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	Current TSCA	S. 697	H.R. 2576	Items still not fixed by either bill:
Safety standard - determination of "unreasonable risk"	"Unreasonable Risk" standard requires cost-benefit analysis	S. 697 explicitly states within the definition of the safety standard that cost is not to be considered, and also clarifies that cost is not to be considered in all instances where the phrase "unreasonable risk" is used.	H.R. 2576 states that the risk evaluation is to be conducted without consideration of cost, but does not make conforming changes to the entire underlying TSCA statute.	"reasonable certainty of no harm" should be the safety standard.
Vulnerable Populations	No special consideration	S. 697 defines "potentially exposed or susceptible population" to include vulnerability due to either to elevated chemical exposures or to heightened susceptibility to their effects. Further specifies that such populations may include but are not limited to: infants, children, pregnant women, workers, the elderly	HR 2576 defines "potentially exposed or susceptible population" to include vulnerability due to either to elevated chemical exposures or to heightened susceptibility to their effects Does not specify which populations may be included.	Risk that reconciliation will leave the definition of vulnerable populations unclear.
Regulatory Restrictions for chemicals deemed unsafe	Cost - EPA must conduct cost-benefit analysis for restrictions on chemical substances	S. 697 directs EPA, in making decisions about restrictions, to "take into consideration" information on costs and benefits of regulatory actions, but makes it clear that costs cannot override safety considerations.	H.R. 2576 directs EPA to impose requirements that are "cost-effective, except where the Administrator determines that additional or different requirements ... are necessary to protect against the identified risk"	Neither bill requires EPA to justify its regulatory decisions with unnecessary additional economic analyses.
	Least Burdensome – EPA must choose "least burdensome" option which can require evaluations of unlimited number of options	Removes "least burdensome" requirement	Removes "least burdensome" requirement	

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	Bans and phase-outs	Must be based on considerations of costs and benefits of relevant alternatives to the chemical substance but only alternatives that are relevant and feasible must be considered	EPA must determine whether viable and safer alternatives are available	In some cases, there are no safer alternatives.
Testing	EPA must show risk to require testing and must use formal rulemaking process	EPA must first request information before it can order testing but EPA need not show first show risk or high exposure; Gives EPA authority to use orders to require testing. Applies to be existing and new chemicals.	Requires that EPA find that risk evaluation is necessary before requiring testing – low bar - potential hazard and potential route of risk – but could present roadblocks Gives EPA authority to use orders to require testing.	Test data should be required both when a new chemical is introduced and when an existing chemical is selected for a safety assessment. This works in conjunction with the need to mandate a certain number of chemicals for safety assessment each year.
New Chemicals	Pre-manufacture Notice (PMN) 90 days before manufacture required but no requirement to submit data and most notices do not include data. EPA has reviewed 39,000 PMNs since 1979 and only 10% have resulted in restrictions.	Clarifies that the manufacture of a new chemical can only start if EPA affirmatively finds it is likely to meet the safety standard Gives EPA more authority to halt the 90-day period if it needs more information; Allows EPA to propose restrictions for PBT chemicals that they find not likely to meet the safety standard	Makes almost no change except to allow testing by order rather than by rule.	Safety data should be required up front and EPA should make an affirmative safety decision before a chemical enters the market. Compare to FDA requirements for new drugs, automotive emission standards, etc.
Mandates to start safety assessments	**None**	It's complicated but ... by 3 years after enactment, safety assessments of 20 high-priority chemicals (and 20 low priority chemicals) must have been started	Mandates EPA to initiate at least 10 safety assessments annually for chemicals it selects but it must also conduct any risk evaluation that a manufacturer requests	20+ years to get through just the 90 chemicals on their high-priority workplan and 100 years to get through the 1000 most dangerous chemicals! To get through all chemicals in commerce, almost 1000 years.

	Current TSCA	S. 697	H.R. 2576	Items still not fixed by either bill:
Deadlines to complete		3-year deadline to complete safety assessment (limited options for 1-year extension); 2-year deadline for needed regulations and includes deadlines for compliance with restrictions	3-year deadline for EPA initiated safety assessments and 2-year deadline for industry-initiated assessments (with 2-year extension if information must be developed); 2-year deadline for needed regulations	EPA already has a workplan that includes 90 priority chemicals identified as having the highest potential for exposure and hazard - they should keep working on those chemicals at a reasonable pace while at the same time adding other existing chemicals to their workplan. The length of time between when a safety assessment starts and when restrictions are effective is still too long – especially for chemicals that are known to be unsafe, such as PBTs. Industry-requested assessments should not bump higher risk chemicals.
Funding	EPA's ability to charge fees is limited, the fees are inadequate to cover costs and go to general treasury	EPA must collect fees for new, existing and high-priority chemicals for a variety of task. Fees go into dedicated fund for EPA. Level of fees to be set at 25% of EPA's TSCA program costs. Manufacturers to pay 100% of costs of assessments they request.	EPA may collect fees for new chemicals and industry-requested safety assessments but not for EPA initiated assessments. Fees go into dedicated fund for EPA. No level of fees specified. Manufacturers to pay 100% of costs of assessments they request.	Neither bill provides enough dedicated funding for the EPA TSCA program. Without increased funding, EPA will not be able to increase the pace of review of existing chemicals and it will take 20+ years to get through just the 90 chemicals on their high-priority workplan and 100 years to get through the 1000 most dangerous chemicals!

	Current TSCA	S. 697	H.R. 2576	Items still not fixed by either bill:
CBI	Both bills include improvements related to management of Confidential Business Information (CBI) claims.	S. 697 requires EPA to share data with the states. Requires re-substantiation of prior CBI claims.	H.R. 2576 allows EPA to share data with the states. Requires re-substantiation after 10 years.	Require EPA to share CBI data with state environmental and public health authorities and ensure funding to do so. EPA should also be authorized to share CBI with interstate organizations, such as the Interstate Chemicals Clearinghouse, in order to avoid inefficient duplication of efforts.
Timing of Preemption		Pause Preemption: new state regulatory actions are preempted once EPA has defined the scope of a safety assessment and safety determination, and this continues until EPA publishes its safety determination. Thus, states would be prevented from taking action on high priority chemicals before EPA has taken any action on those chemicals (unless they receive a waiver). Permanent Preemption: For a substance that does not meet the safety standard, preemption is effective as of the effective date of the rule EPA issues restricting its use.	Preemption occurs when EPA takes final action on the chemical.	Any preemption should occur only upon implementation of the EPA final rule, including compliance dates. Neither bill currently takes this approach.

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State actions not subject to preemption		S. 697 specifies protection from preemption for a "reporting, monitoring, disclosure, or other information obligation."	H.R. 2576 does not clearly specify this exemption, although there is some discussion of the issue in the House committee report.	It is important that reporting, monitoring, disclosure, labeling, options evaluation, assessment, planning, pollution prevention, and technical assistance programs and requirements, as well as other requirements and programs of this kind, and their associated fees, be clearly protected from preemption.
Grand-fathering		Over all, the Senate language is clearer than the House language with regard to grandfathering. However, some clarifications are needed.	The House language contains some ambiguities about whether actions taken in the future under prior laws could be subject to preemption.	Final bill should fully preserve all existing statutes, rules, regulations and other actions or requirements that are in place at the time of the bill's adoption, including authority to undertake future actions under existing laws and regulations. At a minimum, use the Senate language on grandfathering, with the addition of the words "or requirement imposed" after the words "action taken" in both places where these words appear.