

THE INTRODUCTION OF COMPROMISE LEGISLATION TO FULLY IMPLEMENT THE LEGAL OBLIGATIONS OF THE UNITED STATES OF AMERICA UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS, POPS, THE ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT, PIC, AND THE AARHUS POPS PROTOCOL TO THE GENEVA CONVENTION ON LONG RANGE TRANSBOUNDARY AIR POLLUTION, LRTAP

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BOEHLERT. Mr. Speaker, I am pleased to join Mr. BARTON and Mr. GILLMOR in introducing this compromise version of treaty implementation legislation, which reflects many long hours of serious negotiation between our staffs.

I entered into those negotiations because I believe it is important for the U.S. to be a party to these important treaties to help protect the global environment. This is a view shared by both the environmental community and the chemical industry. The U.S. ought to maintain its traditional leadership role in this area, first, to protect our own national interests and to protect our citizens from hazardous pollutants that circulate globally, but also to improve health and the environment around the world.

The bill we are introducing today is a genuine compromise. It's not what I would write if I were drafting a bill alone, and it reflects movement by Mr. BARTON and Mr. GILLMOR away from their original vehicle, H.R. 4591. No doubt further improvements could be made to it, but it should serve as a marker to show the way in the next Congress. This bill should demonstrate that it is possible to write worthy implementation language without opening the "can of worms" involved in rewriting all of the Toxic Substances Control Act, TSCA. But the regulatory mechanisms created by this bill should not be seen as a precedent for other environmental statutes.

Let me make one more general point before getting into the interpretation of specific sections: I am cosponsoring this bill because I believe it will enable and facilitate the regulation of pollutants, not stymie that regulation. Quite properly under this bill, the U.S. cannot be forced to regulate a chemical by any international body. But the bill should pave the way for the U.S. to regulate additional dangerous pollutants. If the processes set out in this bill are used primarily as barriers to regulation, then that will mean that the bill is being misinterpreted or abused. The bill does require thoughtful and thorough analysis, but that is not intended to prevent any regulation from moving forward.

With that general precept in mind, let me focus on the important language in the new section 503(e)(1) of TSCA. The language calls for regulation "to the extent necessary to protect human health and the environment in a manner that achieves a reasonable balance of social, environmental, and economic costs and benefits." There are two distinct ideas and

processes encapsulated in that language. First, the Environmental Protection Agency, EPA, is to determine whether a substance needs to be regulated "to protect human health and the environment." Then, separately, it needs to determine precisely how to regulate that substance—i.e., the "manner" of regulation—taking into account "social, environmental and economic costs and benefits." I want to say this directly here to clarify language that was intended to make the same point in the Committee report that was filed on H.R. 4591.

The sponsors also want to make clear that the consideration described in the new section 503(e)(2)(A)(v) of TSCA is meant to direct EPA to consider, among other things, both the domestic and international benefits that would flow from U.S. regulation of a substance.

Now let me turn to two important differences between this bill and H.R. 4591. First, we have entirely rewritten the new section 503(e)(4) of TSCA to clarify its intent, to drop the controversial and contested notion of "weight of the evidence," and to remove any implication that that paragraph was creating a new legal or scientific standard of review. Language in the committee report on paragraph (4) does not apply to this bill.

The paragraph (4) in this bill is designed primarily to ensure transparency by requiring EPA to describe the information that was used in its decision-making and the quality of the information on which the agency based its decision.

Second, this bill clarifies when State preemption occurs. Section 6(e) now makes clear that no State preemption occurs unless and until a regulation that has been promulgated under the new section 503 of TSCA has gone into effect. No action short of that and no action under any statute other than TSCA can trigger preemption under this bill.

I greatly appreciate the openness the Energy and Commerce Committee has demonstrated during the negotiations on this bill and the courtesy they have extended to me and my staff. I hope this bill paves the way to U.S. full participation in the important treaties covered by this bill.

THE INTRODUCTION OF CONSENSUS LEGISLATION TO IMPLEMENT THE LEGAL OBLIGATIONS OF THE UNITED STATES OF AMERICA UNDER THE STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS (POPS), THE ROTTERDAM CONVENTION ON PRIOR INFORMED CONSENT (PIC), AND THE AARHUS POPS PROTOCOL TO THE GENEVA CONVENTION ON LONG RANGE TRANSBOUNDARY AIR POLLUTION (LRTAP)

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. BARTON of Texas. Mr. Speaker, I am glad to join Chairman GILLMOR and Chairman BOEHLERT in introducing H.R. _____, consensus legislation to implement the legal obligations of the United States of America under the Stockholm, or POPS, Convention; the Rot-

terdam, or PIC, Convention; and the Aarhus POPs Protocol to the Geneva LRTAP Convention.

