



ACTION ALERT
National Conference of State Legislatures
Office of State-Federal Relations

May 16, 2014

URGE MEMBERS OF CONGRESS TO OPPOSE THE “CHEMICALS IN COMMERCE ACT”

The National Conference of State Legislatures (NCSL) urges you to call members of the U.S. House of Representatives Energy and Commerce Committee and tell them to oppose the “Chemicals in Commerce Act” (CICA). On April 22, Rep. John Shimkus (R-Ill.) released a [revised draft](#) of the legislation that he felt adequately addressed states’ concerns with state laws preemption. The changes to the discussion draft **do not** fix the preemption problems in the bill and if the new version were to be enacted into law, states’ abilities to protect their citizens from harmful chemicals would be abolished.

The recent revisions to the preemption language of CICA would still prohibit states from establishing or continuing to enforce state laws related to chemical hazards. The bill would also preempt a state from regulating any new chemical that is introduced into commerce under the new law. Additionally, NCSL is concerned that the broad and unclear language in the bill could preempt a host of state environmental protection laws other than just those explicitly regulating toxic chemical products.

The “Chemicals in Commerce Act” is likely to be introduced and marked up in subcommittee in mid-May. The members of this committee need to hear from you that the preemption language in this bill is unacceptable to states.

Tell the House Energy and Commerce Committee members that the Chemicals in Commerce Act would:

- Impede upon states’ abilities to protect the health, welfare and safety of its citizens by preempting state authority over toxic chemical regulations.
- Prevent states from establishing any state regulation of chemicals if the Environmental Protection Agency (EPA) has made a safety determination on the chemical.
- Prohibit states from regulating or banning any new chemicals even if the EPA has not made a safety determination within 90 days of introduction of the chemical.
- Exclude states from being able to impose stricter or stronger regulations on toxic chemicals than the federal regulations
- Preempts state laws related to toxic chemicals in at least 24 states.
- Not require or even suggest that the EPA should consult with states during the safety determination process or before a state law is preempted.
- Have the ability to impact air and water quality regulations in the states.

On April 28, State Senator Michael Moore (D-Mass.) [testified](#) on behalf of NCSL in front of a House Energy & Commerce Subcommittee to discuss the affects of the new draft’s preemption language on states. You too can take action to alert members of Congress to the egregious preemption in the new CICA draft.

If you are from a state with a member(s) on the House Energy and Commerce Committee, it would be extremely helpful if these members could hear from you on why they should oppose the Chemicals in Commerce Act. Otherwise contact your entire House delegation, because this bill will most likely move quickly to the floor.

For more information, please contact [Susan Parnas Frederick](#) or [Melanie Condon](#) at NCSL at 202-624-5400.

House Committee on Energy and Commerce

Rep. Fred Upton (R-Mich.), Chair (202)225-3761

Rep. Henry Waxman (D – Calif.); Ranking Minority Member (202)225-3976

Rep. John Shimkus (R –Ill.), Sponsor of the Chemicals in Commerce Act (202)225-5271

Majority Members:

Rep. Ralph Hall (R- Texas), (202)225-6673
Rep. Joe Barton (R-Texas), (202)225-2002
Rep. Ed Whitfield (R-Ky.), (202)225-3115
Rep. Joe Pitts (R- Penn.), (202)225-2411
Rep. Greg Walden (R – Ore.), (202)225-6730
Rep. Lee Terry (R – Neb.), (202)225-4155
Rep. Mike Rogers (R – Mich.), (202)225-4872
Rep. Tim Murphy (R – Penn.), (202)225-2301
Rep. Michael C. Burgess (R – Texas), (202)225-7772
Rep. Marsha Blackburn (R – Tenn.), (202)225-2811
Rep. Phil Gingrey (R – Ga.), (202)225-2931
Rep. Steve Scalise (R – La.), (202)225-3015
Rep. Bob Latta (R – Ohio), (202)225-6405
Rep. Cathy McMorris Rodgers (R – Wash.), (202)225-2006
Rep. Gregg Harper (R – Miss.), (202)225-5031
Rep. Leonard Lance (R – N.J.), (202)225-5361
Rep. Bill Cassidy (R – La.), (202)225-3901
Rep. Brett Guthrie (R – Ky.), (202)225-3501
Rep. Pete Olson (R – Texas), (202)225-5951
Rep. David B. McKinley (R – W.V.), (202)225-4172
Rep. Cory Gardner (R – Colo.), (202)225-4676
Rep. Mike Pompeo (R – Kan.), (202)225-6216
Rep. Adam Kinzinger (R – Ill.), (202)225-3635
Rep. Morgan Griffith (R – Va.), (202)225-3861
Rep. Gus Bilirakis (R – Fla.), (202)225-5755
Rep. Bill Johnson (R – Ohio), (202)225-5705
Rep. Billy Long (R – Mo.), (202)225-6536
Rep. Renee Ellmers (R – N.C.), (202)225-4531

Minority Members:

Rep. John D. Dingell (D –Mich.), (202)225-4071
Rep. Frank Pallone, Jr. (D –N.J.), (202)225-4671
Rep. Bobby L. Rush (D –Ill.), (202)225-4372
Rep. Anna G. Eshoo (D –Cali.), (202)225-8104
Rep. Eliot L. Engel (D –N.Y.), (202)225-2464
Rep. Gene Green (D –Texas), (202)225-1688
Rep. Diana DeGette (D –Colo.), (202)225-4431
Rep. Lois Capps (D –Cali.), (202)225-3601
Rep. Mike Doyle (D –Penn.), (202)225-2135
Rep. Jan Schakowsky (D –Ill.), (202)225-2111
Rep. Jim Matheson (D –Utah), (202)225-3011
Rep. G.K. Butterfield (D –N.C.), (202)225-3101
Rep. John Barrow (D –Ga.), (202)225-2823
Rep. Doris Matsui (D –Cali.), (202)225-7163
Rep. Donna M.C. Christensen (D –VI), (202)225-1790
Rep. Kathy Castor (D –Fla.), (202)225-3376
Rep. John Sarbanes (D –Md.), (202)225-4016
Rep. Jerry McNerney (D –Cali.), (202)225-1947
Rep. Bruce Braley (D –Iowa), (202)225-2911
Rep. Peter Welch (D –Vt.), (202)225-411
Rep. Ben Ray Lujan (D –N.M.), (202)225-6190
Rep. Paul Tonko (D –N.Y.), (202)225-5076

IT IS CRITICAL THAT STATE LEGISLATORS CONTACT THEIR HOUSE DELEGATIONS AND URGE THEM TO OPPOSE THE CHEMICALS IN COMMERCE ACT.