the persons required to conduct tests and submit data to the Administrator on the substance.

''(B) EXCEPTION.—The Administrator may permit 2 or more of the persons described in subparagraph (A) to designate 1 of the persons or a qualified third party to conduct the tests and submit the data on behalf of the persons making the designation.

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

''(5) EXPIRATION OF RULES AND ORDERS.—

''(A) IN GENERAL.—Any rule or order under subsection (b) that requires the testing and submission of data for a particular chemical substance shall expire at the end of the applicable reimbursement period (as defined in

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

''(B) CATEGORY OF CHEMICAL SUBSTANCES.—A rule or order under subsection (b) that requires the testing and submission of data for a category of chemical substances shall expire with respect to a chemical substance included in the category at the end of the applicable reimbursement period (as defined in subsection (d)(3)) unless, prior to that date, the Administrator withdraws the rule or order with respect to the substance entirely.

''(d) EXEMPTIONS.—

''(1) IN GENERAL.—Any person required by a rule or order under subsections (a) or (b) to conduct tests and submit data for a chemical substance may apply to the Administrator (in such form and manner as the Administrator determines necessary) for an exemption from the requirement.

''(2) ACTION BY ADMINISTRATOR.—In accordance with paragraph (3) or (4), the Administrator shall exempt an applicant under paragraph (1), if, on receipt of the application, the Administrator determines that—

''(A) the chemical substance for which the application was submitted is equivalent to a chemical substance for which—

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

''(ii) data is being developed in accordance with the rule or order; and

''(B) submission of data by the applicant for the substance would be duplicative of data that—

''(i) has been submitted to the Administrator in accordance with the rule or order under subsection (a) or (b); or

''(ii) is being developed in accordance with the rule or order.

''(3) REIMBURSEMENT DUE TO EXEMPTION.—

''(A) DEFINITION OF REIMBURSEMENT PERIOD.—In this paragraph, the term 'reimbursement period', with respect to any test data for a chemical substance, means a period that—

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

"(ii) ends on the later of—

"(I) 5 years after the date referred to in clause (i); or

"(II) the date which, as determined by the Administrator, provides the applicant with a time period which is sufficient to develop the test data.

"(B) REIMBURSEMENT FOR PREVIOUSLY SUBMITTED TEST DATA.—

"(i) IN GENERAL.—Except as provided in clause (ii), for an exemption under paragraph (2)(B)(i), if the exemption is granted during the reimbursement period for the test data, the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined by the Administrator) to—

"(I) the person who previously submitted the test data, for a portion of the costs incurred by the person in complying with the data submission requirement; and

"(II) any other person who has been required under this subsection to

contribute with respect to the costs, for a portion of the amount the person was required to contribute.

''(ii) EXCEPTION.—Clause (i) shall not apply if there is agreement on the amount and method of reimbursement between an exempted person described in clause (i) and the persons described in subclauses (I) and (II) of that clause.

''(iii) CONSIDERATIONS.—In promulgating rules for the determination of fair and equitable reimbursement to the persons described in subclauses (I) and (II) of clause (i) for costs incurred with respect to a chemical substance, the Administrator shall, after consultation with the Attorney General and the Federal Trade Commission, consider all relevant factors, including—

''(I) the effect on the competitive position of the person required to provide reimbursement in relation to the person to be reimbursed; and

''(II) the share of the market for the substance of the person required

to provide reimbursement in relation to the share of the market of the persons to be reimbursed.

''(C) REIMBURSEMENT DUE TO EXEMPTION FOR TEST DATA BEING DEVELOPED IN ACCORDANCE WITH A RULE OR ORDER.—

''(i) IN GENERAL.—Except as provided in clause (ii), for an exemption under paragraph (2)(B)(ii), the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined by the Administrator) to—

''(I) each person who is developing the test data, for the portion of the costs incurred by each person in complying with the rule or order; and

''(II) any other person who has been required under this subsection to contribute with respect to the costs of complying with the rule or order, for a portion of the amount the person was required to contribute.

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

amount and method of reimbursement between an exempted person described in clause (i) and the persons described in subclauses (I) and (II) of that clause.

''(iii) CONSIDERATIONS.—In promulgating rules for the determination of fair and equitable reimbursement to the persons described in subclauses (I) and (II) of clause (i) for costs incurred with respect to a chemical substance, the Administrator shall, after consultation with the Attorney General and the Federal Trade Commission, consider the factors described in subparagraph (B)(iii).

''(iv) LACK OF COMPLIANCE.—If any exemption is granted under paragraph (2) on the basis that 1 or more persons are developing test data pursuant to a rule or order promulgated or issued under subsection (a) or (b), and after the exemption is granted, the Administrator determines that no person has complied with the rule or order, the Administrator shall—

''(I) after providing written notice and an opportunity for a hearing

to the person who holds the exemption, by order, terminate the exemption; and

''(II) notify in writing the person of the requirements of the rule or order with respect to which the exemption was granted.

''(e) NOTICE.—

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

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

''(A) identify the chemical substance for which data have been received;

''(B) list—

''(i) the commercial and consumer uses or intended commercial and consumer uses of the substance known to the Administrator; and

''(ii) the information required by the applicable standards for the development of test data; and

''(C) describe the nature of the test data developed.

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

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

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

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

''(B) the requested information is not available to that agency.

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

''(A) subject to section 14, make the data available to the requesting agency;

''(B) issue a request under section 8(f) to require—

''(i) the submission of existing pertinent data to the Administrator; and

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

''(C) issue a rule or order under subsection (b)—

''(i) to develop the data; and

''(ii) to require the developed data to be furnished to the requesting agency; or

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

''(g) CERTIFICATION.—Each submission required under this section or under a rule or an order promulgated or issued by the Administrator under this section 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. 6. MANUFACTURING AND PROCESSING NOTICES.

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

"SEC. 5. MANUFACTURING AND PROCESSING NOTICES.

"(a) NEW CHEMICAL SUBSTANCES AND NEW USES OF CHEMICAL SUBSTANCES.—

"(1) NEW CHEMICAL SUBSTANCES.—Except as provided in subsection (d), no person may manufacture or process a new chemical substance unless—

"(A) the person submits to the Administrator a notice, in accordance with subsection (c), of the intention of the person to manufacture or process the substance;

"(B) the person complies with subsection (b); and

"(C) the Administrator finds that—

"(i) the manufacturers and processors have established that the chemical substance meets the safety standard under section 6(b); or

"(ii) the new chemical substance, or a metabolite or degradation product of the chemical substance, as applicable, is not, and is not expected to be—

''(I)(aa) manufactured in a volume of more than 1,000,000 pounds annually; or

''(bb) released into the environment in a volume of more than 100,000 pounds annually;

''(II) a known, probable, or suspected reproductive, developmental, neurological, or immunological toxicant, carcinogen, mutagen, or endocrine disruptor;

''(III) persistent and bioaccumulative;

''(IV) found in human cord blood, or otherwise found in human blood, fluids, or tissue, unless the chemical substance, metabolite, or degradation product is naturally present at the level commonly found in that medium; or

''(V) found in food, drinking water, ambient or indoor air, residential soil, or house dust, unless the chemical substance, metabolite, or degradation product is naturally

present at the level commonly found in that medium.

''(2) NEW USES OF EXISTING CHEMICAL SUBSTANCES PRIOR TO SAFETY STANDARD DETERMINATION.—

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

''(i) for a use that was not ongoing on the date of enactment of the Safe Chemicals Act of 2011; or

''(ii) at a volume that is significantly increased from the volume as of the date of enactment of the Safe Chemicals Act of 2011.

''(B) EXCEPTION.—A person may manufacture or process a chemical substance in a manner prohibited by subparagraph (A), if the person—

''(i) submits to the Administrator a new or updated declaration under section 8(a); and

''(ii) complies with subsection (b).

''(3) NEW USES OF EXISTING CHEMICAL SUBSTANCES THAT MEET THE SAFETY STANDARD.—

''(A) IN GENERAL.—For an existing chemical substance for which the Administrator has determined under section 6(b) that the manufacturers and processors of the chemical substance have established that the substance meets the applicable safety standard, no person may manufacture or process the chemical substance for uses, at production volumes, or in manners other than those the Administrator specified in the safety standard determination, unless—

''(i) the manufacturer or processor submits to the Administrator—

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

''(II) all updates to the minimum data set relevant to the new use, new

production volume, or other new manner of manufacturing or processing;

''(ii) the notice under clause (i)(I) indicates that the chemical substance will continue to meet the safety standard if the allowed uses, production volumes, or other specified conditions or terms for that chemical substance are revised to encompass the new use, production volume, or other manner of manufacturing or processing; and

''(iii) the Administrator determines that the manufacturer or processor submitting the notice has established that the chemical substance will continue to meet the safety standard if the allowed uses, production volumes, or other specified conditions or terms for that substance, are revised to encompass the new use, production volume, or other manner of manufacturing or processing.

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

amend the safety standard determination for the chemical substance to include the new use, production volume, or other manner of manufacturing or processing among the allowed uses, production volumes, or manners of manufacturing or processing of the chemical substance.

''(4) SAFETY STANDARD DETERMINATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), not later than 180 days after the date of receipt of a notice and supporting data that satisfies paragraph (1)(A) or paragraph (3)(A), the Administrator shall determine whether the person submitting the notice has established that the chemical substance will meet, or will continue to meet, the safety standard under section 6(b).

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

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

ods not to exceed 1 year in the aggregate, in such manner as the Administrator determines necessary.

"(D) FAILURE TO MAKE A TIMELY DETERMINATION.—The failure of the Administrator to make a timely determination in accordance with this paragraph shall not be sufficient to satisfy the conditions described in paragraph (1)(C)(i) or paragraph (3)(A)(iii).

"(5) NOTICE OF COMMENCEMENT.—Not later than 30 days after the date on which a manufacturer or processor commences the manufacturing or processing of a new chemical substance, the manufacturer or processor shall submit to the Administrator a notice of commencement of manufacture or processing.

"(6) CHEMICAL SUBSTANCES EXHIBITING SPECIAL SUBSTANCE CHARACTERISTICS.—

"(A) DETERMINATION.—The Administrator shall determine by order or rule that a variant of a chemical substance exhibiting 1 or more special substance characteristics—

"(i) is a use that is separate from any use of the chemical substance that does

not exhibit the special substance characteristics; or

''(ii) is a new chemical substance.

''(B) REQUIREMENTS FOR VARIANTS THAT ARE SEPARATE USES.—In the case of a chemical substance that the Administrator determines to be a separate use based on the special substance characteristics of the chemical substance, the manufacturer or processor shall satisfy such further conditions as the Administrator establishes, by order or rule.

''(b) SUBMISSION OF DATA.—

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

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

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

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

under paragraph (1) available on a publicly accessible Internet site.

''(c) CONTENT AND AVAILABILITY OF NOTICE.—

''(1) CONTENT.—Notice under subsection (a)(1) shall include—

''(A) the declaration described in section 8(a)(2);

''(B) the minimum data set described in section 4(a); and

''(C) a statement that the chemical substance will meet the applicable safety standard.

''(2) AVAILABILITY.—Subject to section 14, the Administrator shall make the notice under paragraph (1) available on a publicly accessible Internet site.

''(3) PUBLIC INFORMATION.—Subject to section 14, not later than 5 days (excluding Saturdays, Sundays, and legal holidays) after the date of the receipt of a notice under subsection (a) or of data under subsection (b), the Administrator shall make available on a publicly accessible Internet site information that—

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

''(B) lists the uses or intended uses of the chemical substance;

''(C) in the case of the receipt of data under subsection (b), describes—

''(i) the nature of the tests performed with respect to the chemical substance; and

''(ii) any data that were received under subsection (b) or a rule or order under section 4; and

''(D) references the availability of the minimum data set.

''(4) LIST OF NOTICES.—At the beginning of each month, the Administrator shall make available on a publicly accessible Internet site a list of each chemical substance for which notice has been received under subsection (a).

