



AmericanCoatings
ASSOCIATIONSM

October 23, 2025

The Honorable John Curtis
Chair, Subcommittee on Chemical Safety, Waste Management, Environmental Justice and
Regulatory Oversight
Committee on Environment and Public Works
U.S. Senate
Washington, DC 20510

The Honorable Jeff Merkley
Ranking Member, Subcommittee on Chemical Safety, Waste Management, Environmental Justice
and Regulatory Oversight
Committee on Environment and Public Works
U.S. Senate
Washington, DC 20510

Re: Hearing on **Examining the Beneficial Use and Regulation of Chemicals**

Dear Chairman Curtis and Ranking Member Merkley:

On behalf of the American Coatings Association (ACA) and the more than 312,000 employees in the paint and coatings industry, I write to express ACA's support for this committee's efforts to focus on the beneficial use of chemicals and the regulatory framework in place to review them. In the coatings industry, the 2016 Lautenberg amendments to the Toxics Substances and Control Act (TSCA) serve as a gatekeeper to commercialization of paint and coatings products.

As you may know, ACA is the premier trade association dedicated to advancing the interests of the coatings industry and represents paint and coatings manufacturers, suppliers, distributors, and technical professionals. Many of today's paints and coatings may go unnoticed by the consumer, but they play increasingly valuable roles in delivering safe and efficient medical equipment, high-quality foodstuffs, durable goods, housing, furniture, and thousands of other products to market. Formulators in the paint and coatings industry strive to enhance the performance characteristics of these products as well as develop innovations that take advantage of new chemistries that are more environmentally friendly and safer for human health. Innovation in the coatings industry relies upon successful navigation of the chemical review process under the Lautenberg Act.

ACA member companies consistently experience chronic problems with implementation of the Lautenberg amendments that continue to plague EPA and bottleneck the review process to the

point where it has become a significant obstacle to innovation and competitiveness in the coatings industry. Several examples include:

- **Pre-manufacture notices** - Coatings manufacturers continue to experience significant delays in the processing of pre-manufacture notices (PMNs) well beyond the statutory timeframe. This has been ongoing for several years. This backlog is the reason that valuable new technologies that are developed in the US are commercialized in other countries such as Canada, Europe, and Asia where the review process is faster. Additionally, the length of time for toxicity study reviews which can take up to three months for one study remains problematic. Further complicating the matter, EPA halted its new chemical review program effective October 1, 2025, due to the government shutdown and lack of funds to keep the program running. When the government reopens, the shutdown will have caused further delays to the existing backlog.
- **Significant new use rules (SNURs)** - The attachment of significant new use rules (SNURs) to new chemicals is stifling innovation and competitiveness in the US coatings industry. SNURs are acting as an obstacle to sustainability in many industries. SNURs have a strong negative impact on downstream markets creating additional administrative reporting burdens for our customers and operate to de-value the subject technology. As a result, many coatings companies have opted to forgo applications for a pre-manufacture notice for an innovative, safer chemistry and remain using older technologies for this reason. Even where PMNs are approved for more environmentally friendly chemistries, decisions to remain using older technologies are driven by the attachment of a SNUR. SNURs should be narrowly tailored to avoid unintended regulatory requirements that act as a barrier to innovation and sustainability and the use of safer, more environmentally friendly chemistries.
- **Risk Evaluations** - ACA and its members are also concerned that unwarranted assumptions during risk evaluation of chemicals already on the market will lead the agency down a path of unnecessarily restricting or banning chemical uses. Such assumptions can result in the agency overstating risk for a variety of downstream industrial, commercial and consumer chemical uses, having a far-reaching impact – for example, applying an assumption that PPE is not used properly in industrial settings and/or a failure to adequately incorporate data related existing risk mitigation practices.
- **Scope of PFAS Regulations** – the definition of PFAS is overly broad and results in regulatory restrictions on chemicals that do not warrant such treatment. Currently, the definition of PFAS includes thousands of chemicals, including many that do not have a hazard and risk profile that necessitate restrictive standards. Fluoropolymers, for instance, meet the broad definition of PFAS but present a significantly lower hazard and risk profile and should not be subject to the same regulatory treatment.

Sound science must be the foundation for decision-making in any chemical review regulatory infrastructure. ACA appreciates that this committee is taking a fresh look at this issue.

If you have any questions regarding TSCA implementation issues or the coatings industry, please do not hesitate to reach out to me at hmcauliffe@paint.org.

Best Regards,

A handwritten signature in blue ink, reading "Heidi K. McAuliffe", enclosed in a thin black rectangular border.

Heidi K. McAuliffe
Vice President, Government Affairs

CC:

The Honorable Shelly Moore Capito, Chair
Senate Committee on Environment and Public Works

The Honorable Sheldon Whitehouse, Ranking Member
Senate Committee on Environment and Public Works