This legislation represents an enormous effort that started in the Energy and Commerce Committee over 2 years ago to bring the United States into compliance with 3 multilateral chemical agreements that have already gone into effect. It is vitally important that the United States be full-fledged participants at these Conventions and this legislation, along with ratification by the Senate, enables us to be a full and active party. More importantly, it allows our country to contribute its vast database of knowledge on chemical substances and mixtures as new chemicals are added to these agreements. Without implementing legislation, the United States government participates at a level akin to that of an NGO: permitted as "outside lobbyists," but not permitted to vote on important decisions where our expertise and scientific knowledge will be critical.

How is this bill different from H.R. 4591, the bill that was reported favorably by the Energy and Commerce Committee on Wednesday, July 12, 2006? While both bills give full, legal consideration to costs and benefits through a strong and transparent rulemaking procedure characterized by rigorous scientific analysis, the consensus bill eliminates the requirement to utilize a "weight of the evidence" approach in assessing risks and effects.

This bill also clarifies concerns raised about potential state preemption possibilities. In accord with long-standing U.S. practice to not agree to new treaty obligations unless our country has the legal authorities in place to comply with those obligations, section 6(e) of this legislation provides that any Federal preemption of state laws cannot occur unless a rule or order implementing our obligation has been issued under this Act and has gone final or become effective. Additionally, section 2 of this bill provides that no regulation issued under this authority may become effective unless the United States consents to be bound to a treaty obligation regarding that chemical substance or mixture. This modification will end the misguided criticism of H.R. 4591 on preemption issues, while preserving and codifying State Department practice.

Mr. Speaker, this legislation does not represent an overhaul to the Toxic Substances Control Act, which could take years to debate. Instead it represents a broad consensus to enact the limited legislative fixes to bring the United States into full compliance with its obligations under these agreements, and authorizes discretion to the Environmental Protection Agency to regulate additional chemicals that combines a deferential regulatory standard with rigorous and practical sound scientific analysis. As decisions are currently being made that affect American interests, the legislation represents the responsible thing to do and I would urge our colleagues in both bodies to pass it as soon as practicable.

Mr. Speaker, on a personal note it's my pleasure to offer our colleague from New York, Mr. BOEHLERT, my best wishes as he leaves this body to pursue new endeavors. His collaboration on this bill, and others, has had a real impact.

TRIBUTE TO DAVID HERMANCÉ

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ISSA. Mr. Speaker I rise today in remembrance of a talented Californian, David Hermance, who passed away on November 25, 2006 at the age of 59. David was both an innovator of technology and an admired friend of the environment.

Although best known for his recent work with hybrids, David championed advanced-technology vehicles throughout his four decades in the auto industry. After 26 years of dedicated service to General Motors, David joined Toyota in 1991 to become the North American Executive Engineer for Advanced Technology Vehicles.

Through his dedicated work, he became known as the "father of the American Prius." His efforts have educated Americans and Congress alike on the enormous potential of advanced technology vehicles, such as hybrids. David's unique ability to explain the inner workings of complex technologies to all audiences made him the most respected American voice on hybrid technology. Today, consumers and environmentalists alike laud the products he has advocated for years.

On this day, Congress should remember David Hermance's vision for a better tomorrow. May God bring peace to David's family, friends, and colleagues during this difficult time.

TRIBUTE TO MY COLLEAGUES OF THE 109TH CONGRESS

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. TIAHRT. Mr. Speaker, I rise today to offer a tribute to my colleagues. In the waning days of the 109th Congress, it is a time of reflection and reminiscing. We will miss our colleagues, who will not be returning in January as Members of the 110th.

I have many fond memories of the heady early days of the 104th Congress. My colleagues GIL GUTKNECHT, J.D. HAYWORTH, and JOHN HOSTETTLER helped keep the spirit of 1994 alive, and I will never forget their steadfast commitment to serve and, above all, their friendship.

I have enjoyed working with my colleague ERNEST ISTOOK on the House Appropriations Committee. He is a good friend and I admire his hard work on behalf of American families.

Other fellow colleagues on the House Appropriations Committee are ANNE NORTHRUP and CHARLES TAYLOR. I had the opportunity to spend a lot of time with these fine Members and their absence will be felt throughout the halls of Congress.