''(d) EXEMPTIONS.—

''(1) TEST MARKETING PURPOSES.—The Administrator may, upon application, exempt any person from any requirement of subsection (a) or (b) to permit the person to manufacture or process a chemical substance for test marketing purposes—

''(A) upon a showing by the person, in a manner that the Administrator determines, that the manufacture, processing, distribution in

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

''(B) under such restrictions as the Administrator considers appropriate.

''(2) EQUIVALENT CHEMICAL SUBSTANCES.—

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

''(i) the chemical substance for which the application was submitted is equivalent to a chemical substance for which data has been submitted to the Administrator as required by this Act; and

''(ii) submission of data by the applicant on the chemical substance would be duplicative of data which has been submitted to the Administrator in accordance with this Act.

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

beginning of the reimbursement period applicable to the data.

"(C) FAIR AND EQUITABLE REIMBURSEMENT.—

"(i) DEFINITION OF REIMBURSEMENT PERIOD.—In this subparagraph, the term 'reimbursement period', with respect to any previously submitted data for a chemical substance, means the period that—

"(I) begins on the date of the termination of the prohibition, imposed under this section, on the manufacture or processing of the chemical substance by the person who submitted the data to the Administrator; and

"(II) ends on the later of—

"(aa) the date that is 5 years after the date referred to in subclause (I); or

"(bb) at the expiration of a period that begins on the date referred to in subclause (I) and ends on the date that the Admin-

istrator determines to be necessary to develop the data.

''(ii) REIMBURSEMENT.—Except as provided in clause (iii), if the Administrator exempts any person under subparagraph (A)(i) and the exemption is granted during the reimbursement period for that data, the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined by the Administrator)—

''(I) to the person who previously submitted the data on which the exemption was based, for a portion of the costs incurred by the person in complying with the requirement under this title to submit the data; and

''(II) to any other person who has been required under this subparagraph to contribute with respect to the costs, for a portion of the amount the person was required to contribute.

''(iii) EXCEPTION.—Clause (ii) shall not apply if the person exempted under

that clause and the persons described in subclauses (I) and (II) of that clause agree on the amount and method of reimbursement.

''(iv) CONSIDERATIONS.—In promulgating rules for the determination of fair and equitable reimbursement to the persons described in subclauses (I) and (II) of clause (ii) for costs incurred with respect to a chemical substance, the Administrator shall, after consultation with the Attorney General and the Federal Trade Commission, consider all relevant factors, including—

''(I) the effect on the competitive position of the person required to provide reimbursement in relation to the persons to be reimbursed; and

''(II) the share of the market for the chemical substance of the person required to provide reimbursement in relation to the share of the market of the persons to be reimbursed.

''(3) SMALL QUANTITIES.—

''(A) IN GENERAL.—If the conditions described in subparagraph (B) are met, subsections (a) and (b) shall not apply with respect to the manufacturing or processing of any chemical substance that is manufactured or processed, or proposed to be manufactured or processed, only in small quantities (as defined by the Administrator by rule) solely for purposes of—

''(i) scientific experimentation or analysis; or

''(ii) chemical research on, or analysis of, the substance or another substance, including research or analysis for the development of a product.

''(B) CONDITIONS.—All persons engaged in the experimentation, research, or analysis carried out in accordance with subparagraph (A) for a manufacturer or processor shall be notified (in such form and manner as the Administrator may prescribe) of any risk to human health that the manufacturer, processor, or the Administrator has reason to believe may be associated with that chemical substance.

''(4) TEMPORARY EXISTENCE.—The Administrator may, upon application, exempt from subsections (a) and (b) the manufacturing or processing of any chemical substance—

''(A) that exists temporarily as a result of a chemical reaction in the manufacturing or processing of a mixture or another chemical substance; and

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

''(5) PUBLICATION.—

''(A) IN GENERAL.—As soon as practicable after the date of receipt of an application under paragraph (1) or (4), the Administrator shall publish in the Federal Register notice of the receipt of the application.

''(B) REQUIREMENTS.—The Administrator shall—

''(i) give interested persons an opportunity to comment upon any application described in subparagraph (A);

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

''(iii) publish in the Federal Register notice of the approval or denial of the application.

''(e) CERTIFICATION.—Each submission required under this section or under a rule or an order promulgated or issued by the Administrator under this section 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.

''(f) DEFINITIONS.—In this section:

''(1) MANUFACTURE AND PROCESS.—The terms 'manufacture' and 'process' mean to manufacture or process, respectively, for commercial purposes.

''(2) TEST MARKETING.—The term 'test marketing' does not include any provision of a chemical substance, or a mixture or article containing that chemical substance, to an end consumer of the chemical substance, mixture, or article.''.

SEC. 7. PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT.

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

"SEC. 6. PRIORITIZATION, SAFETY STANDARD DETERMINATION, AND RISK MANAGEMENT.

''(a) PRIORITIZATION OF CHEMICAL SUBSTANCES.—

''(1) PRIORITIZATION LIST.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Administrator shall, by order, develop and publish a list that—

''(i) contains the names of the chemical substances or categories of chemical substances that the Administrator determines warrant placement within 1 of the 3 priority classes described in paragraphs (2) through (4); and

''(ii) identifies the priority class to which each listed chemical substance or category of chemical substance has been assigned by the Administrator.

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

tion that is provided by the committee established under paragraph (5).

''(2) CHEMICAL SUBSTANCES REQUIRING IMMEDIATE RISK MANAGEMENT (PRIORITY CLASS 1).—

''(A) DEFINITION OF PRIORITY CLASS 1.—In this section, the term 'priority class 1' means a priority class that contains chemical substances that the Administrator determines require immediate risk management.

''(B) ASSIGNMENT TO PRIORITY CLASS 1.—The Administrator shall assign a chemical substance to priority class 1 if the Administrator determines that the chemical substance is, or is degraded and metabolized into, a persistent, bioaccumulative, and toxic substance with the potential for widespread exposure to humans or other organisms.

''(C) INITIAL ASSIGNMENT.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall assign not less than 20, but not more than 30, chemical substances to the initial priority class 1.

''(D) RISK MANAGEMENT.—

"(i) EXPEDITED EXPOSURE REDUCTION.—As soon as practicable, but not later than 18 months after the date on which a chemical substance is assigned to priority class 1 under this paragraph, the Administrator shall impose conditions in accordance with subsection (e) on the manufacturing, processing, use, distribution in commerce, and disposal of a chemical substance assigned to priority class 1 that the Administrator determines necessary to achieve the greatest practicable reductions in human or environmental exposure to the chemical substance.

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

"(I) determine whether the chemical substance meets the applicable safety standard for the chemical substance, taking into account the residual risk posed by continued exposure to the chemical substance; and

"(II) impose any further conditions under subsection (c) that the Administrator determines necessary to ensure that the chemical substance meets the applicable safety standard.

"(E) UPDATES.—

"(i) REVISIONS.—The Administrator shall promptly revise the list under paragraph (1) whenever the Administrator determines that the addition or removal of a chemical substance from priority class 1 is warranted.

"(ii) REMOVAL PROCEDURE.—A chemical substance may be removed from the list under paragraph (1) only if the Administrator finds that such substance meets the safety standard under subsection (b).

"(3) CHEMICAL SUBSTANCES REQUIRING SAFETY STANDARD DETERMINATIONS (PRIORITY CLASS 2).—

"(A) DEFINITION OF PRIORITY CLASS 2.—In this section, the term 'priority class 2' means a priority class that contains chemical sub-

stances that Administrator determines require safety standard determinations.

''(B) ASSIGNMENT TO PRIORITY CLASS 2.—

''(i) IN GENERAL.—Subject to clause (ii), if the Administrator determines, based on any more-than-theoretical concern, that there is uncertainty as to whether a chemical substance would satisfy the safety standard in a determination made under subsection (b), the Administrator shall assign that chemical substance priority class 2.

''(ii) CONDITIONS.—The Administrator shall assign chemical substances to priority class 2 subject to the conditions that—

''(I) the rate at which chemical substances are added to priority class 2 shall be expeditious, but shall not exceed the rate at which the Administrator reasonably anticipates completing safety standard determinations under subsection (b); and

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

"(C) REMOVAL PROCEDURE.—The Administrator shall not remove a chemical substance from priority class 2 until the Administrator has made a safety standard determination for that chemical substance under subsection (b).

"(4) CHEMICAL SUBSTANCES REQUIRING NO IMMEDIATE ACTION (PRIORITY CLASS 3).—

"(A) DEFINITION OF PRIORITY CLASS 3.—In this section, the term 'priority class 3' means a priority class that contains chemical substances that the Administrator determines require no immediate action.

"(B) ASSIGNMENT TO PRIORITY CLASS 3.—The Administrator shall assign a chemical substance to priority class 3 if the chemical substance has intrinsic properties such that the chemical substance, as determined by the Administrator, does not and would not, at any stage of the lifecycle of the chemical substance,

pose any risk of adverse effects to human health or the environment under existing, proposed, or anticipated levels of exposure to, or production or patterns of use of, that chemical substance.

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

''(5) INTERAGENCY PRIORITIZATION AND TESTING COMMITTEE.—

''(A) ESTABLISHMENT.—There is established an interagency committee (referred to in this section as the 'committee') to make recommendations to the Administrator concerning—

''(i) the issuance of test rules or orders for chemical substances and mixtures under section 4(c); and

''(ii) the prioritization of chemical substances under this subsection.

''(B) RECOMMENDATIONS.—

''(i) FACTORS.—In making a recommendation concerning—

"(I) the issuance of test rules or orders under section 4(c), the committee shall consider all factors relevant to risk; and

"(II) prioritization of chemical substances or categories of chemical substances under this subsection, the committee shall consider the criteria described in paragraphs (2)(B), (3)(B), and (4)(B).

"(ii) FORM.—The recommendations of the committee shall be in the form of 1 or more lists of chemical substances and mixtures that shall specify, either by individual substance or mixture or by categories of substances or mixtures—

"(I) the recommendations of the committee that particular chemical substances, mixtures, or categories of chemical substances or mixtures be the subject of a test rule or order under section 4(c); or

"(II) the recommendations of the committee that particular chemical substances, or categories of chemical

substances, be prioritized under this subsection.

''(iii) ADDITIONS OR REVISIONS.—

''(I) IN GENERAL.—Not less frequently than once every year, the committee shall—

''(aa) make such additions or revisions to the recommendations of the committee as the committee determines to be necessary; and

''(bb) submit to the Administrator the recommendations and a statement of the reasons of the committee for any additions or revisions.

''(II) PUBLICATION.—On receipt of any new or revised recommendations, the Administrator shall publish in the Federal Register the recommendations and the statement of the reasons for the additions or revisions.

''(III) COMMENTS.—The Administrator shall—

"(aa) provide reasonable opportunity to any interested person to file with the Administrator written comments on the recommendations of the committee, and any additions or revisions to the recommendations by the committee;

"(bb) consider any comments received under item (aa); and

"(cc) make any comments received under item (aa) available to the public.

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

"(i) One member appointed by the Administrator from among officers or employees of the Environmental Protection Agency.

"(ii) One member appointed by the Secretary of Labor from among officers or employees of the Department of Labor who are engaged in the activities of the Secretary of Labor under the Occupational

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

''(iii) One member appointed by the Chairman of the Council on Environmental Quality from among the Council or the officers or employees of the Council.

''(iv) One member appointed by the Director of the National Institute for Occupational Safety and Health from among officers or employees of the Institute.

''(v) One member appointed by the Director of the National Institute of Environmental Health Sciences from among officers or employees of the Institute.

''(vi) One member appointed by the Director of the National Cancer Institute from among officers or employees of the Institute.

''(vii) One member appointed by the Director of the National Science Foundation from among officers or employees of the Foundation.

