

October 29, 2025

The Honorable Shelly Moore Capito, Chairman
The Honorable Sheldon Whitehouse, Ranking Member
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Capito and Ranking Member Whitehouse,

The AFL-CIO and the undersigned unions are writing to express our positions regarding the Toxic Substances Control Act (TSCA). Together, the AFL-CIO umbrella represents 15 million working people among 63 national unions, across a wide variety of industries including construction, manufacturing, aerospace, warehousing, education, healthcare, transportation and many other industries impacted by the implementation of TSCA. Workers are at risk because they manufacture, use, transport and dispose of chemicals and chemical-related products, and risk taking home these exposures to their children and families.

Labor unions were deeply involved in the development, passage and implementation of both the original TSCA law in 1976 and the amended 2016 law—the Frank R. Lautenberg Chemical Safety for the 21st Century Act. We have long played a critical role in its implementation so that the law has practical value for its intended purpose: to protect workers from harmful chemical exposures in order to eliminate both acute and chronic occupational illnesses and fatalities. An estimated 135,000 U.S. workers die annually from occupational disease, many due to chemical exposures on the job.¹

We are deeply concerned about recent discussions regarding implementation of and potential revisions to the current law, which we believe should be restricted to mandatory fee renewals and nothing broader. As this debate moves forward, below are our key concerns affecting *occupational* exposures under TSCA.

Industry misleadingly argues that changes are needed to the pre-market review process for new chemicals. To the contrary, review of new chemicals to ensure they do not pose health threats are more difficult once a chemical enters commerce. Also, despite Congressional intent that the public have a role in the new chemical review process, the current process has become a two-way conversation between chemical manufacturers and EPA. If anything, EPA needs to make the review process more transparent so workers and their representatives can be properly

¹ Takala J., Hämäläinen P., Sauni R., Nygård C.H., Gagliardi D., and S. Neupane. “Global-, regional- and country-level estimates of the work-related burden of diseases and accidents in 2019.” *Scand J Work Environ Health*. 2024 Mar 1;50(2):73–82. Available at [pmc.ncbi.nlm.nih.gov/articles/PMC10927068/#suppl](https://pubmed.ncbi.nlm.nih.gov/articles/PMC10927068/#suppl).

informed about new chemicals they may be working with and have the opportunity to provide input on the protections EPA mandates when approving new chemicals.

Industry misleadingly argues that EPA needs to assume default respirator use. While EPA must take existing OSHA exposure limits into account when assessing risk, it is unreasonable for the agency to assume all workers wear respirators all day every day. Respirators can be uncomfortable, ill-fitting, make communication difficult and are the *least effective* form of workplace protection. No OSHA standard permits routine use of respirators as a means to protect workers from chemical exposures. This is longstanding, global, industrial hygiene practice, backed up by decades of evidence. Attempts to change this foundational practice creates the illusion that chemical risks are below reality and places workers in serious danger. Moreover, if EPA takes respirator use into account, it must do so with an understanding of the limits of existing legal requirements: In particular, that no existing OSHA or other standard requires the use of respiratory protection below the mandatory exposure limits, which to date, have all been magnitudes higher than the levels at which EPA has found toxic substances to pose unreasonable risks. In fact, OSHA is in the process of weakening its respirator obligations on employers.

EPA—not only OSHA—can and should regulate occupational exposures to chemicals.

Under TSCA, EPA is specifically required to work with other agencies. EPA is not—and must not be—permitted to pass its responsibility to control chemical exposures onto other agencies. OSHA currently has no chemical exposure standards on its regulatory agenda and has not regulated a chemical since 2017. Unlike EPA, OSHA is not permitted to phase out chemicals from commerce—critically impacting worker health. Unlike OSHA, TSCA permits EPA to regulate all risks from chemicals, rather than segment the risk among different populations and exposure pathways. Besides, EPA already regulates other workplace chemical processes aside from TSCA and is familiar with industrial hygiene practices to control chemical exposures. It is critical that EPA continue to be tasked with considering workers as a potentially exposed subpopulation in performing its risk evaluations, and continue to have clear authority to regulate workplace exposures.

Workers—and their communities—need to maintain their private right of action when wronged from chemical exposures at work. Because of the workers' compensation "bargain" struck decades ago, workers have little recourse when they are harmed by employer negligence or willful misconduct. Moreover, the government has a limited ability to monitor every workplace and enforce workplace standards. Citizen suits permit workers to hold their employers accountable by making sure they comply with the law. This TSCA provision is critical to maintaining accountability against bad actors.

In summary, changes to TSCA have always been an *incredibly* complex endeavor, rather than any simple fix. It is a highly technical law with nuanced requirements covering many

stakeholders (industries, workers, other vulnerable groups and communities at large). It took decades to fix the original law, many years to negotiate the amended law and already nine years of the new law's successes that support our nation's workforce, infrastructure, and safety. Changes over time have attracted heavy public debate and reached bipartisan consensus, resulting in the 2016 landmark law that filled our nation with pride. Congress has the responsibility to American workers to maintain the integrity and intent of the 2016 amended TSCA, without weakening it. The safety of American workers and their families should be of the utmost importance to the leaders they have elected.

As experts on occupational exposures and representatives of American workers, the AFL-CIO and the undersigned labor unions are deeply committed to protecting and continuing to implement TSCA as it stands and must be closely involved in any efforts Congress or the EPA potentially undertakes involving this law.

Please do not hesitate to reach out with any questions.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

American Federation of Government Employees (AFGE)

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers (AFT)

Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM)

Communications Workers of America (CWA)

International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers (IW)

International Association of Machinists (IAM)

International Brotherhood of Electrical Workers (IBEW)

International Union of Operating Engineers (IUOE)

International Union of Painters and Allied Trades (IUPAT)

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)

Laborers' Health & Safety Fund of North America (LHSFNA)

United Food and Commercial Workers International Union (UFCW)

UNITE HERE International Union

United Mine Workers of America (UMWA)

United Steelworkers (USW)

Utility Workers Union of America (UWUA)

Sheet Metal Occupational Health Institute Trust (SMOHIT)