MARK GREEN and BOB BEAUPREZ worked hard for their constituents each and every day. Their dedication to the constituents they represented was unparalleled.

SUE KELLY, NANCY JOHNSON, and ROB SIMMONS have each played an important role in supporting our Republican principles. They have served their districts impeccably and will be missed.

My colleague, CHRIS CHOCOLA, fought each and every day for the American people. He worked diligently on behalf of American values and used his business knowledge to help keep and create jobs in the United States. He is a true patriot.

And finally, my good friend, MELISSA HART, with her bright smile and tremendous energy, she worked tirelessly on behalf of her district. She fought each day for the conservative cause and she will be sorely missed. I look forward to seeing her again in Congress.

CELEBRATING THE ABINGTON TOWNSHIP POLICE DEPARTMENT'S CENTENNIAL ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today to honor and congratulate the Abington Township Police Department on an important milestone—its 100th anniversary. Since 1906, the officers of Abington Police Department have proudly served and protected our community, and I am honored to represent them in Congress.

Beginning with only four patrolmen and a handful of bicycles, the Abington Police Department has blossomed into a modern, diverse and professional police agency. Under the leadership of Chief William J. Kelly, the Department now counts 163 law enforcement professionals, including an undercover drug investigation unit and SWAT team in its ranks.

Over the last century, the Department accomplished many significant achievements. In 1906, it established the first fingerprint laboratory in the region. Later that year, it used this facility to close the first criminal case in Pennsylvania using only fingerprint evidence. Ten years later, the Department traded in its bicycles and horses to become the first fully-motorized police department in the United States—an achievement that was motivated by the need to patrol a region that was originally very rural, but is now a fully-developed suburban community.

In recent years, Abington became the first police department to achieve statewide accreditation from the Pennsylvania Law Enforcement Accreditation Commission and one of three municipal police departments in Pennsylvania to achieve international accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Abington Police Department's record of excellence has been recognized by its peers, who have paid tribute to many of its law enforcement initiatives and appointed it to serve on a number of regional taskforces.

While successfully fulfilling its mission to serve and protect, the Department has also successfully established strong community ties. It has partnered with Abington residents to implement innovative programs like D.A.R.E., the Police Athletic League, Kids in Safety Seats, and Town Watch—demonstrating its commitment to building a strong community that is free of crime, violence, and substance abuse.

Mr. Speaker, once again I congratulate Chief Kelly and all of the men and women of

the Abington Police Department for their service, dedication, sacrifice and accomplishment. I look forward to continuing our work together and ensuring another 100 years of success, safety, and security for all Abington residents.

PAYING TRIBUTE TO THE LAKE ORION REVIEW

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of the Lake Orion Review newspaper on the occasion of its 125th anniversary of service to the Oakland County community of Lake Orion, Michigan. The Lake Orion Review is also the oldest surviving business in Lake Orion.

The Review was established on December 24, 1881, known simply as the Orion Review with the original slogan: "Independent in Everything—Neutral in Nothing."

At that time, the community was home to only 400 citizens. Today, the Review circulates to about 35,000 readers and the community continues to grow and prosper, with numerous new businesses and families calling Lake Orion home.

The weekly newspaper was originally published by John Neal, Joseph Patterson and Frank Sutton, in the rear of Lou Warner's store on North Broadway Street. When hard times hit during the Great Depression, the newspaper's demise seemed written on the wall.

Apparently someone erased the premature obituary, because today the Lake Orion Review, published by Sherman Publications, is regarded as a beacon and trusted friend of the community. The Review has received multiple honors from the Michigan Press Association over the years, and enjoys a positive relationship with its readers and local news sources.

Mr. Speaker, I ask my colleagues to join me in honoring the Lake Orion Review on its 125th anniversary and congratulating the staff for its continuing dedication to integrity, fairness and balanced news coverage for the community and its people. They are truly deserving of our respect and admiration.

HONORING THE MEMORY OF MAUREEN KEATING TSUCHIYA

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to honor the legacy of my constituent and good friend Maureen Keating Tsuchiya of Chappaqua, NY, an extraordinary community activist and advocate for the disabled.

Maureen was born in Atkinson, Nebraska, the second of eight children of John and Dolores Keating. As a toddler, she survived a severe strain of polio. Her lifelong disability, which worsened over time, was a focus of her advocacy efforts on behalf of persons with physical challenges. With each cause she championed, she used an unstoppable blend of passion, energy, dignity, perseverance,