''(viii) One member appointed by the Secretary of Commerce from among offi-

cers or employees of the Department of Commerce.

''(D) APPOINTMENT OF MEMBERS.—

''(i) DESIGNEES.—

''(I) IN GENERAL.—An appointed member may designate an individual to serve on the committee on behalf of the member.

''(II) PREREQUISITES.—A designation may be made only—

''(aa) with the approval of the applicable appointing authority; and

''(bb) if the individual is an officer or employee of the entity from which the member was appointed.

''(ii) TERMS.—

''(I) IN GENERAL.—No individual may serve as a member of the committee for more than an aggregate period of 4 years.

''(II) MEMBERS LEAVING APPOINTING ENTITIES.—If any member of the committee leaves the entity

from which the member was appointed—

"(aa) the member may not continue as a member of the committee; and

"(bb) the position of the member shall be considered vacant.

"(III) VACANCIES.—A vacancy on the committee shall be filled in the same manner in which the original appointment was made.

"(E) CONFLICTS OF INTEREST.—

"(i) POST-TERMINATION EMPLOYMENT OR COMPENSATION.—No member of the committee, or designee of a member, shall accept employment or compensation from any person subject to any requirement of this Act or any rule promulgated or order issued under this Act, for a period of at least 1 year beginning after the date of termination of service on the committee.

"(ii) FINANCIAL INTERESTS.—No person, while serving as a member of the committee or designee of a member, may own

any stocks or bonds of, or have any pecuniary interest of substantial value in, any person engaged in the manufacture, processing, or distribution in commerce of any chemical substance or mixture subject to this Act or of any rule promulgated or order issued under this Act.

''(iii) VIOLATIONS.—The Administrator, acting through the Attorney General, may bring an action in the appropriate district court of the United States for any violation of this subparagraph.

''(F) ADMINISTRATIVE SUPPORT.—The Administrator shall provide the committee such administrative support services as may be necessary to enable the committee to carry out the functions of the committee under this subsection.

''(6) NO JUDICIAL REVIEW.—The following actions shall not be subject to judicial review:

''(A) The assignment of a particular chemical substance under this subsection.

''(B) A determination by the Administrator of whether a particular assignment under this subsection is warranted.

''(C) A response to a petition to include a particular chemical substance on the list under this subsection.

''(D) The issuance of a recommendation to list a chemical substance under this subsection.

''(b) SAFETY STANDARD DETERMINATIONS FOR CHEMICAL SUBSTANCES.—

''(1) IN GENERAL.—

''(A) APPLICATION.—This paragraph applies to the determination, or redetermination, of whether a chemical substance meets the applicable safety standard of this title.

''(B) BURDEN OF PROOF.—

''(i) IN GENERAL.—Under this title, the manufacturers and processors of a chemical substance, at all times, bear the burden of proving that the chemical substance meets the applicable safety standard.

''(ii) DUTIES.—Under this title, it shall be the duty of—

''(I) the manufacturers and processors of a chemical substance to provide sufficient information for the Administrator to determine whether the

chemical substance meets the applicable safety standard; and

''(II) the Administrator to determine whether the chemical substance meets the applicable safety standard.

''(C) ASSESSMENT OF RISK.—

''(i) IN GENERAL.—Any determination that a chemical substance meets the applicable safety standard under subparagraph (B)(ii) shall be supported by an assessment of risk conducted by an employee of the Environmental Protection Agency.

''(ii) SAFETY STANDARD.—

''(I) IN GENERAL.—The Administrator shall base the determination of whether the safety standard for a chemical substance has been met under this title solely on considerations of human health and the environment, including the health of vulnerable human populations.

''(II) CONSIDERATIONS.—In making a safety standard determination under this title, for each chemical substance, the Administrator shall—

"(aa) to the extent practicable, review and incorporate any available scientific information relating to the effect of cumulative exposure to that chemical substance on human health and the environment; and

"(bb) find that a chemical substance meets the safety standard only if the Administrator finds that there is a reasonable certainty that no harm will result to human health or the environment from aggregate exposure to the chemical substance.

"(iii) FINANCIAL INTERESTS.—No participant or peer reviewer in an assessment described in clause (i) shall have a direct or indirect financial interest in the outcome of the assessment.

"(iv) METHODOLOGY.—

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

conducting an assessment described in clause (i).

''(II) CONSIDERATIONS.—For the purpose of determining the current best available science, the Administrator shall base the determination on the recommendations of the National Academy of Sciences in the report entitled 'Science and Decisions'.

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

''(v) SCOPE.—An assessment described in clause (i) shall address human health or environmental impacts, including potential or demonstrated cancer and noncancer endpoints.

''(vi) TRANSPARENCY.—In carrying out this subsection, the Administrator shall

ensure that the approaches and resulting assessments are communicated in a manner that is transparent and understandable to the public and to risk managers.

"(vii) MANUFACTURE OR PROCESSING FOR EXPORT.—In the case of a chemical substance that is manufactured or processed in whole or in part for export, in determining whether the chemical substance meets the applicable safety standard under subparagraph (B)(ii), the Administrator shall take into account any risks that the chemical substance may pose in the United States, including risks involving long-range transport of the chemical substance in the environment and risks involving the import of articles and mixtures containing the chemical substance.

"(viii) RISK ASSESSMENT NOT REQUIRED.—The Administrator shall not be required to conduct a risk assessment to determine that a manufacturer or processor has not met the burden of proof under subparagraph (B).

''(D) NO JUDICIAL REVIEW.—A determination by the Administrator that a manufacturer or processor has not established that the chemical substance meets the applicable safety standard under this subsection shall not be subject to judicial review.

''(2) DUTIES.—

''(A) MANUFACTURER AND PROCESSOR DUTIES.—

''(i) INITIAL SAFETY STANDARD DETERMINATION SUBMISSION.—

''(I) IN GENERAL.—By the date that is 30 months after the date on which a chemical substance is assigned to priority class 2 under subsection (a), the manufacturers and processors of a chemical substance shall—

''(aa) update the minimum dataset, if the data set was submitted prior to the assignment of the chemical substance to priority class 2 under subsection (a);

''(bb) submit to the Administrator any additional informa-

tion the Administrator may require to make a safety standard determination, including any information the Administrator determines is necessary to be developed by testing; and

''(cc) indicate whether the chemical substance, including specified uses to be evaluated and any proposed conditions on the specified uses, meets the safety standard.

''(II) SUBMITTING MANUFACTURERS AND PROCESSORS.—The Administrator may permit the manufacturers and processors of a chemical substance to designate 1 or more manufacturers or processors to submit the information required under subclause (I) on behalf of the manufacturers and processors making the designation.

''(III) LIABILITY.—All manufacturers and processors described in subclause (II) shall remain liable for

compliance with any requirements subject to the designation.

"(ii) RENEWAL OF SAFETY STANDARD DETERMINATION SUBMISSION.—

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

"(aa) submit to the Administrator an updated minimum data set for the chemical substance, as established under section 4(a); and

"(bb) indicate whether the chemical substance, including specified uses to be evaluated and any proposed conditions on the specified use meets the safety standard.

"(II) SUBMITTING MANUFACTURERS AND PROCESSORS.—The Administrator may permit the manufacturers and processors of a chemical sub-

stance to designate 1 or more manufacturers or processors to submit the information required under subclause (I) on behalf of the manufacturers and processors making the designation.

''(III) LIABILITY.—All manufacturers and processors described in subclause (II) shall remain liable for compliance with any requirements subject to the designation.

''(iii) NOTICE OF PENDING DETERMINATION.—If the Administrator fails to act by an applicable deadline under subparagraph (B)(i), each manufacturer and processor of a chemical substance for which the Administrator has failed to act shall provide to the Administrator, the public, the employees and recognized bargaining agents of any employees who are represented by bargaining agents of the manufacturer or processor, and each known customer who has purchased the chemical substance within a reasonable timeframe, as determined by the Adminis-

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

''(iv) FAILURE OF MANUFACTURER OR PROCESSOR TO MEET DUTIES.—If a manufacturer or processor fails to meet any duty under this subparagraph for a chemical substance, the Administrator may, by order, take any action authorized under subsection (c) if a manufacturer or processor is in violation of a duty under this subparagraph, except as authorized subsection (e).

''(B) ADMINISTRATOR DUTIES.—

''(i) SAFETY STANDARD DETERMINATION.—Not later than 1 year after the earlier of the date of receipt of a complete submission or the applicable submission deadline under clause (i) or (ii) of subparagraph (A), or after initiating a redetermination under clause (iii) of this subparagraph, with respect to a chemical substance, the Administrator shall by order determine, or redetermine, as appropriate,

whether the manufacturers and processors of the chemical substance have established that the chemical substance meets the safety standard.

''(ii) USES AND CONDITIONS.—If the Administrator determines that the chemical substance meets the safety standard, the Administrator shall specify in the order—

''(I) the allowed uses of the substance, which shall be limited to the uses evaluated in the determination; and

''(II) any conditions on the specified uses to ensure the safety standard is met, including conditions that relate to the manufacture, processing, use, distribution in commerce, or disposal of a chemical substance, or mixture or article containing such chemical substance, and any conditions described in subsection (c).

''(iii) REDETERMINATION.—The Administrator shall initiate a redetermination of whether the manufacturers and proc-

essors of a chemical substance distributed in commerce have established that the chemical substance meets the safety standard—

"(I) if new information raises a credible question as to whether the chemical substance continues to meet the safety standard;

"(II) on the receipt of a renewal submission under subparagraph (A)(ii); or

"(III) after the 15-year period beginning on the date of the previous applicable determination of the Administrator under this subparagraph, if a redetermination has not already been initiated subsequent to the determination.

"(iv) PETITION FOR REDETERMINATION.—

"(I) IN GENERAL.—Any person may petition the Administrator for a redetermination of whether a chemical substance continues to meet the applicable safety standard.

"(II) BASIS.—The person shall include in the petition a description of the basis for requesting the redetermination.

"(III) ACTION BY ADMINISTRATOR.—On receipt of the petition, the Administrator shall—

"(aa) not later than 30 days after the date of receipt, publish in the Federal Register a notice of receipt of the petition that specifies the chemical identity of the chemical substance to which the petition pertains;

"(bb) make the petition available on request;

"(cc) provide a reasonable opportunity for public review and comment on the petition and give due consideration to any comments received;

"(dd) decide whether to make the requested redetermination; and

"(ee) not later than 180 days after the date of receipt, publish in the Federal Register the decision and the basis for the decision.

"(3) RISK REDUCTION.—

"(A) IN GENERAL.—Except as provided under subsection (e), the risk reduction measures described in this paragraph shall apply to a chemical substance in accordance with this paragraph.

"(B) NEGATIVE SAFETY STANDARD DETERMINATION.—No person shall manufacture, process, or distribute in commerce a chemical substance, or any mixture or article containing the chemical substance, for—

"(i) any new chemical substance for which notice is required under section 5(a), effective immediately after the Administrator makes a safety standard determination for a chemical substance under paragraph (2)(B)(i) and does not determine that the manufacturer or processor has established that the chemical substance meets the applicable safety standard; or

"(ii) any other chemical substance, effective 1 year after the Administrator makes a safety standard determination for a chemical substance under paragraph (2)(B)(i) and does not determine that the chemical substance meets the applicable safety standard.

"(C) POSITIVE SAFETY STANDARD DETERMINATION.—Effective beginning 1 year after the date on which the Administrator determines under paragraph (2)(B)(i) that a chemical substance meets the safety standard or immediately after such a determination is made for a new chemical substance for which notice is required under section 5(a), no person shall manufacture, process, or distribute in commerce the chemical substance, or any mixture or article containing the chemical substance, for any use other than those specified in the determination established under paragraph (2)(B)(ii).

"(c) RISK MANAGEMENT.—The Administrator, in making a safety standard determination, may impose conditions on the manufacture, processing, use, distribution in commerce, or disposal of a chemical substance, or mix-

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

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

''(2) a requirement—

''(A) prohibiting the manufacture, processing, or distribution in commerce of the substance for a particular use in a concentration in excess of a level specified by the Administrator in conditions under subsection (b)(2)(B)(ii)(II); or

''(B) limiting the quantity of the substance that 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 conditions established under subsection (b)(2)(B)(ii)(II);

''(3) a requirement that the substance be marked with or accompanied by clear and adequate warnings and instructions with respect to use, distribution in commerce, or disposal, or any combination of such activities, with the form and content of

the warnings and instructions prescribed by the Administrator;

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

''(A) make and retain records of the processes used to manufacture or process the substance; and

''(B) monitor or conduct tests that are reasonable and necessary to ensure compliance with this Act;

''(5) a requirement prohibiting or otherwise regulating any manner or method of commercial use of the substance;

''(6) a requirement prohibiting or otherwise regulating any manner or method of disposal of the substance by—

''(A) the manufacturer or processor of the substance; or

''(B) any other person that uses, or disposes of, the substance for commercial purposes; and

''(7) a requirement that the manufacturers and processors of the substance, mixture, or article develop a risk reduction management plan to achieve a risk reduction specified by the Administrator.

"(d) QUALITY CONTROL ORDERS.—

"(1) IN GENERAL.—If the Administrator has a reasonable basis to conclude that a particular manufacturer or processor is manufacturing or processing a chemical substance in a manner that may present a substantial endangerment to human health or the environment, the Administrator may, by order, require the manufacturer or processor to submit a description of the quality control procedures followed in the manufacturing or processing of the chemical substance.

"(2) ORDERS.—

"(A) IN GENERAL.—If the Administrator determines that quality control procedures described in paragraph (1) are inadequate to prevent the chemical substance from presenting a risk of injury to human health or the environment, the Administrator may order the manufacturer or processor to revise the quality control procedures to the extent necessary to remedy the inadequacy.

"(B) SUBSTANTIAL ENDANGERMENT.—If the Administrator determines that quality control procedures described in paragraph (1) have resulted in the distribution in commerce of a

chemical substance that may present a substantial endangerment to human health or the environment, the Administrator may order the manufacturer or processor—

"(i) to give notice of the endangerment to—

"(I) processors or distributors (or both) in commerce of the substance; and

"(II) to the extent reasonably ascertainable, any other person in possession of or exposed to the substance;

"(ii) to give public notice of the endangerment; and

"(iii) to provide for the replacement or repurchase, as prescribed by the Administrator, of the substance as the Administrator determines necessary to adequately protect human health or the environment.

"(e) EXEMPTIONS TO RESTRICTIONS.—

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

"(2) EXEMPTIONS.—

"(A) IN GENERAL.—

"(i) REQUEST.—The manufacturers and processors of a chemical substance may request an exemption from any restriction described in paragraph (1) for a specified use of the chemical substance.

"(ii) ORDER.—The Administrator may, by order, grant an exemption from any restriction described in paragraph (1) for a period of not to exceed 5 years if the manufacturers and processors of the chemical substance have established by clear and convincing evidence that the uses to be exempted meet the exemption criteria described in subparagraph (B).

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

"(i) the exemption is in the paramount interest of national security;

"(ii) the lack of availability of the chemical substance would cause significant disruption in the national economy; or

"(iii) the use for which the exemption is sought is a critical or essential use for which—

"(I) no feasible safer alternative for the specified use of the chemical substance is available; or

"(II) the specified use of the chemical substance when compared to all available alternatives, provides a net benefit to human health, the environment, or public safety.

"(C) PUBLIC NOTICE.—If the Administrator grants an exemption for a chemical substance under this paragraph—

"(i) the manufacturers and processors of the chemical substance shall, for the exempted use, provide notice of the exemption to each known purchaser of—

"(I) the chemical substance; and

"(II) a mixture or article containing the chemical substance; and

"(ii) the Administrator shall provide the public with a notice of the exemption.

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

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

''(E) CONDITIONS.—

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

''(ii) COMPLIANCE.—Effective immediately after the date on which the Administrator establishes conditions on exempted use under clause (i), the manufacturing, processing, or distribution in commerce of the chemical substance, or any mixture or article containing the chemical substance, shall be prohibited except to the extent that the conditions are satisfied.

''(3) RESALE OF USED ARTICLES.—The restrictions described in paragraph (1) shall not apply to the resale of an article subject to a restriction under

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

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

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of the retail sale to an end consumer of a chemical substance (or mixture or article containing that chemical substance) that is subject to a restriction described in paragraph (1), the Administrator may, by order, extend the effective date of the restriction by a period not to exceed 3 years, if the Administrator determines that the extension—

''(i) is necessary and appropriate to allow for depletion of the existing retail inventory; and

''(ii) will not present a substantial endangerment to human health or the environment.

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

''(f) POLYCHLORINATED BIPHENYLS.—

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

''(A) to prescribe methods for the disposal of polychlorinated biphenyls; and

''(B) to require polychlorinated biphenyls to be marked with clear and adequate warnings and instructions with respect to the processing, distribution in commerce, use, or disposal (or any combination of such activities) of polychlorinated biphenyls.

''(2) MANUFACTURE, PROCESS, OR DISTRIBUTION IN TOTALLY ENCLOSED MANNER.—

''(A) DEFINITION OF TOTALLY ENCLOSED MANNER.—In this paragraph, the term 'totally enclosed manner' means any manner that ensures that any exposure of human beings or the environment to the polychlorinated biphenyl will be insignificant, as determined by the Administrator by order or rule.

''(B) PROHIBITION.—Except as provided in subparagraph (C), no person may manufacture, process, distribute in commerce, or use

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

''(C) ALTERNATIVE MANNER.—The Administrator may, by order or rule, authorize the manufacture, processing, distribution in commerce, or use (or any combination of such activities) of any polychlorinated biphenyl in a manner other than in a totally enclosed manner if the Administrator finds that the manufacture, processing, distribution in commerce, or use (or combination of such activities) will not present a substantial endangerment to human health or the environment.

''(3) PROHIBITION ON MANUFACTURE, PROCESS, OR DISTRIBUTION.—

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

''(i) no person may manufacture any polychlorinated biphenyl; and

''(ii) no person may process or distribute in commerce any polychlorinated biphenyl.

''(B) EXEMPTIONS.—

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

tion from the requirements of subparagraph (A), and the Administrator may grant by rule the exemption, if the Administrator finds that—

''(I) a substantial endangerment to human health or environment would not result; and

''(II) good faith efforts have been made to develop a chemical substance that meets the safety standard and that may be substituted for such polychlorinated biphenyl.

''(ii) ADMINISTRATION.—An exemption granted under this subparagraph shall be—

''(I) subject to such terms and conditions as the Administrator may prescribe; and

''(II) be in effect for such period (but not more than 1 year after the date on which the exemption is granted, except as provided in subparagraph (D)) as the Administrator may prescribe.

''(C) PRIOR SALES.—Subparagraph (A) shall not apply to the distribution in commerce of any polychlorinated biphenyl if the polychlorinated biphenyl was sold for purposes other than resale before the expiration of the 2½-year period beginning on the date of enactment of this Act.

''(D) EXTENSION OF EXEMPTIONS.—

''(i) IN GENERAL.—The Administrator may, by order or rule, extend an exemption granted under subparagraph (B) that has not yet expired for a period not to exceed 60 days for the purpose of authorizing the Secretary of Defense and the Secretaries of the military departments to provide for the transportation into the customs territory of the United States of polychlorinated biphenyls generated by or under the control of the Department of Defense for purposes of the disposal, treatment, or storage of the polychlorinated biphenyls in the customs territory of the United States if the polychlorinated biphenyls are already in transit from storage locations but the Administrator deter-

mines, in the sole discretion of the Administrator, the polychlorinated biphenyls would not otherwise arrive in the customs territory of the United States within the period of the original exemption.

''(ii) NOTICE.—The Administrator shall promptly publish in the Federal Register notice of the extension.

''(g) MERCURY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

''(B) a conveyance, sale, distribution, or transfer of coal.

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

''(h) CERTIFICATION.—Each submission required pursuant to this section or pursuant to a rule or an order promulgated or issued by the Administrator under this section 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.

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

SEC. 8. IMMINENT HAZARDS.

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

''SEC. 7. IMMINENT HAZARDS.

''(a) ACTIONS AUTHORIZED AND REQUIRED.—

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

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

minent and substantial endangerment to health or the environment;

''(B) relief authorized under subsection (b) against any person that—

''(i) manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance or mixture, or any article containing a chemical substance or mixture, if the manufacture, processing, distribution in commerce, use, or disposal may present an imminent and substantial endangerment to health or the environment; or

''(ii) contributes to an activity described in clause (i); or

''(C) both seizure and relief described in subparagraphs (A) and (B), respectively.

''(2) OTHER ACTIONS.—

''(A) IN GENERAL.—The Administrator may issue such orders as are necessary to protect health or the environment from any manufacturing, processing, distribution in commerce, use, or disposal 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, as determined by the Administrator.

''(B) REQUIREMENT.—An order under subparagraph (A) may include such requirements imposed on the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or article containing the chemical substance or mixture, as the Administrator determines are necessary to protect health or the environment, including—

''(i) the requirements described in section 6(c); and

''(ii) the relief authorized under subsection (b).

''(3) RELATIONSHIP TO EXISTING RULES, ORDERS, AND PROCEEDINGS.—A civil action may be commenced under paragraph (1), or other action may be taken under paragraph (2), notwithstanding—

''(A) the existence of a rule or order under this Act; and

''(B) the pendency of any administrative or judicial proceeding under this Act.

''(b) RELIEF AUTHORIZED.—

''(1) IN GENERAL.—The district court of the United States in which a civil action under subsection (a)(1) is brought shall have jurisdiction to grant such temporary or permanent relief as are necessary to protect health or the environment from the risk associated with the activity involved in the civil action.

''(2) TYPES OF RELIEF.—In the case of a civil action under subsection (a)(1) brought against a person that manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance or mixture or an article containing a chemical substance or mixture, the relief authorized by paragraph (1) may include—

''(A) the issuance of a mandatory order imposing any of the requirements described in section 6(e); and

''(B) in the case of purchasers of the substance, mixture, or article known to the defendant—

''(i) notification to the purchasers of the risk associated with the substance, mixture, or article;

''(ii) public notice of the risk;

''(iii) recall;

''(iv) the replacement or repurchase of the substance, mixture, or article; or

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

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

''(3) SEIZURE AND CONDEMNATION.—

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

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

''(c) VENUE AND CONSOLIDATION.—

''(1) VENUE.—

''(A) IN GENERAL.—A civil action under subsection (a)(1) against a person that manufactures, processes, or distributes a chemical substance or mixture or an article containing a

chemical substance or mixture may be brought in the United States District Court for the District of Columbia, or in any judicial district in which any of the defendants is found, resides, or transacts business.

''(B) PROCESS.—Process in an action described in subparagraph (A) may be served on a defendant in any other district in which the defendant resides or may be found.

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

''(D) MULTIPLE JUDICIAL DISTRICTS.—In determining the judicial district in which a civil action may be brought under subsection (a)(1) in instances in which the action may be brought in more than 1 judicial district, the Administrator shall take into account the convenience of the parties.

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

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

''(2) CONSOLIDATION.—If proceedings under subsection (a)(1) involving identical chemical substances, mixtures, or articles are pending in courts in 2 or more judicial districts, the proceedings shall be consolidated for trial by order of any such court on application reasonably made by any party in interest, on notice to all parties in interest.''.

SEC. 9. REPORTING AND RETENTION OF INFORMATION.

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

''SEC. 8. REPORTING AND RETENTION OF INFORMATION.

''(a) SUBSTANCE IDENTIFICATION, DECLARATION, AND INFORMATION.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2011, each manufacturer or processor of a chemical substance distributed in commerce shall submit to the Administrator the 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 manufactured or processed by a manufacturer or processor—

"(A) the chemical identity and any special substance characteristics of the chemical substance;

"(B) the name and location of each facility under the control of the manufacturer or processor at which the chemical substance is manufactured or processed or from which the chemical substance 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, 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;

"(ii) the annual production volume and known uses of, and exposure and fate information relating to, the chemical substance; and

"(iii) the name and location of each facility to which the chemical substance 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.

"(4) UPDATING OF INFORMATION.—Each manufacturer or processor of a chemical substance that submits to the Administrator a declaration described in paragraph (2) shall update and submit to the Administrator a new declaration—

"(A) at a minimum every 3 years; and

"(B) immediately, at any time at which there becomes known or available to, in the possession or control of, or reasonably ascertain-

able by the manufacturer or processor significant new information regarding a physical, chemical, toxicological property or use of, or exposure to, the chemical substance, including any information that—

''(i) demonstrates a new potential toxic effect of the chemical substance;

''(ii) corroborates previous information demonstrating or suggesting a toxic effect; or

''(iii) suggests a toxic 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 ON MANUFACTURING, PROCESSING, OR DISTRIBUTION.—The Administrator may, by order, prohibit a manufacturer or processor in violation of this subsection from manufacturing, processing, or distributing in commerce the chemical substance or any article containing the chemical substance, except as authorized under section 6(e).

''(b) REPORTS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the Administrator may by rule or order require any person who manufactures, processes, distributes in commerce, uses, or disposes of a chemical substance to maintain records of and report by a specified date any information concerning the substance that, in the judgment of the Administrator, would assist the Administrator in—

''(i) making a safety standard determination with respect to a chemical substance under this title; or

''(ii) any other aspect of administering this Act.

''(B) CHARACTERISTICS.—The Administrator may by rule or order require that any report or information submitted pursuant to this Act include chemical identity and special substance characteristics, as appropriate to the chemical substance that is the subject of the report or information.

''(C) REQUIRED INFORMATION.—The Administrator shall by rule or order specify or modify the information that is required to be

submitted with a particular report or information submission to establish the chemical identity and special substance characteristics of the subject chemical substance (or mixture or article containing that chemical substance) for the purposes of the report or information submission.

''(2) SMALL QUANTITIES FOR RESEARCH OR ANALYSIS.—In the case of the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance 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 promulgate or issue a rule or order under paragraph (1) only to the extent that the Administrator determines the maintenance of records or submission of reports, or both, are necessary for the effective enforcement of this Act.

''(3) PROHIBITION ON MANUFACTURING, PROCESSING, OR DISTRIBUTION.—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, proc-

essing, or distributing in commerce the chemical substance or any article containing the chemical substance, except as authorized under section 6(e).

''(c) INVENTORY.—

''(1) IN GENERAL.—The Administrator shall compile, keep current, and publish a list of each chemical substance that is manufactured or processed in the United States.

''(2) CONTENTS.—The list shall at least include the name of each chemical substance that any person reports, under section 5 or subsection (b) of this section, is manufactured or processed in the United States.

''(3) TIMING.—

''(A) IN GENERAL.—In the case of a chemical substance for which a notice is submitted in accordance with section 5, the chemical substance shall be included on the list as of the earliest date (as determined by the Administrator) on which the substance was manufactured or processed in the United States.

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

''(4) SMALL QUANTITIES FOR RESEARCH OR ANALYSIS.—The Administrator shall not include in the list any chemical substance that is manufactured or processed only in small quantities (as defined by the Administrator by rule) solely for purposes of scientific experimentation or analysis or chemical research on, or analysis of, the substance or another substance, including such research or analysis for the development of a product.

''(d) PUBLIC ACCESS TO SIGNIFICANT INFORMATION.—

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

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

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

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

trator or receipt by the Administrator of information submitted pursuant to this title (for decisions made or information submitted after that 18-month period), the Administrator shall, subject to section 14, make available to the public via the Internet-accessible database described in paragraph (1) a description of all significant—

"(A) decisions made by the Administrator under this title; and

"(B) information submitted pursuant to this title.

"(e) RECORDS.—

"(1) IN GENERAL.—Any person that manufactures, processes, or distributes in commerce any chemical substance shall maintain and submit to the Administrator records of significant adverse reactions to health or the environment, as determined by the Administrator by rule, that are alleged to have been caused by the substance.

"(2) DURATION.—

"(A) IN GENERAL.—Records of the adverse reactions to the health of employees shall be retained for a period of at least 30 years after the date on which the reactions were first

reported to or known by the person maintaining the records.

''(B) OTHER RECORDS.—Any other record of the adverse reactions shall be retained for a period of at least 5 years after the date on which information contained in the record was first reported to or known by the person maintaining the record.

''(3) CONTENTS.—Records required to be maintained under this subsection shall include—

''(A) records of consumer allegations of personal injury or harm to health;

''(B) reports of occupational disease or injury; and

''(C) reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce from any source.

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

''(1) SYNOPSES.—

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

trol of the agency or institution, respectively, that may be useful to the Administrator in carrying out this Act.

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

''(C) INITIAL SUBMISSION.—Not later than 18 months after the date of enactment of the Safe Chemicals Act of 2011, each Federal agency and Federal institution shall make the initial submission of a synopsis of the agency and institution, respectively, to the Administrator.

''(D) UPDATES.—At least once every 3 years, each Federal agency and Federal institution shall—

''(i) update the synopsis of the agency and institution, respectively; and

''(ii) submit the updated synopsis to the Administrator.

''(2) REQUESTS BY ADMINISTRATOR.—On the request of the Administrator, any information in the possession or control of an agency or institution relating to a hazard of, use of, exposure to, or risk of

a chemical substance (or mixture or article containing that chemical substance) shall be provided to the Administrator.

''(g) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL RISKS.—Any person that manufactures, processes, or distributes in commerce a chemical substance and that obtains information that reasonably supports the conclusion that the substance presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of the information unless the person has actual knowledge that the Administrator has been adequately informed of the information.

''(h) CERTIFICATION.—Each submission required pursuant to this section or pursuant to a rule or an order promulgated or issued by the Administrator under this section, 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.''

''(i) DEFINITION OF MANUFACTURE AND PROCESS.—In this section, the terms 'manufacture' and 'proc-

ess' mean manufacture and process, respectively, for commercial purposes.''.

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

''(1) REPORT.—

''(A) IN GENERAL.—If the Administrator determines that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance, or that any combination of those activities, does not meet a safety standard under this title or requires conditions or restrictions in order to the meet the safety standard, and the Administrator determines that action may be taken under a Federal law not administered by the Administrator to address the uses of, or exposure to, the chemical substance, the Administrator shall submit to the agency that administers the Federal law a report that—

''(i) describes with specification the activity or combination of activities that prevent the chemical substance from meet-

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

"(ii) requests that the agency—

"(I) determine whether the 1 or more actions may be taken under Federal law administered by the agency;

"(II) if the agency determines under clause (i) that the 1 or more actions may be taken, initiate and provide a timetable for the 1 or more actions; and

"(III) respond to the Administrator with respect to the matters described in the report; and

"(iii) includes a detailed statement of the information on which the report is based.

"(B) PUBLICATION.—A report of the Administrator submitted under subparagraph (A) shall be promptly published in the Federal Register.

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

a report from the Administrator under subparagraph (A), or by such earlier date as the Administrator may specify in such a report, an agency that receives the report shall—

''(i) make all determinations requested by the Administrator in the report;

''(ii) take all action necessary to ensure that a chemical substance meets the safety standard under this title, if appropriate;

''(iii) include with the response of the agency a detailed statement of the findings and conclusions of the agency; and

''(iv) publish that statement in the Federal Register.

''(2) INITIATION OF ACTION.—If the Administrator submits a report under paragraph (1) with respect to a chemical substance to an agency, and the agency that receives the report initiates, within the period specified in the request under paragraph (1), a civil action under Federal law administered by the agency to ensure that a chemical substance meets the safety standard under this title, or requires restrictions or conditions to meet that safety standard, the Administrator may not take action under this

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

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

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

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

''(A) the Administrator submits a report under paragraph (1) with respect to a chemical substance; and

''(B) the agency to which the report was submitted—

''(i) determines that action cannot be taken under the authorities of the agency;

''(ii) does not initiate action, if appropriate, within the period specified in the request under paragraph (1);

''(iii) does not complete the action within the timeframe provided by the agency; or

''(iv) fails to respond.''; and

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

(i) by striking ''(4) If the Administrator has initiated action under section 6 or 7'' and inserting the following:

''(4) CONSULTATION.—If the Administrator has initiated action under this Act''; and

(ii) by striking ''against such risk'' after ''Federal action'';

(2) in subsection (c)—

(A) by striking ''the Administrator shall not'' and inserting ''Administrator—

''(1) shall not''; and

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) shall ensure that any actions to address workplace exposures that the Administrator takes or requires to be taken by manufacturers or processors of a chemical substance are consistent with the industrial hygiene hierarchy of controls.''; and

(3) in subsection (d)—

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

quirements on those subject to the Act and for other purposes''; and

(B) in the second sentence, by striking '', in the report required by section 30,''.

SEC. 11. INSPECTIONS AND SUBPOENAS.

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

''SEC. 11. INSPECTIONS AND SUBPOENAS.

''(a) INSPECTIONS.—

''(1) IN GENERAL.—For purposes of administering this Act, the Administrator, and any duly designated representative of the Administrator, may inspect—

''(A) any establishment, facility, or other premises in which chemical substances, mixtures, or articles subject to this Act are manufactured, processed, stored, or held before or after distribution in commerce;

''(B) any conveyance being used to transport such chemical substances, mixtures, or articles in connection with distribution in commerce; and

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

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

''(2) METHOD.—Each inspection under paragraph (1) shall be—

''(A) commenced and completed with reasonable promptness; and

''(B) conducted at reasonable times, within reasonable limits, and in a reasonable manner.

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

''(A) chemical substance, mixture, or article; and

''(B) container or labeling of a chemical substance, mixture, or article.

''(b) SCOPE.—An inspection conducted under subsection (a) shall extend to all things within the premises or conveyance inspected (including records, files, papers, processes, controls, and facilities) regarding whether the owner or operator of the premises, conveyance, or records has complied with provisions of this Act applicable to the chemical substances, mixtures, articles, or records.

''(c) INFORMATION GATHERING.—

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

testimony of witnesses and the production of such reports, papers, documents, items, answers to questions, and other information, including the development of analyses and other information, as the Administrator determines to be necessary.

''(2) PAYMENT OF WITNESSES.—A witness described in paragraph (1) shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

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

''(1) entry, inspection, and copying of records for purposes of this Act; and

''(2) the seizure of any chemical substance, mixture, or article that is in violation of this Act.''.

SEC. 12. EXPORTS.

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

(1) by striking subsection (a);

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

(3) in subsection (a) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking ''or intends to export'';

(ii) by striking ''section 4 or 5(b)'' and inserting ''section 4, 5, or 6(b)'';

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

(iv) by inserting ''promptly thereafter'' before ''furnish'';

(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 or 7'';

(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 ''the action taken pursuant to section 6 or 7''; and

(C) by adding at the end the following:

''(3) CHANGE IN EXPORT STATUS.—

''(A) IN GENERAL.—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 by not later than 30 days after such a change in status.

''(B) UPDATED NOTICE.—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 the substance or mixture have been received by the Administrator pursuant to section 4, 5, 6(b), or 8;

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

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

(4) in subsection (b), as redesignated by paragraph (2) of this section—

(A) by striking paragraph (2); and

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

(5) by adding at the end the following:

''(c) PUBLIC RECORDS.—The Administrator shall—

''(1) maintain copies of all current notices provided to other governments under this section; and

''(2) make such copies available to the public in electronic format.''.

SEC. 13. 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'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''if—'' and subparagraphs (A) and (B) and inserting ''if 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.''; and

(B) by adding at the end the following:

''(3) IMPORT AS PART OF AN ARTICLE.—Chemical substances and mixtures imported as part of an article shall be subject to the same requirements under this Act as if the substances and mixtures had been imported in bulk, except as the Administrator may provide by rule under this Act, or as the Secretary of Homeland Security may provide by rule under subsection (b).''.

SEC. 14. 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 (c) through (g), respectively;

(2) by inserting before subsection (c) (as redesignated by paragraph (1)), the following:

''(a) AGENCY 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 known as the 'Freedom of Information Act'); and

''(2) all information in the possession of the agency that is releasable pursuant to an appropriate request under that section is made available to members of the public.

''(b) VOLUNTARY RELEASE OF UNCLASSIFIED INFORMATION NOT PROHIBITED.—Nothing in this section prevents or discourages 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 known as the 'Freedom of Information Act').'';

(3) in subsection (c) (as redesignated by paragraph (1))—

(A) in the subsection heading, by striking ''IN GENERAL'' and inserting ''DISCLOSURE OF CERTAIN INFORMATION'';

(B) by striking ''subsection (b)'' and inserting ''subsection (d)'';

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

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

''(3) shall be disclosed upon request to a State, tribal, or municipal government, including identification of the location of the manufacture, processing, or storage of a chemical substance upon the request of the government for the purpose of administration or enforcement of a law, if 1 or more applicable agreements ensure that the recipient government will take appropriate steps to maintain the confidentiality of the information in accordance with this section and section 350.19 of title 40, Code of Federal Regulations (or any successor regulation);''; and

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''an unreasonable risk of injury'' and inserting ''an imminent and substantial endangerment'';

(4) in subsection (d) (as redesignated by paragraph (1))—

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

(B) by striking paragraph (1) and inserting the following:

''(1) INELIGIBLE INFORMATION.—

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

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

''(ii) Any safety standard determination developed under section 6, including supporting information developed by the Administrator.

''(iii) Any health and safety study that is submitted under this Act with respect to—

''(I) any chemical substance or mixture—

''(aa) which, on the date on which the study is to be disclosed has been offered for commercial distribution; or

''(bb) for which testing is required under section 4 or for

which notification is required under section 5; 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 item (aa) or (bb) of subclause (I).

''(iv) Any information indicating the presence of a chemical substance in a consumer article intended for use or reasonably expected to be used by children or to which children can otherwise be reasonably expected to be exposed.

''(B) PROHIBITION.—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.''; and

(C) in paragraph (2)—

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

(ii) by striking ''in the second sentence of such paragraph'' and inserting ''in paragraph (1)(B)'';

(5) in subsection (e) (as redesignated by paragraph (1))—

(A) by striking paragraph (1) and inserting the following:

''(1) DUTIES OF MANUFACTURERS AND PROCESSORS.—

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

''(i) designate the data which the manufacturer, processor, or distributor believes is entitled to confidential treatment under subsection (a); and

''(ii) submit the designated data separately from other data submitted under this Act.

''(B) REQUIREMENTS.—A designation 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);

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

''(2) DUTIES OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator shall—

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

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

strictive of public disclosure than section 552 of title 5, United States Code; and

''(bb) the documentation that must accompany those requests; and

''(II) not later than 1 year after the date of enactment of the Safe Chemicals Act of 2011, identify by rule those types of information for which the Administrator shall not prospectively specify the term of confidentiality pursuant to this subparagraph;

''(ii) not later than 90 days after the date of receipt of information designated under paragraph (1), review all requests to maintain confidentiality of the submitted information and decide whether to approve or deny each request based on whether the request and accompanying documentation comply with the standards that are developed under clause (i) (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 require-

ments, procedures, and judicial review provisions under that section shall apply);

"(iii) in the event such a request is denied, make the information available to the public in accordance with section 8(d)(2); and

"(iv) if such a request is approved, specify a time period of not greater than 5 years for which the submitted information shall be kept confidential, except with respect to claims subject to a rule issued pursuant to clause (i)(II).

"(B) AUTHORITY OF ADMINISTRATOR.—Subparagraph (A) does not limit the authority of the Administrator to determine that particular information, previously considered entitled to confidential treatment, is no longer entitled to such treatment."; and

(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in subparagraph (A)—

(I) in the first sentence, by striking "paragraph (1)(A)" and inserting "paragraph (1) and approved by the

Administrator under paragraph (2)(A)(ii)''; and

(II) by striking the last sentence 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.'';

(ii) in subparagraph (B)(i)—

(I) in the first sentence—

(aa) by striking ''or (4)'' and inserting ''(4), or (5)'';

(bb) by striking ''subsection (a)'' each place it appears and inserting ''subsection (c)''; and

(cc) by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(II) in the second sentence, by striking ''except that'' and all that follows through ''such release is made'' and inserting ''except if the Administrator determines that the release of such data is necessary to protect against an imminent and substantial

endangerment to health or the environment then no notice is required.''; and

(iii) in subparagraph (B)(ii), by striking ''(b)(1)'' and inserting ''(d)(1)(A)(iii)'';

(6) in subsection (f) (as redesignated by paragraph (1)), by striking ''subsection (a)'' and inserting ''subsection (c)''; and

(7) by adding at the end the following:

''(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, that workers may come into contact with or otherwise be exposed to during the course of work, to and with those workers and representatives of each certified or recognized bargaining agent representing those employees.''.

SEC. 15. PROHIBITED ACTS.

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

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

''(1) fail or refuse to comply with 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''; 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) in paragraph (3)—

(A) in subparagraph (A), by inserting ''accurate and complete'' after ''maintain'';

(B) in subparagraph (B)—

(i) by inserting ''or make accurate and complete'' after ''submit''; and

(ii) by inserting ''information submissions, disclosures, declarations, certifications,'' after ''notices,''; and

(C) in subparagraph (C), by striking ''or'' after the semicolon;

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

(5) by adding at the end the following:

''(5) make or submit a statement, declaration, disclosure, certification, writing, data set, or 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; or

''(6) take any action prohibited by this Act.''.

SEC. 16. 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) in the first sentence—

(I) by inserting ''this Act or a rule or order promulgated or issued pursuant to this Act, as described in'' after ''a provision of''; and

(II) by striking ''$25,000'' and inserting ''$37,500''; and

(ii) in the second sentence, 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:

''(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 that paragraph.'';

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

(i) in the first sentence, by inserting ''this Act, as described in'' before ''section 15 or 409''; and

(ii) in the last sentence, by striking ''within 15 days of'' and inserting ''not later than 15 days after'';

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

(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)), by striking ''paragraph (3)'' each place it appears and inserting ''paragraph (4)''; and

(2) in subsection (b)—

(A) by striking ''Any person'' and inserting the following:

''(1) IN GENERAL.—Any person'';

(B) by striking ''or willfully'';

(C) by inserting ''this Act, as described in'' after ''any provision of'';

(D) by striking ''$25,000'' and inserting ''$50,000'';

(E) by striking ''one year'' and inserting ''5 years''; and

(F) by adding at the end the following:

''(2) IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY.—

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

''(B) OTHER PERSONS.—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. 17. SPECIFIC ENFORCEMENT AND SEIZURE.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(1) The district courts'' and all that follows through the end of subparagraph (C) and inserting the following:

''(1) AUTHORITY OF THE ADMINISTRATOR.—

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

ance of any person with any provision of this Act or any rule or order promulgated pursuant to this Act.

''(B) ENFORCEMENT.—The authority of the Administrator to enforce this Act includes the authority—

''(i) to seek civil or criminal penalties under section 16 for any violation of this Act, as described in sections 15 and 409;

''(ii) to enjoin any violation of this Act, or of a rule or order promulgated or issued under this Act, as described in sections 15 and 409;

''(iii) to 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 (which may proceed concurrently with action under this section), in which the Administrator may levy penalties under section 16; and''; and

(ii) in subparagraph (D)—

(I) by redesignating clause (i) through (iii) as subclauses (I) through

(III), respectively, and indenting appropriately;

(II) by striking ''(D) direct any manufacturer'' and inserting the following:

''(iv) to order any manufacturer'';

(III) by striking ''product subject to title IV'' and inserting ''article subject to this Act'';

(IV) by striking ''product'' each place it appears and inserting ''article'';

(V) by striking ''of section 5, 6, or title IV'' and inserting ''this Act''; and

(VI) by striking ''under section 5, 6, or title IV'' and inserting ''promulgated and issued under this Act, as described in section 15 or 409,'';

(B) in paragraph (2)—

(i) by striking ''(2) A civil action'' and all that follows through ''described in subparagraph (A) of such paragraph'' in subparagraph (A) and inserting the following:

''(2) CIVIL ACTIONS.—

''(A) IN GENERAL.—The district courts of the United States shall have jurisdiction over a civil action described in paragraph (1).

''(B) REQUIREMENTS.—A civil action described in paragraph (1) may be brought—

''(i) in the case of a civil action described in subparagraphs (A) and (B) of paragraph (1)'';

(ii) in clause (i) (as so designated), by striking ''of section 15'' and inserting ''of this Act, as described in section 15 or 409'';

(iii) by redesignating subparagraph (B) as clause (ii) and indenting appropriately; and

(iv) in clause (ii) (as so designated), by striking ''such paragraph'' and inserting ''paragraph (1)''; and

(C) in the undesignated matter following paragraph (2), by striking ''In any'' and inserting the following:

''(3) SERVING OF PROCESS AND SUBPOENAS.—In any''; and

(2) in the first sentence of subsection (b)—

(A) by striking ''title IV'' and inserting ''this Act'';

(B) by striking ''product'' the first place it appears and inserting ''article''; and

(C) by striking ''product,'' both places it appears.

SEC. 18. 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 a 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, in which case the applicable provisions of this Act shall control.''.

SEC. 19. 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) in subparagraph (A), by striking ''(1)(A) Not later'' and all that follows through ''under title II or IV,'' and inserting the following:

''(1) JUDICIAL REVIEW.—Not later than 60 days after the date of the promulgation or issuance of a rule under of this Act,'';

(iii) by inserting ''or order'' after ''rule'' each place it appears; and

(iv) in the second sentence, by striking ''(other than in an enforcement proceeding)'';

(B) in paragraph (2)—

(i) in the first sentence, by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)''; and

(ii) in the second sentence, 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 striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—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 the rule or order in accordance with that chapter.''.

SEC. 20. 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), by striking ''under section 4, 5, or 6, or title II or IV, or order issued under section 5 or title II or IV to restrain such violation,'' and inserting ''or order issued under this Act;''; and

(B) in the third sentence of the undesignated 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. 21. 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 the first sentence of 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 the first sentence of subparagraph (A), by striking ''a rulemaking proceeding'' and inserting ''proceedings authorized under this Act''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) in the first sentence, 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''; and

(bb) by inserting ''Notwithstanding the preceding sentence, in the case of a petition to delist a chemical substance under section 6(a), the delisting may not proceed except as authorized under that subsection.'' after the first sentence;

(II) in clause (i)—

(aa) in the matter preceding subclause (I), by striking ''in the case of a petition to initiate a proceeding for the issuance of a rule under section 4 or an order under section 5(e)'' and inserting ''except as provided in clause (ii),

in the case of a petition to initiate a proceeding for the issuance of a rule or an order under this Act''; and

(bb) in subclause (II), by striking ''an unreasonable risk to'' and inserting ''substantial endangerment''; 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 ''imposition or issuance of a restriction, use condition, or order under this chapter'';

(bb) by striking ''an unreasonable risk of injury'' and inserting ''a substantial endangerment''; and

(cc) by striking the period at the end and inserting a semicolon.

SEC. 22. EMPLOYMENT EFFECTS.

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

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking ''continuing'' and inserting ''periodic''; and

(B) by striking ''plant closures)'' and all that follows through the end of paragraph (2) and inserting ''plant closures) of the implementation of this Act.'';

(2) in subsection (b)—

(A) in paragraph (1), in the undesignated language following subparagraph (B), 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)(ii), by striking ''by order issued'' and inserting ''in writing,''; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking the comma after ''such request'' and inserting ''; and'';

(II) by striking clause (ii); and

(III) by redesignating clause (iii) as clause (ii); and

(C) by striking paragraph (4); and

(3) by adding at the end the following:

''(c) EFFECT.—Nothing in this section—

''(1) requires the Administrator to amend or repeal any rule or order in effect under this Act; or

''(2) conditions the authority of the Administrator to issue orders or promulgate rules under this Act.''.

SEC. 23. ADMINISTRATION OF THE TOXIC SUBSTANCES CONTROL ACT.

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

(1) by striking subsection (b) and inserting the following:

''(b) FEES.—

''(1) IN GENERAL.—The Administrator may, by rule, require the payment of a reasonable fee from any person required to submit data to defray the cost of administering this Act.

''(2) CONSIDERATIONS.—In setting a fee under this subsection, the Administrator shall take into account—

''(A) the ability to pay of the person required to submit the data; and

''(B) the cost to the Administrator of reviewing the data.

''(3) FEE SHARING.—Rules described in paragraph (1) may provide for sharing a fee in any case in which the expenses of testing are shared under this Act.'';

(2) in subsection (c)—

(A) in the subsection heading, by adding ''AND MIXTURES'' after ''CATEGORIES''; and

(B) by adding at the end the following:

''(3) MIXTURES.—Any action authorized or required to be taken by the Administrator or any other person under any provision of this Act with respect to a chemical substance is likewise also authorized or required with respect to a mixture, if the Administrator determines that such extension is reasonable and efficient.''; and

(3) by adding at the end the following:

''(h) RULEMAKING OR ORDERS.—In carrying out this Act, the Administrator may issue such orders and prescribe such regulations as are necessary to carry out this Act.''.

SEC. 24. STATE PROGRAMS.

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

(1) in the first sentence of subsection (a)—

(A) by striking ''unreasonable''; 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) by inserting after subsection (a) the following:

''(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 under this title and under programs operated by States, in accordance with section 14.''; and

(4) in subsection (c)(2) (as redesignated by paragraph (2)), by striking ''including cancer, birth defects, and gene mutations,''.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

Title I of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended—

(1) by redesignating section 29 (15 U.S.C. 2628) as section 39;

(2) by redesignating section 30 (15 U.S.C. 2629) as section 38;

(3) by striking section 31 (Public Law 94–469; 100 Stat. 2989); and

(4) by amending section 39 (as redesignated by paragraph (1)) to read as follows:

''SEC. 39. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 26. ADDITIONAL REQUIREMENTS.

(a) RESTRICTIONS ON CERTAIN CHEMICAL SUBSTANCES.—The Toxic Substances Control Act is amended by inserting after section 28 (15 U.S.C. 2627) the following:

''SEC. 29. CHILDREN'S ENVIRONMENTAL HEALTH RESEARCH PROGRAM.

''(a) CHILDREN'S ENVIRONMENTAL HEALTH RESEARCH PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall establish within the Environmental Protection Agency a program to be known as the 'Children's Environmental Health Research Program' (referred to in this subsection as the 'Program').

''(2) PURPOSE.—Subject to amounts made available in advance in appropriations Acts, the Administrator may enter into contracts and make

grants under the Program to further understanding of the vulnerability of children to chemical substances and mixtures.

''(3) CONSULTATION.—Contracts and grants under this section shall be provided in consultation with the Interagency Science Advisory Board on Children's Health Research established under subsection (b)(1).

''(b) INTERAGENCY SCIENCE ADVISORY BOARD ON CHILDREN'S HEALTH RESEARCH.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall establish an advisory board to be known as the 'Interagency Science Advisory Board on Children's Health Research' (referred to in this subsection as the 'Board').

''(2) PURPOSE.—The purpose of the Board shall be to provide independent advice, expert consultation, and peer review, on request of the Administrator or Congress, with respect to the scientific and technical aspects of issues relating to the implementation of this title with respect to research on protecting children's health.

''(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 EPA-Tribal Science Council; and

"(vi) not fewer than 3 centers of children's health at leading institutions of higher education;

"(B) ensure that at least ⅓ 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 by the Board, unless—

"(i) the individual promptly and publicly discloses the conflict; and

''(ii) the Administrator determines that the conflict is unavoidable.

''(4) APPLICABLE LAW.—The Board shall be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

''(c) PRENATAL AND INFANT EXPOSURES.—

''(1) MONITORING.—If, through studies performed under subsection (a) or section 4 or in any other available research, the Administrator identifies a chemical substance that may be present in human biological media that may have adverse effects on early childhood development, the Administrator shall coordinate with the Secretary of Health and Human Services to conduct, not later than 2 years after the date on which the Administrator identifies the chemical substance, a biomonitoring study to determine the presence of the chemical substance in human biological media in, at a minimum, pregnant women and infants.

''(2) PUBLICATION.—On completion of any study conducted under paragraph (1), the Secretary of Health and Human Services shall—

''(A) notify the Administrator of the results of the study; and

''(B) publish the results of the study in a publicly available electronic format.

''(3) POSITIVE RESULTS.—

''(A) MANUFACTURE DISCLOSURE.—If a chemical substance or mixture is determined to be present in a study conducted under paragraph (1), the manufacturers and processors of the chemical substance or mixture shall, not later than 180 days after the date of publication of the study, disclose to the Administrator, commercial customers of the manufacturers 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. 30. 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, to the maximum extent practicable—

"(A) the use of existing data of sufficient scientific quality;

"(B) the use of test methods that eliminate or reduce the use of animals while providing data of high scientific quality;

"(C) the grouping of 2 or more chemical substances into scientifically appropriate categories in cases in which testing of 1 chemical substance would provide reliable and useful data on others in the category;

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

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

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

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

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall establish an advisory board to be known as the 'Interagency Science Advisory Board on Alternative Testing Methods' (referred to in this subsection and subsection (c) as the 'Board').

''(2) 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; and

''(v) the National EPA-Tribal Science Council; and

"(B) ensure that no individual appointed to serve on the Board has a conflict of interest that is relevant to the functions to be performed, unless—

"(i) the individual promptly and publicly discloses the conflict; and

"(ii) the Administrator determines that the conflict is unavoidable.

"(3) PURPOSE.—The purpose of the Board shall be to provide independent advice and peer review to Congress and the Administrator 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 chemical substances or mixtures.

"(4) APPLICABLE LAW.—The Board shall be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(5) REPORT.—Not later than 1 year after the date of enactment of the Safe Chemicals Act of 2011, and every 3 years thereafter, the Administrator, in consultation with the Board, shall publish in the Federal Register a list of testing methods that reduce the use of animals in testing under section 4.

''(c) IMPLEMENTATION OF ALTERNATIVE TESTING METHODS.—To promote the development and timely incorporation of new testing methods that are not animal-based, the Administrator shall—

''(1) in consultation with the Board, and after providing an opportunity for public comment, develop a strategic plan to promote the development and implementation of alternative 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 biology, computational toxicology, bioinformatics, and high-throughput screening;

''(2) beginning on the date that is 2 years after the date of enactment of the Safe Chemicals Act of 2011 and every 2 years thereafter, submit to Congress a report that describes the progress made in implementing this section; and

''(3) fund and carry out research, development, performance assessment, and translational studies to accelerate the development of test methods and testing strategies that are not animal-based for use in safety standard determinations under section 6(b).

''(d) CRITERIA FOR ADAPTING OR WAIVING ANIMAL TESTING REQUIREMENTS.—On 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 the animal testing requirement if the Administrator determines that—

''(1) there is a 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) because of 1 or more physical or chemical properties of the chemical substance or mixture, testing for a specific endpoint is technically not practicable to conduct; or

''(3) a chemical substance or mixture cannot be tested in animals at concentrations that do not result in significant pain or distress, because of physical or chemical properties of the chemical substance or mixture, such as potential to cause severe corrosion or severe irritation to tissues.

"SEC. 31. 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 Safe Chemicals Act of 2011, the Administrator shall establish a program to create market incentives for the development of safer alternatives to existing chemical substances that reduce or avoid the use and generation of hazardous substances.

''(2) REQUIREMENTS.—The program established under paragraph (1) shall include—

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

''(B) recognition for a chemical substance or product 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 products determined by the Administrator to be safer alternatives for the particular uses, such as job training and worker assistance.

''(b) GREEN CHEMISTRY RESEARCH NETWORK.—The Administrator shall establish a network of not less 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, particularly chemical substances listed under section 6(a).

''(c) GREEN CHEMISTRY AND ENGINEERING RESEARCH GRANTS.—The Administrator shall make grants to promote and support the research, development, and adoption of safer alternatives to hazardous substances.

''(d) GREEN CHEMISTRY WORKFORCE EDUCATION AND TRAINING PROGRAM.—

''(1) IN GENERAL.—The Administrator shall establish a program to facilitate the development of a workforce, including industrial and scientific workers, that produces safer alternatives to existing chemical substances.

''(2) GOALS.—The goals of the program established under paragraph (1) are to provide workforce training on skills that would—

''(A) facilitate the expansion of green chemistry;

''(B) develop scientific and technical leadership in green chemistry;

''(C) facilitate the successful and safe integration of green chemistry into infrastructure projects;

''(D) inform and engage communities about green chemistry; and

''(E) promote innovation and strong public health and environmental protections.

''(3) IMPLEMENTATION.—The Administrator shall implement the program to achieve the goals of this Act, including by—

''(A) helping to develop a broad range of skills relevant to the production and use of the safer alternatives, including the design, manufacturing, use, and disposal of the alternatives;

''(B) offering to develop partnerships with educational institutions, training organizations, private sector companies, and community organizations; and

''(C) providing grants to States, units of local government, and the partnerships developed under subparagraph (B) to promote and support activities consistent with achieving the goals of the program established under this subsection.

''SEC. 32. COOPERATION WITH INTERNATIONAL EFFORTS.

''In cooperation with the Secretary of State and the head of any other appropriate Federal agency (as determined by the Administrator), the Administrator shall cooperate with international efforts as appropriate—

''(1) to develop a common protocol or electronic database relating to chemical substances; or

''(2) to develop safer alternatives for chemical substances.

''SEC. 33. RELIABLE INFORMATION AND ADVICE.

''Not later than 18 months after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall, by order, establish and implement procedures to ensure data reliability including, at a minimum, requirements that the Administrator—

''(1) not less than annually randomly inspect laboratories that develop the data required under this title on the various properties and characteristics of a chemical substance;

''(2) annually perform a comprehensive data audit on a subset, as chosen by the Administrator, of the data submissions under this title;

''(3) establish and maintain a registry of all health- and safety-related studies initiated in response to requirements under this title;

''(4) have access to all records of health- and safety-related studies initiated in response to requirements under this title; and

''(5) require the submitter of any research 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. 34. HOT SPOTS.

''(a) DEFINITIONS.—In this section:

''(1) DISPROPORTIONATE EXPOSURE.—The term 'disproportionate exposure' means residential population exposure to 1 or more toxic chemical substances or mixtures at levels that are significantly greater than the average exposure in the United States, as defined and identified by the Adminis-

trator in accordance with the criteria established under subsection (b).

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

''(b) CRITERIA.—Not later than 180 days after the date of enactment of the Safe Chemicals Act of 2011, the Administrator shall promulgate a rule to establish criteria consistent with this section that—

''(1) defines disproportionate exposure; and

''(2) identifies any locality that is disproportionately exposed.

''(c) IDENTIFICATION.—

''(1) IN GENERAL.—Not later than 120 days after the date on which the rule is promulgated under subsection (b), the Administrator shall identify localities in the United States that are 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 Toxic Assessment Database; and

"(B) may use other data available to the Administrator, including data developed under—

"(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 in which disproportionate exposure may be found for inclusion in the identification of localities under paragraph (1).

"(d) LOCALITY LIST.—

"(1) IN GENERAL.—Not later than 180 days after completing the identification of localities under subsection (c)(1), the Administrator, after notice and consultation with applicable State, local, county

health, and environmental officials, State, local, and county legislators, and other elected officials, shall—

"(A) publish a list of the localities subject to disproportionate exposure identified under that subsection in the Federal Register; and

"(B) make the list published under subparagraph (A) available electronically.

"(2) UPDATED LIST.—

"(A) IN GENERAL.—Subject to subparagraph (B), not later than 5 years after the date on which the list is published under paragraph (1)(A), and at least once every 5 years thereafter, the Administrator shall update and republish the list.

"(B) DISCRETIONARY UPDATES.—The Administrator may update and republish the list under paragraph (1) more frequently than every 5 years—

"(i) to add new localities that meet the criteria established under subsection (b); or

"(ii) to remove localities, if the Administrator determines that the exposure reduction has been achieved and no further

action is needed after actions are taken under subsection (f).

''(C) NOTIFICATION.—The Administrator shall notify all applicable State, local, county health, and environmental officials, State, local, and county legislators, and other elected officials of the updated listing.

''(e) NO JUDICIAL REVIEW; NONDISCRETIONARY DUTY.—

''(1) NO JUDICIAL REVIEW.—The following actions under this section shall not be subject to judicial review:

''(A) A decision to include on the list published under subsection (d)(1) a locality identified under subsection (c)(1).

''(B) A decision in response to nominations submitted under subsection (c)(3).

''(C) A decision to list localities under subsection (d)(1) or update the list under subsection (d)(2).

''(2) NONDISCRETIONARY DUTY.—Notwithstanding paragraph (1), the failure of the Administrator to publish or update the list of localities in accordance with this section shall be—

''(A) considered to be a failure to perform a nondiscretionary duty; and

''(B) subject to judicial review.

''(f) ACTION PLANS.—

''(1) IN GENERAL.—Not later than 1 year after the date on which the list is published or updated under subsection (d), the Administrator shall develop and publish, for each locality identified on the list, an action plan that includes—

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

''(B) a description of actions planned by the Administrator to reduce disproportionate exposure in the locality.

''(2) GOALS.—The goal of each action plan under this subsection shall be to reduce disproportionate exposure in the locality by establishing—

''(A) a percentage exposure reduction goal for each chemical substance and mixture; and

''(B) a timeline to achieve the percentage exposure reduction goal.

''(g) REPORT TO CONGRESS.—The Administrator shall—

''(1) submit to Congress an annual report that identifies—

''(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 (f); and

''(C) the progress on each action plan to date; and

''(2) make the report available to the public in electronic format.

''SEC. 35. 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 of a Federal agency, shall be subject to, and comply with, all applicable requirements of this Act described in subsection (b), both substantive and procedural, in the same manner, and to the same extent, as any person subject to the requirements.

''(b) DESCRIPTION OF REQUIREMENTS.—The substantive and procedural requirements referred to in this subsection include—

''(1) any administrative order;

''(2) any civil or administrative penalty or fine, regardless of whether the penalty or fine is—

''(A) punitive or coercive in nature; or

''(B) imposed for isolated, intermittent, or continuing violations;

''(3) any requirement for reporting;

''(4) any provision for injunctive relief and sanctions that may be imposed by a court to enforce such relief; and

''(5) payment of reasonable service charges.

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

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

''(e) 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 department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to such sanction.

''(f) 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—

''(A) the President has specifically requested the appropriation as a part of the budgetary process; and

''(B) Congress has failed to make the requested appropriation available.

''(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, if the President makes a subsequent determination that the exemption is in the paramount interest of the United States.

''(4) REPORT.—Each January after the date of enactment of this section, the President shall submit to Congress a report that describes—

"(A) all exemptions granted under this subsection during the preceding calendar year; and

"(B) the reason for granting each exemption.

"(g) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

"(1) IN GENERAL.—The Administrator may initiate an administrative enforcement action against any Federal agency—

"(A) in accordance with the enforcement authorities of this Act; and

"(B) in the same manner and under the same circumstances as an action would be initiated against another person.

"(2) SETTLEMENT.—Any voluntary resolution or settlement of an administrative enforcement action initiated under this subsection shall be set forth in a consent order.

"(3) FINALITY OF ADMINISTRATIVE ORDER.—No administrative order issued to a Federal department, agency, or instrumentality under this subsection shall become final until the Federal department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"SEC. 36. IMPLEMENTATION OF STOCKHOLM CONVENTION, THE LRTAP POPS PROTOCOL, AND THE ROTTERDAM CONVENTION.

''(a) DEFINITIONS.—In this section:

''(1) CHEMICAL.—The term 'chemical' includes any substance or mixture of substances, including a substance that is part of an article.

''(2) LRTAP CONVENTION.—The term 'LRTAP Convention' means the Convention on Long-Range Transboundary Air Pollution, done at Geneva on November 13, 1979 (TIAS 10541), and any subsequent amendments to which the United States is a party.

''(3) LRTAP POPS CHEMICAL.—The term 'LRTAP POPs chemical' means any chemical listed on any Annex of the LRTAP POPs Protocol, if such listing has entered into force for the United States.

''(4) LRTAP POPS PROTOCOL.—The term 'LRTAP POPs Protocol' means the Protocol on Persistent Organic Pollutants to the LRTAP Convention, done at Aarhus on June 24, 1998, and any subsequent amendment to which the United States is a party.

''(5) MEETING OF THE PARTIES.—The term 'meeting of the parties' means—

"(A) the Conference of the Parties established by and operating under Article 19 of the Stockholm Convention;

"(B) the Executive Body established by and operating under Article 10 of the LRTAP POPs Convention; and

"(C) the Conference of the Parties established by and operating under Article 18 of the Rotterdam Convention.

"(6) PIC CHEMICAL.—The term 'PIC chemical' means any chemical identified by notification to the Secretariat of the Rotterdam Convention by the United States as banned or severely restricted in the United States, and any chemical listed on any Annex of the Rotterdam Convention, if such listing has entered into force for the United States.

"(7) POPS CHEMICAL.—The term 'POPs chemical' means any chemical that is listed on any Annex of the Stockholm Convention, if such listing has entered into force for the United States.

"(8) ROTTERDAM CONVENTION.—The term 'Rotterdam Convention' means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on Sep-

tember 10, 1998, and any subsequent amendment to which the United States is a party.

''(9) STOCKHOLM CONVENTION.—The term 'Stockholm Convention' means the Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on May 22, 2001, and any subsequent amendment to which the United States is a party.

''(b) IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.—

''(1) IN GENERAL.—The Administrator, in cooperation with appropriate Federal agencies, shall implement and support the implementation by the United States of the provisions of the Stockholm Convention, the LRTAP POPs Protocol, and the Rotterdam Convention that have entered into effect for the United States.

''(2) PROHIBITIONS.—Notwithstanding any other provision of law, no person may manufacture, process, distribute in commerce, use, dispose of, or take any other action with respect to a POPs chemical, LRTAP POPs chemical, or PIC chemical in a manner inconsistent with applicable obligations for that chemical under the Stockholm Convention, LRTAP POPs Protocol, or Rotterdam Convention.

''(3) PUBLIC NOTICE AND COMMENT.—

"(A) IN GENERAL.—The Administrator shall provide timely public notice and opportunity to comment on a chemical proposed for listing to any Annex to the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention.

"(B) CONTENTS.—The Administrator shall identify in the notice under subparagraph (A) any relevant toxicity, exposure, and risk information on the chemical known to the Administrator, and any domestic activities involving the chemical known to the Administrator.

"(C) NOTICE AND COMMENT.—

"(i) IN GENERAL.—Any interested person may provide relevant comment and information on the chemical in response to the notice under subparagraph (A).

"(ii) REQUEST FOR INFORMATION.—The Administrator may require the provision of relevant information related to a proposed chemical from any person, as the Administrator determines necessary to assist the United States in the review.

"(iii) PUBLIC DOCKET.—The Administrator shall consider all comments and in-

formation received under this subparagraph in the review of the proposal and include the comments and information in an established public docket.

''(D) POST-RECOMMENDATION.—

''(i) IN GENERAL.—The Administrator shall provide timely public notice and opportunity to comment after a recommendation is made to list a chemical on any Annex to the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention.

''(ii) MEETING OF THE PARTIES.—The Administrator shall provide the notice under clause (i) in advance of the meeting of the Parties at which the recommendation is to be considered.

''(iii) REQUEST FOR INFORMATION.—The Administrator shall request comment and information on all aspects of the recommendation and may, if the Administrator determines it to be necessary to assist the United States in the review, require the provision of relevant information

related to a proposed chemical from any person.

''(iv) PUBLIC DOCKET.—The Administrator shall consider all comments and information received under this subparagraph in the review of the proposal and include the comments and information in an established public docket.

''(E) DECISIONS.—

''(i) IN GENERAL.—Not later than 30 days after a decision by the meeting of the parties, the Administrator shall provide timely public notice and opportunity to comment on any decision by the meeting of the parties to list a chemical on any Annex to the Stockholm Convention.

''(ii) CONTENTS.—The Administrator shall provide in the notice under clause (i) a description of the amendments to the instruments and identify the changes to the domestic activities that the Administrator believes, based on information available to the Administrator, would be necessary if the United States chose to be bound by the listing decision.

"(iii) PUBLIC COMMENT.—Any interested person may provide relevant comment and information in response to the notice under clause (i).

"(iv) PUBLIC DOCKET.—The Administrator shall consider all comments and information received under this subparagraph in the review of the proposal and include the comments and information in an established public docket.

"(F) RATIFICATION.—Not later than 30 days after the United States deposits the instrument of ratification for the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, or not later than 30 days after the listing of any chemical subsequently added under those instruments has entered into force for the United States (whichever date is earlier), the Administrator—

"(i) shall provide public notice of—

"(I) the chemicals that are subject to those instruments; and

"(II) any chemical subsequently added under those instruments; and

"(ii) may specify the requirements that are applicable for individual chemicals in a public notice under this subparagraph.

"(4) GENERAL RULEMAKING AUTHORITY.—The Administrator may promulgate regulations necessary to carry out the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, or to ensure compliance with any obligations under such instruments.

"(5) OBLIGATIONS.—If a chemical is subject to obligations under more than 1 of the instruments that includes the Stockholm Convention, the LRTAP POPs Protocol, or the Rotterdam Convention, the most stringent of the obligations shall apply to ensure compliance with each of the instruments.

"(c) ENFORCEMENT.—The prohibitions and any other requirements of this section shall be enforced in the same manner as final rules or orders under section 6.".

(b) CONFORMING AMENDMENTS.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended—

(1) by striking the item relating to section 2 and inserting the following:

"Sec. 2. Findings, policy, and goal.";

(2) by striking the item relating to section 4 and inserting the following:

"Sec. 4. Minimum data set and testing of chemical substances.";

(3) by striking the item relating to section 6 and inserting the following:

"Sec. 6. Prioritization, safety standard determination, and risk management.";

(4) by striking the items relating to sections 29 through 31; and

(5) by adding after the item relating to section 28 the following:

"Sec. 29. Children's Environmental Health Research Program.
"Sec. 30. Reduction of animal-based testing.
"Sec. 31. Safer alternatives and green chemistry and engineering.
"Sec. 32. Cooperation with international efforts.
"Sec. 33. Reliable information and advice.
"Sec. 34. Hot spots.
"Sec. 35. Application of this Act to Federal agencies.
"Sec. 36. Implementation of Stockholm Convention, the LRTAP Pops Protocol, and the Rotterdam Convention.
"Sec. 37. Annual report.
"Sec. 38. Authorization of appropriations.".

○